

**As Pending in the House Finance Committee**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**Sub. H. B. No. 166**

**Representative Oelslager**

**A BILL**

To amend sections 101.15, 101.38, 102.021, 103.41, 1  
103.416, 103.50, 107.036, 109.572, 111.15, 111.28, 2  
113.50, 113.51, 113.53, 113.55, 113.56, 117.13, 3  
120.04, 120.06, 120.18, 120.28, 120.33, 120.34, 4  
120.35, 120.52, 120.521, 120.53, 121.083, 121.22, 5  
121.37, 122.075, 122.175, 122.85, 122.86, 123.21, 6  
124.132, 124.82, 124.824, 125.01, 125.14, 125.18, 7  
125.25, 125.66, 125.661, 126.48, 131.02, 131.35, 8  
133.06, 141.04, 141.16, 145.114, 147.591, 149.11, 9  
149.43, 153.02, 166.01, 167.03, 169.06, 173.04, 10  
173.27, 173.38, 173.391, 177.02, 183.18, 183.33, 11  
307.622, 319.16, 319.302, 321.24, 323.155, 341.34, 12  
351.021, 353.06, 505.262, 505.37, 505.371, 701.10, 13  
711.131, 718.83, 718.85, 718.90, 742.114, 753.21, 14  
905.31, 1321.73, 1347.08, 1349.43, 1505.09, 15  
1509.28, 1509.31, 1509.36, 1509.50, 1533.10, 16  
1533.11, 1533.111, 1533.112, 1533.32, 1533.321, 17  
1561.011, 1707.01, 1707.03, 1707.04, 1707.042, 18  
1707.10, 1707.13, 1707.161, 1707.17, 1707.19, 19  
1707.20, 1707.21, 1707.23, 1707.24, 1707.25, 20  
1707.26, 1707.261, 1707.27, 1707.28, 1707.29, 21  
1707.30, 1707.31, 1707.32, 1707.34, 1707.35, 22  
1707.38, 1707.39, 1707.391, 1707.40, 1707.431, 23  
1707.44, 1707.99, 1711.52, 1711.53, 1724.02, 24  
1739.05, 1751.77, 1901.123, 1901.26, 1907.143, 25

1907.24, 2151.23, 2151.353, 2151.421, 2151.424,	26
2151.86, 2303.201, 2305.231, 2305.41, 2317.54,	27
2323.52, 2925.01, 2927.02, 2927.022, 2929.13,	28
2929.15, 2929.34, 2941.51, 2950.08, 3107.14,	29
3119.023, 3119.05, 3119.23, 3119.27, 3119.29,	30
3119.30, 3119.302, 3119.31, 3119.32, 3125.25,	31
3301.07, 3301.0710, 3301.0711, 3301.0714, 3301.52,	32
3301.53, 3302.01, 3302.021, 3302.03, 3302.036,	33
3302.042, 3302.061, 3302.16, 3302.17, 3302.18,	34
3307.152, 3309.157, 3310.03, 3311.29, 3312.01,	35
3313.411, 3313.413, 3313.5315, 3313.603, 3313.608,	36
3313.61, 3313.611, 3313.612, 3313.618, 3313.813,	37
3313.834, 3313.978, 3314.016, 3314.017, 3314.02,	38
3314.03, 3314.034, 3314.08, 3314.085, 3314.102,	39
3314.18, 3314.19, 3314.21, 3314.35, 3317.016,	40
3317.02, 3317.022, 3317.023, 3317.028, 3317.03,	41
3317.06, 3317.13, 3317.16, 3317.25, 3317.40,	42
3118.036, 3318.36, 3319.074, 3319.226, 3319.26,	43
3319.272, 3326.11, 3326.31, 3326.32, 3326.33,	44
3327.01, 3327.10, 3328.24, 3333.26, 3333.45,	45
3333.59, 3333.65, 3345.48, 3353.07, 3358.02,	46
3358.06, 3365.03, 3501.12, 3701.044, 3701.139,	47
3701.24, 3701.262, 3701.351, 3701.36, 3701.501,	48
3701.571, 3701.601, 3701.602, 3701.611, 3701.612,	49
3701.68, 3701.95, 3701.99, 3702.12, 3702.13,	50
3702.30, 3702.51, 3702.52, 3702.57, 3702.59,	51
3702.593, 3702.60, 3702.967, 3704.01, 3704.111,	52
3704.14, 3705.07, 3705.09, 3705.10, 3706.25,	53
3706.29, 3710.01, 3710.04, 3710.05, 3710.051,	54
3710.06, 3710.07, 3710.08, 3710.12, 3711.02,	55
3713.022, 3713.99, 3721.03, 3734.01, 3734.57,	56
3734.901, 3735.31, 3735.33, 3735.40, 3735.41,	57
3735.661, 3742.03, 3742.04, 3742.18, 3742.32,	58

3742.40, 3745.11, 3769.07, 3770.06, 3772.19,	59
3781.03, 3781.06, 3781.061, 3781.10, 3798.01,	60
3798.07, 3798.10, 3901.381, 3901.3814, 3905.426,	61
3953.231, 3959.01, 3959.12, 4109.05, 4109.99,	62
4141.35, 4141.50, 4301.43, 4313.02, 4501.10,	63
4501.24, 4503.29, 4503.515, 4505.11, 4506.03,	64
4507.12, 4582.06, 4582.31, 4701.16, 4705.10,	65
4712.02, 4713.14, 4713.16, 4713.17, 4713.42,	66
4715.22, 4715.52, 4717.03, 4717.05, 4717.07,	67
4717.41, 4723.08, 4723.28, 4727.03, 4728.03,	68
4729.571, 4729.80, 4729.86, 4730.02, 4730.12,	69
4730.14, 4730.19, 4730.25, 4730.28, 4730.43,	70
4730.49, 4731.04, 4731.05, 4731.07, 4731.14,	71
4731.15, 4731.155, 4731.17, 4731.171, 4731.19,	72
4731.222, 4731.228, 4731.229, 4731.281, 4731.282,	73
4731.291, 4731.293, 4731.294, 4731.299, 4731.56,	74
4731.572, 4731.573, 4734.281, 4735.023, 4735.052,	75
4735.06, 4735.09, 4735.12, 4735.13, 4735.15,	76
4735.18, 4735.182, 4735.27, 4735.28, 4737.045,	77
4743.02, 4745.04, 4751.01, 4751.041, 4751.043,	78
4751.044, 4751.05, 4751.06, 4751.07, 4751.08,	79
4751.10, 4751.11, 4751.12, 4751.14, 4751.99,	80
4757.10, 4757.13, 4757.18, 4757.22, 4757.23,	81
4757.32, 4759.02, 4759.05, 4759.06, 4759.062,	82
4760.02, 4760.03, 4760.031, 4760.032, 4760.04,	83
4760.05, 4760.06, 4760.13, 4760.131, 4760.132,	84
4760.14, 4760.15, 4760.16, 4760.18, 4761.05,	85
4761.06, 4762.02, 4762.03, 4762.031, 4762.04,	86
4762.05, 4762.06, 4762.08, 4762.09, 4762.10,	87
4762.13, 4762.131, 4762.132, 4762.14, 4762.15,	88
4762.16, 4762.18, 4762.22, 4763.16, 4766.17,	89
4768.09, 4773.01, 4773.08, 4774.02, 4774.03,	90
4774.031, 4774.04, 4774.05, 4774.06, 4774.09,	91

4774.11, 4774.13, 4774.131, 4774.132, 4774.14,	92
4774.15, 4774.16, 4774.18, 4776.01, 4776.20,	93
4778.03, 4778.05, 4778.06, 4778.07, 4928.02,	94
4928.143, 4937.01, 4937.05, 5101.061, 5101.14,	95
5101.141, 5101.1411, 5101.1412, 5101.1414,	96
5101.56, 5101.83, 5103.02, 5103.0328, 5103.13,	97
5103.30, 5104.01, 5104.013, 5104.015, 5104.016,	98
5104.02, 5104.021, 5104.03, 5104.04, 5104.042,	99
5104.09, 5104.12, 5104.21, 5104.22, 5104.29,	100
5104.30, 5104.31, 5104.32, 5104.34, 5104.38,	101
5104.41, 5104.99, 5119.185, 5119.19, 5119.44,	102
5120.10, 5120.112, 5122.43, 5123.01, 5123.023,	103
5123.044, 5123.046, 5123.0414, 5123.0419,	104
5123.081, 5123.092, 5123.166, 5126.01, 5126.042,	105
5126.046, 5126.054, 5126.055, 5126.056, 5126.15,	106
5139.87, 5145.162, 5149.38, 5160.01, 5160.48,	107
5162.01, 5162.12, 5162.364, 5162.52, 5164.01,	108
5164.05, 5164.342, 5164.36, 5164.38, 5164.7510,	109
5164.91, 5165.15, 5165.152, 5165.25, 5166.01,	110
5166.04, 5166.22, 5166.40, 5166.401, 5166.402,	111
5166.403, 5166.404, 5166.405, 5166.406, 5166.407,	112
5166.409, 5167.01, 5167.03, 5167.04, 5167.10,	113
5167.11, 5167.12, 5167.121, 5167.13, 5167.14,	114
5167.17, 5167.171, 5167.172, 5167.18, 5167.20,	115
5167.201, 5167.26, 5167.41, 5168.03, 5168.05,	116
5168.06, 5168.07, 5168.08, 5168.75, 5501.20,	117
5502.63, 5505.68, 5513.06, 5525.03, 5537.07,	118
5537.13, 5537.17, 5705.091, 5705.21, 5709.17,	119
5709.40, 5709.41, 5709.73, 5709.78, 5713.08,	120
5715.19, 5715.27, 5726.04, 5733.40, 5733.41,	121
5739.01, 5739.011, 5739.02, 5739.021, 5739.023,	122
5739.025, 5739.026, 5739.03, 5739.05, 5739.09,	123
5741.01, 5741.04, 5741.05, 5741.11, 5741.13,	124

5741.17, 5743.62, 5745.05, 5747.01, 5747.02, 125  
5747.022, 5747.025, 5747.05, 5747.054, 5747.055, 126  
5747.08, 5747.10, 5747.41, 5747.98, 5748.01, 127  
5751.02, 5903.12, 5910.01, 5910.02, 5910.031, 128  
5910.032, 5910.04, 5910.05, 5910.06, 5910.07, and 129  
5910.08; to amend, for the purpose of adopting new 130  
section numbers as indicated in parentheses, 131  
sections 125.66 (113.60), 125.661 (113.61), 132  
1533.09 (1533.06), 4751.03 (4751.02), 4751.041 133  
(4751.151), 4751.042 (4751.021), 4751.043 134  
(4751.381), 4751.044 (4751.26), 4751.05 (4751.15), 135  
4751.06 (4751.20), 4751.07 (4751.24), 4751.08 136  
(4751.201), 4751.10 (4751.32), 4751.11 (4751.33), 137  
4751.12 (4751.35), 4751.13 (4751.36), 4751.14 138  
(4751.03), 5166.401 (5166.402), 5166.402 139  
(5166.403), 5166.403 (5166.404), 5166.404 140  
(5166.405), 5166.405 (5166.406), 5166.406 141  
(5166.407), 5166.407 (5166.408), 5166.408 142  
(5166.4010), 5166.409 (5166.4011) and 5167.121 143  
(5167.051); to enact new sections 1533.09, 144  
3302.10, 4751.04, 4751.10, and 5164.37, and 145  
sections 9.242, 113.62, 121.374, 122.26, 122.84, 146  
124.91, 125.93, 125.931, 126.60, 126.61, 126.62, 147  
131.511, 173.30, 173.525, 323.16, 901.172, 936.01, 148  
936.02, 936.03, 936.04, 936.05, 936.06, 936.07, 149  
936.08, 936.09, 936.10, 936.11, 936.12, 936.13, 150  
936.99, 1181.23, 1349.05, 1521.08, 1707.05, 151  
1707.051, 1707.052, 1707.053, 1707.054, 1707.055, 152  
1707.056, 1707.057, 1707.058, 1707.50, 1711.532, 153  
1713.032, 1751.92, 2151.45, 2151.451, 2151.452, 154  
2151.453, 2151.454, 2151.455, 2305.011, 3107.035, 155  
3302.037, 3302.038, 3302.039, 3311.242, 3313.6024, 156  
3313.818, 3313.912, 3314.0211, 3314.088, 3314.089, 157

3314.353, 3314.354, 3317.0219, 3317.163, 3317.26,	158
3317.60, 3317.61, 3317.62, 3318.037, 3326.42,	159
3327.015, 3333.052, 3358.11, 3721.026, 3723.081,	160
3727.49, 3738.01, 3738.02, 3738.03, 3738.04,	161
3738.05, 3738.06, 3738.07, 3738.08, 3738.09,	162
3742.50, 3781.40, 3781.41, 3781.42, 3781.43,	163
3781.44, 3799.01, 3901.95, 3902.31, 3902.50,	164
3902.51, 3923.87, 3959.20, 3962.01, 3962.011,	165
3962.02, 3962.03, 3962.04, 3962.05, 3962.06,	166
3962.07, 3962.08, 3962.081, 3962.09, 3962.10,	167
3962.11, 3962.12, 3962.13, 3962.14, 3962.15,	168
4109.22, 4729.261, 4729.48, 4729.801, 4751.101,	169
4751.102, 4751.202, 4751.21, 4751.22, 4751.23,	170
4751.25, 4751.30, 4751.31, 4751.37, 4751.38,	171
4751.40, 4751.41, 4751.45, 4757.25, 4759.063,	172
4760.061, 4761.061, 4762.061, 4765.60, 4765.601,	173
4765.602, 4765.603, 4765.604, 4765.605, 4765.606,	174
4765.607, 4765.608, 4765.609, 4774.061, 4778.071,	175
5101.1415, 5103.037, 5103.0310, 5103.181,	176
5104.211, 5119.39, 5123.0424, 5123.193, 5123.603,	177
5123.691, 5726.047, 5126.053, 5162.137, 5162.138,	178
5162.139, 5164.302, 5164.65, 5164.722, 5164.723,	179
5164.724, 5165.26, 5166.122, 5166.162, 5166.401,	180
5166.409, 5166.42, 5166.43, 5166.50, 5167.05,	181
5167.101, 5167.102, 5167.103, 5167.104, 5167.105,	182
5167.19, 5167.22, 5167.221, 5167.24, 5167.241,	183
5167.242, 5167.243, 5167.244, 5167.28, 5167.29,	184
5167.35, 5167.36, 5501.91, 5709.51, 5709.54,	185
5739.082, 5741.07, 5747.26, 5747.461, and 5747.73;	186
to repeal sections 166.30, 191.01, 191.02, 191.04,	187
191.06, 191.08, 191.09, 191.10, 1505.12, 1505.13,	188
1561.24, 2151.861, 3302.10, 3302.101, 3302.102,	189
3302.11, 3302.12, 3319.271, 3701.25, 3701.26,	190

3701.264, 3701.27, 3702.594, 3706.27, 3706.30,	191
3721.41, 3721.42, 3798.06, 3798.08, 3798.14,	192
3798.15, 3798.16, 4501.16, 4731.292, 4731.296,	193
4751.02, 4751.04, 4751.09, 5104.035, 5104.036,	194
5104.20, 5104.37, 5120.135, 5162.58, 5162.60,	195
5162.62, 5162.64, 5164.37, 5167.16, 5167.25,	196
5747.031, 5747.29, and 5747.65 of the Revised	197
Code; to repeal section 103.416 of the Revised	198
Code effective July 1, 2020; to amend sections	199
921.06, 955.43, 3301.07, 3301.071, 3301.0711,	200
3301.16, 3301.162, 3301.164, 3301.52, 3301.541,	201
3302.07, 3302.41, 3310.01, 3312.01, 3312.04,	202
3312.05, 3312.09, 3313.41, 3313.48, 3313.481,	203
3313.482, 3313.536, 3313.539, 3313.5311, 3313.603,	204
3313.62, 3313.716, 3313.717, 3313.718, 3313.719,	205
3313.7111, 3313.7112, 3313.7114, 3313.813,	206
3313.86, 3313.976, 3317.024, 3317.03, 3317.06,	207
3317.062, 3317.063, 3317.13, 3319.311, 3319.313,	208
3319.314, 3319.317, 3319.39, 3319.391, 3319.392,	209
3319.40, 3319.52, 3321.01, 3326.01, 3326.03,	210
3326.032, 3326.04, 3326.09, 3327.07, 3327.10,	211
3365.01, 3365.02, 3701.133, 3781.106, 3781.11,	212
4729.513, 4729.541, 5104.01, 5104.02, and 5139.18	213
and to enact section 3301.165 of the Revised Code;	214
to amend sections 133.06, 133.18, 306.32, 306.321,	215
306.322, 306.70, 307.695, 307.697, 323.17, 349.14,	216
505.14, 505.20, 505.47, 511.27, 511.28, 511.34,	217
703.20, 707.30, 715.38, 715.691, 715.70, 715.71,	218
715.72, 718.04, 718.09, 718.10, 1545.041, 1545.21,	219
3311.21, 3311.213, 3311.22, 3311.231, 3311.26,	220
3311.50, 3313.38, 3313.911, 3318.06, 3318.061,	221
3318.063, 3318.361, 3354.02, 3354.12, 3357.02,	222
3357.11, 3381.03, 4301.421, 4301.424, 5705.191,	223

5705.192, 5705.194, 5705.199, 5705.21, 5705.211,	224
5705.212, 5705.213, 5705.217, 5705.218, 5705.219,	225
5705.2111, 5705.2112, 5705.221, 5705.222, 5705.23,	226
5705.233, 5705.24, 5705.25, 5705.251, 5705.261,	227
5705.55, 5705.72, 5739.021, 5739.026, 5739.028,	228
5739.09, 5743.021, 5743.024, 5743.026, 5748.02,	229
5748.021, 5748.08, and 5748.09, to enact new	230
section 5705.214, to enact sections 3501.022 and	231
5748.07, and to repeal section 5705.214 of the	232
Revised Code; to present section 149.45 of the	233
Revised Code to confirm its harmonization; to	234
amend Section 205.10 of H.B. 62 of the 133rd	235
General Assembly, to amend Section 207.71 of Am.	236
Sub. H.B. 49 of the 132nd General Assembly, to	237
amend Section 261.168 of H.B. 49 of the 132nd	238
General Assembly, as subsequently amended, to	239
amend Sections 207.10, 217.10, 225.10, and 701.10	240
of H.B. 529 of the 132nd General Assembly, to	241
amend Section 207.440, 223.10, and 223.50 of H.B.	242
529 of the 132nd General Assembly, as subsequently	243
amended, to repeal Sections 4, 5, and 6 of Am.	244
Sub. H.B. 70 of the 131st General Assembly, to	245
amend Section 4 of S.B. 332 of the 131st General	246
Assembly, to amend Sections 125.10 and 125.11 of	247
H.B. 59 of the 130th General Assembly, as	248
subsequently amended, to make operating	249
appropriations for the biennium beginning July 1,	250
2019, and ending June 30, 2021, and to provide	251
authorization and conditions for the operation of	252
state programs.	253

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

Section 101.01. That sections 101.15, 101.38, 102.021,	254
103.41, 103.416, 103.50, 107.036, 109.572, 111.15, 111.28, 113.50,	255
113.51, 113.53, 113.55, 113.56, 117.13, 120.04, 120.06, 120.18,	256
120.28, 120.33, 120.34, 120.35, 120.52, 120.521, 120.53, 121.083,	257
121.22, 121.37, 122.075, 122.175, 122.85, 122.86, 123.21, 124.132,	258
124.82, 124.824, 125.01, 125.14, 125.18, 125.25, 125.66, 125.661,	259
126.48, 131.02, 131.35, 133.06, 141.04, 141.16, 145.114, 147.591,	260
149.11, 149.43, 153.02, 166.01, 167.03, 169.06, 173.04, 173.27,	261
173.38, 173.391, 177.02, 183.18, 183.33, 307.622, 319.16, 319.302,	262
321.24, 323.151, 323.155, 341.34, 351.021, 353.06, 505.262,	263
505.37, 505.371, 701.10, 711.131, 718.83, 718.85, 718.90, 742.114,	264
753.21, 905.31, 1321.73, 1347.08, 1349.43, 1505.09, 1509.28,	265
1509.31, 1509.36, 1509.50, 1533.10, 1533.11, 1533.111, 1533.112,	266
1533.32, 1533.321, 1561.011, 1707.01, 1707.03, 1707.04, 1707.042,	267
1707.10, 1707.13, 1707.161, 1707.17, 1707.19, 1707.20, 1707.21,	268
1707.23, 1707.24, 1707.25, 1707.26, 1707.261, 1707.27, 1707.28,	269
1707.29, 1707.30, 1707.31, 1707.32, 1707.34, 1707.35, 1707.38,	270
1707.39, 1707.391, 1707.40, 1707.431, 1707.44, 1707.99, 1711.52,	271
1711.53, 1724.02, 1739.05, 1751.77, 1901.123, 1901.26, 1907.143,	272
1907.24, 2151.23, 2151.353, 2151.421, 2151.424, 2151.86, 2303.201,	273
2305.231, 2305.41, 2317.54, 2323.52, 2925.01, 2927.02, 2927.022,	274
2929.13, 2929.15, 2929.34, 2941.51, 2950.08, 3107.14, 3119.023,	275
3119.05, 3119.23, 3119.27, 3119.29, 3119.30, 3119.302, 3119.31,	276
3119.32, 3125.25, 3301.07, 3301.0710, 3301.0711, 3301.0714,	277
3301.52, 3301.53, 3302.01, 3302.021, 3302.03, 3302.036, 3302.042,	278
3302.061, 3302.16, 3302.17, 3302.18, 3307.152, 3309.157, 3310.03,	279
3311.29, 3312.01, 3313.411, 3313.413, 3313.5315, 3313.603,	280
3313.608, 3313.61, 3313.611, 3313.612, 3313.618, 3313.813,	281
3313.834, 3313.978, 3314.016, 3314.017, 3314.02, 3314.03,	282
3314.034, 3314.08, 3314.085, 3314.102, 3314.18, 3314.19, 3314.21,	283
3314.35, 3317.016, 3317.02, 3317.022, 3317.023, 3317.028, 3317.03,	284
3317.06, 3317.13, 3317.16, 3317.25, 3317.40, 3318.036, 3318.36,	285

3319.074, 3319.226, 3319.26, 3319.272, 3326.11, 3326.31, 3326.32, 286  
3326.33, 3327.01, 3327.10, 3328.24, 3333.26, 3333.45, 3333.59, 287  
3333.65, 3345.48, 3353.07, 3358.02, 3358.06, 3365.03, 3501.12, 288  
3701.044, 3701.139, 3701.24, 3701.262, 3701.351, 3701.36, 289  
3701.501, 3701.571, 3701.601, 3701.602, 3701.611, 3701.612, 290  
3701.68, 3701.95, 3701.99, 3702.12, 3702.13, 3702.30, 3702.51, 291  
3702.52, 3702.57, 3702.59, 3702.593, 3702.60, 3702.967, 3704.01, 292  
3704.111, 3704.14, 3705.07, 3705.09, 3705.10, 3706.25, 3706.29, 293  
3710.01, 3710.04, 3710.05, 3710.051, 3710.06, 3710.07, 3710.08, 294  
3710.12, 3711.02, 3713.022, 3713.99, 3721.03, 3734.01, 3734.57, 295  
3734.901, 3735.31, 3735.33, 3735.40, 3735.41, 3735.661, 3742.03, 296  
3742.04, 3742.18, 3742.32, 3742.40, 3745.11, 3769.07, 3770.06, 297  
3772.19, 3781.03, 3781.06, 3781.061, 3781.10, 3798.01, 3798.07, 298  
3798.10, 3901.381, 3901.3814, 3905.426, 3953.231, 3959.01, 299  
3959.12, 4109.05, 4109.99, 4141.35, 4141.50, 4301.43, 4313.02, 300  
4501.10, 4501.24, 4503.29, 4503.515, 4505.11, 4506.03, 4507.12, 301  
4582.06, 4582.31, 4701.16, 4705.10, 4712.02, 4713.14, 4713.16, 302  
4713.17, 4713.42, 4715.22, 4715.52, 4717.03, 4717.05, 4717.07, 303  
4717.41, 4723.08, 4723.28, 4727.03, 4728.03, 4729.571, 4729.80, 304  
4729.86, 4730.02, 4730.12, 4730.14, 4730.19, 4730.25, 4730.28, 305  
4730.43, 4730.49, 4731.04, 4731.05, 4731.07, 4731.14, 4731.15, 306  
4731.155, 4731.17, 4731.171, 4731.19, 4731.222, 4731.228, 307  
4731.229, 4731.281, 4731.282, 4731.291, 4731.293, 4731.294, 308  
4731.299, 4731.56, 4731.572, 4731.573, 4734.281, 4735.023, 309  
4735.052, 4735.06, 4735.09, 4735.12, 4735.13, 4735.15, 4735.18, 310  
4735.182, 4735.27, 4735.28, 4737.045, 4743.02, 4745.04, 4751.01, 311  
4751.041, 4751.043, 4751.044, 4751.05, 4751.06, 4751.07, 4751.08, 312  
4751.10, 4751.11, 4751.12, 4751.14, 4751.99, 4757.10, 4757.13, 313  
4757.18, 4757.22, 4757.23, 4757.32, 4759.02, 4759.05, 4759.06, 314  
4759.062, 4760.02, 4760.03, 4760.031, 4760.032, 4760.04, 4760.05, 315  
4760.06, 4760.13, 4760.131, 4760.132, 4760.14, 4760.15, 4760.16, 316  
4760.18, 4761.05, 4761.06, 4762.02, 4762.03, 4762.031, 4762.04, 317

4762.05, 4762.06, 4762.08, 4762.09, 4762.10, 4762.13, 4762.131,	318
4762.132, 4762.14, 4762.15, 4762.16, 4762.18, 4762.22, 4763.16,	319
4766.17, 4768.09, 4773.01, 4773.02, 4773.08, 4774.02, 4774.03,	320
4774.031, 4774.04, 4774.05, 4774.06, 4774.09, 4774.11, 4774.13,	321
4774.131, 4774.132, 4774.14, 4774.15, 4774.16, 4774.18, 4776.01,	322
4776.20, 4778.03, 4778.05, 4778.06, 4778.07, 4928.02, 4928.143,	323
4937.01, 4937.05, 5101.061, 5101.14, 5101.141, 5101.1411,	324
5101.1412, 5101.1414, 5101.56, 5101.83, 5103.02, 5103.0328,	325
5103.13, 5103.30, 5104.01, 5104.013, 5104.015, 5104.016, 5104.02,	326
5104.021, 5104.03, 5104.04, 5104.042, 5104.09, 5104.12, 5104.21,	327
5104.22, 5104.29, 5104.30, 5104.31, 5104.32, 5104.34, 5104.38,	328
5104.41, 5104.99, 5119.185, 5119.19, 5119.44, 5120.10, 5120.112,	329
5122.43, 5123.01, 5123.023, 5123.044, 5123.046, 5123.0414,	330
5123.0419, 5123.081, 5123.092, 5123.166, 5126.01, 5126.042,	331
5126.046, 5126.054, 5126.055, 5126.056, 5126.15, 5139.87,	332
5145.162, 5149.38, 5160.01, 5160.48, 5162.01, 5162.12, 5162.364,	333
5162.52, 5164.01, 5164.05, 5164.342, 5164.36, 5164.38, 5164.7510,	334
5164.91, 5165.15, 5165.152, 5165.25, 5166.01, 5166.04, 5166.22,	335
5166.40, 5166.401, 5166.402, 5166.403, 5166.404, 5166.405,	336
5166.406, 5166.407, 5166.409, 5167.01, 5167.03, 5167.04, 5167.10,	337
5167.11, 5167.12, 5167.121, 5167.13, 5167.14, 5167.17, 5167.171,	338
5167.172, 5167.18, 5167.20, 5167.201, 5167.26, 5167.41, 5168.03,	339
5168.05, 5168.06, 5168.07, 5168.08, 5168.75, 5501.20, 5502.63,	340
5505.68, 5513.06, 5525.03, 5537.07, 5537.13, 5537.17, 5705.091,	341
5705.21, 5709.17, 5709.40, 5709.41, 5709.73, 5709.78, 5713.08,	342
5715.19, 5715.27, 5726.04, 5733.40, 5733.41, 5739.01, 5739.011,	343
5739.02, 5739.021, 5739.023, 5739.025, 5739.026, 5739.03, 5739.05,	344
5739.09, 5741.01, 5741.04, 5741.05, 5741.11, 5741.13, 5741.17,	345
5743.62, 5745.05, 5747.01, 5747.02, 5747.022, 5747.025, 5747.05,	346
5747.054, 5747.055, 5747.08, 5747.10, 5747.41, 5747.98, 5748.01,	347
5751.02, 5903.12, 5910.01, 5910.02, 5910.031, 5910.032, 5910.04,	348
5910.05, 5910.06, 5910.07, and 5910.08 be amended; sections 125.66	349

(113.60), 125.661 (113.61), 1533.09 (1533.06), 4751.03 (4751.02), 350  
4751.041 (4751.151), 4751.042 (4751.021), 4751.043 (4751.381), 351  
4751.044 (4751.26), 4751.05 (4751.15), 4751.06 (4751.20), 4751.07 352  
(4751.24), 4751.08 (4751.201), 4751.10 (4751.32), 4751.11 353  
(4751.33), 4751.12 (4751.35), 4751.13 (4751.36), 4751.14 354  
(4751.03), 5166.401 (5166.402), 5166.402 (5166.403), 5166.403 355  
(5166.404), 5166.404 (5166.405), 5166.405 (5166.406), 5166.406 356  
(5166.407), 5166.407 (5166.408), 5166.408 (5166.4010), 5166.409 357  
(5166.4011), and 5167.121 (5167.051) be amended for the purpose of 358  
adopting new section numbers as indicated in parentheses; and new 359  
sections 1533.09, 3302.10, 4751.04, 4751.10, and 5164.37, and 360  
sections 9.242, 113.62, 121.374, 122.26, 122.84, 124.91, 125.93, 361  
125.931, 126.60, 126.61, 126.62, 131.511, 173.30, 173.525, 323.16, 362  
901.172, 936.01, 936.02, 936.03, 936.04, 936.05, 936.06, 936.07, 363  
936.08, 936.09, 936.10, 936.11, 936.12, 936.13, 936.99, 1181.23, 364  
1349.05, 1521.08, 1707.05, 1707.051, 1707.052, 1707.053, 1707.054, 365  
1707.055, 1707.056, 1707.057, 1707.058, 1707.50, 1711.532, 366  
1713.032, 1751.92, 2151.45, 2151.451, 2151.452, 2151.453, 367  
2151.454, 2151.455, 2305.011, 3107.035, 3302.037, 3302.038, 368  
3302.039, 3311.242, 3313.6024, 3313.818, 3313.912, 3314.0211, 369  
3314.088, 3314.089, 3314.353, 3314.354, 3317.0219, 3317.163, 370  
3317.26, 3317.60, 3317.61, 3317.62, 3318.037, 3326.42, 3327.015, 371  
3333.052, 3358.11, 3721.026, 3723.081, 3727.49, 3738.01, 3738.02, 372  
3738.03, 3738.04, 3738.05, 3738.06, 3738.07, 3738.08, 3738.09, 373  
3742.50, 3781.40, 3781.41, 3781.42, 3781.43, 3781.44, 3799.01, 374  
3901.95, 3902.31, 3902.50, 3902.51, 3923.87, 3959.20, 3962.01, 375  
3962.011, 3962.02, 3962.03, 3962.04, 3962.05, 3962.06, 3962.07, 376  
3962.08, 3962.081, 3962.09, 3962.10, 3962.11, 3962.12, 3962.13, 377  
3962.14, 3962.15, 4109.22, 4729.261, 4729.48, 4729.801, 4751.101, 378  
4751.102, 4751.202, 4751.21, 4751.22, 4751.23, 4751.25, 4751.30, 379  
4751.31, 4751.37, 4751.38, 4751.40, 4751.41, 4751.45, 4757.25, 380  
4759.063, 4760.061, 4761.061, 4762.061, 4765.60, 4765.601, 381

4765.602, 4765.603, 4765.604, 4765.605, 4765.606, 4765.607, 382  
4765.608, 4765.609, 4774.061, 4778.071, 5101.1415, 5103.037, 383  
5103.0310, 5103.181, 5104.211, 5119.39, 5123.0424, 5123.193, 384  
5123.603, 5123.691, 5126.047, 5126.053, 5162.137, 5162.138, 385  
5162.139, 5164.302, 5164.65, 5164.722, 5164.723, 5164.724, 386  
5165.26, 5166.122, 5166.162, 5166.401, 5166.409, 5166.42, 5166.43, 387  
5166.50, 5167.05, 5167.101, 5167.102, 5167.103, 5167.104, 388  
5167.105, 5167.19, 5167.22, 5167.221, 5767.24, 5167.241, 5167.242, 389  
5167.243, 5167.244, 5167.28, 5167.29, 5167.35, 5167.36, 5501.91, 390  
5709.51, 5709.54, 5739.082, 5741.07, 5747.26, 5747.461, and 391  
5747.73 of the Revised Code be enacted to read as follows: 392

Sec. 9.242. (A) As used in this section: 393

(1) "State agency" has the meaning defined in section 1.60 of 394  
the Revised Code. 395

(2) "State contract" means any contract for goods, services, 396  
or construction that is paid for in whole or in part with state 397  
funds. A state contract is considered to be awarded when it is 398  
entered into or executed, regardless of whether the parties to the 399  
contract have exchanged any money. 400

(3) "Participate" means to respond to any solicitation or 401  
procurement issued by a state agency or be the recipient of an 402  
award of a state contract, or to provide any goods or services to 403  
any state agency. 404

(B) No vendor who has been debarred by any state agency shall 405  
participate in any state contract during the period of debarment. 406  
After the debarment period expires, the vendor may be eligible to 407  
respond to any solicitation or procurement, provide goods or 408  
services to, and be awarded contracts by state agencies if the 409  
vendor is not otherwise listed on a list of debarred vendors 410  
applicable to state contracts. 411

(C) State agencies shall exclude any vendor debarred under sections 125.25, 153.02, or 5513.06 of the Revised Code, or any other section of the Revised Code from participating in state contracts.

**Sec. 101.15.** (A) As used in this section: 416

(1) "Caucus" means all of the members of either house of the general assembly who are members of the same political party. 417  
418

(2) "Committee" means any committee of either house of the general assembly, a joint committee of both houses of the general assembly, including a committee of conference, or a subcommittee of any committee listed in division (A)(2) of this section. 419  
420  
421  
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(3) "Meeting" means any prearranged discussion of the public business of a committee by a majority of its members. 423  
424

(4) "Standing committee caucus" means all of the members of a standing committee of either house of the general assembly who are members of the same political party. 425  
426  
427

(B) Except as otherwise provided in division (F) of this section, all meetings of any committee are declared to be public meetings open to the public at all times. The secretary assigned to the chairperson of the committee shall prepare, file, and maintain the minutes of every regular or special meeting of a committee. The committee, at its next regular or special meeting, shall approve the minutes prepared, filed, and maintained by the secretary, or, if the minutes prepared, filed, and maintained by the secretary require correction before their approval, the committee shall correct and approve the minutes at the next following regular or special meeting. The committee shall make the minutes available for public inspection not later than seven days after the meeting the minutes reflect or not later than the committee's next regular or special meeting, whichever occurs

first. 442

(C) Each committee shall establish a reasonable method 443  
whereby any person may determine the time and place of all 444  
regularly scheduled meetings and the time, place, and purpose of 445  
all special meetings. No committee shall hold a regular or special 446  
meeting unless it gives at least twenty-four hours' advance notice 447  
to the news media that have requested notification. 448

The method established by each committee shall provide that, 449  
upon request and payment of a reasonable fee, any person may 450  
obtain reasonable advance notification of all meetings at which 451  
any specific type of public business will be discussed. Provisions 452  
for advance notification may include, but are not limited to, 453  
mailing the agenda of meetings to all subscribers on a mailing 454  
list or mailing notices in self-addressed stamped envelopes 455  
provided by the person who desires advance notification. 456

(D) Any action of a committee relating to a bill or 457  
resolution, or any other formal action of a committee, is invalid 458  
unless taken in an open meeting of the committee. Any action of a 459  
committee relating to a bill or resolution, or any other formal 460  
action of a committee, taken in an open meeting is invalid if it 461  
results from deliberations in a meeting not open to the public. 462

(E)(1) Any person may bring an action to enforce this 463  
section. An action under this division shall be brought within two 464  
years after the date of the alleged violation or threatened 465  
violation. Upon proof of a violation or threatened violation of 466  
this section in an action brought by any person, the court of 467  
common pleas shall issue an injunction to compel the members of 468  
the committee to comply with its provisions. 469

(2)(a) If the court of common pleas issues an injunction 470  
under division (E)(1) of this section, the court shall order the 471  
committee that it enjoins to pay a civil forfeiture of five 472

hundred dollars to the party that sought the injunction and shall 473  
award to that party all court costs and, subject to reduction as 474  
described in this division, reasonable attorney's fees. The court, 475  
in its discretion, may reduce an award of attorney's fees to the 476  
party that sought the injunction or not award attorney's fees to 477  
that party if the court determines both of the following: 478

(i) That, based on the ordinary application of statutory law 479  
and case law as it existed at the time of the violation or 480  
threatened violation that was the basis of the injunction, a 481  
well-informed committee reasonably would believe that the 482  
committee was not violating or threatening to violate this 483  
section; 484

(ii) That a well-informed committee reasonably would believe 485  
that the conduct or threatened conduct that was the basis of the 486  
injunction would serve the public policy that underlies the 487  
authority that is asserted as permitting that conduct or 488  
threatened conduct. 489

(b) If the court of common pleas does not issue an injunction 490  
under division (E)(1) of this section and the court determines at 491  
that time that the bringing of the action was frivolous conduct as 492  
defined in division (A) of section 2323.51 of the Revised Code, 493  
the court shall award to the committee all court costs and 494  
reasonable attorney's fees, as determined by the court. 495

(3) Irreparable harm and prejudice to the party that sought 496  
the injunction shall be conclusively and irrebuttably presumed 497  
upon proof of a violation or threatened violation of this section. 498

(4) A member of a committee who knowingly violates an 499  
injunction issued under division (E)(1) of this section may be 500  
removed from office by an action brought in the court of common 501  
pleas for that purpose by the prosecuting attorney of Franklin 502  
county or by the attorney general. 503

(5) The remedies described in divisions (E)(1) to (4) of this section shall be the exclusive remedies for a violation of this section.

(F) This section does not apply to or affect either of the following:

(1) All meetings of the joint legislative ethics committee created under section 101.34 of the Revised Code other than a meeting that is held for any of the following purposes:

(a) To consider the adoption, amendment, or rescission of any rule that the joint legislative ethics committee is authorized to adopt pursuant to division (B)(11) of section 101.34, division (E) of section 101.78, division (B) of section 102.02, or division (E) of section 121.68 of the Revised Code;

(b) To discuss and consider changes to any administrative operation of the joint legislative ethics committee other than any matter described in division (G) of section 121.22 of the Revised Code;

(c) To discuss pending or proposed legislation.

(2) Meetings of a caucus;

(3) Meetings of a standing committee caucus.

(G) For purposes of division (F)(1)(a) of this section, an advisory opinion, written opinion, or decision relative to a complaint is not a rule.

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

(B) There is hereby created the Ohio cystic fibrosis legislative task force to study and make recommendations on issues pertaining to the care and treatment of individuals with cystic

fibrosis. The task force shall study and make recommendations on 533  
the following issues: 534

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

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

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

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

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

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

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

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

~~Initial members shall be appointed not later than sixty days 560~~  
~~after the effective date of this section. Appointments to the task 561~~  
~~force shall be made within fifteen days after the commencement of 562~~

the first regular session of each general assembly in the manner 563  
prescribed in this division. 564

(D) ~~Each member~~ Members of the task force shall serve a 565  
~~one year term that ends on the same day of the same month as did~~ 566  
~~the term that it succeeds. Members may be reappointed on the task~~ 567  
force until the appointments are made in the first regular session 568  
of the following general assembly or, in the case of task force 569  
members who also are general assembly members when appointed, 570  
until they are no longer general assembly members. 571

(E) A vacancy shall be filled in the same manner as the 572  
original appointment. Any member appointed to fill a vacancy 573  
occurring prior to the expiration date of the term for which the 574  
member's predecessor was appointed shall hold office as a member 575  
for the remainder of that term. 576

~~A member shall continue in office subsequent to the~~ 577  
~~expiration date of the member's term until a successor takes~~ 578  
~~office or until a period of sixty days has elapsed, whichever~~ 579  
~~occurs first.~~ 580

(F) Members of the task force shall elect a chair ~~to serve a~~ 581  
~~term of one year.~~ A vacancy of the chair position shall be filled 582  
by election. 583

(G) Members of the task force shall receive no compensation, 584  
except to the extent that serving as a member is part of the 585  
individual's regular duties of employment and except for the 586  
reimbursement of expenses that may be provided under division (H) 587  
of this section. 588

(H) The task force may solicit and accept grants from public 589  
and private sources. Grant funds may be used to reimburse members 590  
for expenses incurred in the performance of official task force 591  
duties and to pursue initiatives pertaining to the care and 592  
treatment of individuals with cystic fibrosis. 593

(I) A majority of the members of the task force constitutes a 594  
quorum for the conduct of task force meetings. 595

**Sec. 102.021.** (A)(1) For the twenty-four-month period 596  
immediately following the end of the former state elected 597  
officer's or staff member's service or public employment, except 598  
as provided in division (B) or (D) of this section, each former 599  
state elected officer or staff member who filed or was required to 600  
file a disclosure statement under section 102.02 of the Revised 601  
Code shall file, on or before the deadlines specified in division 602  
(D) of this section, with the joint legislative ethics committee a 603  
statement that shall include the information described in 604  
divisions (A)(2), (3), (4), and (5) of this section, as 605  
applicable. The statement shall be filed on a form and in the 606  
manner specified by the joint legislative ethics committee. This 607  
division does not apply to a state elected officer or staff member 608  
who filed or was required to file a disclosure statement under 609  
section 102.02 of the Revised Code, who leaves service or public 610  
employment, and who takes another position as a state elected 611  
officer or staff member who files or is required to file a 612  
disclosure statement under that section. 613

No person shall fail to file, on or before the deadlines 614  
specified in division (D) of this section, a statement that is 615  
required by this division. 616

(2) The statement referred to in division (A)(1) of this 617  
section shall describe the source of all income received, in the 618  
former state elected officer's or staff member's own name or by 619  
any other person for the person's use or benefit, and briefly 620  
describe the nature of the services for which the income was 621  
received if the source of the income was any of the following: 622

(a) An executive agency lobbyist or a legislative agent; 623

(b) The employer of an executive agency lobbyist or 624

legislative agent, except that this division does not apply if the  
employer is any state agency or political subdivision of the  
state;

(c) Any entity, association, or business that, at any time  
during the two immediately preceding calendar years, was awarded  
one or more contracts by one or more state agencies that in the  
aggregate had a value of one hundred thousand dollars or more, or  
bid on one or more contracts to be awarded by one or more state  
agencies that in the aggregate had a value of one hundred thousand  
dollars or more.

(3) If the former state elected officer or staff member  
received no income as described in division (A)(2) of this  
section, the statement referred to in division (A)(1) of this  
section shall indicate that fact.

(4) If the former state elected officer or staff member  
directly or indirectly made, either separately or in combination  
with another, any expenditure or gift for transportation, lodging,  
or food or beverages to, at the request of, for the benefit of, or  
on behalf of any public officer or employee, and if the former  
state elected officer or staff member would be required to report  
the expenditure or gift in a statement under sections 101.70 to  
101.79 or sections 121.60 to 121.69 of the Revised Code, whichever  
is applicable, if the former state elected officer or staff member  
was a legislative agent or executive agency lobbyist at the time  
the expenditure or gift was made, the statement referred to in  
division (A)(1) of this section shall include all information  
relative to that gift or expenditure that would be required in a  
statement under sections 101.70 to 101.79 or sections 121.60 to  
121.69 of the Revised Code if the former state elected officer or  
staff member was a legislative agent or executive agency lobbyist  
at the time the expenditure or gift was made.

(5) If the former state elected officer or staff member made

no expenditure or gift as described in division (A)(4) of this 657  
section, the statement referred to in division (A)(1) of this 658  
section shall indicate that fact. 659

(B) If, at any time during the twenty-four-month period 660  
immediately following the end of the former state elected 661  
officer's or staff member's service or public employment, a former 662  
state elected officer or staff member who filed or was required to 663  
file a disclosure statement under section 102.02 of the Revised 664  
Code becomes a legislative agent or an executive agency lobbyist, 665  
the former state elected officer or staff member shall comply with 666  
all registration and filing requirements set forth in sections 667  
101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, 668  
whichever is applicable, and, the former state elected officer or 669  
staff member also shall file a statement under division (A)(1) of 670  
this section except that the statement filed under division (A)(1) 671  
of this section does not need to include information regarding any 672  
income source, expenditure, or gift to the extent that that 673  
information was included in any registration or statement filed 674  
under sections 101.70 to 101.79 or sections 121.60 to 121.69 of 675  
the Revised Code. 676

(C) Except as otherwise provided in this division, division 677  
(A)(2) of this section applies to attorneys, physicians, and other 678  
persons who engage in the practice of a profession and who, 679  
pursuant to a section of the Revised Code, the common law of this 680  
state, a code of ethics applicable to the profession, or 681  
otherwise, generally are required not to reveal, disclose, or use 682  
confidences of clients, patients, or other recipients of 683  
professional services except under specified circumstances or 684  
generally are required to maintain those types of confidences as 685  
privileged communications except under specified circumstances. 686  
Division (A)(2) of this section does not require an attorney, 687  
physician, or other professional subject to a confidentiality 688

requirement as described in this division to disclose the name, 689  
other identity, or address of a client, patient, or other 690  
recipient of professional services if the disclosure would 691  
threaten the client, patient, or other recipient of professional 692  
services, would reveal details of the subject matter for which 693  
legal, medical, or professional advice or other services were 694  
sought, or would reveal an otherwise privileged communication 695  
involving the client, patient, or other recipient of professional 696  
services. Division (A)(2) of this section does not require an 697  
attorney, physician, or other professional subject to a 698  
confidentiality requirement as described in this division to 699  
disclose in the brief description of the nature of services 700  
required by division (A)(2) of this section any information 701  
pertaining to specific professional services rendered for a 702  
client, patient, or other recipient of professional services that 703  
would reveal details of the subject matter for which legal, 704  
medical, or professional advice was sought or would reveal an 705  
otherwise privileged communication involving the client, patient, 706  
or other recipient of professional services. 707

(D)(1) Each state elected officer or staff member who filed 708  
or was required to file a disclosure statement under section 709  
102.02 of the Revised Code and who leaves public service or public 710  
employment shall file an initial statement under division (A)(1) 711  
of this section not later than the day on which the former state 712  
elected officer or staff member leaves public service or public 713  
employment. The initial statement shall specify whether the person 714  
will, or will not, receive any income from a source described in 715  
division (A)(2)(a), (b), or (c) of this section. 716

If a person files an initial statement under this division 717  
that states that the person will receive income from a source 718  
described in division (A)(2)(a), (b), or (c) of this section, the 719  
person is required to file statements under division (A)(2), (3), 720

(4), or (5) of this section at the times specified in division 721  
(D)(2) of this section. 722

If a person files an initial statement under this division 723  
that states that the person will not receive income from a source 724  
described in division (A)(2)(a), (b), or (c) of this section, 725  
except as otherwise provided in this division, the person is not 726  
required to file statements under division (A)(2), (4), or (5) of 727  
this section or to file subsequent statements under division 728  
(A)(3) of this section. If a person files an initial statement 729  
under this division that states that the person will not receive 730  
income from a source described in division (A)(2)(a), (b), or (c) 731  
of this section, and, subsequent to the filing of that initial 732  
statement, the person receives any income from a source described 733  
in division (A)(2)(a), (b), or (c) of this section, the person 734  
within ten days shall file a statement under division (A)(2) of 735  
this section that contains the information described in that 736  
division, and the person thereafter shall file statements under 737  
division (A)(2), (3), (4), or (5) of this section at the times 738  
specified in division (D)(2) of this section. 739

(2) After the filing of the initial statement under division 740  
(D)(1) of this section, each person required to file a statement 741  
under division (A)(2), (3), (4), or (5) of this section shall file 742  
it on or before the last calendar day of January, May, and 743  
September. The statements described in divisions (A)(2), (3), and 744  
(5) of this section shall relate to the sources of income the 745  
person received in the immediately preceding filing period from 746  
each source of income in each of the categories listed in division 747  
(A)(2) of this section. The statement described in division (A)(4) 748  
of this section shall include any information required to be 749  
reported regarding expenditures and gifts of the type described in 750  
division (A)(4) of this section occurring since the filing of the 751  
immediately preceding statement. 752

If, pursuant to this division, a person files a statement 753  
under division (A)(2) of this section, the person is required to 754  
file statements under division (A)(4) of this section, and 755  
subsequent statements under division (A)(2), (3), or (5) of this 756  
section, at the times specified in this division. In addition, if, 757  
subsequent to the filing of the statement under division (A)(2) of 758  
this section, the person receives any income from a source 759  
described in division (A)(2)(a), (b), or (c) of this section that 760  
was not listed on the statement filed under division (A)(2) of 761  
this section, the person within ten days shall file a statement 762  
under division (A)(2) of this section that contains the 763  
information described in that division regarding the new income 764  
source. 765

If, pursuant to this division, a person files a statement 766  
under division (A)(3) of this section, except as otherwise 767  
provided in this division, the person thereafter is not required 768  
to file statements under division (A)(2), (4), or (5) of this 769  
section, or to file subsequent statements under division (A)(3) of 770  
this section. If, subsequent to the filing of the statement under 771  
division (A)(3) of this section, the person receives any income 772  
from a source described in division (A)(2)(a), (b), or (c) of this 773  
section, the person within ten days shall file a statement under 774  
division (A)(2) of this section that contains the information 775  
described in that division regarding the new income source, and 776  
the person thereafter shall file statements under division (A)(4) 777  
of this section, and subsequent statements under division (A)(2) 778  
or (3) of this section, at the times specified in this division. 779

(3) No fee shall be required for filing ~~an initial a~~ 780  
statement under ~~division (D)(1) of~~ this section. ~~The~~ 781

~~person filing a statement under division (D)(2) of this~~ 782  
~~section that is required to be filed on or before the last~~ 783  
~~calendar day of January, May, and September shall pay a ten dollar~~ 784

~~filing fee with each such statement not to exceed thirty dollars~~ 785  
~~in any calendar year. The, except that the~~ joint legislative 786  
ethics committee may charge late fees in the same manner as 787  
specified in division (G) of section 101.72 of the Revised Code. 788

(E) Any state elected officer or staff member who filed or 789  
was required to file a disclosure statement under section 102.02 790  
of the Revised Code and who leaves public service or public 791  
employment shall provide a forwarding address to the officer's or 792  
staff member's last employer, and the employer shall provide the 793  
person's name and address to the joint legislative ethics 794  
committee. The former elected state officer or staff member shall 795  
provide updated forwarding addresses as necessary to the joint 796  
legislative ethics committee during the twenty-four-month period 797  
during which division (A)(1) of this section applies. The public 798  
agency or appointing authority that was the last employer of a 799  
person required to file a statement under division (A)(2) of this 800  
section shall furnish to the person a copy of the form needed to 801  
complete the initial statement required under division (D)(1) of 802  
this section. 803

(F) During the twenty-four-month period immediately following 804  
the end of the former state elected officer's or staff member's 805  
service or public employment, no person required to file a 806  
statement under this section shall receive from a source described 807  
in division (A)(2)(a), (b), or (c) of this section, and no source 808  
described in division (A)(2)(a), (b), or (c) of this section shall 809  
pay to that person, any compensation that is contingent in any way 810  
upon the introduction, modification, passage, or defeat of any 811  
legislation or the outcome of any executive agency decision. 812

(G) As used in this section "state elected officer or staff 813  
member" means any elected officer of this state, any staff, as 814  
defined in section 101.70 of the Revised Code, or any staff, as 815  
defined in section 121.60 of the Revised Code. 816

Sec. 103.41. (A) As used in sections 103.41 to 103.415 of the Revised Code:

(1) "JMOC" means the joint medicaid oversight committee created under this section.

(2) "State and local government medicaid agency" means all of the following:

(a) The department of medicaid;

(b) ~~The office of health transformation;~~

~~(c)~~ Each state agency and political subdivision with which the department of medicaid contracts under section 5162.35 of the Revised Code to have the state agency or political subdivision administer one or more components of the medicaid program, or one or more aspects of a component, under the department's supervision;

~~(d)~~(c) Each agency of a political subdivision that is responsible for administering one or more components of the medicaid program, or one or more aspects of a component, under the supervision of the department or a state agency or political subdivision described in division (A)(2)~~(c)~~(b) of this section.

(B) There is hereby created the joint medicaid oversight committee. JMOC shall consist of the following members:

(1) Five members of the senate appointed by the president of the senate, three of whom are members of the majority party and two of whom are members of the minority party;

(2) Five members of the house of representatives appointed by the speaker of the house of representatives, three of whom are members of the majority party and two of whom are members of the minority party.

(C) The term of each JMOC member shall begin on the day of

appointment to JMOC and end on the last day that the member serves 846  
in the house (in the case of a member appointed by the speaker) or 847  
senate (in the case of a member appointed by the president) during 848  
the general assembly for which the member is appointed to JMOC. 849  
The president and speaker shall make the initial appointments not 850  
later than fifteen days after March 20, 2014. However, if this 851  
section takes effect before January 1, 2014, the president and 852  
speaker shall make the initial appointments during the period 853  
beginning January 1, 2014, and ending January 15, 2014. The 854  
president and speaker shall make subsequent appointments not later 855  
than fifteen days after the commencement of the first regular 856  
session of each general assembly. JMOC members may be reappointed. 857  
A vacancy on JMOC shall be filled in the same manner as the 858  
original appointment. 859

(D) In odd-numbered years, the speaker shall designate one of 860  
the majority members from the house as the JMOC chairperson and 861  
the president shall designate one of the minority members from the 862  
senate as the JMOC ranking minority member. In even-numbered 863  
years, the president shall designate one of the majority members 864  
from the senate as the JMOC chairperson and the speaker shall 865  
designate one of the minority members from the house as the JMOC 866  
ranking minority member. 867

(E) In appointing members from the minority, and in 868  
designating ranking minority members, the president and speaker 869  
shall consult with the minority leader of their respective houses. 870

(F) JMOC shall meet at the call of the JMOC chairperson. The 871  
chairperson shall call JMOC to meet not less often than once each 872  
calendar month, unless the chairperson and ranking minority member 873  
agree that the chairperson should not call JMOC to meet for a 874  
particular month. 875

(G) Notwithstanding section 101.26 of the Revised Code, the 876  
members, when engaged in their duties as members of JMOC on days 877

when there is not a voting session of the member's house of the 878  
general assembly, shall be paid at the per diem rate of one 879  
hundred fifty dollars, and their necessary traveling expenses, 880  
which shall be paid from the funds appropriated for the payment of 881  
expenses of legislative committees. 882

(H) The JMOC chairperson may, subject to approval by the 883  
speaker of the house of representatives or the speaker's designee 884  
and the president of the senate or the president's designee, 885  
employ professional, technical, and clerical employees as are 886  
necessary for JMOC to be able successfully and efficiently to 887  
perform its duties. All such employees are in the unclassified 888  
service and may be terminated by the chairperson, subject to 889  
approval of the speaker or the speaker's designee and president or 890  
the president's designee. JMOC may contract for the services of 891  
persons who are qualified by education and experience to advise, 892  
consult with, or otherwise assist JMOC in the performance of its 893  
duties. 894

(I) The JMOC chairperson, when authorized by JMOC and the 895  
president and speaker, may issue subpoenas and subpoenas duces 896  
tecum in aid of JMOC's performance of its duties. A subpoena may 897  
require a witness in any part of the state to appear before JMOC 898  
at a time and place designated in the subpoena to testify. A 899  
subpoena duces tecum may require witnesses or other persons in any 900  
part of the state to produce books, papers, records, and other 901  
tangible evidence before JMOC at a time and place designated in 902  
the subpoena duces tecum. A subpoena or subpoena duces tecum shall 903  
be issued, served, and returned, and has consequences, as 904  
specified in sections 101.41 to 101.45 of the Revised Code. 905

(J) The JMOC chairperson may administer oaths to witnesses 906  
appearing before JMOC. 907

~~Sec. 103.416. JMOC on a quarterly basis shall monitor the~~ 908

~~actions of the department of medicaid under section 5167.04 of the Revised Code in preparing to implement inclusion of alcohol, drug addiction, and mental health services covered by medicaid in the care management system established under section 5167.03 of the Revised Code. When the inclusion of the~~ 909  
~~If the department of medicaid includes alcohol, drug addiction, and mental health services in the care management system begins to be implemented established under section 5167.03 of the Revised Code,~~ 910  
~~JMOC on a periodic basis shall monitor the department's inclusion of the services in the system.~~ 911  
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**Sec. 103.50.** The joint education oversight committee shall 919  
consist of the following members: 920

(A) Five members of the house of representatives appointed by 921  
the speaker of the house of representatives, three of whom are 922  
members of the majority party and two of whom are members of the 923  
minority party; ~~and~~ 924

(B) Five members of the senate appointed by the president of 925  
the senate, three of whom are members of the majority party and 926  
two of whom are members of the minority party; 927

(C) Two members of the state board of education appointed by 928  
the president of the state board, both of whom cannot be members 929  
of the same political party. 930

The term of each member begins on the day of appointment to 931  
the committee and ends on expiration or other termination of the 932  
member's term as a member of the house of representatives ~~or,~~ 933  
senate, or state board. The speaker and president shall make 934  
subsequent appointments not later than fifteen days after the 935  
commencement of the first regular session of each general 936  
assembly. The president of the state board shall make appointments 937  
not later than fifteen days after the organizational meeting of 938

the state board under section 3301.04 of the Revised Code. Members 939  
may be reappointed. A vacancy on the committee shall be filled in 940  
the same manner as the original appointment. 941

In odd-numbered years, the speaker shall designate one of the 942  
majority members from the house of representatives as chairperson 943  
and the president of the senate shall designate one member from 944  
the senate, who is not from the same political party as the 945  
chairperson, as the ranking member. In even-numbered years, the 946  
president shall designate one of the majority members from the 947  
senate as the chairperson and the speaker shall designate one 948  
member from the house of representatives, who is not from the same 949  
political party as the chairperson, as the ranking member. 950

In appointing members from the minority, and in designating 951  
ranking members who are from the minority, the president of the 952  
senate and speaker shall consult with the minority leader of their 953  
respective houses. 954

The committee shall meet at the call of the chairperson. The 955  
committee shall meet not less often than once each calendar month, 956  
unless the chairperson and ranking member agree that the 957  
chairperson should not call the committee to meet for a particular 958  
month. 959

Notwithstanding section 101.26 of the Revised Code, the 960  
members, when engaged in their duties as members of the committee 961  
on days when there is not a voting session of the member's house 962  
of the general assembly, shall be paid at the per diem rate of one 963  
hundred fifty dollars, and their necessary traveling expenses. 964  
These amounts shall be paid from the funds appropriated for the 965  
payment of expenses of legislative committees. 966

The chairperson, when authorized by the committee and the 967  
president of the senate and speaker, may issue subpoenas and 968  
subpoenas duces tecum in aid of the committee's performance of its 969

duties. A subpoena may require a witness in any part of the state 970  
to appear before the committee at a time and place designated in 971  
the subpoena to testify. A subpoena duces tecum may require 972  
witnesses or other persons in any part of the state to produce 973  
books, papers, records, and other tangible evidence before the 974  
committee at a time and place designated in the subpoena duces 975  
tecum. A subpoena or subpoena duces tecum shall be issued, served, 976  
and returned, and has consequences, as specified in sections 977  
101.41 to 101.45 of the Revised Code. 978

The chairperson may administer oaths to witnesses appearing 979  
before the committee. 980

**Sec. 107.036.** (A) For each business incentive tax credit, the 981  
main operating appropriations act shall contain a detailed 982  
estimate of the total amount of credits that may be authorized in 983  
each year, an estimate of the amount of credits expected to be 984  
claimed in each year, and an estimate of the amount of credits 985  
expected to remain outstanding at the end of the biennium. The 986  
governor shall include such estimates in the state budget 987  
submitted to the general assembly pursuant to section 107.03 of 988  
the Revised Code. 989

(B) As used in this section, "business incentive tax credit" 990  
means all of the following: 991

(1) The job creation tax credit under section 122.17 of the 992  
Revised Code; 993

(2) The job retention tax credit under section 122.171 of the 994  
Revised Code; 995

(3) The historic preservation tax credit under section 996  
149.311 of the Revised Code; 997

(4) The motion picture tax credit under section 122.85 of the 998  
Revised Code; 999

(5) The new markets tax credit under section 5725.33 of the Revised Code; 1000  
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(6) The research and development credit under section 166.21 of the Revised Code; 1002  
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(7) The small business investment credit under section 122.86 of the Revised Code; 1004  
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(8) The rural growth investment credit under section 122.152 of the Revised Code; 1006  
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(9) The opportunity zone investment credit under section 122.84 of the Revised Code. 1008  
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**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 1010  
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, felonious sexual penetration in violation of former section 2907.12 of the Revised 1021  
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Code, a violation of section 2905.04 of the Revised Code as it 1030  
existed prior to July 1, 1996, a violation of section 2919.23 of 1031  
the Revised Code that would have been a violation of section 1032  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1033  
had the violation been committed prior to that date, or a 1034  
violation of section 2925.11 of the Revised Code that is not a 1035  
minor drug possession offense; 1036

(b) A violation of an existing or former law of this state, 1037  
any other state, or the United States that is substantially 1038  
equivalent to any of the offenses listed in division (A)(1)(a) of 1039  
this section; 1040

(c) If the request is made pursuant to section 3319.39 of the 1041  
Revised Code for an applicant who is a teacher, any offense 1042  
specified in section 3319.31 of the Revised Code. 1043

(2) On receipt of a request pursuant to section 3712.09 or 1044  
3721.121 of the Revised Code, a completed form prescribed pursuant 1045  
to division (C)(1) of this section, and a set of fingerprint 1046  
impressions obtained in the manner described in division (C)(2) of 1047  
this section, the superintendent of the bureau of criminal 1048  
identification and investigation shall conduct a criminal records 1049  
check with respect to any person who has applied for employment in 1050  
a position for which a criminal records check is required by those 1051  
sections. The superintendent shall conduct the criminal records 1052  
check in the manner described in division (B) of this section to 1053  
determine whether any information exists that indicates that the 1054  
person who is the subject of the request previously has been 1055  
convicted of or pleaded guilty to any of the following: 1056

(a) A violation of section 2903.01, 2903.02, 2903.03, 1057  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1058  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1059  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1060  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1061

2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1062  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1063  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1064  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1065

(b) An existing or former law of this state, any other state, 1066  
or the United States that is substantially equivalent to any of 1067  
the offenses listed in division (A)(2)(a) of this section. 1068

(3) On receipt of a request pursuant to section 173.27, 1069  
173.38, 173.381, 3701.881, 5119.34, 5164.34, 5164.341, 5164.342, 1070  
5123.081, or 5123.169 of the Revised Code, a completed form 1071  
prescribed pursuant to division (C)(1) of this section, and a set 1072  
of fingerprint impressions obtained in the manner described in 1073  
division (C)(2) of this section, the superintendent of the bureau 1074  
of criminal identification and investigation shall conduct a 1075  
criminal records check of the person for whom the request is made. 1076  
The superintendent shall conduct the criminal records check in the 1077  
manner described in division (B) of this section to determine 1078  
whether any information exists that indicates that the person who 1079  
is the subject of the request previously has been convicted of, 1080  
has pleaded guilty to, or (except in the case of a request 1081  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 1082  
Code) has been found eligible for intervention in lieu of 1083  
conviction for any of the following, regardless of the date of the 1084  
conviction, the date of entry of the guilty plea, or (except in 1085  
the case of a request pursuant to section 5164.34, 5164.341, or 1086  
5164.342 of the Revised Code) the date the person was found 1087  
eligible for intervention in lieu of conviction: 1088

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 1089  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 1090  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 1091  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 1092  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1093

2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 1094  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 1095  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 1096  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 1097  
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 1098  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 1099  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 1100  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 1101  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 1102  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 1103  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 1104  
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 1105  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 1106  
2927.12, or 3716.11 of the Revised Code; 1107

(b) Felonious sexual penetration in violation of former 1108  
section 2907.12 of the Revised Code; 1109

(c) A violation of section 2905.04 of the Revised Code as it 1110  
existed prior to July 1, 1996; 1111

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 1112  
the Revised Code when the underlying offense that is the object of 1113  
the conspiracy, attempt, or complicity is one of the offenses 1114  
listed in divisions (A)(3)(a) to (c) of this section; 1115

(e) A violation of an existing or former municipal ordinance 1116  
or law of this state, any other state, or the United States that 1117  
is substantially equivalent to any of the offenses listed in 1118  
divisions (A)(3)(a) to (d) of this section. 1119

(4) On receipt of a request pursuant to section 2151.86 of 1120  
the Revised Code, a completed form prescribed pursuant to division 1121  
(C)(1) of this section, and a set of fingerprint impressions 1122  
obtained in the manner described in division (C)(2) of this 1123  
section, the superintendent of the bureau of criminal 1124

identification and investigation shall conduct a criminal records 1125  
check in the manner described in division (B) of this section to 1126  
determine whether any information exists that indicates that the 1127  
person who is the subject of the request previously has been 1128  
convicted of or pleaded guilty to any of the following: 1129

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1130  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1131  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1132  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1133  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1134  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1135  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1136  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1137  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1138  
of the Revised Code, a violation of section 2905.04 of the Revised 1139  
Code as it existed prior to July 1, 1996, a violation of section 1140  
2919.23 of the Revised Code that would have been a violation of 1141  
section 2905.04 of the Revised Code as it existed prior to July 1, 1142  
1996, had the violation been committed prior to that date, a 1143  
violation of section 2925.11 of the Revised Code that is not a 1144  
minor drug possession offense, two or more OVI or OVUAC violations 1145  
committed within the three years immediately preceding the 1146  
submission of the application or petition that is the basis of the 1147  
request, or felonious sexual penetration in violation of former 1148  
section 2907.12 of the Revised Code; 1149

(b) A violation of an existing or former law of this state, 1150  
any other state, or the United States that is substantially 1151  
equivalent to any of the offenses listed in division (A)(4)(a) of 1152  
this section. 1153

(5) Upon receipt of a request pursuant to section 5104.013 of 1154  
the Revised Code, a completed form prescribed pursuant to division 1155  
(C)(1) of this section, and a set of fingerprint impressions 1156

obtained in the manner described in division (C)(2) of this 1157  
section, the superintendent of the bureau of criminal 1158  
identification and investigation shall conduct a criminal records 1159  
check in the manner described in division (B) of this section to 1160  
determine whether any information exists that indicates that the 1161  
person who is the subject of the request has been convicted of or 1162  
pleaded guilty to any of the following: 1163

(a) A violation of section 2151.421, 2903.01, 2903.02, 1164  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1165  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1166  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1167  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1168  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 1169  
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 1170  
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 1171  
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 1172  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1173  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 1174  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 1175  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 1176  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 1177  
Revised Code, felonious sexual penetration in violation of former 1178  
section 2907.12 of the Revised Code, a violation of section 1179  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1180  
violation of section 2919.23 of the Revised Code that would have 1181  
been a violation of section 2905.04 of the Revised Code as it 1182  
existed prior to July 1, 1996, had the violation been committed 1183  
prior to that date, a violation of section 2925.11 of the Revised 1184  
Code that is not a minor drug possession offense, a violation of 1185  
section 2923.02 or 2923.03 of the Revised Code that relates to a 1186  
crime specified in this division, or a second violation of section 1187  
4511.19 of the Revised Code within five years of the date of 1188  
application for licensure or certification. 1189

(b) A violation of an existing or former law of this state, 1190  
any other state, or the United States that is substantially 1191  
equivalent to any of the offenses or violations described in 1192  
division (A)(5)(a) of this section. 1193

(6) Upon receipt of a request pursuant to section 5153.111 of 1194  
the Revised Code, a completed form prescribed pursuant to division 1195  
(C)(1) of this section, and a set of fingerprint impressions 1196  
obtained in the manner described in division (C)(2) of this 1197  
section, the superintendent of the bureau of criminal 1198  
identification and investigation shall conduct a criminal records 1199  
check in the manner described in division (B) of this section to 1200  
determine whether any information exists that indicates that the 1201  
person who is the subject of the request previously has been 1202  
convicted of or pleaded guilty to any of the following: 1203

(a) A violation of section 2903.01, 2903.02, 2903.03, 1204  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1205  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1206  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1207  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1208  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1209  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1210  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1211  
felonious sexual penetration in violation of former section 1212  
2907.12 of the Revised Code, a violation of section 2905.04 of the 1213  
Revised Code as it existed prior to July 1, 1996, a violation of 1214  
section 2919.23 of the Revised Code that would have been a 1215  
violation of section 2905.04 of the Revised Code as it existed 1216  
prior to July 1, 1996, had the violation been committed prior to 1217  
that date, or a violation of section 2925.11 of the Revised Code 1218  
that is not a minor drug possession offense; 1219

(b) A violation of an existing or former law of this state, 1220  
any other state, or the United States that is substantially 1221

equivalent to any of the offenses listed in division (A)(6)(a) of 1222  
this section. 1223

(7) On receipt of a request for a criminal records check from 1224  
an individual pursuant to section 4749.03 or 4749.06 of the 1225  
Revised Code, accompanied by a completed copy of the form 1226  
prescribed in division (C)(1) of this section and a set of 1227  
fingerprint impressions obtained in a manner described in division 1228  
(C)(2) of this section, the superintendent of the bureau of 1229  
criminal identification and investigation shall conduct a criminal 1230  
records check in the manner described in division (B) of this 1231  
section to determine whether any information exists indicating 1232  
that the person who is the subject of the request has been 1233  
convicted of or pleaded guilty to a felony in this state or in any 1234  
other state. If the individual indicates that a firearm will be 1235  
carried in the course of business, the superintendent shall 1236  
require information from the federal bureau of investigation as 1237  
described in division (B)(2) of this section. Subject to division 1238  
(F) of this section, the superintendent shall report the findings 1239  
of the criminal records check and any information the federal 1240  
bureau of investigation provides to the director of public safety. 1241

(8) On receipt of a request pursuant to section 1321.37, 1242  
1321.53, or 4763.05 of the Revised Code, a completed form 1243  
prescribed pursuant to division (C)(1) of this section, and a set 1244  
of fingerprint impressions obtained in the manner described in 1245  
division (C)(2) of this section, the superintendent of the bureau 1246  
of criminal identification and investigation shall conduct a 1247  
criminal records check with respect to any person who has applied 1248  
for a license, permit, or certification from the department of 1249  
commerce or a division in the department. The superintendent shall 1250  
conduct the criminal records check in the manner described in 1251  
division (B) of this section to determine whether any information 1252  
exists that indicates that the person who is the subject of the 1253

request previously has been convicted of or pleaded guilty to any 1254  
of the following: a violation of section 2913.02, 2913.11, 1255  
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 1256  
criminal offense involving theft, receiving stolen property, 1257  
embezzlement, forgery, fraud, passing bad checks, money 1258  
laundering, or drug trafficking, or any criminal offense involving 1259  
money or securities, as set forth in Chapters 2909., 2911., 2913., 1260  
2915., 2921., 2923., and 2925. of the Revised Code; or any 1261  
existing or former law of this state, any other state, or the 1262  
United States that is substantially equivalent to those offenses. 1263

(9) On receipt of a request for a criminal records check from 1264  
the treasurer of state under section 113.041 of the Revised Code 1265  
or from an individual under section 4701.08, 4715.101, 4717.061, 1266  
4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 1267  
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 1268  
~~4731.296~~, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1269  
4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 4755.70, 1270  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 1271  
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, 1272  
or 4783.04 of the Revised Code, accompanied by a completed form 1273  
prescribed under division (C)(1) of this section and a set of 1274  
fingerprint impressions obtained in the manner described in 1275  
division (C)(2) of this section, the superintendent of the bureau 1276  
of criminal identification and investigation shall conduct a 1277  
criminal records check in the manner described in division (B) of 1278  
this section to determine whether any information exists that 1279  
indicates that the person who is the subject of the request has 1280  
been convicted of or pleaded guilty to any criminal offense in 1281  
this state or any other state. Subject to division (F) of this 1282  
section, the superintendent shall send the results of a check 1283  
requested under section 113.041 of the Revised Code to the 1284  
treasurer of state and shall send the results of a check requested 1285  
under any of the other listed sections to the licensing board 1286

specified by the individual in the request. 1287

(10) On receipt of a request pursuant to section 124.74, 1288  
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 1289  
completed form prescribed pursuant to division (C)(1) of this 1290  
section, and a set of fingerprint impressions obtained in the 1291  
manner described in division (C)(2) of this section, the 1292  
superintendent of the bureau of criminal identification and 1293  
investigation shall conduct a criminal records check in the manner 1294  
described in division (B) of this section to determine whether any 1295  
information exists that indicates that the person who is the 1296  
subject of the request previously has been convicted of or pleaded 1297  
guilty to any criminal offense under any existing or former law of 1298  
this state, any other state, or the United States. 1299

(11) On receipt of a request for a criminal records check 1300  
from an appointing or licensing authority under section 3772.07 of 1301  
the Revised Code, a completed form prescribed under division 1302  
(C)(1) of this section, and a set of fingerprint impressions 1303  
obtained in the manner prescribed in division (C)(2) of this 1304  
section, the superintendent of the bureau of criminal 1305  
identification and investigation shall conduct a criminal records 1306  
check in the manner described in division (B) of this section to 1307  
determine whether any information exists that indicates that the 1308  
person who is the subject of the request previously has been 1309  
convicted of or pleaded guilty or no contest to any offense under 1310  
any existing or former law of this state, any other state, or the 1311  
United States that is a disqualifying offense as defined in 1312  
section 3772.07 of the Revised Code or substantially equivalent to 1313  
such an offense. 1314

(12) On receipt of a request pursuant to section 2151.33 or 1315  
2151.412 of the Revised Code, a completed form prescribed pursuant 1316  
to division (C)(1) of this section, and a set of fingerprint 1317  
impressions obtained in the manner described in division (C)(2) of 1318

this section, the superintendent of the bureau of criminal 1319  
identification and investigation shall conduct a criminal records 1320  
check with respect to any person for whom a criminal records check 1321  
is required under that section. The superintendent shall conduct 1322  
the criminal records check in the manner described in division (B) 1323  
of this section to determine whether any information exists that 1324  
indicates that the person who is the subject of the request 1325  
previously has been convicted of or pleaded guilty to any of the 1326  
following: 1327

(a) A violation of section 2903.01, 2903.02, 2903.03, 1328  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1329  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1330  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1331  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1332  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1333  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1334  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1335  
2925.22, 2925.23, or 3716.11 of the Revised Code; 1336

(b) An existing or former law of this state, any other state, 1337  
or the United States that is substantially equivalent to any of 1338  
the offenses listed in division (A)(12)(a) of this section. 1339

(13) On receipt of a request pursuant to section 3796.12 of 1340  
the Revised Code, a completed form prescribed pursuant to division 1341  
(C)(1) of this section, and a set of fingerprint impressions 1342  
obtained in a manner described in division (C)(2) of this section, 1343  
the superintendent of the bureau of criminal identification and 1344  
investigation shall conduct a criminal records check in the manner 1345  
described in division (B) of this section to determine whether any 1346  
information exists that indicates that the person who is the 1347  
subject of the request previously has been convicted of or pleaded 1348  
guilty to the following: 1349

(a) A disqualifying offense as specified in rules adopted 1350

under division (B)(2)(b) of section 3796.03 of the Revised Code if 1351  
the person who is the subject of the request is an administrator 1352  
or other person responsible for the daily operation of, or an 1353  
owner or prospective owner, officer or prospective officer, or 1354  
board member or prospective board member of, an entity seeking a 1355  
license from the department of commerce under Chapter 3796. of the 1356  
Revised Code; 1357

(b) A disqualifying offense as specified in rules adopted 1358  
under division (B)(2)(b) of section 3796.04 of the Revised Code if 1359  
the person who is the subject of the request is an administrator 1360  
or other person responsible for the daily operation of, or an 1361  
owner or prospective owner, officer or prospective officer, or 1362  
board member or prospective board member of, an entity seeking a 1363  
license from the state board of pharmacy under Chapter 3796. of 1364  
the Revised Code. 1365

(14) On receipt of a request required by section 3796.13 of 1366  
the Revised Code, a completed form prescribed pursuant to division 1367  
(C)(1) of this section, and a set of fingerprint impressions 1368  
obtained in a manner described in division (C)(2) of this section, 1369  
the superintendent of the bureau of criminal identification and 1370  
investigation shall conduct a criminal records check in the manner 1371  
described in division (B) of this section to determine whether any 1372  
information exists that indicates that the person who is the 1373  
subject of the request previously has been convicted of or pleaded 1374  
guilty to the following: 1375

(a) A disqualifying offense as specified in rules adopted 1376  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 1377  
the person who is the subject of the request is seeking employment 1378  
with an entity licensed by the department of commerce under 1379  
Chapter 3796. of the Revised Code; 1380

(b) A disqualifying offense as specified in rules adopted 1381  
under division (B)(14)(a) of section 3796.04 of the Revised Code 1382

if the person who is the subject of the request is seeking 1383  
employment with an entity licensed by the state board of pharmacy 1384  
under Chapter 3796. of the Revised Code. 1385

(15) On receipt of a request pursuant to section 4768.06 of 1386  
the Revised Code, a completed form prescribed under division 1387  
(C)(1) of this section, and a set of fingerprint impressions 1388  
obtained in the manner described in division (C)(2) of this 1389  
section, the superintendent of the bureau of criminal 1390  
identification and investigation shall conduct a criminal records 1391  
check in the manner described in division (B) of this section to 1392  
determine whether any information exists indicating that the 1393  
person who is the subject of the request has been convicted of or 1394  
pleaded guilty to a felony in this state or in any other state. 1395

(16) On receipt of a request pursuant to division (B) of 1396  
section 4764.07 of the Revised Code, a completed form prescribed 1397  
under division (C)(1) of this section, and a set of fingerprint 1398  
impressions obtained in the manner described in division (C)(2) of 1399  
this section, the superintendent of the bureau of criminal 1400  
identification and investigation shall conduct a criminal records 1401  
check in the manner described in division (B) of this section to 1402  
determine whether any information exists indicating that the 1403  
person who is the subject of the request has been convicted of or 1404  
pleaded guilty to any crime of moral turpitude, a felony, or an 1405  
equivalent offense in any other state or the United States. 1406

(17) On receipt of a request for a criminal records check 1407  
under section 147.022 of the Revised Code, a completed form 1408  
prescribed under division (C)(1) of this section, and a set of 1409  
fingerprint impressions obtained in the manner prescribed in 1410  
division (C)(2) of this section, the superintendent of the bureau 1411  
of criminal identification and investigation shall conduct a 1412  
criminal records check in the manner described in division (B) of 1413  
this section to determine whether any information exists that 1414

indicates that the person who is the subject of the request 1415  
previously has been convicted of or pleaded guilty or no contest 1416  
to any disqualifying offense, as defined in section 147.011 of the 1417  
Revised Code, or to any offense under any existing or former law 1418  
of this state, any other state, or the United States that is 1419  
substantially equivalent to such a disqualifying offense. 1420

(B) Subject to division (F) of this section, the 1421  
superintendent shall conduct any criminal records check to be 1422  
conducted under this section as follows: 1423

(1) The superintendent shall review or cause to be reviewed 1424  
any relevant information gathered and compiled by the bureau under 1425  
division (A) of section 109.57 of the Revised Code that relates to 1426  
the person who is the subject of the criminal records check, 1427  
including, if the criminal records check was requested under 1428  
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 1121.23, 1429  
1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2151.86, 3301.32, 1430  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 3796.12, 1431  
3796.13, 4729.071, 4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 1432  
4763.05, 4764.07, 4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 1433  
5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant 1434  
information contained in records that have been sealed under 1435  
section 2953.32 of the Revised Code; 1436

(2) If the request received by the superintendent asks for 1437  
information from the federal bureau of investigation, the 1438  
superintendent shall request from the federal bureau of 1439  
investigation any information it has with respect to the person 1440  
who is the subject of the criminal records check, including 1441  
fingerprint-based checks of national crime information databases 1442  
as described in 42 U.S.C. 671 if the request is made pursuant to 1443  
section 2151.86 or 5104.013 of the Revised Code or if any other 1444  
Revised Code section requires fingerprint-based checks of that 1445  
nature, and shall review or cause to be reviewed any information 1446

the superintendent receives from that bureau. If a request under 1447  
section 3319.39 of the Revised Code asks only for information from 1448  
the federal bureau of investigation, the superintendent shall not 1449  
conduct the review prescribed by division (B)(1) of this section. 1450

(3) The superintendent or the superintendent's designee may 1451  
request criminal history records from other states or the federal 1452  
government pursuant to the national crime prevention and privacy 1453  
compact set forth in section 109.571 of the Revised Code. 1454

(4) The superintendent shall include in the results of the 1455  
criminal records check a list or description of the offenses 1456  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 1457  
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 1458  
of this section, whichever division requires the superintendent to 1459  
conduct the criminal records check. The superintendent shall 1460  
exclude from the results any information the dissemination of 1461  
which is prohibited by federal law. 1462

(5) The superintendent shall send the results of the criminal 1463  
records check to the person to whom it is to be sent not later 1464  
than the following number of days after the date the 1465  
superintendent receives the request for the criminal records 1466  
check, the completed form prescribed under division (C)(1) of this 1467  
section, and the set of fingerprint impressions obtained in the 1468  
manner described in division (C)(2) of this section: 1469

(a) If the superintendent is required by division (A) of this 1470  
section (other than division (A)(3) of this section) to conduct 1471  
the criminal records check, thirty; 1472

(b) If the superintendent is required by division (A)(3) of 1473  
this section to conduct the criminal records check, sixty. 1474

(C)(1) The superintendent shall prescribe a form to obtain 1475  
the information necessary to conduct a criminal records check from 1476  
any person for whom a criminal records check is to be conducted 1477

under this section. The form that the superintendent prescribes 1478  
pursuant to this division may be in a tangible format, in an 1479  
electronic format, or in both tangible and electronic formats. 1480

(2) The superintendent shall prescribe standard impression 1481  
sheets to obtain the fingerprint impressions of any person for 1482  
whom a criminal records check is to be conducted under this 1483  
section. Any person for whom a records check is to be conducted 1484  
under this section shall obtain the fingerprint impressions at a 1485  
county sheriff's office, municipal police department, or any other 1486  
entity with the ability to make fingerprint impressions on the 1487  
standard impression sheets prescribed by the superintendent. The 1488  
office, department, or entity may charge the person a reasonable 1489  
fee for making the impressions. The standard impression sheets the 1490  
superintendent prescribes pursuant to this division may be in a 1491  
tangible format, in an electronic format, or in both tangible and 1492  
electronic formats. 1493

(3) Subject to division (D) of this section, the 1494  
superintendent shall prescribe and charge a reasonable fee for 1495  
providing a criminal records check under this section. The person 1496  
requesting the criminal records check shall pay the fee prescribed 1497  
pursuant to this division. In the case of a request under section 1498  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 1499  
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 1500  
the manner specified in that section. 1501

(4) The superintendent of the bureau of criminal 1502  
identification and investigation may prescribe methods of 1503  
forwarding fingerprint impressions and information necessary to 1504  
conduct a criminal records check, which methods shall include, but 1505  
not be limited to, an electronic method. 1506

(D) The results of a criminal records check conducted under 1507  
this section, other than a criminal records check specified in 1508  
division (A)(7) of this section, are valid for the person who is 1509

the subject of the criminal records check for a period of one year 1510  
from the date upon which the superintendent completes the criminal 1511  
records check. If during that period the superintendent receives 1512  
another request for a criminal records check to be conducted under 1513  
this section for that person, the superintendent shall provide the 1514  
results from the previous criminal records check of the person at 1515  
a lower fee than the fee prescribed for the initial criminal 1516  
records check. 1517

(E) When the superintendent receives a request for 1518  
information from a registered private provider, the superintendent 1519  
shall proceed as if the request was received from a school 1520  
district board of education under section 3319.39 of the Revised 1521  
Code. The superintendent shall apply division (A)(1)(c) of this 1522  
section to any such request for an applicant who is a teacher. 1523

(F)(1) Subject to division (F)(2) of this section, all 1524  
information regarding the results of a criminal records check 1525  
conducted under this section that the superintendent reports or 1526  
sends under division (A)(7) or (9) of this section to the director 1527  
of public safety, the treasurer of state, or the person, board, or 1528  
entity that made the request for the criminal records check shall 1529  
relate to the conviction of the subject person, or the subject 1530  
person's plea of guilty to, a criminal offense. 1531

(2) Division (F)(1) of this section does not limit, restrict, 1532  
or preclude the superintendent's release of information that 1533  
relates to the arrest of a person who is eighteen years of age or 1534  
older, to an adjudication of a child as a delinquent child, or to 1535  
a criminal conviction of a person under eighteen years of age in 1536  
circumstances in which a release of that nature is authorized 1537  
under division (E)(2), (3), or (4) of section 109.57 of the 1538  
Revised Code pursuant to a rule adopted under division (E)(1) of 1539  
that section. 1540

(G) As used in this section: 1541

(1) "Criminal records check" means any criminal records check 1542  
conducted by the superintendent of the bureau of criminal 1543  
identification and investigation in accordance with division (B) 1544  
of this section. 1545

(2) "Minor drug possession offense" has the same meaning as 1546  
in section 2925.01 of the Revised Code. 1547

(3) "OVI or OVUAC violation" means a violation of section 1548  
4511.19 of the Revised Code or a violation of an existing or 1549  
former law of this state, any other state, or the United States 1550  
that is substantially equivalent to section 4511.19 of the Revised 1551  
Code. 1552

(4) "Registered private provider" means a nonpublic school or 1553  
entity registered with the superintendent of public instruction 1554  
under section 3310.41 of the Revised Code to participate in the 1555  
autism scholarship program or section 3310.58 of the Revised Code 1556  
to participate in the Jon Peterson special needs scholarship 1557  
program. 1558

**Sec. 111.15.** (A) As used in this section: 1559

(1) "Rule" includes any rule, regulation, bylaw, or standard 1560  
having a general and uniform operation adopted by an agency under 1561  
the authority of the laws governing the agency; any appendix to a 1562  
rule; and any internal management rule. "Rule" does not include 1563  
any guideline adopted pursuant to section 3301.0714 of the Revised 1564  
Code, any order respecting the duties of employees, any finding, 1565  
any determination of a question of law or fact in a matter 1566  
presented to an agency, or any rule promulgated pursuant to 1567  
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 1568  
Revised Code. "Rule" includes any amendment or rescission of a 1569  
rule. 1570

(2) "Agency" means any governmental entity of the state and 1571

includes, but is not limited to, any board, department, division, 1572  
commission, bureau, society, council, institution, state college 1573  
or university, community college district, technical college 1574  
district, or state community college. "Agency" does not include 1575  
the general assembly, the controlling board, the adjutant 1576  
general's department, or any court. 1577

(3) "Internal management rule" means any rule, regulation, 1578  
bylaw, or standard governing the day-to-day staff procedures and 1579  
operations within an agency. 1580

(B)(1) Any rule, other than a rule of an emergency nature, 1581  
adopted by any agency pursuant to this section shall be effective 1582  
on the tenth day after the day on which the rule in final form and 1583  
in compliance with division (B)(3) of this section is filed as 1584  
follows: 1585

(a) The rule shall be filed in electronic form with both the 1586  
secretary of state and the director of the legislative service 1587  
commission; 1588

(b) The rule shall be filed in electronic form with the joint 1589  
committee on agency rule review. Division (B)(1)(b) of this 1590  
section does not apply to any rule to which division (D) of this 1591  
section does not apply. 1592

An agency that adopts or amends a rule that is subject to 1593  
division (D) of this section shall assign a review date to the 1594  
rule that is not later than five years after its effective date. 1595  
If a review date assigned to a rule exceeds the five-year maximum, 1596  
the review date for the rule is five years after its effective 1597  
date. A rule with a review date is subject to review under section 1598  
106.03 of the Revised Code. This paragraph does not apply to a 1599  
rule of a state college or university, community college district, 1600  
technical college district, or state community college. 1601

If an agency in adopting a rule designates an effective date 1602

that is later than the effective date provided for by division 1603  
(B)(1) of this section, the rule if filed as required by such 1604  
division shall become effective on the later date designated by 1605  
the agency. 1606

Any rule that is required to be filed under division (B)(1) 1607  
of this section is also subject to division (D) of this section if 1608  
not exempted by that division. 1609

If a rule incorporates a text or other material by reference, 1610  
the agency shall comply with sections 121.71 to 121.75 of the 1611  
Revised Code. 1612

(2) A rule of an emergency nature necessary for the immediate 1613  
preservation of the public peace, health, or safety shall state 1614  
the reasons for the necessity. The emergency rule, in final form 1615  
and in compliance with division (B)(3) of this section, shall be 1616  
filed in electronic form with the secretary of state, the director 1617  
of the legislative service commission, and the joint committee on 1618  
agency rule review. The emergency rule is effective immediately 1619  
upon completion of the latest filing, except that if the agency in 1620  
adopting the emergency rule designates an effective date, or date 1621  
and time of day, that is later than the effective date and time 1622  
provided for by division (B)(2) of this section, the emergency 1623  
rule if filed as required by such division shall become effective 1624  
at the later date, or later date and time of day, designated by 1625  
the agency. 1626

An emergency rule becomes invalid at the end of the one 1627  
hundred twentieth day it is in effect. Prior to that date, the 1628  
agency may file the emergency rule as a nonemergency rule in 1629  
compliance with division (B)(1) of this section. The agency may 1630  
not refile the emergency rule in compliance with division (B)(2) 1631  
of this section so that, upon the emergency rule becoming invalid 1632  
under such division, the emergency rule will continue in effect 1633  
without interruption for another one hundred twenty-day period. 1634

(3) An agency shall file a rule under division (B)(1) or (2) 1635  
of this section in compliance with the following standards and 1636  
procedures: 1637

(a) The rule shall be numbered in accordance with the 1638  
numbering system devised by the director for the Ohio 1639  
administrative code. 1640

(b) The rule shall be prepared and submitted in compliance 1641  
with the rules of the legislative service commission. 1642

(c) The rule shall clearly state the date on which it is to 1643  
be effective and the date on which it will expire, if known. 1644

(d) Each rule that amends or rescinds another rule shall 1645  
clearly refer to the rule that is amended or rescinded. Each 1646  
amendment shall fully restate the rule as amended. 1647

If the director of the legislative service commission or the 1648  
director's designee gives an agency notice pursuant to section 1649  
103.05 of the Revised Code that a rule filed by the agency is not 1650  
in compliance with the rules of the legislative service 1651  
commission, the agency shall within thirty days after receipt of 1652  
the notice conform the rule to the rules of the commission as 1653  
directed in the notice. 1654

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 1655  
of this section shall be recorded by the secretary of state and 1656  
the director under the title of the agency adopting the rule and 1657  
shall be numbered according to the numbering system devised by the 1658  
director. The secretary of state and the director shall preserve 1659  
the rules in an accessible manner. Each such rule shall be a 1660  
public record open to public inspection and may be transmitted to 1661  
any law publishing company that wishes to reproduce it. 1662

(D) At least sixty-five days before a board, commission, 1663  
department, division, or bureau of the government of the state 1664  
files a rule under division (B)(1) of this section, it shall file 1665

the full text of the proposed rule in electronic form with the 1666  
joint committee on agency rule review, and the proposed rule is 1667  
subject to legislative review and invalidation under section 1668  
106.021 of the Revised Code. If a state board, commission, 1669  
department, division, or bureau makes a revision in a proposed 1670  
rule after it is filed with the joint committee, the state board, 1671  
commission, department, division, or bureau shall promptly file 1672  
the full text of the proposed rule in its revised form in 1673  
electronic form with the joint committee. A state board, 1674  
commission, department, division, or bureau shall also file the 1675  
rule summary and fiscal analysis prepared under section 106.024 of 1676  
the Revised Code in electronic form along with a proposed rule, 1677  
and along with a proposed rule in revised form, that is filed 1678  
under this division. If a proposed rule has an adverse impact on 1679  
businesses, the state board, commission, department, division, or 1680  
bureau also shall file the business impact analysis, any 1681  
recommendations received from the common sense initiative office, 1682  
and the associated memorandum of response, if any, in electronic 1683  
form along with the proposed rule, or the proposed rule in revised 1684  
form, that is filed under this division. 1685

A proposed rule that is subject to legislative review under 1686  
this division may not be adopted and filed in final form under 1687  
division (B)(1) of this section unless the proposed rule has been 1688  
filed with the joint committee on agency rule review under this 1689  
division and the time for the joint committee to review the 1690  
proposed rule has expired without recommendation of a concurrent 1691  
resolution to invalidate the proposed rule. 1692

As used in this division, "commission" includes the public 1693  
utilities commission when adopting rules under a federal or state 1694  
statute. 1695

This division does not apply to any of the following: 1696

(1) A proposed rule of an emergency nature; 1697

(2) A rule proposed under section 1121.05, 1121.06, 1349.33,	1698
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40,	1699
4123.411, 4123.44, or 4123.442 of the Revised Code;	1700
(3) A rule proposed by an agency other than a board,	1701
commission, department, division, or bureau of the government of	1702
the state;	1703
(4) A proposed internal management rule of a board,	1704
commission, department, division, or bureau of the government of	1705
the state;	1706
(5) Any proposed rule that must be adopted verbatim by an	1707
agency pursuant to federal law or rule, to become effective within	1708
sixty days of adoption, in order to continue the operation of a	1709
federally reimbursed program in this state, so long as the	1710
proposed rule contains both of the following:	1711
(a) A statement that it is proposed for the purpose of	1712
complying with a federal law or rule;	1713
(b) A citation to the federal law or rule that requires	1714
verbatim compliance.	1715
(6) An initial rule proposed by the director of health to	1716
impose safety standards and quality-of-care standards with respect	1717
to a health service specified in section 3702.11 of the Revised	1718
Code, or an initial rule proposed by the director to impose	1719
quality standards on a <u>health care</u> facility <del>listed</del> <u>as defined</u> in	1720
<del>division (A)(4)</del> of section 3702.30 of the Revised Code, if section	1721
3702.12 of the Revised Code requires that the rule be adopted	1722
under this section;	1723
(7) A rule of the state lottery commission pertaining to	1724
instant game rules.	1725
If a rule is exempt from legislative review under division	1726
(D)(5) of this section, and if the federal law or rule pursuant to	1727

which the rule was adopted expires, is repealed or rescinded, or 1728  
otherwise terminates, the rule is thereafter subject to 1729  
legislative review under division (D) of this section. 1730

Whenever a state board, commission, department, division, or 1731  
bureau files a proposed rule or a proposed rule in revised form 1732  
under division (D) of this section, it shall also file the full 1733  
text of the same proposed rule or proposed rule in revised form in 1734  
electronic form with the secretary of state and the director of 1735  
the legislative service commission. A state board, commission, 1736  
department, division, or bureau shall file the rule summary and 1737  
fiscal analysis prepared under section 106.024 of the Revised Code 1738  
in electronic form along with a proposed rule or proposed rule in 1739  
revised form that is filed with the secretary of state or the 1740  
director of the legislative service commission. 1741

**Sec. 111.28.** (A) There is hereby created in the state 1742  
treasury the help America vote act (HAVA) fund. All moneys 1743  
received by the secretary of state from the United States election 1744  
assistance commission shall be credited to the fund. The secretary 1745  
of state shall use the moneys credited to the fund for activities 1746  
conducted pursuant to the "Help America Vote Act of 2002," Pub. L. 1747  
No. 107-252, 116 Stat. 1666. All investment earnings of the fund 1748  
shall be credited to the fund. 1749

~~(B) There is hereby created in the state treasury the 1750  
election reform/health and human services fund. All moneys 1751  
received by the secretary of state from the United States 1752  
department of health and human services shall be credited to the 1753  
fund. The secretary of state shall use the moneys credited to the 1754  
fund for activities conducted pursuant to grants awarded to the 1755  
state under Title II, Subtitle D, Sections 261 to 265 of the Help 1756  
America Vote Act of 2002 to assure access for individuals with 1757  
disabilities. All investment earnings of the fund shall be 1758~~

~~credited to the fund.~~ 1759

~~(C)~~ There is hereby created in the state treasury the 1760  
miscellaneous federal grants fund. All moneys the secretary of 1761  
state receives as grants from federal sources that are not 1762  
otherwise designated shall be credited to the fund. The secretary 1763  
of state shall use the moneys credited to the fund for the 1764  
purposes and activities required by the applicable federal grant 1765  
agreements. All investment earnings of the fund shall be credited 1766  
to the fund. 1767

**Sec. 113.50.** As used in sections 113.50 to 113.56 of the 1768  
Revised Code: 1769

~~(A) "ABLE account" means an individual account opened in 1770  
accordance with the program or a similar ABLE account program 1771  
established by another state in accordance with section 529A of 1772  
the Internal Revenue Code.~~ 1773

~~(B)~~ "Account owner" means a designated beneficiary or any 1774  
other person authorized to be the owner of ~~an ABLE~~ a STABLE 1775  
account under federal law. 1776

~~(C)~~(B) "Designated beneficiary" means an eligible individual 1777  
whose qualified disability expenses may be paid from ~~an ABLE~~ a 1778  
STABLE account. 1779

~~(D)~~(C) "Eligible individual," "member of the family," 1780  
"qualified disability expenses," and "qualified ABLE program" have 1781  
the same meanings as in section 529A of the Internal Revenue Code. 1782

~~(E)~~(D) "Financial organization" means an insurance company, 1783  
bank, or other financial institution or a broker-dealer registered 1784  
with the securities and exchange commission. 1785

~~(F)~~(E) "Management contract" means a contract between the 1786  
treasurer of state and a program manager under division (B) of 1787  
section 113.52 of the Revised Code. 1788

~~(G)~~(F) "Maximum account value" means the dollar amount 1789  
calculated by the Ohio tuition trust authority pursuant to 1790  
sections 3334.01 to 3334.21 of the Revised Code as the maximum 1791  
amount that may be necessary to pay for the qualified higher 1792  
education expenses of a beneficiary under those sections, 1793  
consistent with the maximum contributions permitted under section 1794  
529 of the Internal Revenue Code. 1795

~~(H)~~(G) "Program" means the ~~ABLE~~ STABLE account program 1796  
established under sections 113.50 to 113.56 of the Revised Code. 1797

~~(I)~~(H) "Program account" means an individual account opened 1798  
in accordance with the program. 1799

~~(J)~~(I) "Program manager" means a financial organization 1800  
selected by the treasurer of state to be a depository and manager 1801  
of the program under section 113.52 of the Revised Code. 1802

~~(K)~~(J) "Secretary" means the secretary of the treasury of the 1803  
United States. 1804

(K) "STABLE account" means an individual account opened in 1805  
accordance with the program or a similar program established by 1806  
another state in accordance with section 529A of the Internal 1807  
Revenue Code. 1808

(L) "Internal Revenue Code" has the same meaning as in 1809  
section 5747.01 of the Revised Code. 1810

**Sec. 113.51.** (A) The treasurer of state shall implement and 1811  
administer a program under the terms and conditions established 1812  
under sections 113.50 to 113.56 of the Revised Code. For that 1813  
purpose, the treasurer shall do all of the following: 1814

(1) Develop and implement the program in a manner consistent 1815  
with the provisions of sections 113.50 to 113.56 of the Revised 1816  
Code; 1817

(2) Engage the services of consultants on a contract basis 1818

for rendering professional and technical assistance and advice;	1819
(3) Seek rulings and other guidance from the secretary and	1820
the internal revenue service relating to the program;	1821
(4) Make modifications to the program as necessary for	1822
participants in the program to qualify for the federal income tax	1823
benefits or treatment provided under section 529A of the Internal	1824
Revenue Code or rules adopted thereunder;	1825
(5) Impose and collect administrative fees and service	1826
charges in connection with any agreement or transaction relating	1827
to the program;	1828
(6) Develop marketing plans and promotional materials to	1829
publicize the program;	1830
(7) Establish the procedures by which funds held in program	1831
accounts shall be disbursed;	1832
(8) Administer the issuance of interests by the Ohio <del>ABLE</del>	1833
<u>STABLE</u> savings program trust fund to designated beneficiaries;	1834
(9) Establish the procedures by which funds held in program	1835
accounts shall be allocated to pay for administrative costs;	1836
(10) Take any other action necessary to implement and	1837
administer the program;	1838
(11) Adopt rules in accordance with Chapter 119. of the	1839
Revised Code necessary to implement and administer the program;	1840
(12) Notify the secretary when a program account has been	1841
opened for a designated beneficiary and submit other reports	1842
concerning the program as required by the secretary or under	1843
section 529A of the Internal Revenue Code.	1844
(B) The treasurer of state may enter into agreements with	1845
other states or agencies of, subdivisions of, or residents of	1846
those states related to the program or a similar <del>ABLE-account</del>	1847
program established by another state in accordance with section	1848

529A of the Internal Revenue Code. 1849

**Sec. 113.53.** (A) A designated beneficiary, or a trustee or 1850  
guardian of a designated beneficiary who lacks capacity to enter 1851  
into an agreement, may apply, on forms prescribed by the treasurer 1852  
of state, to open a program account. A beneficiary may have only 1853  
one ~~ABLE~~ STABLE account. The treasurer of state may impose a 1854  
nonrefundable application fee. The application shall require the 1855  
applicant to provide the following information: 1856

(1) The name, address, social security number, and birth date 1857  
of the designated beneficiary; 1858

(2) The name, address, and social security number of the 1859  
designated beneficiary's trustee or guardian, if applicable; 1860

(3) Certification by the applicant that the applicant 1861  
understands the maximum account value and the consequences under 1862  
division (C) of this section for excess contributions and 1863  
understands how program account values exceeding the amount 1864  
designated under section 103 of the "Stephen Beck, Jr., ABLE Act 1865  
of 2014," 26 U.S.C. 529A note, may affect the applicant's 1866  
resources for determining the applicant's eligibility for the 1867  
supplemental security income program; 1868

(4) Any additional information required by the treasurer of 1869  
state. 1870

(B)(1) To qualify for a program account, a designated 1871  
beneficiary must be an eligible individual at the time the program 1872  
account is opened. Before opening a program account, the treasurer 1873  
of state or program manager shall enter into an agreement with the 1874  
account owner that discloses the requirements and restrictions on 1875  
contributions and withdrawals from the program account. 1876

(2) Any person may make contributions to a program account 1877  
after the account is opened, subject to the limitations imposed by 1878

section 529A of the Internal Revenue Code and any rules adopted by the secretary.

(C) Contributions to a program account shall be made in cash. The treasurer of state or program manager shall reject or promptly withdraw a contribution to a program account if that contribution would exceed the annual limits prescribed in subsection (b)(2)(B) of section 529A of the Internal Revenue Code. The treasurer or program manager shall reject or promptly withdraw a contribution if the value of the program account equals or exceeds the maximum account value or the designated beneficiary is not an eligible individual in the current calendar year.

(D)(1) To the extent authorized by federal law, and in accordance with rules adopted by the treasurer of state, an account owner may change the designated beneficiary of a program account to another individual.

(2) No account owner may use an interest in ~~an ABLE~~ a STABLE account as security for a loan. Any pledge of an interest in an account shall be void and of no force and effect.

(E)(1) A distribution from a program account to any individual or for the benefit of any individual during a calendar year shall be reported to the internal revenue service and the designated beneficiary or the distributee to the extent required under state or federal law.

(2) Statements shall be provided to each account owner of a program account at least four times each year within thirty days after the end of the quarterly period to which a statement relates. The statement shall identify the contributions made during the preceding quarter, the total contributions made to the account through the last day of that quarter, the value of the account on the last day of that quarter, distributions made during that quarter, and any other information that the treasurer of

state requires to be reported to the account owner. 1910

(3) Statements and information relating to program accounts 1911  
shall be prepared and filed to the extent required under sections 1912  
113.50 to 113.56 of the Revised Code and any other state or 1913  
federal law. 1914

(F) The program shall provide separate accounting for each 1915  
designated beneficiary. An annual fee may be imposed upon the 1916  
account owner for the maintenance of a program account. 1917

(G) Money in ~~an ABLE~~ a STABLE account shall be exempt from 1918  
attachment, execution, or garnishment as provided in section 1919  
2329.66 of the Revised Code, and is subject to claims made under 1920  
the medicaid estate recovery program instituted pursuant to 1921  
section 5162.21 of the Revised Code, in accordance with subsection 1922  
(f) of section 529A of the Internal Revenue Code and subject to 1923  
any limitations imposed by the secretary. 1924

(H)(1) Notwithstanding any other provision of state law, all 1925  
of the following shall be disregarded for the purposes of 1926  
determining an individual's eligibility for a means-tested public 1927  
assistance program funded only with state, local, or state and 1928  
local funds and the amount of assistance or benefits the 1929  
individual is eligible to receive under the program: 1930

(a) Any amount in ~~an ABLE~~ a STABLE account, including 1931  
earnings on the account; 1932

(b) Any contributions to ~~an ABLE~~ a STABLE account; 1933

(c) Any distribution from ~~an ABLE~~ a STABLE account for 1934  
qualified disability expenses. 1935

(2) Division (H)(1) of this section applies only to an 1936  
individual who is either of the following: 1937

(a) The designated beneficiary of the ~~ABLE~~ STABLE account; 1938

(b) An individual whose eligibility for the means-tested 1939

program is conditioned on the ABLE STABLE account's designated 1940  
beneficiary disclosing the designated beneficiary's income, 1941  
resources, or both to the entity administering the means-tested 1942  
public assistance program. 1943

**Sec. 113.55.** (A) The Ohio ABLE STABLE savings program trust 1944  
fund is hereby created, which shall be in the custody of the 1945  
treasurer of state but shall not be part of the state treasury. 1946  
The fund shall be used if the treasurer of state elects to accept 1947  
deposits from contributors rather than have deposits sent directly 1948  
to a program manager. The fund shall consist of any moneys 1949  
deposited by contributors in accordance with sections 113.50 to 1950  
113.56 of the Revised Code that are not deposited directly with 1951  
the program manager. Money shall be disbursed from the fund upon 1952  
an order of the treasurer. All interest from the money in the fund 1953  
shall be credited to the Ohio ABLE STABLE savings expense fund. 1954

(B)(1) The Ohio ABLE STABLE savings expense fund is hereby 1955  
created in the state treasury. The fund shall consist of money 1956  
received from program managers, governmental or private grants, or 1957  
appropriations for the program. 1958

(2) All expenses incurred by the treasurer of state in 1959  
developing and administering the ABLE STABLE account program and 1960  
all expenses and reimbursements allowed for the ABLE STABLE 1961  
account program advisory board created under section 113.56 of the 1962  
Revised Code shall be payable from the Ohio ABLE STABLE savings 1963  
expense fund. 1964

**Sec. 113.56.** (A) There is hereby created the ABLE STABLE 1965  
account program advisory board, consisting of nine members, 1966  
composed of the following: 1967

(1) The director of developmental disabilities or the 1968  
director's designee; 1969

(2) One member of the house of representatives appointed by the speaker of the house of representatives;	1970 1971
(3) One member of the senate appointed by the president of the senate;	1972 1973
(4) One member appointed by the governor who is a representative of an intellectual or developmental disability advocacy organization;	1974 1975 1976
(5) One member appointed by the governor who is a representative of a service provider for individuals with disabilities;	1977 1978 1979
(6) One member appointed by the governor who is the parent of a child with a disability and who has significant experience with disability issues;	1980 1981 1982
(7) One member appointed by the governor who is a person with a disability and who has significant experience with disability issues;	1983 1984 1985
(8) Two members appointed by the governor who have significant experience in finance, accounting, investment management, or other areas that may assist the board in carrying out its duties.	1986 1987 1988 1989
(B) Terms of office of the appointed members described in divisions (A)(4) to (8) of this section are for four years, which shall end on the thirty-first day of December. Terms of office of the appointed members described in divisions (A)(2) and (3) of this section shall be for the term of the general assembly. Any member may be reappointed, provided the member continues to meet all other eligibility requirements. Vacancies shall be filled in the manner provided for original appointments. Any such member appointed to fill a vacancy before the expiration of the term for which the predecessor was appointed shall hold office as a member for the remainder of that term. Appointed members of the board	1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000

serve at the pleasure of the member's appointing authority and may 2001  
be removed only by that authority. 2002

~~(C) The member described in division (A)(1) of this section 2003  
shall call the first meeting of the ABLÉ account program advisory 2004  
board, which shall occur not later than sixty days after the 2005  
effective date of the enactment of this section. At the board's 2006  
first meeting, members of the board shall elect a chairperson. If 2007  
a vacancy occurs in the office of chairperson, members shall elect 2008  
a new chairperson. The board shall meet at least four times each 2009  
year or more frequently at the call of the chairperson. The board 2010  
is a public body for purposes of section 121.22 of the Revised 2011  
Code. 2012~~

(D) A vacancy on the board does not impair the right of the 2013  
other members to exercise all the functions of the board. The 2014  
presence of a majority of the members of the board constitutes a 2015  
quorum for the conduct of business of the board. The concurrence 2016  
of at least a majority of the members of the board is necessary 2017  
for any action to be taken by the board. On request to the 2018  
treasurer of state, each member of the board shall be reimbursed 2019  
for the actual and necessary travel expenses incurred in the 2020  
performance of the member's official duties. 2021

(E)(1) The board shall do all of the following: 2022

(a) Review the work of the treasurer of state related to the 2023  
program; 2024

(b) Advise the treasurer on the program as requested by the 2025  
treasurer; 2026

(c) Make recommendations to the treasurer for the improvement 2027  
of the program; 2028

(d) On or before the thirty-first day of December of each 2029  
year, in consultation with the treasurer of state, prepare a 2030  
report of the board's activities and recommendations and deliver 2031

that report to the governor, speaker of the house of 2032  
representatives, and president of the senate. 2033

(2) The board may prepare reports of the board's activities 2034  
and recommendations in addition to the report described in 2035  
division (E)(1)(d) of this section. The board shall deliver such a 2036  
report to the governor, speaker of the house of representatives, 2037  
and president of the senate. 2038

(F) The treasurer of state shall provide the board with the 2039  
resources necessary to conduct its business. The board may accept 2040  
uncompensated assistance from individuals, research organizations, 2041  
and other state agencies. 2042

**Sec. ~~125.66~~ 113.60.** (A) As used in this section and ~~section~~ 2043  
~~125.661~~ sections 113.61 and 113.62 of the Revised Code: 2044

(1) "~~Social service~~ Service intermediary" means a ~~nonprofit~~ 2045  
~~organization exempt from federal income taxation under section~~ 2046  
~~501(c)(3) of the "Internal Revenue Code of 1986," as amended, or a~~ 2047  
~~wholly owned subsidiary of a nonprofit organization, that delivers~~ 2048  
~~or contracts for the delivery of social services, raises capital~~ 2049  
~~to finance the delivery of social services, and provides ongoing~~ 2050  
~~project management and investor relations for these activities~~ 2051  
person or entity that enters into a pay for success contract with 2052  
the treasurer of state under this section and sections 113.61 and 2053  
113.62 of the Revised Code. The service intermediary may act as 2054  
the service provider that delivers the services specified in the 2055  
contract or may contract with a separate service provider to 2056  
deliver those services. 2057

(2) "State agency" ~~has~~ and "political subdivision" have the 2058  
same ~~meaning~~ meanings as in section 9.23 of the Revised Code. 2059

(B) ~~There is hereby established~~ The treasurer of state shall 2060  
administer the pay for success contracting program. Under the 2061

~~program, the director of administrative services treasurer of~~ 2062  
~~state may enter into multi-year contracts a pay for success~~ 2063  
~~contract with social a service intermediaries to achieve certain~~ 2064  
~~social goals in this state intermediary for the delivery of~~ 2065  
~~specified services that benefit the state, a political~~ 2066  
~~subdivision, or a group of political subdivisions, such as~~ 2067  
~~programs addressing education, public health, criminal justice, or~~ 2068  
~~natural resource management. The treasurer of state may enter into~~ 2069  
~~a pay for success contract under any of the following~~ 2070  
~~circumstances:~~ 2071

~~(1) Upon receiving an appropriation from the general assembly~~ 2072  
~~for the purpose of entering into a pay for success contract;~~ 2073

~~(2) Upon receiving federal grant moneys for the purpose of~~ 2074  
~~entering into a pay for success contract;~~ 2075

~~(3) At the request of a state agency, a political~~ 2076  
~~subdivision, or a group of state agencies or political~~ 2077  
~~subdivisions that the treasurer of state enter into a pay for~~ 2078  
~~success contract on behalf of the requesting state agency,~~ 2079  
~~political subdivision, or group. The requesting state agency,~~ 2080  
~~political subdivision, or group shall deposit the cost of the~~ 2081  
~~contract with the treasurer of state in the appropriate fund~~ 2082  
~~established in section 113.62 of the Revised Code.~~ 2083

~~(C) A contract entered into under the program shall include~~ 2084  
~~provisions that do all of the following:~~ 2085

~~(1) Require the department of administrative services, in~~ 2086  
~~consultation with an agency of this state that administers~~ 2087  
~~programs or services related to the contract's subject matter, to~~ 2088  
~~specify performance targets to be met by the social service~~ 2089  
~~intermediary;~~ 2090

~~(2) Specify the process or methodology that an independent~~ 2091  
~~evaluator contracted by the department of administrative services~~ 2092

~~under section 125.661 of the Revised Code must use to evaluate the~~ 2093  
~~social service intermediary's progress toward meeting each~~ 2094  
~~performance target;~~ 2095

~~(3) Require the department of administrative services to pay~~ 2096  
~~the social service intermediary in installments at times~~ 2097  
~~determined by the director of administrative services that are~~ 2098  
~~specified in the contract and are consistent with applicable state~~ 2099  
~~law;~~ 2100

~~(4) Require the installment payments to the social service~~ 2101  
~~intermediary to be based on the social service intermediary's~~ 2102  
~~progress toward achieving each performance target, as determined~~ 2103  
~~by the independent evaluator contracted by the department of~~ 2104  
~~administrative services under section 125.661 of the Revised Code;~~ 2105

~~(5) Specify the maximum amount a social service intermediary~~ 2106  
~~may earn for its progress toward achieving performance targets~~ 2107  
~~specified under division (C)(1) of this section;~~ 2108

~~(6) Require the department of administrative services to~~ 2109  
~~ensure, in accordance with applicable state and federal laws, that~~ 2110  
~~the social service intermediary has access to any data in the~~ 2111  
~~possession of a state agency, including historical data, that the~~ 2112  
~~social service intermediary requests for the purpose of performing~~ 2113  
~~contractual duties. The treasurer of state shall adopt rules in~~ 2114  
~~accordance with Chapter 119. of the Revised Code to administer the~~ 2115  
~~pay for success contracting program, including rules concerning~~ 2116  
~~all of the following:~~ 2117

~~(1) The procedure for a state agency, political subdivision,~~ 2118  
~~or group of state agencies or political subdivisions to request~~ 2119  
~~the treasurer of state to enter into a pay for success contract~~ 2120  
~~and to deposit the cost of the contract with the treasurer of~~ 2121  
~~state;~~ 2122

~~(2) The types of services that are appropriate for a service~~ 2123

provider to provide under a pay for success contract; 2124

(3) The processes by which the treasurer of state may award 2125  
and administer a pay for success contract; 2126

(4) A requirement that for not less than seventy-five per 2127  
cent of the pay for success contracts entered into under this 2128  
section, the performance targets specified in the contract require 2129  
that, based on available regional or national data, the 2130  
improvement in the status of this state or the relevant area of 2131  
this state with respect to the issue the contract is meant to 2132  
address be greater than the average improvement in status with 2133  
respect to that issue in other geographical areas during the 2134  
period of the contract; 2135

(5) A process to ensure that any regional or national data 2136  
used to determine whether a service provider has met its 2137  
performance targets under a pay for success contract are 2138  
scientifically valid. 2139

**Sec. ~~125.661~~ 113.61.** ~~If~~ (A) A pay for success contract 2140  
entered into under section 113.60 of the Revised Code shall 2141  
include provisions that do all of the following: 2142

(1) Require the treasurer of state, in consultation with the 2143  
requesting state agency, political subdivision, or group of state 2144  
agencies or political subdivisions, to specify performance targets 2145  
to be met by the service provider. If scientifically valid 2146  
regional or national data are available to compare the status of 2147  
this state or the relevant area of this state with respect to the 2148  
issue the contract is meant to address against the status of other 2149  
geographical areas with respect to that issue, the performance 2150  
targets shall require the improvement in the status of this state 2151  
or the relevant area of this state with respect to that issue to 2152  
be greater than the average improvement in status with respect to 2153  
that issue in other geographical areas during the period of the 2154

contract. 2155

(2) Specify the process or methodology that an independent evaluator contracted by the treasurer of state under division (B) of this section must use to evaluate the service provider's progress toward meeting each performance target; 2156  
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(3) Require the treasurer of state to pay the service intermediary in installments at times determined by the treasurer that are specified in the contract and are consistent with applicable state law; 2160  
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(4) Require the installment payments to the service intermediary to be based on the service provider's progress toward achieving each performance target, as determined by the independent evaluator; 2164  
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(5) Specify the maximum amount a service intermediary may earn for the service provider's progress toward achieving the performance targets; 2168  
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(6) Require a state agency, political subdivision, or group that requested the treasurer of state to enter into the contract to ensure, in accordance with applicable laws, that the service intermediary has access to any data in the possession of the state agency, political subdivision, or group, including historical data, that the service intermediary requests for the purpose of fulfilling the contract. 2171  
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(B) When the ~~director of administrative services~~ treasurer of state contracts with a ~~social~~ service intermediary under section ~~125.66~~ 113.60 of the Revised Code, the ~~director~~ treasurer also shall contract with a person or government entity, other than a state agency, a political subdivision, or a group of state agencies or political subdivisions that requested the treasurer to enter into the contract, to evaluate the ~~social~~ service intermediary's provider's progress toward meeting each performance 2178  
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target specified in the contract ~~pursuant to division (C)(1) of~~ 2186  
~~section 125.66 of the Revised Code. The director~~ treasurer shall 2187  
choose an evaluator that is independent from the ~~social~~ service 2188  
intermediary and the service provider, ensuring that ~~both parties~~ 2189  
~~do~~ the evaluator does not have common owners or administrators, 2190  
managers, or employees with the service intermediary or the 2191  
service provider. 2192

Sec. 113.62. (A) There is in the state treasury the state pay 2193  
for success contract fund. The fund shall consist of any moneys 2194  
transferred to the treasurer of state by state agencies for the 2195  
purpose of making payments to service intermediaries under pay for 2196  
success contracts the treasurer of state enters into on behalf of 2197  
the state agencies and any moneys appropriated to the fund. Any 2198  
investment earnings on the fund shall be credited to it. The 2199  
treasurer shall use the moneys in the fund for the purpose of 2200  
making those payments to service intermediaries, provided that the 2201  
treasurer may use any investment earnings on the fund to pay the 2202  
costs of administering the pay for success contracting program. 2203  
When the term of a pay for success contract expires, the treasurer 2204  
of state shall transfer any remaining unencumbered funds received 2205  
from a state agency or group of state agencies for the purpose of 2206  
making payments under the contract to that agency or group. 2207

(B) There is in the state treasury the federal pay for 2208  
success contract fund. The fund shall consist of any moneys the 2209  
treasurer receives from federal agencies pursuant to grant 2210  
agreements that require the treasurer to enter into pay for 2211  
success contracts. Any investment earnings on the fund shall be 2212  
credited to it. The treasurer shall use the moneys in the fund for 2213  
the purpose of making payments to service intermediaries under pay 2214  
for success contracts the treasurer enters into pursuant to those 2215  
grant agreements, provided that the treasurer may use any 2216  
investment earnings on the fund to pay the costs of administering 2217

the pay for success contracting program. When the term of a pay 2218  
for success contract expires, the treasurer of state shall 2219  
transfer any remaining unencumbered funds received from a federal 2220  
agency pursuant to a grant agreement that required the treasurer 2221  
of state to enter into the contract in accordance with the grant 2222  
agreement. 2223

(C) There is in the state treasury the local government pay 2224  
for success contract fund. The fund shall consist of any moneys 2225  
paid to the treasurer of state by political subdivisions for the 2226  
purpose of making payments to service intermediaries under pay for 2227  
success contracts the treasurer enters into on behalf of the 2228  
political subdivisions. Any investment earnings on the fund shall 2229  
be credited to it. The treasurer shall use the moneys in the fund 2230  
for the purpose of making those payments to service 2231  
intermediaries, provided that the treasurer may use any investment 2232  
earnings on the fund to pay the costs of administering the pay for 2233  
success contracting program. When the term of a pay for success 2234  
contract expires, the treasurer of state shall transfer any 2235  
remaining unencumbered funds received from a political subdivision 2236  
or group of political subdivisions for the purpose of making 2237  
payments under the contract to that political subdivision or 2238  
group. 2239

**Sec. 117.13.** (A) The total costs of audits of state agencies, 2240  
both direct and indirect, shall be recovered by the auditor of 2241  
state in the following manner: 2242

(1) The total costs of all audits of state agencies, both 2243  
direct and indirect, shall be paid to the auditor of state on 2244  
statements rendered by the auditor of state. Money so received by 2245  
the auditor of state shall be paid into the state treasury to the 2246  
credit of the public audit expense fund--intrastate, which is 2247  
hereby created, and shall be used to pay costs related to such 2248

audits. The costs of audits of a state agency shall be charged to 2249  
the state agency being audited, unless otherwise determined by the 2250  
auditor of state. The costs of any assistant auditor, employee, or 2251  
expert employed pursuant to section 117.09 of the Revised Code 2252  
called upon to testify in any legal proceedings in regard to any 2253  
audit, or called upon to review or discuss any matter related to 2254  
any audit, may be charged to the state agency to which the audit 2255  
relates. 2256

(2) The auditor of state shall ~~establish by rule~~ determine 2257  
and publish annually rates to be charged to state agencies for 2258  
recovering the costs of audits of state agencies. The rates shall 2259  
take into consideration federal cost recovery guidelines 2260

(B) As used in this division, "government auditing standards" 2261  
means the government auditing standards published by the 2262  
comptroller general of the United States general accounting 2263  
office. 2264

(1) Except as provided in divisions (B)(2) and (3) of this 2265  
section, any costs of an audit of a private institution, 2266  
association, board, or corporation receiving public money for its 2267  
use shall be charged to the public office providing the public 2268  
money in the same manner as costs of an audit of the public 2269  
office. 2270

(2) If an audit of a private child placing agency or private 2271  
noncustodial agency receiving public money from a public children 2272  
services agency for providing child welfare or child protection 2273  
services sets forth that money has been illegally expended, 2274  
converted, misappropriated, or is unaccounted for, the costs of 2275  
the audit shall be charged to the agency being audited in the same 2276  
manner as costs of an audit of a public office, unless the 2277  
findings are inconsequential, as defined by government auditing 2278  
standards. 2279

(3) If such an audit does not set forth that money has been 2280  
illegally expended, converted, misappropriated, or is unaccounted 2281  
for or sets forth findings that are inconsequential, as defined by 2282  
government auditing standards, the costs of the audit shall be 2283  
charged as follows: 2284

(a) One-third of the costs to the agency being audited; 2285

(b) One-third of the costs to the public children services 2286  
agency that provided the public money to the agency being audited; 2287

(c) One-third of the costs to the department of job and 2288  
family services. 2289

(C) The total costs of audits of local public offices, both 2290  
direct and indirect, shall be recovered by the auditor of state in 2291  
the following manner: 2292

~~(1) The total amount of compensation paid assistant auditors 2293  
of state, their expenses, the cost of employees assigned to assist 2294  
the assistant auditors of state, the cost of experts employed 2295  
pursuant to section 117.09 of the Revised Code, and the cost of 2296  
typing, reviewing, and copying reports shall be borne by the 2297  
public office to which such assistant auditors of state are so 2298  
assigned. Assistant auditors of state shall be compensated by the 2299  
taxing district or other public office audited for activities 2300  
undertaken pursuant to division (B) of section 117.18 and section 2301  
117.24 of the Revised Code. costs of all audits of local public 2302  
offices, both direct and indirect, shall be paid to the auditor of 2303  
state on statements rendered by the auditor of state. Money so 2304  
received by the auditor of state shall be paid into the state 2305  
treasury to the credit of the public audit expense fund-local 2306  
government, which is hereby created, and shall be used to pay 2307  
costs related to such audits. The costs of audits of a local 2308  
public office shall be charged to the local public office being 2309  
audited, unless otherwise determined by the auditor of state. The 2310~~

charges billed to the local public office for the cost of audits 2311  
performed shall be offset subject to the availability of resources 2312  
from the local government audit support fund, the general revenue 2313  
fund, or other state sources provided to the auditor of state for 2314  
such purposes. The auditor of state shall establish the manner in 2315  
which the offset shall be determined. The costs of any assistant 2316  
auditor, employee, or expert employed pursuant to section 117.09 2317  
of the Revised Code called upon to testify in any legal 2318  
proceedings in regard to any audit, or called upon to review or 2319  
discuss any matter related to any audit, may be charged to the 2320  
public office to which the audit relates. 2321

~~(2) The auditor of state shall certify the amount of such~~ 2322  
~~compensation, expenses, cost of experts, reviewing, copying, and~~ 2323  
~~typing to the fiscal officer of the local public office audited.~~ 2324  
~~The fiscal officer of the local public office shall forthwith draw~~ 2325  
~~a warrant upon the general fund or other appropriate funds of the~~ 2326  
~~local public office to the order of the auditor of state;~~ 2327  
~~provided, that the auditor of state is authorized to negotiate~~ 2328  
~~with any local public office and, upon agreement between the~~ 2329  
~~auditor of state and the local public office, may adopt a schedule~~ 2330  
~~for payment of the amount due under this section. Money so~~ 2331  
~~received by the auditor of state shall be paid into the state~~ 2332  
~~treasury to the credit of the public audit expense fund local~~ 2333  
~~government, which is hereby created, and shall be used to pay the~~ 2334  
~~compensation, expense, cost of experts and employees, reviewing,~~ 2335  
~~copying, and typing of reports.~~ 2336

~~(3) At the conclusion of each audit, or analysis and report~~ 2337  
~~made pursuant to section 117.24 of the Revised Code, the auditor~~ 2338  
~~of state shall furnish the fiscal officer of the local public~~ 2339  
~~office audited a statement showing may allocate the total cost of~~ 2340  
~~the audit, or of the audit and the analysis and report, and the~~ 2341  
~~percentage of the total cost chargeable to each fund audited. The~~ 2342

~~fiscal officer may distribute such total cost to each fund audited~~ 2343  
~~in accordance with its percentage of the total cost to appropriate~~ 2344  
~~funds using a methodology that follows guidance provided by the~~ 2345  
~~auditor of state.~~ 2346

~~(4)(3)~~ The auditor of state shall provide each local public 2347  
office a statement or certification of the amount due from the 2348  
public office for services performed by the auditor of state under 2349  
this or any other section of the Revised Code, as well as the date 2350  
upon which payment is due to the auditor of state. The auditor of 2351  
state is authorized to negotiate with any local public office and, 2352  
upon agreement between the auditor of state and the local public 2353  
office, may adopt a schedule for payment of the amount due under 2354  
this section. Any local public office that does not pay the amount 2355  
due to the auditor of state by that date may be assessed by the 2356  
auditor of state for interest from the date upon which the payment 2357  
is due at the rate per annum prescribed by section 5703.47 of the 2358  
Revised Code. All interest charges assessed by the auditor of 2359  
state may be collected in the same manner as audit costs pursuant 2360  
to division (D) of this section. 2361

~~(5)(4)~~ The auditor of state shall ~~establish by rule~~ determine 2362  
and publish annually rates to be charged to local public offices 2363  
for recovering the costs of audits of local public offices. 2364

(D) If the auditor of state fails to receive payment for any 2365  
amount due, including, but not limited to, fines, fees, and costs, 2366  
from a public office for services performed under this or any 2367  
other section of the Revised Code, the auditor of state may seek 2368  
payment through the office of budget and management. (Amounts due 2369  
include any amount due to an independent public accountant with 2370  
whom the auditor has contracted to perform services, all costs and 2371  
fees associated with participation in the uniform accounting 2372  
network, and all costs associated with the auditor's provision of 2373  
local government services.) Upon certification by the auditor of 2374

state to the director of budget and management of any such amount 2375  
due, the director shall withhold from the public office any amount 2376  
available, up to and including the amount certified as due, from 2377  
any funds under the director's control that belong to or are 2378  
lawfully payable or due to the public office. The director shall 2379  
promptly pay the amount withheld to the auditor of state. If the 2380  
director determines that no funds due and payable to the public 2381  
office are available or that insufficient amounts of such funds 2382  
are available to cover the amount due, the director shall withhold 2383  
and pay to the auditor of state the amounts available and, in the 2384  
case of a local public office, certify the remaining amount to the 2385  
county auditor of the county in which the local public office is 2386  
located. The county auditor shall withhold from the local public 2387  
office any amount available, up to and including the amount 2388  
certified as due, from any funds under the county auditor's 2389  
control and belonging to or lawfully payable or due to the local 2390  
public office. The county auditor shall promptly pay any such 2391  
amount withheld to the auditor of state. 2392

**Sec. 120.04.** (A) The state public defender shall serve at the 2393  
pleasure of the Ohio public defender commission and shall be an 2394  
attorney with a minimum of four years of experience in the 2395  
practice of law and be admitted to the practice of law in this 2396  
state at least one year prior to appointment. 2397

(B) The state public defender shall do all of the following: 2398

(1) Maintain a central office in Columbus. The central office 2399  
shall be provided with a library of adequate size, considering the 2400  
needs of the office and the accessibility of other libraries, and 2401  
other necessary facilities and equipment. 2402

(2) Appoint assistant state public defenders, all of whom 2403  
shall be attorneys admitted to the practice of law in this state, 2404  
and other personnel necessary for the operation of the state 2405

public defender office. Assistant state public defenders shall be 2406  
appointed on a full-time basis. The state public defender, 2407  
assistant state public defenders, and employees appointed by the 2408  
state public defender shall not engage in the private practice of 2409  
law. 2410

(3) Supervise the compliance of county public defender 2411  
offices, joint county public defender offices, and county 2412  
appointed counsel systems with standards established by rules of 2413  
the Ohio public defender commission pursuant to division (B) of 2414  
section 120.03 of the Revised Code; 2415

(4) Keep and maintain financial records of all cases handled 2416  
and develop records for use in the calculation of direct and 2417  
indirect costs, in the operation of the office, and report 2418  
periodically, but not less than annually, to the commission on all 2419  
relevant data on the operations of the office, costs, projected 2420  
needs, and recommendations for legislation or amendments to court 2421  
rules, as may be appropriate to improve the criminal justice 2422  
system; 2423

(5) Collect all moneys due the state for reimbursement for 2424  
legal services under this chapter and under section 2941.51 of the 2425  
Revised Code and institute any actions in court on behalf of the 2426  
state for the collection of such sums that the state public 2427  
defender considers advisable. Except as provided otherwise in 2428  
division (D) of section 120.06 of the Revised Code, all moneys 2429  
collected by the state public defender under this chapter and 2430  
section 2941.51 of the Revised Code shall be deposited in the 2431  
state treasury to the credit of the client payment fund, which is 2432  
hereby created. All moneys credited to the fund shall be used by 2433  
the state public defender to appoint assistant state public 2434  
defenders and to provide other personnel, equipment, and 2435  
facilities necessary for the operation of the state public 2436  
defender office, to reimburse counties for the operation of county 2437

public defender offices, joint county public defender offices, and 2438  
county appointed counsel systems pursuant to sections 120.18, 2439  
120.28, and 120.33 of the Revised Code, or to provide assistance 2440  
to counties in the operation of county indigent defense systems. 2441

(6) With respect to funds appropriated to the commission to 2442  
pay criminal costs, perform the duties imposed by sections 2949.19 2443  
and 2949.201 of the Revised Code; 2444

(7) Establish standards and guidelines for the reimbursement, 2445  
pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 2446  
of the Revised Code, of counties for the operation of county 2447  
public defender offices, joint county public defender offices, and 2448  
county appointed counsel systems and for other costs related to 2449  
felony prosecutions; 2450

(8) Establish maximum amounts that the state will reimburse 2451  
the counties pursuant to sections 120.18, 120.28, 120.33, and 2452  
2941.51 of the Revised Code; 2453

(9) Establish maximum amounts that the state will reimburse 2454  
the counties pursuant to section 120.33 of the Revised Code for 2455  
each specific type of legal service performed by a county 2456  
appointed counsel system; 2457

(10) Administer sections 120.18, 120.28, 120.33, 2941.51, and 2458  
2949.19 of the Revised Code and make reimbursements pursuant to 2459  
those sections; 2460

(11) Administer the program established pursuant to sections 2461  
120.51 to 120.55 of the Revised Code for the charitable public 2462  
purpose of providing financial assistance to legal aid societies. 2463  
Neither the state public defender nor any of the state public 2464  
defender's employees who is responsible in any way for the 2465  
administration of that program and who performs those 2466  
administrative responsibilities in good faith is in any manner 2467  
liable if a legal aid society that is provided financial 2468

assistance under the program uses the financial assistance other 2469  
than in accordance with sections 120.51 to 120.55 of the Revised 2470  
Code or fails to comply with the requirements of those sections. 2471

(12) Establish an office for the handling of appeal and 2472  
postconviction matters; 2473

(13) Provide technical aid and assistance to county public 2474  
defender offices, joint county public defender offices, and other 2475  
local counsel providing legal representation to indigent persons, 2476  
including representation and assistance on appeals. 2477

(C) The state public defender may do any of the following: 2478

(1) In providing legal representation, conduct 2479  
investigations, obtain expert testimony, take depositions, use 2480  
other discovery methods, order transcripts, and make all other 2481  
preparations which are appropriate and necessary to an adequate 2482  
defense or the prosecution of appeals and other legal proceedings; 2483

(2) Seek, solicit, and apply for grants for the operation of 2484  
programs for the defense of indigent persons from any public or 2485  
private source, and may receive donations, grants, awards, and 2486  
similar funds from any lawful source. Such funds shall be 2487  
deposited in the state treasury to the credit of the public 2488  
defender gifts and grants fund, which is hereby created. 2489

(3) Make all the necessary arrangements to coordinate the 2490  
services of the office with any federal, county, or private 2491  
programs established to provide legal representation to indigent 2492  
persons and others, and to obtain and provide all funds allowable 2493  
under any such programs; 2494

(4) Consult and cooperate with professional groups concerned 2495  
with the causes of criminal conduct, the reduction of crime, the 2496  
rehabilitation and correction of persons convicted of crime, the 2497  
administration of criminal justice, and the administration and 2498  
operation of the state public defender's office; 2499

(5) Accept the services of volunteer workers and consultants	2500
at no compensation other than reimbursement for actual and	2501
necessary expenses;	2502
(6) Prescribe any forms that are necessary for the uniform	2503
operation of this chapter;	2504
(7) Contract with a county public defender commission or a	2505
joint county public defender commission to provide all or any part	2506
of the services that a county public defender or joint county	2507
public defender is required or permitted to provide by this	2508
chapter, or contract with a board of county commissioners of a	2509
county that is not served by a county public defender commission	2510
or a joint county public defender commission for the provision of	2511
services in accordance with section 120.33 of the Revised Code.	2512
All money received by the state public defender pursuant to such a	2513
contract shall be credited to either the <del>multi-county</del> <u>multicounty</u> :	2514
county share fund or, if received as a result of a contract with	2515
Trumbull county, the Trumbull county: county share fund.	2516
(8) Authorize persons employed as criminal investigators to	2517
attend the Ohio peace officer training academy or any other peace	2518
officer training school for training;	2519
(9) Procure a policy or policies of malpractice insurance	2520
that provide coverage for the state public defender and assistant	2521
state public defenders in connection with malpractice claims that	2522
may arise from their actions or omissions related to	2523
responsibilities derived pursuant to this chapter;	2524
<u>(10) Enter into agreements to license, lease, sell, and</u>	2525
<u>market for sale intellectual property owned by the office and</u>	2526
<u>receive payments from those agreements for use in the operation of</u>	2527
<u>the office and programs for the defense of indigent persons. All</u>	2528
<u>funds received by the state public defender pursuant to such</u>	2529
<u>agreements shall be deposited in the state treasury to the credit</u>	2530

of the public defender gifts and grants fund. 2531

(D) No person employed by the state public defender as a 2532  
criminal investigator shall attend the Ohio peace officer training 2533  
academy or any other peace officer training school unless 2534  
authorized to do so by the state public defender. 2535

**Sec. 120.06.** (A)(1) The state public defender, when 2536  
designated by the court or requested by a county public defender 2537  
or joint county public defender, may provide legal representation 2538  
in all courts throughout the state to indigent adults and 2539  
juveniles who are charged with the commission of an offense or act 2540  
for which the penalty or any possible adjudication includes the 2541  
potential loss of liberty. 2542

(2) The state public defender may provide legal 2543  
representation to any indigent person who, while incarcerated in 2544  
any state correctional institution, is charged with a felony 2545  
offense, for which the penalty or any possible adjudication that 2546  
may be imposed by a court upon conviction includes the potential 2547  
loss of liberty. 2548

(3) The state public defender may provide legal 2549  
representation to any person incarcerated in any correctional 2550  
institution of the state, in any matter in which the person 2551  
asserts the person is unlawfully imprisoned or detained. 2552

(4) The state public defender, in any case in which the state 2553  
public defender has provided legal representation or is requested 2554  
to do so by a county public defender or joint county public 2555  
defender, may provide legal representation on appeal. 2556

(5) The state public defender, when designated by the court 2557  
or requested by a county public defender, joint county public 2558  
defender, or the director of rehabilitation and correction, shall 2559  
provide legal representation in parole and probation revocation 2560

matters or matters relating to the revocation of community control 2561  
or post-release control under a community control sanction or 2562  
post-release control sanction, unless the state public defender 2563  
finds that the alleged parole or probation violator or alleged 2564  
violator of a community control sanction or post-release control 2565  
sanction has the financial capacity to retain the alleged 2566  
violator's own counsel. 2567

(6) If the state public defender contracts with a county 2568  
public defender commission, a joint county public defender 2569  
commission, or a board of county commissioners for the provision 2570  
of services, under authority of division (C)(7) of section 120.04 2571  
of the Revised Code, the state public defender shall provide legal 2572  
representation in accordance with the contract. 2573

(B) The state public defender shall not be required to 2574  
prosecute any appeal, postconviction remedy, or other proceeding 2575  
pursuant to division (A)(3), (4), or (5) of this section, unless 2576  
the state public defender first is satisfied that there is 2577  
arguable merit to the proceeding. 2578

(C) A court may appoint counsel or allow an indigent person 2579  
to select the indigent's own personal counsel to assist the state 2580  
public defender as co-counsel when the interests of justice so 2581  
require. When co-counsel is appointed to assist the state public 2582  
defender, the co-counsel shall receive any compensation that the 2583  
court may approve, not to exceed the amounts provided for in 2584  
section 2941.51 of the Revised Code. 2585

(D)(1) When the state public defender is designated by the 2586  
court or requested by a county public defender or joint county 2587  
public defender to provide legal representation for an indigent 2588  
person in any case, other than pursuant to a contract entered into 2589  
under authority of division (C)(7) of section 120.04 of the 2590  
Revised Code, the state public defender shall send to the county 2591  
in which the case is filed a bill detailing the actual cost of the 2592

representation that separately itemizes legal fees and expenses. 2593

The county, upon receipt of an itemized bill from the state public 2594  
defender pursuant to this division, shall pay the state public 2595  
defender ~~each of the following amounts:~~ 2596

~~(a) For the amount identified as legal fees in the itemized 2597  
bill, one hundred per cent of the amount identified as legal fees 2598  
less the state reimbursement rate as calculated by the state 2599  
public defender pursuant to section 120.34 of the Revised Code for 2600  
the month the case terminated, as set forth and expenses in the 2601  
itemized bill;~~ 2602

~~(b) For the amount identified as expenses in the itemized 2603  
bill, one hundred per cent.~~ 2604

(2) Upon payment of the itemized bill under division (D)(1) 2605  
of this section, the county may submit the cost of the legal fees 2606  
and expenses, ~~excluding legal fees~~, to the state public defender 2607  
for reimbursement pursuant to section 120.33 of the Revised Code. 2608

(3) When the state public defender provides investigation or 2609  
mitigation services to private appointed counsel or to a county or 2610  
joint county public defender as approved by the appointing court, 2611  
other than pursuant to a contract entered into under authority of 2612  
division (C)(7) of section 120.04 of the Revised Code, the state 2613  
public defender shall send to the county in which the case is 2614  
filed a bill itemizing the actual cost of the services provided. 2615  
The county, upon receipt of an itemized bill from the state public 2616  
defender pursuant to this division, shall pay one hundred per cent 2617  
of the amount as set forth in the itemized bill. Upon payment of 2618  
the itemized bill received pursuant to this division, the county 2619  
may submit the cost of the investigation and mitigation services 2620  
to the state public defender for reimbursement pursuant to section 2621  
120.33 of the Revised Code. 2622

(4) There is hereby created in the state treasury the county 2623

representation fund for the deposit of moneys received from 2624  
counties under this division. All moneys credited to the fund 2625  
shall be used by the state public defender to provide legal 2626  
representation for indigent persons when designated by the court 2627  
or requested by a county or joint county public defender or to 2628  
provide investigation or mitigation services, including 2629  
investigation or mitigation services to private appointed counsel 2630  
or a county or joint county public defender, as approved by the 2631  
court. 2632

(E)(1) Notwithstanding any contrary provision of sections 2633  
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 2634  
that pertains to representation by the attorney general, an 2635  
assistant attorney general, or special counsel of an officer or 2636  
employee, as defined in section 109.36 of the Revised Code, or of 2637  
an entity of state government, the state public defender may elect 2638  
to contract with, and to have the state pay pursuant to division 2639  
(E)(2) of this section for the services of, private legal counsel 2640  
to represent the Ohio public defender commission, the state public 2641  
defender, assistant state public defenders, other employees of the 2642  
commission or the state public defender, and attorneys described 2643  
in division (C) of section 120.41 of the Revised Code in a 2644  
malpractice or other civil action or proceeding that arises from 2645  
alleged actions or omissions related to responsibilities derived 2646  
pursuant to this chapter, or in a civil action that is based upon 2647  
alleged violations of the constitution or statutes of the United 2648  
States, including section 1983 of Title 42 of the United States 2649  
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 2650  
arises from alleged actions or omissions related to 2651  
responsibilities derived pursuant to this chapter, if the state 2652  
public defender determines, in good faith, that the defendant in 2653  
the civil action or proceeding did not act manifestly outside the 2654  
scope of the defendant's employment or official responsibilities, 2655  
with malicious purpose, in bad faith, or in a wanton or reckless 2656

manner. If the state public defender elects not to contract 2657  
pursuant to this division for private legal counsel in a civil 2658  
action or proceeding, then, in accordance with sections 109.02, 2659  
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 2660  
attorney general shall represent or provide for the representation 2661  
of the Ohio public defender commission, the state public defender, 2662  
assistant state public defenders, other employees of the 2663  
commission or the state public defender, or attorneys described in 2664  
division (C) of section 120.41 of the Revised Code in the civil 2665  
action or proceeding. 2666

(2)(a) Subject to division (E)(2)(b) of this section, payment 2667  
from the state treasury for the services of private legal counsel 2668  
with whom the state public defender has contracted pursuant to 2669  
division (E)(1) of this section shall be accomplished only through 2670  
the following procedure: 2671

(i) The private legal counsel shall file with the attorney 2672  
general a copy of the contract; a request for an award of legal 2673  
fees, court costs, and expenses earned or incurred in connection 2674  
with the defense of the Ohio public defender commission, the state 2675  
public defender, an assistant state public defender, an employee, 2676  
or an attorney in a specified civil action or proceeding; a 2677  
written itemization of those fees, costs, and expenses, including 2678  
the signature of the state public defender and the state public 2679  
defender's attestation that the fees, costs, and expenses were 2680  
earned or incurred pursuant to division (E)(1) of this section to 2681  
the best of the state public defender's knowledge and information; 2682  
a written statement whether the fees, costs, and expenses are for 2683  
all legal services to be rendered in connection with that defense, 2684  
are only for legal services rendered to the date of the request 2685  
and additional legal services likely will have to be provided in 2686  
connection with that defense, or are for the final legal services 2687  
rendered in connection with that defense; a written statement 2688

indicating whether the private legal counsel previously submitted 2689  
a request for an award under division (E)(2) of this section in 2690  
connection with that defense and, if so, the date and the amount 2691  
of each award granted; and, if the fees, costs, and expenses are 2692  
for all legal services to be rendered in connection with that 2693  
defense or are for the final legal services rendered in connection 2694  
with that defense, a certified copy of any judgment entry in the 2695  
civil action or proceeding or a signed copy of any settlement 2696  
agreement entered into between the parties to the civil action or 2697  
proceeding. 2698

(ii) Upon receipt of a request for an award of legal fees, 2699  
court costs, and expenses and the requisite supportive 2700  
documentation described in division (E)(2)(a)(i) of this section, 2701  
the attorney general shall review the request and documentation; 2702  
determine whether any of the limitations specified in division 2703  
(E)(2)(b) of this section apply to the request; and, if an award 2704  
of legal fees, court costs, or expenses is permissible after 2705  
applying the limitations, prepare a document awarding legal fees, 2706  
court costs, or expenses to the private legal counsel. The 2707  
document shall name the private legal counsel as the recipient of 2708  
the award; specify the total amount of the award as determined by 2709  
the attorney general; itemize the portions of the award that 2710  
represent legal fees, court costs, and expenses; specify any 2711  
limitation applied pursuant to division (E)(2)(b) of this section 2712  
to reduce the amount of the award sought by the private legal 2713  
counsel; state that the award is payable from the state treasury 2714  
pursuant to division (E)(2)(a)(iii) of this section; and be 2715  
approved by the inclusion of the signatures of the attorney 2716  
general, the state public defender, and the private legal counsel. 2717

(iii) The attorney general shall forward a copy of the 2718  
document prepared pursuant to division (E)(2)(a)(ii) of this 2719  
section to the director of budget and management. The award of 2720

legal fees, court costs, or expenses shall be paid out of the 2721  
state public defender's appropriations, to the extent there is a 2722  
sufficient available balance in those appropriations. If the state 2723  
public defender does not have a sufficient available balance in 2724  
the state public defender's appropriations to pay the entire award 2725  
of legal fees, court costs, or expenses, the director shall make 2726  
application for a transfer of appropriations out of the emergency 2727  
purposes account or any other appropriation for emergencies or 2728  
contingencies in an amount equal to the portion of the award that 2729  
exceeds the sufficient available balance in the state public 2730  
defender's appropriations. A transfer of appropriations out of the 2731  
emergency purposes account or any other appropriation for 2732  
emergencies or contingencies shall be authorized if there are 2733  
sufficient moneys greater than the sum total of then pending 2734  
emergency purposes account requests, or requests for releases from 2735  
the other appropriation. If a transfer of appropriations out of 2736  
the emergency purposes account or other appropriation for 2737  
emergencies or contingencies is made to pay an amount equal to the 2738  
portion of the award that exceeds the sufficient available balance 2739  
in the state public defender's appropriations, the director shall 2740  
cause the payment to be made to the private legal counsel. If 2741  
sufficient moneys do not exist in the emergency purposes account 2742  
or other appropriation for emergencies or contingencies to pay an 2743  
amount equal to the portion of the award that exceeds the 2744  
sufficient available balance in the state public defender's 2745  
appropriations, the private legal counsel shall request the 2746  
general assembly to make an appropriation sufficient to pay an 2747  
amount equal to the portion of the award that exceeds the 2748  
sufficient available balance in the state public defender's 2749  
appropriations, and no payment in that amount shall be made until 2750  
the appropriation has been made. The private legal counsel shall 2751  
make the request during the current biennium and during each 2752  
succeeding biennium until a sufficient appropriation is made. 2753

(b) An award of legal fees, court costs, and expenses 2754  
pursuant to division (E) of this section is subject to the 2755  
following limitations: 2756

(i) The maximum award or maximum aggregate of a series of 2757  
awards of legal fees, court costs, and expenses to the private 2758  
legal counsel in connection with the defense of the Ohio public 2759  
defender commission, the state public defender, an assistant state 2760  
public defender, an employee, or an attorney in a specified civil 2761  
action or proceeding shall not exceed fifty thousand dollars. 2762

(ii) The private legal counsel shall not be awarded legal 2763  
fees, court costs, or expenses to the extent the fees, costs, or 2764  
expenses are covered by a policy of malpractice or other 2765  
insurance. 2766

(iii) The private legal counsel shall be awarded legal fees 2767  
and expenses only to the extent that the fees and expenses are 2768  
reasonable in light of the legal services rendered by the private 2769  
legal counsel in connection with the defense of the Ohio public 2770  
defender commission, the state public defender, an assistant state 2771  
public defender, an employee, or an attorney in a specified civil 2772  
action or proceeding. 2773

(c) If, pursuant to division (E)(2)(a) of this section, the 2774  
attorney general denies a request for an award of legal fees, 2775  
court costs, or expenses to private legal counsel because of the 2776  
application of a limitation specified in division (E)(2)(b) of 2777  
this section, the attorney general shall notify the private legal 2778  
counsel in writing of the denial and of the limitation applied. 2779

(d) If, pursuant to division (E)(2)(c) of this section, a 2780  
private legal counsel receives a denial of an award notification 2781  
or if a private legal counsel refuses to approve a document under 2782  
division (E)(2)(a)(ii) of this section because of the proposed 2783  
application of a limitation specified in division (E)(2)(b) of 2784

this section, the private legal counsel may commence a civil 2785  
action against the attorney general in the court of claims to 2786  
prove the private legal counsel's entitlement to the award sought, 2787  
to prove that division (E)(2)(b) of this section does not prohibit 2788  
or otherwise limit the award sought, and to recover a judgment for 2789  
the amount of the award sought. A civil action under division 2790  
(E)(2)(d) of this section shall be commenced no later than two 2791  
years after receipt of a denial of award notification or, if the 2792  
private legal counsel refused to approve a document under division 2793  
(E)(2)(a)(ii) of this section because of the proposed application 2794  
of a limitation specified in division (E)(2)(b) of this section, 2795  
no later than two years after the refusal. Any judgment of the 2796  
court of claims in favor of the private legal counsel shall be 2797  
paid from the state treasury in accordance with division (E)(2)(a) 2798  
of this section. 2799

(F) If a court appoints the office of the state public 2800  
defender to represent a petitioner in a postconviction relief 2801  
proceeding under section 2953.21 of the Revised Code, the 2802  
petitioner has received a sentence of death, and the proceeding 2803  
relates to that sentence, all of the attorneys who represent the 2804  
petitioner in the proceeding pursuant to the appointment, whether 2805  
an assistant state public defender, the state public defender, or 2806  
another attorney, shall be certified under Rule 20 of the Rules of 2807  
Superintendence for the Courts of Ohio to represent indigent 2808  
defendants charged with or convicted of an offense for which the 2809  
death penalty can be or has been imposed. 2810

(G)(1) The state public defender may conduct a legal 2811  
assistance referral service for children committed to the 2812  
department of youth services relative to conditions of confinement 2813  
claims. If the legal assistance referral service receives a 2814  
request for assistance from a child confined in a facility 2815  
operated, or contracted for, by the department of youth services 2816

and the state public defender determines that the child has a 2817  
conditions of confinement claim that has merit, the state public 2818  
defender may refer the child to a private attorney. If no private 2819  
attorney who the child has been referred to by the state public 2820  
defender accepts the case within a reasonable time, the state 2821  
public defender may prepare, as appropriate, pro se pleadings in 2822  
the form of a complaint regarding the conditions of confinement at 2823  
the facility where the child is confined with a motion for 2824  
appointment of counsel and other applicable pleadings necessary 2825  
for sufficient pro se representation. 2826

(2) Division (G)(1) of this section does not authorize the 2827  
state public defender to represent a child committed to the 2828  
department of youth services in general civil matters arising 2829  
solely out of state law. 2830

(3) The state public defender shall not undertake the 2831  
representation of a child in court based on a conditions of 2832  
confinement claim arising under this division. 2833

(H) A child's right to representation or services under this 2834  
section is not affected by the child, or another person on behalf 2835  
of the child, previously having paid for similar representation or 2836  
services or having waived legal representation. 2837

(I) The state public defender shall have reasonable access to 2838  
any child committed to the department of youth services, 2839  
department of youth services institution, and department of youth 2840  
services record as needed to implement this section. 2841

(J) As used in this section: 2842

(1) "Community control sanction" has the same meaning as in 2843  
section 2929.01 of the Revised Code. 2844

(2) "Conditions of confinement" means any issue involving a 2845  
constitutional right or other civil right related to a child's 2846  
incarceration, including, but not limited to, actions cognizable 2847

under 42 U.S.C. 1983. 2848

(3) "Post-release control sanction" has the same meaning as 2849  
in section 2967.01 of the Revised Code. 2850

**Sec. 120.18.** (A) The county public defender commission's 2851  
report to the board of county commissioners shall be audited by 2852  
the county auditor. The board of county commissioners, after 2853  
review and approval of the audited report, may then certify it to 2854  
the state public defender for reimbursement. If a request for the 2855  
reimbursement of any operating expenditure incurred by a county 2856  
public defender office is not received by the state public 2857  
defender within sixty days after the end of the calendar month in 2858  
which the expenditure is incurred, the state public defender shall 2859  
not pay the requested reimbursement, unless the county has 2860  
requested, and the state public defender has granted, an extension 2861  
of the sixty-day time limit. Each request for reimbursement shall 2862  
include a certification by the county public defender that the 2863  
persons provided representation by the county public defender's 2864  
office during the period covered by the report were indigent and, 2865  
for each person provided representation during that period, a 2866  
financial disclosure form completed by the person on a form 2867  
prescribed by the state public defender. The state public defender 2868  
shall also review the report and, in accordance with the 2869  
standards, guidelines, and maximums established pursuant to 2870  
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 2871  
prepare a voucher for ~~fifty per cent of~~ up to the total cost of 2872  
each county public defender's office for the period of time 2873  
covered by the certified report and a voucher for ~~fifty per cent~~ 2874  
~~of~~ the costs and expenses that are reimbursable under section 2875  
120.35 of the Revised Code, if any, ~~or, if the amount of money~~ 2876  
~~appropriated by the general assembly to reimburse counties for the~~ 2877  
~~operation of county public defender offices, joint county public~~ 2878  
~~defender offices, and county appointed counsel systems is not~~ 2879

~~sufficient to pay fifty per cent of the total cost of all of the~~ 2880  
~~offices and systems, for the lesser amount required by section~~ 2881  
~~120.34 of the Revised Code.~~ For the purposes of this section, 2882  
"total cost" means total expenses minus costs and expenses 2883  
reimbursable under section 120.35 of the Revised Code and any 2884  
funds received by the county public defender commission pursuant 2885  
to a contract, except a contract entered into with a municipal 2886  
corporation pursuant to division (E) of section 120.14 of the 2887  
Revised Code, gift, or grant. 2888

(B) If the county public defender fails to maintain the 2889  
standards for the conduct of the office established by rules of 2890  
the Ohio public defender commission pursuant to divisions (B) and 2891  
(C) of section 120.03 or the standards established by the state 2892  
public defender pursuant to division (B)(7) of section 120.04 of 2893  
the Revised Code, the Ohio public defender commission shall notify 2894  
the county public defender commission and the board of county 2895  
commissioners of the county that the county public defender has 2896  
failed to comply with its rules or the standards of the state 2897  
public defender. Unless the county public defender commission or 2898  
the county public defender corrects the conduct of the county 2899  
public defender's office to comply with the rules and standards 2900  
within ninety days after the date of the notice, the state public 2901  
defender may deny payment of all or part of the county's 2902  
reimbursement from the state provided for in division (A) of this 2903  
section. 2904

**Sec. 120.28.** (A) The joint county public defender 2905  
commission's report to the joint board of county commissioners 2906  
shall be audited by the fiscal officer of the district. The joint 2907  
board of county commissioners, after review and approval of the 2908  
audited report, may then certify it to the state public defender 2909  
for reimbursement. If a request for the reimbursement of any 2910  
operating expenditure incurred by a joint county public defender 2911

office is not received by the state public defender within sixty 2912  
days after the end of the calendar month in which the expenditure 2913  
is incurred, the state public defender shall not pay the requested 2914  
reimbursement, unless the joint board of county commissioners has 2915  
requested, and the state public defender has granted, an extension 2916  
of the sixty-day time limit. Each request for reimbursement shall 2917  
include a certification by the joint county public defender that 2918  
all persons provided representation by the joint county public 2919  
defender's office during the period covered by the request were 2920  
indigent and, for each person provided representation during that 2921  
period, a financial disclosure form completed by the person on a 2922  
form prescribed by the state public defender. The state public 2923  
defender shall also review the report and, in accordance with the 2924  
standards, guidelines, and maximums established pursuant to 2925  
divisions (B)(7) and (8) of section 120.04 of the Revised Code, 2926  
prepare a voucher for ~~fifty per cent of~~ up to the total cost of 2927  
each joint county public defender's office for the period of time 2928  
covered by the certified report and a voucher for ~~fifty per cent~~ 2929  
~~of~~ the costs and expenses that are reimbursable under section 2930  
120.35 of the Revised Code, if any, ~~or, if the amount of money~~ 2931  
~~appropriated by the general assembly to reimburse counties for the~~ 2932  
~~operation of county public defender offices, joint county public~~ 2933  
~~defender offices, and county appointed counsel systems is not~~ 2934  
~~sufficient to pay fifty per cent of the total cost of all of the~~ 2935  
~~offices and systems, for the lesser amount required by section~~ 2936  
~~120.34 of the Revised Code.~~ For purposes of this section, "total 2937  
cost" means total expenses minus costs and expenses reimbursable 2938  
under section 120.35 of the Revised Code and any funds received by 2939  
the joint county public defender commission pursuant to a 2940  
contract, except a contract entered into with a municipal 2941  
corporation pursuant to division (E) of section 120.24 of the 2942  
Revised Code, gift, or grant. Each county in the district shall be 2943  
entitled to a share of such state reimbursement in proportion to 2944

the percentage of the total cost it has agreed to pay. 2945

(B) If the joint county public defender fails to maintain the 2946  
standards for the conduct of the office established by the rules 2947  
of the Ohio public defender commission pursuant to divisions (B) 2948  
and (C) of section 120.03 or the standards established by the 2949  
state public defender pursuant to division (B)(7) of section 2950  
120.04 of the Revised Code, the Ohio public defender commission 2951  
shall notify the joint county public defender commission and the 2952  
board of county commissioners of each county in the district that 2953  
the joint county public defender has failed to comply with its 2954  
rules or the standards of the state public defender. Unless the 2955  
joint public defender commission or the joint county public 2956  
defender corrects the conduct of the joint county public 2957  
defender's office to comply with the rules and standards within 2958  
ninety days after the date of the notice, the state public 2959  
defender may deny all or part of the counties' reimbursement from 2960  
the state provided for in division (A) of this section. 2961

**Sec. 120.33.** (A) In lieu of using a county public defender or 2962  
joint county public defender to represent indigent persons in the 2963  
proceedings set forth in division (A) of section 120.16 of the 2964  
Revised Code, the board of county commissioners of any county may 2965  
adopt a resolution to pay counsel who are either personally 2966  
selected by the indigent person or appointed by the court. The 2967  
resolution shall include those provisions the board of county 2968  
commissioners considers necessary to provide effective 2969  
representation of indigent persons in any proceeding for which 2970  
counsel is provided under this section. The resolution shall 2971  
include provisions for contracts with any municipal corporation 2972  
under which the municipal corporation shall reimburse the county 2973  
for counsel appointed to represent indigent persons charged with 2974  
violations of the ordinances of the municipal corporation. 2975

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

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

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

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

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

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

(3) The board of county commissioners shall establish a schedule of fees by case or on an hourly basis to be paid to counsel for legal services provided pursuant to a resolution adopted under this section. Prior to establishing the schedule, the board of county commissioners shall request the bar association or associations of the county to submit a proposed schedule for cases other than capital cases. The schedule submitted shall be subject to the review, amendment, and approval of the board of county commissioners, except with respect to capital cases. With respect to capital cases, the schedule shall provide for fees by case or on an hourly basis to be paid to counsel in the amount or at the rate set by the capital case

attorney fee council pursuant to division (D) of this section, and 3007  
the board of county commissioners shall approve that amount or 3008  
rate. 3009

(4) Counsel selected by the indigent person or appointed by 3010  
the court at the request of an indigent person in a county that 3011  
adopts a resolution to pay counsel, except for counsel appointed 3012  
to represent a person charged with any violation of an ordinance 3013  
of a municipal corporation that has not contracted with the county 3014  
commissioners for the payment of appointed counsel, shall be paid 3015  
by the county and shall receive the compensation and expenses the 3016  
court approves. With respect to capital cases, the court shall 3017  
approve compensation and expenses in accordance with the amount or 3018  
at the rate set by the capital case attorney fee council pursuant 3019  
to division (D) of this section. Each request for payment shall 3020  
include a financial disclosure form completed by the indigent 3021  
person on a form prescribed by the state public defender. 3022  
Compensation and expenses shall not exceed the amounts fixed by 3023  
the board of county commissioners in the schedule adopted pursuant 3024  
to division (A)(3) of this section. No court shall approve 3025  
compensation and expenses that exceed the amount fixed pursuant to 3026  
division (A)(3) of this section. 3027

The fees and expenses approved by the court shall not be 3028  
taxed as part of the costs and shall be paid by the county. 3029  
However, if the person represented has, or may reasonably be 3030  
expected to have, the means to meet some part of the cost of the 3031  
services rendered to the person, the person shall pay the county 3032  
an amount that the person reasonably can be expected to pay. 3033  
Pursuant to section 120.04 of the Revised Code, the county shall 3034  
pay to the state public defender a percentage of the payment 3035  
received from the person in an amount proportionate to the 3036  
percentage of the costs of the person's case that were paid to the 3037  
county by the state public defender pursuant to this section. The 3038

money paid to the state public defender shall be credited to the 3039  
client payment fund created pursuant to division (B)(5) of section 3040  
120.04 of the Revised Code. 3041

The county auditor shall draw a warrant on the county 3042  
treasurer for the payment of counsel in the amount fixed by the 3043  
court, plus the expenses the court fixes and certifies to the 3044  
auditor. The county auditor shall report periodically, but not 3045  
less than annually, to the board of county commissioners and to 3046  
the state public defender the amounts paid out pursuant to the 3047  
approval of the court. The board of county commissioners, after 3048  
review and approval of the auditor's report, or the county 3049  
auditor, with permission from and notice to the board of county 3050  
commissioners, may then certify it to the state public defender 3051  
for reimbursement. The state public defender may pay a requested 3052  
reimbursement only if the request for reimbursement includes a 3053  
financial disclosure form completed by the indigent person on a 3054  
form prescribed by the state public defender or if the court 3055  
certifies by electronic signature as prescribed by the state 3056  
public defender that a financial disclosure form has been 3057  
completed by the indigent person and is available for inspection. 3058  
If a request for the reimbursement of the cost of counsel in any 3059  
case is not received by the state public defender within ninety 3060  
days after the end of the calendar month in which the case is 3061  
finally disposed of by the court, unless the county has requested 3062  
and the state public defender has granted an extension of the 3063  
ninety-day limit, the state public defender shall not pay the 3064  
requested reimbursement. The state public defender shall also 3065  
review the report and, in accordance with the standards, 3066  
guidelines, and maximums established pursuant to divisions (B)(7) 3067  
and (8) of section 120.04 of the Revised Code, prepare a voucher 3068  
for ~~fifty per cent of~~ up to the total cost of each county 3069  
appointed counsel system in the period of time covered by the 3070  
certified report and a voucher for ~~fifty per cent of~~ the costs and 3071

expenses that are reimbursable under section 120.35 of the Revised Code, if any, ~~or, if the amount of money appropriated by the general assembly to reimburse counties for the operation of county public defender offices, joint county public defender offices, and county appointed counsel systems is not sufficient to pay fifty per cent of the total cost of all of the offices and systems other than costs and expenses that are reimbursable under section 120.35 of the Revised Code, for the lesser amount required by section 120.34 of the Revised Code.~~

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

(B) In lieu of using a county public defender or joint county public defender to represent indigent persons in the proceedings set forth in division (A) of section 120.16 of the Revised Code, and in lieu of adopting the resolution and following the procedure described in division (A) of this section, the board of county commissioners of any county may contract with the state public defender for the state public defender's legal representation of indigent persons. A contract entered into pursuant to this division may provide for payment for the services provided on a

per case, hourly, or fixed contract basis. 3104

(C) If a court appoints an attorney pursuant to this section 3105  
to represent a petitioner in a postconviction relief proceeding 3106  
under section 2953.21 of the Revised Code, the petitioner has 3107  
received a sentence of death, and the proceeding relates to that 3108  
sentence, the attorney who represents the petitioner in the 3109  
proceeding pursuant to the appointment shall be certified under 3110  
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 3111  
represent indigent defendants charged with or convicted of an 3112  
offense for which the death penalty can be or has been imposed. 3113

(D)(1) There is hereby created the capital case attorney fee 3114  
council, appointed as described in division (D)(2) of this 3115  
section. The council shall set an amount by case, or a rate on an 3116  
hourly basis, to be paid under this section to counsel in a 3117  
capital case. 3118

(2) The capital case attorney fee council shall consist of 3119  
five members, all of whom shall be active judges serving on one of 3120  
the district courts of appeals in this state. Terms for council 3121  
members shall be the lesser of three years or until the member 3122  
ceases to be an active judge of a district court of appeals. The 3123  
initial terms shall commence ninety days after September 28, 2016. 3124  
The chief justice of the supreme court shall appoint the members 3125  
of the council, and shall make all of the appointments not later 3126  
than sixty days after September 28, 2016. When any vacancy occurs, 3127  
the chief justice shall appoint an active judge of a district 3128  
court of appeals in this state to fill the vacancy for the 3129  
unexpired term, in the same manner as prescribed in this division. 3130  
The chief justice shall designate a chairperson from the appointed 3131  
members of the council. Members of the council shall receive no 3132  
additional compensation for their service as a member, but may be 3133  
reimbursed for expenses reasonably incurred in service to the 3134  
council, to be paid by the supreme court. The supreme court may 3135

provide administrative support to the council. 3136

(3) The capital case attorney fee council initially shall 3137  
meet not later than one hundred twenty days after September 28, 3138  
2016. Thereafter, the council shall meet not less than annually. 3139

(4) Upon setting the amount or rate described in division 3140  
(D)(1) of this section, the chairperson of the capital case 3141  
attorney fee council promptly shall provide written notice to the 3142  
state public defender of the amount or rate so set. The amount or 3143  
rate so set shall become effective ninety days after the date on 3144  
which the chairperson provides that written notice to the state 3145  
public defender. The council shall specify that effective date in 3146  
the written notice provided to the state public defender. All 3147  
amounts or rates set by the council shall be final, subject to 3148  
modification as described in division (D)(5) of this section, and 3149  
not subject to appeal. 3150

(5) The capital case attorney fee council may modify an 3151  
amount or rate set as described in division (D)(4) of this 3152  
section. The provisions of that division apply with respect to any 3153  
such modification of an amount or rate. 3154

**Sec. 120.34.** The total amount of money paid to all counties 3155  
in any fiscal year pursuant to sections 120.18, 120.28, ~~and~~ 3156  
120.33, and 120.35 of the Revised Code for the reimbursement of a 3157  
~~percentage of~~ the counties' cost of operating county public 3158  
defender offices, joint county public defender offices, and county 3159  
appointed counsel systems, and the counties' costs and expenses of 3160  
conducting the defense in capital cases, shall not exceed the 3161  
total amount appropriated for that fiscal year by the general 3162  
assembly for the reimbursement of the counties for the operation 3163  
of the offices and systems. ~~If the amount appropriated by the~~ 3164  
~~general assembly in any fiscal year is insufficient to pay fifty~~ 3165  
~~per cent of the total cost in the fiscal year of all county public~~ 3166

~~defender offices, all joint county public defender offices, and 3167  
all county appointed counsel systems, the amount of money paid in 3168  
that fiscal year pursuant to sections 120.18, 120.28, and 120.33 3169  
of the Revised Code to each county for the fiscal year shall be 3170  
reduced proportionately so that each county is paid an equal 3171  
percentage of its total cost in the fiscal year for operating its 3172  
county public defender system, its joint county public defender 3173  
system, and its county appointed counsel system. 3174~~

~~The total amount of money paid to all counties in any fiscal 3175  
year pursuant to section 120.35 of the Revised Code for the 3176  
reimbursement of a percentage of the counties' costs and expenses 3177  
of conducting the defense in capital cases shall not exceed the 3178  
total amount appropriated for that fiscal year by the general 3179  
assembly for the reimbursement of the counties for conducting the 3180  
defense in capital cases. If the amount appropriated by the 3181  
general assembly in any fiscal year is insufficient to pay fifty 3182  
per cent of the counties' total costs and expenses of conducting 3183  
the defense in capital cases in the fiscal year, the amount of 3184  
money paid in that fiscal year pursuant to section 120.35 of the 3185  
Revised Code to each county for the fiscal year shall be reduced 3186  
proportionately so that each county is paid an equal percentage of 3187  
its costs and expenses of conducting the defense in capital cases 3188  
in the fiscal year. 3189~~

~~If any county receives an amount of money pursuant to section 3190  
120.18, 120.28, 120.33, or 120.35 of the Revised Code that is in 3191  
excess of the amount of reimbursement it is entitled to receive 3192  
pursuant to this section, the state public defender shall request 3193  
the board of county commissioners to return the excess payment and 3194  
the board of county commissioners, upon receipt of the request, 3195  
shall direct the appropriate county officer to return the excess 3196  
payment to the state. 3197~~

~~Within thirty days of the end of each fiscal quarter, the 3198~~

state public defender shall provide to the office of budget and 3199  
management and the ~~legislative budget office of the~~ legislative 3200  
service commission an estimate of the amount of money that will be 3201  
required for the balance of the fiscal year to make the payments 3202  
required by sections 120.18, 120.28, 120.33, and 120.35 of the 3203  
Revised Code. 3204

**Sec. 120.35.** The state public defender shall, pursuant to 3205  
section 120.18, 120.28, 120.33, or 2941.51 of the Revised Code, 3206  
~~reimburse fifty per cent of up to the total of~~ all costs and 3207  
expenses of conducting the defense in capital cases. ~~If~~ 3208  
~~appropriations are insufficient to pay fifty per cent of such~~ 3209  
~~costs and expenses, the state public defender shall reimburse such~~ 3210  
~~costs and expenses as provided in section 120.34 of the Revised~~ 3211  
~~Code.~~ 3212

**Sec. 120.52.** There is hereby established in the state 3213  
treasury the legal aid fund, which shall be for the charitable 3214  
public purpose of providing financial assistance to legal aid 3215  
societies that provide civil legal services to indigents. The fund 3216  
shall contain all funds credited to it by the treasurer of state 3217  
pursuant to sections 1901.26, 1907.24, 2303.201, 3953.231, 3218  
4705.09, and 4705.10 of the Revised Code. 3219

The treasurer of state may invest moneys contained in the 3220  
legal aid fund in any manner authorized by the Revised Code for 3221  
the investment of state moneys. However, no such investment shall 3222  
interfere with any apportionment, allocation, or payment of moneys 3223  
as required by section 120.53 of the Revised Code. 3224

The state public defender, through the Ohio ~~legal assistance~~ 3225  
access to justice foundation, shall administer the payment of 3226  
moneys out of the fund. Four and one-half per cent of the moneys 3227  
in the fund shall be reserved for the actual, reasonable costs of 3228

administering sections 120.51 to 120.55 and sections 1901.26, 3229  
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 3230  
Code. Moneys that are reserved for administrative costs but that 3231  
are not used for actual, reasonable administrative costs shall be 3232  
set aside for use in the manner described in division (A) of 3233  
section 120.521 of the Revised Code. The remainder of the moneys 3234  
in the legal aid fund shall be distributed in accordance with 3235  
section 120.53 of the Revised Code. The Ohio ~~legal assistance~~ 3236  
access to justice foundation shall establish, in accordance with 3237  
Chapter 119. of the Revised Code, rules governing the 3238  
administration of the legal aid fund, including the programs 3239  
established under sections 1901.26, 1907.24, 2303.201, 4705.09, 3240  
and 4705.10 of the Revised Code regarding interest on 3241  
interest-bearing trust accounts of an attorney, law firm, or legal 3242  
professional association. 3243

**Sec. 120.521.** (A) The state public defender shall establish a 3244  
charitable, tax exempt foundation, named the Ohio ~~legal assistance~~ 3245  
access to justice foundation, to actively solicit and accept 3246  
gifts, bequests, donations, and contributions for use in providing 3247  
financial assistance to legal aid societies, enhancing or 3248  
improving the delivery of civil legal services to indigents, and 3249  
operating the foundation. The Ohio ~~legal assistance~~ access to 3250  
justice foundation shall deposit all gifts, bequests, donations, 3251  
and contributions accepted by it into the ~~legal assistance~~ access 3252  
to justice foundation fund established under this section. If the 3253  
state public defender, pursuant to section 120.52 of the Revised 3254  
Code as it existed prior to June 30, 1995, established a 3255  
charitable, tax exempt foundation named the Ohio ~~legal assistance~~ 3256  
access to justice foundation and if that foundation is in 3257  
existence on the day before June 30, 1995, that foundation shall 3258  
continue in existence and shall serve as the Ohio ~~legal assistance~~ 3259  
access to justice foundation described in this section. 3260

There is hereby established the ~~legal assistance~~ access to 3261  
justice foundation fund, which shall be under the custody and 3262  
control of the Ohio ~~legal assistance~~ access to justice foundation. 3263  
The fund shall contain all moneys distributed to the Ohio ~~legal~~ 3264  
~~assistance~~ access to justice foundation pursuant to section 120.53 3265  
of the Revised Code and all gifts, bequests, donations, and 3266  
contributions accepted by the Ohio ~~legal assistance~~ access to 3267  
justice foundation under this section. 3268

The Ohio ~~legal assistance~~ access to justice foundation shall 3269  
distribute or use all moneys in the ~~legal assistance~~ access to 3270  
justice foundation fund for the charitable public purpose of 3271  
providing financial assistance to legal aid societies that provide 3272  
civil legal services to indigents, enhancing or improving the 3273  
delivery of civil legal services to indigents, and operating the 3274  
foundation. The Ohio ~~legal assistance~~ access to justice foundation 3275  
shall establish rules governing the administration of the ~~legal~~ 3276  
~~assistance~~ access to justice foundation fund. 3277

The Ohio ~~legal assistance~~ access to justice foundation shall 3278  
include, in the annual report it is required to make to the 3279  
governor, the general assembly, and the supreme court pursuant to 3280  
division (G)(2) of section 120.53 of the Revised Code, an audited 3281  
financial statement on the distribution and use of the ~~legal~~ 3282  
~~assistance~~ access to justice foundation fund. No information 3283  
contained in the statement shall identify or enable the 3284  
identification of any person served by a legal aid society or in 3285  
any way breach confidentiality. 3286

Membership on the board of the Ohio ~~legal assistance~~ access 3287  
to justice foundation does not constitute holding another public 3288  
office and does not constitute grounds for resignation from the 3289  
senate or house of representatives under section 101.26 of the 3290  
Revised Code. 3291

(B) A foundation is tax exempt for purposes of this section 3292

if the foundation is exempt from federal income taxation under 3293  
subsection 501(a) of the "Internal Revenue Code of 1986," 100 3294  
Stat. 2085, 26 U.S.C. 501(a), as amended, and if the foundation 3295  
has received from the internal revenue service a determination 3296  
letter that is in effect stating that the foundation is exempt 3297  
from federal income taxation under that subsection. 3298

**Sec. 120.53.** (A) A legal aid society that operates within the 3299  
state may apply to the Ohio ~~legal assistance~~ access to justice 3300  
foundation for financial assistance from the legal aid fund 3301  
established by section 120.52 of the Revised Code to be used for 3302  
the funding of the society during the calendar year following the 3303  
calendar year in which application is made. 3304

(B) An application for financial assistance made under 3305  
division (A) of this section shall be submitted by the first day 3306  
of November of the calendar year preceding the calendar year for 3307  
which financial assistance is desired and shall include all of the 3308  
following: 3309

(1) Evidence that the applicant is incorporated in this state 3310  
as a nonprofit corporation; 3311

(2) A list of the trustees of the applicant; 3312

(3) The proposed budget of the applicant for these funds for 3313  
the following calendar year; 3314

(4) A summary of the services to be offered by the applicant 3315  
in the following calendar year; 3316

(5) A specific description of the territory or constituency 3317  
served by the applicant; 3318

(6) An estimate of the number of persons to be served by the 3319  
applicant during the following calendar year; 3320

(7) A general description of the additional sources of the 3321  
applicant's funding; 3322

(8) The amount of the applicant's total budget for the 3323  
calendar year in which the application is filed that it will 3324  
expend in that calendar year for legal services in each of the 3325  
counties it serves; 3326

(9) A specific description of any services, programs, 3327  
training, and legal technical assistance to be delivered by the 3328  
applicant or by another person pursuant to a contract with the 3329  
applicant, including, but not limited to, by private attorneys or 3330  
through reduced fee plans, judicare panels, organized pro bono 3331  
programs, and mediation programs. 3332

(C) The Ohio ~~legal assistance~~ access to justice foundation 3333  
shall determine whether each applicant that filed an application 3334  
for financial assistance under division (A) of this section in a 3335  
calendar year is eligible for financial assistance under this 3336  
section. To be eligible for such financial assistance, an 3337  
applicant shall satisfy the criteria for being a legal aid society 3338  
and shall be in compliance with the provisions of sections 120.51 3339  
to 120.55 of the Revised Code and with the rules and requirements 3340  
the foundation establishes pursuant to section 120.52 of the 3341  
Revised Code. The Ohio ~~legal assistance~~ access to justice 3342  
foundation then, on or before the fifteenth day of December of the 3343  
calendar year in which the application is filed, shall notify each 3344  
such applicant, in writing, whether it is eligible for financial 3345  
assistance under this section, and if it is eligible, estimate the 3346  
amount that will be available for that applicant for each 3347  
six-month distribution period, as determined under division (D) of 3348  
this section. 3349

(D) The Ohio ~~legal assistance~~ access to justice foundation 3350  
shall allocate moneys contained in the legal aid fund monthly for 3351  
distribution to applicants that filed their applications in the 3352  
previous calendar year and are determined to be eligible 3353  
applicants. 3354

All moneys contained in the fund on the first day of each month shall be allocated, after deduction of the costs of administering sections 120.51 to 120.55 and sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised Code that are authorized by section 120.52 of the Revised Code, according to this section and shall be distributed accordingly not later than the last day of the month following the month the moneys were received. In making the allocations under this section, the moneys in the fund that were generated pursuant to sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised Code shall be apportioned as follows:

(1) After deduction of the amount authorized and used for actual, reasonable administrative costs under section 120.52 of the Revised Code:

(a) Five per cent of the moneys remaining in the fund shall be reserved for use in the manner described in division (A) of section 120.521 of the Revised Code or for distribution to legal aid societies that provide assistance to special population groups of their eligible clients, engage in special projects that have a substantial impact on their local service area or on significant segments of the state's poverty population, or provide legal training or support to other legal aid societies in the state;

(b) After deduction of the amount described in division (D)(1)(a) of this section, one and three-quarters per cent of the moneys remaining in the fund shall be apportioned among entities that received financial assistance from the legal aid fund prior to July 1, 1993, but that, on and after July 1, 1993, no longer qualify as a legal aid society that is eligible for financial assistance under this section.

(c) After deduction of the amounts described in divisions (D)(1)(a) and (b) of this section, fifteen per cent of the moneys remaining in the fund shall be placed in the ~~legal assistance~~

access to justice foundation fund for use in the manner described 3387  
in division (A) of section 120.521 of the Revised Code. 3388

(2) After deduction of the actual, reasonable administrative 3389  
costs under section 120.52 of the Revised Code and after deduction 3390  
of the amounts identified in divisions (D)(1)(a), (b), and (c) of 3391  
this section, the remaining moneys shall be apportioned among the 3392  
counties that are served by eligible legal aid societies that have 3393  
applied for financial assistance under this section so that each 3394  
such county is apportioned a portion of those moneys, based upon 3395  
the ratio of the number of indigents who reside in that county to 3396  
the total number of indigents who reside in all counties of this 3397  
state that are served by eligible legal aid societies that have 3398  
applied for financial assistance under this section. Subject to 3399  
division (E) of this section, the moneys apportioned to a county 3400  
under this division then shall be allocated to the eligible legal 3401  
aid society that serves the county and that has applied for 3402  
financial assistance under this section. For purposes of this 3403  
division, the source of data identifying the number of indigent 3404  
persons who reside in a county shall be selected by the Ohio ~~legal~~ 3405  
~~assistance~~ access to justice foundation from the best available 3406  
figures maintained by the United States census bureau. 3407

(E) If the Ohio ~~legal assistance~~ access to justice 3408  
foundation, in attempting to make an allocation of moneys under 3409  
division (D)(2) of this section, determines that a county that has 3410  
been apportioned money under that division is served by more than 3411  
one eligible legal aid society that has applied for financial 3412  
assistance under this section, the Ohio ~~legal assistance~~ access to 3413  
justice foundation shall allocate the moneys that have been 3414  
apportioned to that county under division (D)(2) of this section 3415  
among all eligible legal aid societies that serve that county and 3416  
that have applied for financial assistance under this section on a 3417  
pro rata basis, so that each such eligible society is allocated a 3418

portion based upon the amount of its total budget expended in the 3419  
prior calendar year for legal services in that county as compared 3420  
to the total amount expended in the prior calendar year for legal 3421  
services in that county by all eligible legal aid societies that 3422  
serve that county and that have applied for financial assistance 3423  
under this section. 3424

(F) Moneys allocated to eligible applicants under this 3425  
section shall be paid monthly beginning the calendar year 3426  
following the calendar year in which the application is filed. 3427

(G)(1) A legal aid society that receives financial assistance 3428  
in any calendar year under this section shall file an annual 3429  
report with the Ohio ~~legal assistance~~ access to justice foundation 3430  
detailing the number and types of cases handled, and the amount 3431  
and types of legal training, legal technical assistance, and other 3432  
service provided, by means of that financial assistance. No 3433  
information contained in the report shall identify or enable the 3434  
identification of any person served by the legal aid society or in 3435  
any way breach client confidentiality. 3436

(2) The Ohio ~~legal assistance~~ access to justice foundation 3437  
shall make an annual report to the governor, the general assembly, 3438  
and the supreme court on the distribution and use of the legal aid 3439  
fund. The foundation also shall include in the annual report an 3440  
audited financial statement of all gifts, bequests, donations, 3441  
contributions, and other moneys the foundation receives. No 3442  
information contained in the report shall identify or enable the 3443  
identification of any person served by a legal aid society, or in 3444  
any way breach confidentiality. 3445

(H) A legal aid society may enter into agreements for the 3446  
provision of services, programs, training, or legal technical 3447  
assistance for the legal aid society or to indigent persons. 3448

**Sec. 121.083.** (A) The superintendent of industrial compliance 3449

in the department of commerce shall do all of the following: 3450

3451

~~(A)~~(1) Administer and enforce the general laws of this state 3452  
pertaining to buildings, pressure piping, boilers, bedding, 3453  
upholstered furniture, and stuffed toys, steam engineering, 3454  
elevators, plumbing, licensed occupations regulated by the 3455  
department, and travel agents, as they apply to plans review, 3456  
inspection, code enforcement, testing, licensing, registration, 3457  
and certification. 3458

~~(B)~~(2) Exercise the powers and perform the duties delegated 3459  
to the superintendent by the director of commerce under Chapters 3460  
4109., 4111., and 4115. of the Revised Code. 3461

~~(C)~~(3) Collect and collate statistics as are necessary. 3462

~~(D)~~(4) Examine and license persons who desire to act as steam 3463  
engineers, to operate steam boilers, and to act as inspectors of 3464  
steam boilers, provide for the scope, conduct, and time of such 3465  
examinations, provide for, regulate, and enforce the renewal and 3466  
revocation of such licenses, inspect and examine steam boilers and 3467  
make, publish, and enforce rules and orders for the construction, 3468  
installation, inspection, and operation of steam boilers, and do, 3469  
require, and enforce all things necessary to make such 3470  
examination, inspection, and requirement efficient. 3471

~~(E)~~(5) Rent and furnish offices as needed in cities in this 3472  
state for the conduct of its affairs. 3473

~~(F)~~(6) Oversee a chief of construction and compliance, a 3474  
chief of operations and maintenance, a chief of licensing and 3475  
certification, a chief of worker protection, and other designees 3476  
appointed by the director to perform the duties described in this 3477  
section. 3478

~~(G)~~(7) Enforce the rules the board of building standards 3479  
adopts pursuant to division (A)(2) of section 4104.43 of the 3480

Revised Code under the circumstances described in division (D) of 3481  
that section. 3482

~~(H)~~(8) Accept submissions, establish a fee for submissions, 3483  
and review submissions of certified welding and brazing procedure 3484  
specifications, procedure qualification records, and performance 3485  
qualification records for building services piping as required by 3486  
section 4104.44 of the Revised Code. 3487

(B) The superintendent may enter into a contract with a 3488  
municipal corporation, township, or county building department 3489  
certified by the board of building standards pursuant to division 3490  
(E) of section 3781.10 of the Revised Code, or a municipal or 3491  
county health district, to do any of the following on behalf of 3492  
the building department or health district: 3493

(1) Exercise enforcement authority pursuant to section 3494  
3781.03 of the Revised Code; 3495

(2) Accept and approve plans and specifications, and make 3496  
inspections, pursuant to section 3791.04 of the Revised Code; 3497

(3) Enforce the rules adopted pursuant to division (A)(2) of 3498  
section 4104.43 of the Revised Code. 3499

**Sec. 121.22.** (A) This section shall be liberally construed to 3500  
require public officials to take official action and to conduct 3501  
all deliberations upon official business only in open meetings 3502  
unless the subject matter is specifically excepted by law. 3503

(B) As used in this section: 3504

(1) "Public body" means any of the following: 3505

(a) Any board, commission, committee, council, or similar 3506  
decision-making body of a state agency, institution, or authority, 3507  
and any legislative authority or board, commission, committee, 3508  
council, agency, authority, or similar decision-making body of any 3509  
county, township, municipal corporation, school district, or other 3510

political subdivision or local public institution; 3511

(b) Any committee or subcommittee of a body described in 3512  
division (B)(1)(a) of this section; 3513

(c) A court of jurisdiction of a sanitary district organized 3514  
wholly for the purpose of providing a water supply for domestic, 3515  
municipal, and public use when meeting for the purpose of the 3516  
appointment, removal, or reappointment of a member of the board of 3517  
directors of such a district pursuant to section 6115.10 of the 3518  
Revised Code, if applicable, or for any other matter related to 3519  
such a district other than litigation involving the district. As 3520  
used in division (B)(1)(c) of this section, "court of 3521  
jurisdiction" has the same meaning as "court" in section 6115.01 3522  
of the Revised Code. 3523

(2) "Meeting" means any prearranged discussion of the public 3524  
business of the public body by a majority of its members. 3525

(3) "Regulated individual" means either of the following: 3526

(a) A student in a state or local public educational 3527  
institution; 3528

(b) A person who is, voluntarily or involuntarily, an inmate, 3529  
patient, or resident of a state or local institution because of 3530  
criminal behavior, mental illness, an intellectual disability, 3531  
disease, disability, age, or other condition requiring custodial 3532  
care. 3533

(4) "Public office" has the same meaning as in section 3534  
149.011 of the Revised Code. 3535

(C) All meetings of any public body are declared to be public 3536  
meetings open to the public at all times. A member of a public 3537  
body shall be present in person at a meeting open to the public to 3538  
be considered present or to vote at the meeting and for purposes 3539  
of determining whether a quorum is present at the meeting. 3540

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

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

(1) A grand jury;

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

(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon and the department of rehabilitation and correction when its hearings are conducted at a correctional institution for the sole purpose of making determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;

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

(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;

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

(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	3571 3572 3573
(8) The state board of pharmacy when <del>determining</del> <u>utilizing a telephone conference call to do either of the following:</u>	3574 3575
(a) <u>Make a determination of whether to suspend a license, certificate, or registration without a prior hearing pursuant to division (D) of section 4729.16 Chapters 3719., 3796., 4729., and 4752. of the Revised Code;</u>	3576 3577 3578 3579
(b) <u>Make a determination pursuant to division (A) or (B) of section 3719.45 of the Revised Code.</u>	3580 3581
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	3582 3583 3584
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;	3585 3586 3587 3588
(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;	3589 3590 3591 3592
(12) An audit conference conducted by the audit staff of the department of job and family services with officials of the public office that is the subject of that audit under section 5101.37 of the Revised Code;	3593 3594 3595 3596
(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11 of the	3597 3598 3599 3600

Revised Code; 3601

(14) The physical therapy section of the occupational 3602  
therapy, physical therapy, and athletic trainers board when 3603  
determining whether to suspend a license without a hearing 3604  
pursuant to division (E) of section 4755.47 of the Revised Code; 3605

(15) The athletic trainers section of the occupational 3606  
therapy, physical therapy, and athletic trainers board when 3607  
determining whether to suspend a license without a hearing 3608  
pursuant to division (D) of section 4755.64 of the Revised Code; 3609

(16) Meetings of the pregnancy-associated mortality review 3610  
board established under section 3738.01 of the Revised Code. 3611

(E) The controlling board, the tax credit authority, or the 3612  
minority development financing advisory board, when meeting to 3613  
consider granting assistance pursuant to Chapter 122. or 166. of 3614  
the Revised Code, in order to protect the interest of the 3615  
applicant or the possible investment of public funds, by unanimous 3616  
vote of all board or authority members present, may close the 3617  
meeting during consideration of the following information 3618  
confidentially received by the authority or board from the 3619  
applicant: 3620

(1) Marketing plans; 3621

(2) Specific business strategy; 3622

(3) Production techniques and trade secrets; 3623

(4) Financial projections; 3624

(5) Personal financial statements of the applicant or members 3625  
of the applicant's immediate family, including, but not limited 3626  
to, tax records or other similar information not open to public 3627  
inspection. 3628

The vote by the authority or board to accept or reject the 3629  
application, as well as all proceedings of the authority or board 3630

not subject to this division, shall be open to the public and 3631  
governed by this section. 3632

(F) Every public body, by rule, shall establish a reasonable 3633  
method whereby any person may determine the time and place of all 3634  
regularly scheduled meetings and the time, place, and purpose of 3635  
all special meetings. A public body shall not hold a special 3636  
meeting unless it gives at least twenty-four hours' advance notice 3637  
to the news media that have requested notification, except in the 3638  
event of an emergency requiring immediate official action. In the 3639  
event of an emergency, the member or members calling the meeting 3640  
shall notify the news media that have requested notification 3641  
immediately of the time, place, and purpose of the meeting. 3642

The rule shall provide that any person, upon request and 3643  
payment of a reasonable fee, may obtain reasonable advance 3644  
notification of all meetings at which any specific type of public 3645  
business is to be discussed. Provisions for advance notification 3646  
may include, but are not limited to, mailing the agenda of 3647  
meetings to all subscribers on a mailing list or mailing notices 3648  
in self-addressed, stamped envelopes provided by the person. 3649

(G) Except as provided in divisions (G)(8) and (J) of this 3650  
section, the members of a public body may hold an executive 3651  
session only after a majority of a quorum of the public body 3652  
determines, by a roll call vote, to hold an executive session and 3653  
only at a regular or special meeting for the sole purpose of the 3654  
consideration of any of the following matters: 3655

(1) To consider the appointment, employment, dismissal, 3656  
discipline, promotion, demotion, or compensation of a public 3657  
employee or official, or the investigation of charges or 3658  
complaints against a public employee, official, licensee, or 3659  
regulated individual, unless the public employee, official, 3660  
licensee, or regulated individual requests a public hearing. 3661  
Except as otherwise provided by law, no public body shall hold an 3662

executive session for the discipline of an elected official for 3663  
conduct related to the performance of the elected official's 3664  
official duties or for the elected official's removal from office. 3665  
If a public body holds an executive session pursuant to division 3666  
(G)(1) of this section, the motion and vote to hold that executive 3667  
session shall state which one or more of the approved purposes 3668  
listed in division (G)(1) of this section are the purposes for 3669  
which the executive session is to be held, but need not include 3670  
the name of any person to be considered at the meeting. 3671

(2) To consider the purchase of property for public purposes, 3672  
the sale of property at competitive bidding, or the sale or other 3673  
disposition of unneeded, obsolete, or unfit-for-use property in 3674  
accordance with section 505.10 of the Revised Code, if premature 3675  
disclosure of information would give an unfair competitive or 3676  
bargaining advantage to a person whose personal, private interest 3677  
is adverse to the general public interest. No member of a public 3678  
body shall use division (G)(2) of this section as a subterfuge for 3679  
providing covert information to prospective buyers or sellers. A 3680  
purchase or sale of public property is void if the seller or buyer 3681  
of the public property has received covert information from a 3682  
member of a public body that has not been disclosed to the general 3683  
public in sufficient time for other prospective buyers and sellers 3684  
to prepare and submit offers. 3685

If the minutes of the public body show that all meetings and 3686  
deliberations of the public body have been conducted in compliance 3687  
with this section, any instrument executed by the public body 3688  
purporting to convey, lease, or otherwise dispose of any right, 3689  
title, or interest in any public property shall be conclusively 3690  
presumed to have been executed in compliance with this section 3691  
insofar as title or other interest of any bona fide purchasers, 3692  
lessees, or transferees of the property is concerned. 3693

(3) Conferences with an attorney for the public body 3694

concerning disputes involving the public body that are the subject	3695
of pending or imminent court action;	3696
(4) Preparing for, conducting, or reviewing negotiations or	3697
bargaining sessions with public employees concerning their	3698
compensation or other terms and conditions of their employment;	3699
(5) Matters required to be kept confidential by federal law	3700
or regulations or state statutes;	3701
(6) Details relative to the security arrangements and	3702
emergency response protocols for a public body or a public office,	3703
if disclosure of the matters discussed could reasonably be	3704
expected to jeopardize the security of the public body or public	3705
office;	3706
(7) In the case of a county hospital operated pursuant to	3707
Chapter 339. of the Revised Code, a joint township hospital	3708
operated pursuant to Chapter 513. of the Revised Code, or a	3709
municipal hospital operated pursuant to Chapter 749. of the	3710
Revised Code, to consider trade secrets, as defined in section	3711
1333.61 of the Revised Code;	3712
(8) To consider confidential information related to the	3713
marketing plans, specific business strategy, production	3714
techniques, trade secrets, or personal financial statements of an	3715
applicant for economic development assistance, or to negotiations	3716
with other political subdivisions respecting requests for economic	3717
development assistance, provided that both of the following	3718
conditions apply:	3719
(a) The information is directly related to a request for	3720
economic development assistance that is to be provided or	3721
administered under any provision of Chapter 715., 725., 1724., or	3722
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43,	3723
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of	3724
the Revised Code, or that involves public infrastructure	3725

improvements or the extension of utility services that are 3726  
directly related to an economic development project. 3727

(b) A unanimous quorum of the public body determines, by a 3728  
roll call vote, that the executive session is necessary to protect 3729  
the interests of the applicant or the possible investment or 3730  
expenditure of public funds to be made in connection with the 3731  
economic development project. 3732

If a public body holds an executive session to consider any 3733  
of the matters listed in divisions (G)(2) to (8) of this section, 3734  
the motion and vote to hold that executive session shall state 3735  
which one or more of the approved matters listed in those 3736  
divisions are to be considered at the executive session. 3737

A public body specified in division (B)(1)(c) of this section 3738  
shall not hold an executive session when meeting for the purposes 3739  
specified in that division. 3740

(H) A resolution, rule, or formal action of any kind is 3741  
invalid unless adopted in an open meeting of the public body. A 3742  
resolution, rule, or formal action adopted in an open meeting that 3743  
results from deliberations in a meeting not open to the public is 3744  
invalid unless the deliberations were for a purpose specifically 3745  
authorized in division (G) or (J) of this section and conducted at 3746  
an executive session held in compliance with this section. A 3747  
resolution, rule, or formal action adopted in an open meeting is 3748  
invalid if the public body that adopted the resolution, rule, or 3749  
formal action violated division (F) of this section. 3750

(I)(1) Any person may bring an action to enforce this 3751  
section. An action under division (I)(1) of this section shall be 3752  
brought within two years after the date of the alleged violation 3753  
or threatened violation. Upon proof of a violation or threatened 3754  
violation of this section in an action brought by any person, the 3755  
court of common pleas shall issue an injunction to compel the 3756

members of the public body to comply with its provisions. 3757

(2)(a) If the court of common pleas issues an injunction 3758  
pursuant to division (I)(1) of this section, the court shall order 3759  
the public body that it enjoins to pay a civil forfeiture of five 3760  
hundred dollars to the party that sought the injunction and shall 3761  
award to that party all court costs and, subject to reduction as 3762  
described in division (I)(2) of this section, reasonable 3763  
attorney's fees. The court, in its discretion, may reduce an award 3764  
of attorney's fees to the party that sought the injunction or not 3765  
award attorney's fees to that party if the court determines both 3766  
of the following: 3767

(i) That, based on the ordinary application of statutory law 3768  
and case law as it existed at the time of violation or threatened 3769  
violation that was the basis of the injunction, a well-informed 3770  
public body reasonably would believe that the public body was not 3771  
violating or threatening to violate this section; 3772

(ii) That a well-informed public body reasonably would 3773  
believe that the conduct or threatened conduct that was the basis 3774  
of the injunction would serve the public policy that underlies the 3775  
authority that is asserted as permitting that conduct or 3776  
threatened conduct. 3777

(b) If the court of common pleas does not issue an injunction 3778  
pursuant to division (I)(1) of this section and the court 3779  
determines at that time that the bringing of the action was 3780  
frivolous conduct, as defined in division (A) of section 2323.51 3781  
of the Revised Code, the court shall award to the public body all 3782  
court costs and reasonable attorney's fees, as determined by the 3783  
court. 3784

(3) Irreparable harm and prejudice to the party that sought 3785  
the injunction shall be conclusively and irrebuttably presumed 3786  
upon proof of a violation or threatened violation of this section. 3787

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

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

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

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

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

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

(3) A veterans service commission shall vote on the grant or denial of financial assistance under sections 5901.01 to 5901.15 of the Revised Code only in an open meeting of the commission. The minutes of the meeting shall indicate the name, address, and occupation of the applicant, whether the assistance was granted or denied, the amount of the assistance if assistance is granted, and the votes for and against the granting of assistance.

Sec. 121.37. (A)(1) There is hereby created the Ohio family 3819  
and children first cabinet council. The council shall be composed 3820  
of the superintendent of public instruction, the executive 3821  
director of the opportunities for Ohioans with disabilities 3822  
agency, the medicaid director, and the directors of youth 3823  
services, job and family services, mental health and addiction 3824  
services, health, developmental disabilities, aging, 3825  
rehabilitation and correction, and budget and management. The 3826  
chairperson of the council shall be the governor or the governor's 3827  
designee and shall establish procedures for the council's internal 3828  
control and management. 3829

The purpose of the cabinet council is to help families 3830  
seeking government services. This section shall not be interpreted 3831  
or applied to usurp the role of parents, but solely to streamline 3832  
and coordinate existing government services for families seeking 3833  
assistance for their children. 3834

(2) In seeking to fulfill its purpose, the council may do any 3835  
of the following: 3836

(a) Advise and make recommendations to the governor and 3837  
general assembly regarding the provision of services to children; 3838

(b) Advise and assess local governments on the coordination 3839  
of service delivery to children; 3840

(c) Hold meetings at such times and places as may be 3841  
prescribed by the council's procedures and maintain records of the 3842  
meetings, except that records identifying individual children are 3843  
confidential and shall be disclosed only as provided by law; 3844

(d) Develop programs and projects, including pilot projects, 3845  
to encourage coordinated efforts at the state and local level to 3846  
improve the state's social service delivery system; 3847

(e) Enter into contracts with and administer grants to county 3848

family and children first councils, as well as other county or	3849
multicounty organizations to plan and coordinate service delivery	3850
between state agencies and local service providers for families	3851
and children;	3852
(f) Enter into contracts with and apply for grants from	3853
federal agencies or private organizations;	3854
(g) Enter into interagency agreements to encourage	3855
coordinated efforts at the state and local level to improve the	3856
state's social service delivery system. The agreements may include	3857
provisions regarding the receipt, transfer, and expenditure of	3858
funds;	3859
(h) Identify public and private funding sources for services	3860
provided to alleged or adjudicated unruly children and children	3861
who are at risk of being alleged or adjudicated unruly children,	3862
including regulations governing access to and use of the services;	3863
(i) Collect information provided by local communities	3864
regarding successful programs for prevention, intervention, and	3865
treatment of unruly behavior, including evaluations of the	3866
programs;	3867
(j) Identify and disseminate publications regarding alleged	3868
or adjudicated unruly children and children who are at risk of	3869
being alleged or adjudicated unruly children and regarding	3870
programs serving those types of children;	3871
(k) Maintain an inventory of strategic planning facilitators	3872
for use by government or nonprofit entities that serve alleged or	3873
adjudicated unruly children or children who are at risk of being	3874
alleged or adjudicated unruly children.	3875
(3) The cabinet council shall provide for the following:	3876
(a) Reviews of service and treatment plans for children for	3877
which such reviews are requested;	3878

(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;

(c) Monitoring and supervision of a statewide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of health for early intervention services under the "Individuals with Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended.

(4) The cabinet council shall develop and implement the following:

(a) An interagency process to select the indicators that will be used to measure progress toward increasing child well-being in the state and to update the indicators on an annual basis. The indicators shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood.

(b) An interagency system to offer guidance and monitor progress toward increasing child well-being in the state and in each county;

(c) An annual plan that identifies state-level agency efforts taken to ensure progress towards increasing child well-being in the state.

On an annual basis, the cabinet council shall submit to the governor and the general assembly a report on the status of efforts to increase child well-being in the state. This report shall be made available to any other person on request.

(B)(1) Each board of county commissioners shall establish a county family and children first council. The board may invite any

local public or private agency or group that funds, advocates, or 3910  
provides services to children and families to have a 3911  
representative become a permanent or temporary member of its 3912  
county council. Each county council must include the following 3913  
individuals: 3914

(a) At least three individuals who are not employed by an 3915  
agency represented on the council and whose families are or have 3916  
received services from an agency represented on the council or 3917  
another county's council. Where possible, the number of members 3918  
representing families shall be equal to twenty per cent of the 3919  
council's membership. 3920

(b) The director of the board of alcohol, drug addiction, and 3921  
mental health services that serves the county, or, in the case of 3922  
a county that has a board of alcohol and drug addiction services 3923  
and a community mental health board, the directors of both boards. 3924  
If a board of alcohol, drug addiction, and mental health services 3925  
covers more than one county, the director may designate a person 3926  
to participate on the county's council. 3927

(c) The health commissioner, or the commissioner's designee, 3928  
of the board of health of each city and general health district in 3929  
the county. If the county has two or more health districts, the 3930  
health commissioner membership may be limited to the commissioners 3931  
of the two districts with the largest populations. 3932

(d) The director of the county department of job and family 3933  
services; 3934

(e) The executive director of the public children services 3935  
agency; 3936

(f) The superintendent of the county board of developmental 3937  
disabilities or, if the superintendent serves as superintendent of 3938  
more than one county board of developmental disabilities, the 3939  
superintendent's designee; 3940

(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its determination at least biennially;

(h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;

(i) A representative of the municipal corporation with the largest population in the county;

(j) The president of the board of county commissioners or an individual designated by the board;

(k) A representative of the ~~regional office of the~~ department of youth services or an individual designated by the department;

(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;

(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";

(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.

Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section.

The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council

concerning whether reasonable responsibilities as members are 3971  
being shared. The appeals process may be accessed only by a 3972  
majority vote of the council members who are required to serve on 3973  
the council. Upon appeal, the cabinet council may order that state 3974  
funds for services to children and families be redirected to a 3975  
county's board of county commissioners. 3976

The county's juvenile court judge senior in service or 3977  
another judge of the juvenile court designated by the 3978  
administrative judge or, where there is no administrative judge, 3979  
by the judge senior in service shall serve as the judicial advisor 3980  
to the county family and children first council. The judge may 3981  
advise the county council on the court's utilization of resources, 3982  
services, or programs provided by the entities represented by the 3983  
members of the county council and how those resources, services, 3984  
or programs assist the court in its administration of justice. 3985  
Service of a judge as a judicial advisor pursuant to this section 3986  
is a judicial function. 3987

(2) The purpose of the county council is to streamline and 3988  
coordinate existing government services for families seeking 3989  
services for their children. In seeking to fulfill its purpose, a 3990  
county council shall provide for the following: 3991

(a) Referrals to the cabinet council of those children for 3992  
whom the county council cannot provide adequate services; 3993

(b) Development and implementation of a process that annually 3994  
evaluates and prioritizes services, fills service gaps where 3995  
possible, and invents new approaches to achieve better results for 3996  
families and children; 3997

(c) Participation in the development of a countywide, 3998  
comprehensive, coordinated, multi-disciplinary, interagency system 3999  
for infants and toddlers with developmental disabilities or delays 4000  
and their families, as established pursuant to federal grants 4001

received and administered by the department of health for early 4002  
intervention services under the "Individuals with Disabilities 4003  
Education Act of 2004"; 4004

(d) Maintenance of an accountability system to monitor the 4005  
county council's progress in achieving results for families and 4006  
children; 4007

(e) Establishment of a mechanism to ensure ongoing input from 4008  
a broad representation of families who are receiving services 4009  
within the county system. 4010

(3) A county council shall develop and implement the 4011  
following: 4012

(a) An interagency process to establish local indicators and 4013  
monitor the county's progress toward increasing child well-being 4014  
in the county; 4015

(b) An interagency process to identify local priorities to 4016  
increase child well-being. The local priorities shall focus on 4017  
expectant parents and newborns thriving; infants and toddlers 4018  
thriving; children being ready for school; children and youth 4019  
succeeding in school; youth choosing healthy behaviors; and youth 4020  
successfully transitioning into adulthood and take into account 4021  
the indicators established by the cabinet council under division 4022  
(A)(4)(a) of this section. 4023

(c) An annual plan that identifies the county's interagency 4024  
efforts to increase child well-being in the county. 4025

On an annual basis, the county council shall submit a report 4026  
on the status of efforts by the county to increase child 4027  
well-being in the county to the county's board of county 4028  
commissioners and the cabinet council. This report shall be made 4029  
available to any other person on request. 4030

(4)(a) Except as provided in division (B)(4)(b) of this 4031

section, a county council shall comply with the policies, 4032  
procedures, and activities prescribed by the rules or interagency 4033  
agreements of a state department participating on the cabinet 4034  
council whenever the county council performs a function subject to 4035  
those rules or agreements. 4036

(b) On application of a county council, the cabinet council 4037  
may grant an exemption from any rules or interagency agreements of 4038  
a state department participating on the council if an exemption is 4039  
necessary for the council to implement an alternative program or 4040  
approach for service delivery to families and children. The 4041  
application shall describe the proposed program or approach and 4042  
specify the rules or interagency agreements from which an 4043  
exemption is necessary. The cabinet council shall approve or 4044  
disapprove the application in accordance with standards and 4045  
procedures it shall adopt. If an application is approved, the 4046  
exemption is effective only while the program or approach is being 4047  
implemented, including a reasonable period during which the 4048  
program or approach is being evaluated for effectiveness. 4049

(5)(a) Each county council shall designate an administrative 4050  
agent for the council from among the following public entities: 4051  
the board of alcohol, drug addiction, and mental health services, 4052  
including a board of alcohol and drug addiction or a community 4053  
mental health board if the county is served by separate boards; 4054  
the board of county commissioners; any board of health of the 4055  
county's city and general health districts; the county department 4056  
of job and family services; the county agency responsible for the 4057  
administration of children services pursuant to section 5153.15 of 4058  
the Revised Code; the county board of developmental disabilities; 4059  
any of the county's boards of education or governing boards of 4060  
educational service centers; or the county's juvenile court. Any 4061  
of the foregoing public entities, other than the board of county 4062  
commissioners, may decline to serve as the council's 4063

administrative agent. 4064

A county council's administrative agent shall serve as the 4065  
council's appointing authority for any employees of the council. 4066  
The council shall file an annual budget with its administrative 4067  
agent, with copies filed with the county auditor and with the 4068  
board of county commissioners, unless the board is serving as the 4069  
council's administrative agent. The council's administrative agent 4070  
shall ensure that all expenditures are handled in accordance with 4071  
policies, procedures, and activities prescribed by state 4072  
departments in rules or interagency agreements that are applicable 4073  
to the council's functions. 4074

The administrative agent of a county council shall send 4075  
notice of a member's absence if a member listed in division (B)(1) 4076  
of this section has been absent from either three consecutive 4077  
meetings of the county council or a county council subcommittee, 4078  
or from one-quarter of such meetings in a calendar year, whichever 4079  
is less. The notice shall be sent to the board of county 4080  
commissioners that establishes the county council and, for the 4081  
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 4082  
section, to the governing board overseeing the respective entity; 4083  
for the member listed in division (B)(1)(f) of this section, to 4084  
the county board of developmental disabilities that employs the 4085  
superintendent; for a member listed in division (B)(1)(g) or (h) 4086  
of this section, to the school board that employs the 4087  
superintendent; for the member listed in division (B)(1)(i) of 4088  
this section, to the mayor of the municipal corporation; for the 4089  
member listed in division (B)(1)(k) of this section, to the 4090  
director of youth services; and for the member listed in division 4091  
(B)(1)(n) of this section, to that member's board of trustees. 4092

The administrative agent for a county council may do any of 4093  
the following on behalf of the council: 4094

(i) Enter into agreements or administer contracts with public 4095

or private entities to fulfill specific council business. Such 4096  
agreements and contracts are exempt from the competitive bidding 4097  
requirements of section 307.86 of the Revised Code if they have 4098  
been approved by the county council and they are for the purchase 4099  
of family and child welfare or child protection services or other 4100  
social or job and family services for families and children. The 4101  
approval of the county council is not required to exempt 4102  
agreements or contracts entered into under section 5139.34, 4103  
5139.41, or 5139.43 of the Revised Code from the competitive 4104  
bidding requirements of section 307.86 of the Revised Code. 4105

(ii) As determined by the council, provide financial 4106  
stipends, reimbursements, or both, to family representatives for 4107  
expenses related to council activity; 4108

(iii) Receive by gift, grant, devise, or bequest any moneys, 4109  
lands, or other property for the purposes for which the council is 4110  
established. The agent shall hold, apply, and dispose of the 4111  
moneys, lands, or other property according to the terms of the 4112  
gift, grant, devise, or bequest. Any interest or earnings shall be 4113  
treated in the same manner and are subject to the same terms as 4114  
the gift, grant, devise, or bequest from which it accrues. 4115

(b)(i) If the county council designates the board of county 4116  
commissioners as its administrative agent, the board may, by 4117  
resolution, delegate any of its powers and duties as 4118  
administrative agent to an executive committee the board 4119  
establishes from the membership of the county council. The board 4120  
shall name to the executive committee at least the individuals 4121  
described in divisions (B)(1)(b) to (h) of this section and may 4122  
appoint the president of the board or another individual as the 4123  
chair of the executive committee. The executive committee must 4124  
include at least one family county council representative who does 4125  
not have a family member employed by an agency represented on the 4126  
council. 4127

(ii) The executive committee may, with the approval of the board, hire an executive director to assist the county council in administering its powers and duties. The executive director shall serve in the unclassified civil service at the pleasure of the executive committee. The executive director may, with the approval of the executive committee, hire other employees as necessary to properly conduct the county council's business.

(iii) The board may require the executive committee to submit an annual budget to the board for approval and may amend or repeal the resolution that delegated to the executive committee its authority as the county council's administrative agent.

(6) Two or more county councils may enter into an agreement to administer their county councils jointly by creating a regional family and children first council. A regional council possesses the same duties and authority possessed by a county council, except that the duties and authority apply regionally rather than to individual counties. Prior to entering into an agreement to create a regional council, the members of each county council to be part of the regional council shall meet to determine whether all or part of the members of each county council will serve as members of the regional council.

(7) A board of county commissioners may approve a resolution by a majority vote of the board's members that requires the county council to submit a statement to the board each time the council proposes to enter into an agreement, adopt a plan, or make a decision, other than a decision pursuant to section 121.38 of the Revised Code, that requires the expenditure of funds for two or more families. The statement shall describe the proposed agreement, plan, or decision.

Not later than fifteen days after the board receives the statement, it shall, by resolution approved by a majority of its members, approve or disapprove the agreement, plan, or decision.

Failure of the board to pass a resolution during that time period 4160  
shall be considered approval of the agreement, plan, or decision. 4161

An agreement, plan, or decision for which a statement is 4162  
required to be submitted to the board shall be implemented only if 4163  
it is approved by the board. 4164

(C) Each county shall develop a county service coordination 4165  
mechanism. The county service coordination mechanism shall serve 4166  
as the guiding document for coordination of services in the 4167  
county. For children who also receive services under the help me 4168  
grow program, the service coordination mechanism shall be 4169  
consistent with rules adopted by the department of health under 4170  
section 3701.61 of the Revised Code. All family service 4171  
coordination plans shall be developed in accordance with the 4172  
county service coordination mechanism. The mechanism shall be 4173  
developed and approved with the participation of the county 4174  
entities representing child welfare; developmental disabilities; 4175  
alcohol, drug addiction, and mental health services; health; 4176  
juvenile judges; education; the county family and children first 4177  
council; and the county early intervention collaborative 4178  
established pursuant to the federal early intervention program 4179  
operated under the "Individuals with Disabilities Education Act of 4180  
2004." The county shall establish an implementation schedule for 4181  
the mechanism. The cabinet council may monitor the implementation 4182  
and administration of each county's service coordination 4183  
mechanism. 4184

Each mechanism shall include all of the following: 4185

(1) A procedure for an agency, including a juvenile court, or 4186  
a family voluntarily seeking service coordination, to refer the 4187  
child and family to the county council for service coordination in 4188  
accordance with the mechanism; 4189

(2) A procedure ensuring that a family and all appropriate 4190

staff from involved agencies, including a representative from the 4191  
appropriate school district, are notified of and invited to 4192  
participate in all family service coordination plan meetings; 4193

(3) A procedure that permits a family to initiate a meeting 4194  
to develop or review the family's service coordination plan and 4195  
allows the family to invite a family advocate, mentor, or support 4196  
person of the family's choice to participate in any such meeting; 4197

(4) A procedure for ensuring that a family service 4198  
coordination plan meeting is conducted for each child who receives 4199  
service coordination under the mechanism and for whom an emergency 4200  
out-of-home placement has been made or for whom a nonemergency 4201  
out-of-home placement is being considered. The meeting shall be 4202  
conducted within ten days of an emergency out-of-home placement. 4203  
The meeting shall be conducted before a nonemergency out-of-home 4204  
placement. The family service coordination plan shall outline how 4205  
the county council members will jointly pay for services, where 4206  
applicable, and provide services in the least restrictive 4207  
environment. 4208

(5) A procedure for monitoring the progress and tracking the 4209  
outcomes of each service coordination plan requested in the county 4210  
including monitoring and tracking children in out-of-home 4211  
placements to assure continued progress, appropriateness of 4212  
placement, and continuity of care after discharge from placement 4213  
with appropriate arrangements for housing, treatment, and 4214  
education; 4215

(6) A procedure for protecting the confidentiality of all 4216  
personal family information disclosed during service coordination 4217  
meetings or contained in the comprehensive family service 4218  
coordination plan; 4219

(7) A procedure for assessing the needs and strengths of any 4220  
child or family that has been referred to the council for service 4221

coordination, including a child whose parent or custodian is 4222  
voluntarily seeking services, and for ensuring that parents and 4223  
custodians are afforded the opportunity to participate; 4224

(8) A procedure for development of a family service 4225  
coordination plan described in division (D) of this section; 4226

(9) A local dispute resolution process to serve as the 4227  
process that must be used first to resolve disputes among the 4228  
agencies represented on the county council concerning the 4229  
provision of services to children, including children who are 4230  
abused, neglected, dependent, unruly, alleged unruly, or 4231  
delinquent children and under the jurisdiction of the juvenile 4232  
court and children whose parents or custodians are voluntarily 4233  
seeking services. The local dispute resolution process shall 4234  
comply with sections 121.38, 121.381, and 121.382 of the Revised 4235  
Code. The local dispute resolution process shall be used to 4236  
resolve disputes between a child's parents or custodians and the 4237  
county council regarding service coordination. The county council 4238  
shall inform the parents or custodians of their right to use the 4239  
dispute resolution process. Parents or custodians shall use 4240  
existing local agency grievance procedures to address disputes not 4241  
involving service coordination. The dispute resolution process is 4242  
in addition to and does not replace other rights or procedures 4243  
that parents or custodians may have under other sections of the 4244  
Revised Code. 4245

The cabinet council shall adopt rules in accordance with 4246  
Chapter 119. of the Revised Code establishing an administrative 4247  
review process to address problems that arise concerning the 4248  
operation of a local dispute resolution process. 4249

Nothing in division (C)(4) of this section shall be 4250  
interpreted as overriding or affecting decisions of a juvenile 4251  
court regarding an out-of-home placement, long-term placement, or 4252  
emergency out-of-home placement. 4253

(D) Each county shall develop a family service coordination plan that does all of the following: 4254  
4255

(1) Designates service responsibilities among the various state and local agencies that provide services to children and their families, including children who are abused, neglected, dependent, unruly, or delinquent children and under the jurisdiction of the juvenile court and children whose parents or custodians are voluntarily seeking services; 4256  
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(2) Designates an individual, approved by the family, to track the progress of the family service coordination plan, schedule reviews as necessary, and facilitate the family service coordination plan meeting process; 4262  
4263  
4264  
4265

(3) Ensures that assistance and services to be provided are responsive to the strengths and needs of the family, as well as the family's culture, race, and ethnic group, by allowing the family to offer information and suggestions and participate in decisions. Identified assistance and services shall be provided in the least restrictive environment possible. 4266  
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(4) Includes a process for dealing with a child who is alleged to be an unruly child. The process shall include methods to divert the child from the juvenile court system; 4272  
4273  
4274

(5) Includes timelines for completion of goals specified in the plan with regular reviews scheduled to monitor progress toward those goals; 4275  
4276  
4277

(6) Includes a plan for dealing with short-term crisis situations and safety concerns. 4278  
4279

(E)(1) The process provided for under division (D)(4) of this section may include, but is not limited to, the following: 4280  
4281

(a) Designation of the person or agency to conduct the assessment of the child and the child's family as described in 4282  
4283

division (C)(7) of this section and designation of the instrument	4284
or instruments to be used to conduct the assessment;	4285
(b) An emphasis on the personal responsibilities of the child	4286
and the parental responsibilities of the parents, guardian, or	4287
custodian of the child;	4288
(c) Involvement of local law enforcement agencies and	4289
officials.	4290
(2) The method to divert a child from the juvenile court	4291
system that must be included in the service coordination process	4292
may include, but is not limited to, the following:	4293
(a) The preparation of a complaint under section 2151.27 of	4294
the Revised Code alleging that the child is an unruly child and	4295
notifying the child and the parents, guardian, or custodian that	4296
the complaint has been prepared to encourage the child and the	4297
parents, guardian, or custodian to comply with other methods to	4298
divert the child from the juvenile court system;	4299
(b) Conducting a meeting with the child, the parents,	4300
guardian, or custodian, and other interested parties to determine	4301
the appropriate methods to divert the child from the juvenile	4302
court system;	4303
(c) A method to provide to the child and the child's family a	4304
short-term respite from a short-term crisis situation involving a	4305
confrontation between the child and the parents, guardian, or	4306
custodian;	4307
(d) A program to provide a mentor to the child or the	4308
parents, guardian, or custodian;	4309
(e) A program to provide parenting education to the parents,	4310
guardian, or custodian;	4311
(f) An alternative school program for children who are truant	4312
from school, repeatedly disruptive in school, or suspended or	4313

expelled from school; 4314

(g) Other appropriate measures, including, but not limited 4315  
to, any alternative methods to divert a child from the juvenile 4316  
court system that are identified by the Ohio family and children 4317  
first cabinet council. 4318

(F) Each county may review and revise the service 4319  
coordination process described in division (D) of this section 4320  
based on the availability of funds under Title IV-A of the "Social 4321  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 4322  
or to the extent resources are available from any other federal, 4323  
state, or local funds. 4324

Sec. 121.374. (A) It is the intent of this state and the 4325  
general assembly that custody relinquishment for the sole purpose 4326  
of gaining access to child-specific services for multi-system 4327  
children and youth shall cease. 4328

(B) The Ohio family and children first council shall develop 4329  
a comprehensive multi-system youth action plan that does the 4330  
following: 4331

(1) Defines and establishes shared responsibility between 4332  
county and state child-serving systems for providing and funding 4333  
multi-system youth services; 4334

(2) Provides recommendations for flexible spending at the 4335  
state level within the cabinet council; 4336

(3) Defines the model and process by which the flexible 4337  
spending may be accessed to pay for services for multi-system 4338  
youth; 4339

(4) Identifies strategies to assist with reducing custody 4340  
relinquishment for the sole purpose of gaining access to services 4341  
for multi-system children and youth; 4342

(5) Implements the full final recommendations of the joint 4343

legislative committee for multi-system youth. 4344

(C) Not later than December 31, 2019, the cabinet council 4345

shall submit its final action plan to the general assembly. 4346

**Sec. 122.075.** (A) As used in this section: 4347

(1) "Alternative fuel" has the same meaning as in section 4348

125.831 of the Revised Code. 4349

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 4350

fuel that is derived from vegetable oils or animal fats, or any 4351

combination of those reagents, and that meets American society for 4352

testing and materials specification D6751-03a for biodiesel fuel 4353

(B100) blend stock distillate fuels. 4354

(3) "Diesel fuel" and "gasoline" have the same meanings as in 4355

section 5735.01 of the Revised Code. 4356

(4) "Ethanol" has the same meaning as in section 5733.46 of 4357

the Revised Code. 4358

(5) "Blended biodiesel" means diesel fuel containing at least 4359

twenty per cent biodiesel by volume. 4360

(6) "Blended gasoline" means gasoline containing at least 4361

eighty-five per cent ethanol by volume. 4362

(7) "Incremental cost" means either of the following: 4363

(a) The difference in cost between blended gasoline and 4364

gasoline containing ten per cent or less ethanol at the time that 4365

the blended gasoline is purchased; 4366

(b) The difference in cost between blended biodiesel and 4367

diesel fuel containing two per cent or less biodiesel at the time 4368

that the blended biodiesel is purchased. 4369

(B) For the purpose of improving the air quality in this 4370

state, the director of development services shall establish an 4371

alternative fuel transportation program under which the director 4372

may make grants and loans to businesses, nonprofit organizations, 4373  
public school systems, or local governments for the purchase and 4374  
installation of alternative fuel refueling or distribution 4375  
facilities and terminals, for the purchase and use of alternative 4376  
fuel, to pay the cost of fleet conversion, and to pay the costs of 4377  
educational and promotional materials and activities intended for 4378  
prospective alternative fuel consumers, fuel marketers, and others 4379  
in order to increase the availability and use of alternative fuel. 4380

(C) The director, in consultation with the director of 4381  
agriculture, shall adopt rules in accordance with Chapter 119. of 4382  
the Revised Code that are necessary for the administration of the 4383  
alternative fuel transportation program. The rules shall establish 4384  
at least all of the following: 4385

(1) An application form and procedures governing the 4386  
application process for receiving funds under the program; 4387

(2) A procedure for prioritizing the award of grants and 4388  
loans under the program. The procedures shall give preference to 4389  
all of the following: 4390

(a) Publicly accessible refueling facilities; 4391

(b) Entities applying to the program that have secured 4392  
funding from other sources, including, but not limited to, private 4393  
or federal incentives; 4394

(c) Entities that have presented compelling evidence of 4395  
demand in the market in which the facilities or terminals will be 4396  
located; 4397

(d) Entities that have committed to utilizing purchased or 4398  
installed facilities or terminals for the greatest number of 4399  
years; 4400

(e) Entities that will be purchasing or installing facilities 4401  
or terminals for any type of alternative fuel. 4402

(3) A requirement that the maximum incentive for the purchase 4403  
and installation of an alternative fuel refueling or distribution 4404  
facility or terminal be eighty per cent of the cost of the 4405  
facility or terminal, except that at least twenty per cent of the 4406  
total cost of the facility or terminal shall be incurred by the 4407  
recipient and not compensated for by any other source; 4408

(4) A requirement that the maximum incentive for the purchase 4409  
of alternative fuel be eighty per cent of the cost of the fuel or, 4410  
in the case of blended biodiesel or blended gasoline, eighty per 4411  
cent of the incremental cost of the blended biodiesel or blended 4412  
gasoline; 4413

(5) Any other criteria, procedures, or guidelines that the 4414  
director determines are necessary to administer the program, 4415  
including fees, charges, interest rates, and payment schedules. 4416

(D) An applicant for a grant or loan under this section that 4417  
sells motor vehicle fuel at retail shall agree that if the 4418  
applicant receives funding, the applicant will report to the 4419  
director the gallon or gallon equivalent amounts of alternative 4420  
fuel the applicant sells at retail in this state for a period of 4421  
three years after the project is completed. 4422

The director shall enter into a written confidentiality 4423  
agreement with the applicant regarding the gallon or gallon 4424  
equivalent amounts sold as described in this division, and upon 4425  
execution of the agreement this information is not a public 4426  
record. 4427

(E) There is hereby created in the state treasury the 4428  
alternative fuel transportation fund. The fund shall consist of 4429  
money transferred to the fund under division (B) of section 4430  
125.836 ~~and under division (B)(2) of section 3706.27~~ of the 4431  
Revised Code, money that is appropriated to it by the general 4432  
assembly, money as may be specified by the general assembly from 4433

the advanced energy fund created by section 4928.61 of the Revised Code, and all money received from the repayment of loans made from the fund or in the event of a default on any such loan. Money in the fund shall be used to make grants and loans under the alternative fuel transportation program and by the director in the administration of that program.

Sec. 122.26. The rural industrial park loan fund is hereby created in the state treasury for the purposes of the program established under section 122.24 of the Revised Code. The director of development services shall deposit money received for the purposes of that section to the credit of the fund.

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

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

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

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

(2) "Computer data center" means a facility used or to be used primarily to house computer data center equipment used or to be used in conducting one or more computer data center businesses, as determined by the tax credit authority.

(3) "Computer data center business" means, as may be further determined by the tax credit authority, a business that provides electronic information services as defined in division (Y)(1)(c)

of section 5739.01 of the Revised Code, or that leases a facility 4464  
to one or more such businesses. "Computer data center business" 4465  
does not include providing electronic publishing as defined in 4466  
~~division (LLL)~~ of that section. 4467

(4) "Computer data center equipment" means tangible personal 4468  
property used or to be used for any of the following: 4469

(a) To conduct a computer data center business, including 4470  
equipment cooling systems to manage the performance of computer 4471  
data center equipment; 4472

(b) To generate, transform, transmit, distribute, or manage 4473  
electricity necessary to operate the tangible personal property 4474  
used or to be used in conducting a computer data center business; 4475

(c) As building and construction materials sold to 4476  
construction contractors for incorporation into a computer data 4477  
center. 4478

(5) "Eligible computer data center" means a computer data 4479  
center that satisfies all of the following requirements: 4480

(a) One or more taxpayers operating a computer data center 4481  
business at the project site will, in the aggregate, make payments 4482  
for a capital investment project of at least one hundred million 4483  
dollars at the project site during one of the following cumulative 4484  
periods: 4485

(i) For projects beginning in 2013, six consecutive calendar 4486  
years; 4487

(ii) For projects beginning in 2014, four consecutive 4488  
calendar years; 4489

(iii) For projects beginning in or after 2015, three 4490  
consecutive calendar years. 4491

(b) One or more taxpayers operating a computer data center 4492  
business at the project site will, in the aggregate, pay annual 4493

compensation that is subject to the withholding obligation imposed 4494  
under section 5747.06 of the Revised Code of at least one million 4495  
five hundred thousand dollars to employees employed at the project 4496  
site for each year of the agreement beginning on or after the 4497  
first day of the twenty-fifth month after the agreement was 4498  
entered into under this section. 4499

(6) "Person" has the same meaning as in section 5701.01 of 4500  
the Revised Code. 4501

(7) "Project site," "related member," and "tax credit 4502  
authority" have the same meanings as in sections 122.17 and 4503  
122.171 of the Revised Code. 4504

(8) "Taxpayer" means any person subject to the taxes imposed 4505  
under Chapters 5739. and 5741. of the Revised Code. 4506

(B) The tax credit authority may completely or partially 4507  
exempt from the taxes levied under Chapters 5739. and 5741. of the 4508  
Revised Code the sale, storage, use, or other consumption of 4509  
computer data center equipment used or to be used at an eligible 4510  
computer data center. Any such exemption shall extend to charges 4511  
for the delivery, installation, or repair of the computer data 4512  
center equipment subject to the exemption under this section. 4513

(C) A taxpayer that proposes a capital improvement project 4514  
for an eligible computer data center in this state may apply to 4515  
the tax credit authority to enter into an agreement under this 4516  
section authorizing a complete or partial exemption from the taxes 4517  
imposed under Chapters 5739. and 5741. of the Revised Code on 4518  
computer data center equipment purchased by the applicant or any 4519  
other taxpayer that operates a computer data center business at 4520  
the project site and used or to be used at the eligible computer 4521  
data center. The director of development services shall prescribe 4522  
the form of the application. After receipt of an application, the 4523  
authority shall forward copies of the application to the director 4524

of budget and management and the tax commissioner, each of whom 4525  
shall review the application to determine the economic impact that 4526  
the proposed eligible computer data center would have on the state 4527  
and any affected political subdivisions and submit to the 4528  
authority a summary of their determinations. The authority shall 4529  
also forward a copy of the application to the director of 4530  
development services who shall review the application to determine 4531  
the economic impact that the proposed eligible computer data 4532  
center would have on the state and the affected political 4533  
subdivisions and shall submit a summary of their determinations 4534  
and recommendations to the authority. 4535

(D) Upon review and consideration of such determinations and 4536  
recommendations, the tax credit authority may enter into an 4537  
agreement with the applicant and any other taxpayer that operates 4538  
a computer data center business at the project site for a complete 4539  
or partial exemption from the taxes imposed under Chapters 5739. 4540  
and 5741. of the Revised Code on computer data center equipment 4541  
used or to be used at an eligible computer data center if the 4542  
authority determines all of the following: 4543

(1) The capital investment project for the eligible computer 4544  
data center will increase payroll and the amount of income taxes 4545  
to be withheld from employee compensation pursuant to section 4546  
5747.06 of the Revised Code. 4547

(2) The applicant is economically sound and has the ability 4548  
to complete or effect the completion of the proposed capital 4549  
investment project. 4550

(3) The applicant intends to and has the ability to maintain 4551  
operations at the project site for the term of the agreement. 4552

(4) Receiving the exemption is a major factor in the 4553  
applicant's decision to begin, continue with, or complete the 4554  
capital investment project. 4555

(E) An agreement entered into under this section shall 4556  
include all of the following: 4557

(1) A detailed description of the capital investment project 4558  
that is the subject of the agreement, including the amount of the 4559  
investment, the period over which the investment has been or is 4560  
being made, the annual compensation to be paid by each taxpayer 4561  
subject to the agreement to its employees at the project site, and 4562  
the anticipated amount of income taxes to be withheld from 4563  
employee compensation pursuant to section 5747.06 of the Revised 4564  
Code. 4565

(2) The percentage of the exemption from the taxes imposed 4566  
under Chapters 5739. and 5741. of the Revised Code for the 4567  
computer data center equipment used or to be used at the eligible 4568  
computer data center, the length of time the computer data center 4569  
equipment will be exempted, and the first date on which the 4570  
exemption applies. 4571

(3) A requirement that the computer data center remain an 4572  
eligible computer data center during the term of the agreement and 4573  
that the applicant maintain operations at the eligible computer 4574  
data center during that term. An applicant does not violate the 4575  
requirement described in division (E)(3) of this section if the 4576  
applicant ceases operations at the eligible computer data center 4577  
during the term of the agreement but resumes those operations 4578  
within eighteen months after the date of cessation. The agreement 4579  
shall provide that, in such a case, the applicant and any other 4580  
taxpayer that operates a computer data center business at the 4581  
project site shall not claim the tax exemption authorized in the 4582  
agreement for any purchase of computer data center equipment made 4583  
during the period in which the applicant did not maintain 4584  
operations at the eligible computer data center. 4585

(4) A requirement that, for each year of the term of the 4586  
agreement beginning on or after the first day of the twenty-fifth 4587

month after the date the agreement was entered into, one or more 4588  
taxpayers operating a computer data center business at the project 4589  
site will, in the aggregate, pay annual compensation that is 4590  
subject to the withholding obligation imposed under section 4591  
5747.06 of the Revised Code of at least one million five hundred 4592  
thousand dollars to employees at the eligible computer data 4593  
center. 4594

(5) A requirement that each taxpayer subject to the agreement 4595  
annually report to the director of development services 4596  
employment, tax withholding, capital investment, and other 4597  
information required by the director to perform the director's 4598  
duties under this section. 4599

(6) A requirement that the director of development services 4600  
annually review the annual reports of each taxpayer subject to the 4601  
agreement to verify the information reported under division (E)(5) 4602  
of this section and compliance with the agreement. Upon 4603  
verification, the director shall issue a certificate to each such 4604  
taxpayer stating that the information has been verified and that 4605  
the taxpayer remains eligible for the exemption specified in the 4606  
agreement. 4607

(7) A provision providing that the taxpayers subject to the 4608  
agreement may not relocate a substantial number of employment 4609  
positions from elsewhere in this state to the project site unless 4610  
the director of development services determines that the 4611  
appropriate taxpayer notified the legislative authority of the 4612  
county, township, or municipal corporation from which the 4613  
employment positions would be relocated. For purposes of this 4614  
paragraph, the movement of an employment position from one 4615  
political subdivision to another political subdivision shall be 4616  
considered a relocation of an employment position unless the 4617  
movement is confined to the project site. The transfer of an 4618  
employment position from one political subdivision to another 4619

political subdivision shall not be considered a relocation of an 4620  
employment position if the employment position in the first 4621  
political subdivision is replaced by another employment position. 4622

(8) A waiver by each taxpayer subject to the agreement of any 4623  
limitations periods relating to assessments or adjustments 4624  
resulting from the taxpayer's failure to comply with the 4625  
agreement. 4626

(F) The term of an agreement under this section shall be 4627  
determined by the tax credit authority, and the amount of the 4628  
exemption shall not exceed one hundred per cent of such taxes that 4629  
would otherwise be owed in respect to the exempted computer data 4630  
center equipment. 4631

(G) If any taxpayer subject to an agreement under this 4632  
section fails to meet or comply with any condition or requirement 4633  
set forth in the agreement, the tax credit authority may amend the 4634  
agreement to reduce the percentage of the exemption or term during 4635  
which the exemption applies to the computer data center equipment 4636  
used or to be used by the noncompliant taxpayer at an eligible 4637  
computer data center. The reduction of the percentage or term may 4638  
take effect in the current calendar year. 4639

(H) Financial statements and other information submitted to 4640  
the department of development services or the tax credit authority 4641  
by an applicant for or recipient of an exemption under this 4642  
section, and any information taken for any purpose from such 4643  
statements or information, are not public records subject to 4644  
section 149.43 of the Revised Code. However, the chairperson of 4645  
the authority may make use of the statements and other information 4646  
for purposes of issuing public reports or in connection with court 4647  
proceedings concerning tax exemption agreements under this 4648  
section. Upon the request of the tax commissioner, the chairperson 4649  
of the authority shall provide to the tax commissioner any 4650  
statement or other information submitted by an applicant for or 4651

recipient of an exemption under this section. The tax commissioner 4652  
shall preserve the confidentiality of the statement or other 4653  
information. 4654

(I) The tax commissioner shall issue a direct payment permit 4655  
under section 5739.031 of the Revised Code to each taxpayer 4656  
subject to an agreement under this section. Such direct payment 4657  
permit shall authorize the taxpayer to pay any sales and use taxes 4658  
due on purchases of computer data center equipment used or to be 4659  
used in an eligible computer data center and to pay any sales and 4660  
use taxes due on purchases of tangible personal property or 4661  
taxable services other than computer data center equipment used or 4662  
to be used in an eligible computer data center directly to the tax 4663  
commissioner. Each such taxpayer shall pay pursuant to such direct 4664  
payment permit all sales tax levied on such purchases under 4665  
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 4666  
Code and all use tax levied on such purchases under sections 4667  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 4668  
consistent with the terms of the agreement entered into under this 4669  
section. 4670

During the term of an agreement under this section each 4671  
taxpayer subject to the agreement shall submit to the tax 4672  
commissioner a return that shows the amount of computer data 4673  
center equipment purchased for use at the eligible computer data 4674  
center, the amount of tangible personal property and taxable 4675  
services other than computer data center equipment purchased for 4676  
use at the eligible computer data center, the amount of tax under 4677  
Chapter 5739. or 5741. of the Revised Code that would be due in 4678  
the absence of the agreement under this section, the exemption 4679  
percentage for computer data center equipment specified in the 4680  
agreement, and the amount of tax due under Chapter 5739. or 5741. 4681  
of the Revised Code as a result of the agreement under this 4682  
section. Each such taxpayer shall pay the tax shown on the return 4683

to be due in the manner and at the times as may be further 4684  
prescribed by the tax commissioner. Each such taxpayer shall 4685  
include a copy of the director of development services' 4686  
certificate of verification issued under division (E)(6) of this 4687  
section. Failure to submit a copy of the certificate with the 4688  
return does not invalidate the claim for exemption if the taxpayer 4689  
submits a copy of the certificate to the tax commissioner within 4690  
the time prescribed by section 5703.0510 of the Revised Code. 4691

(J) If the director of development services determines that 4692  
one or more taxpayers received an exemption from taxes due on the 4693  
purchase of computer data center equipment purchased for use at a 4694  
computer data center that no longer complies with the requirement 4695  
under division (E)(3) of this section, the director shall notify 4696  
the tax credit authority and, if applicable, the taxpayer that 4697  
applied to enter the agreement for the exemption under division 4698  
(C) of this section of the noncompliance. After receiving such a 4699  
notice, and after giving each taxpayer subject to the agreement an 4700  
opportunity to explain the noncompliance, the authority may 4701  
terminate the agreement and require each such taxpayer to pay to 4702  
the state all or a portion of the taxes that would have been owed 4703  
in regards to the exempt equipment in previous years, all as 4704  
determined under rules adopted pursuant to division (K) of this 4705  
section. In determining the portion of the taxes that would have 4706  
been owed on the previously exempted equipment to be paid to this 4707  
state by a taxpayer, the authority shall consider the effect of 4708  
market conditions on the eligible computer data center, whether 4709  
the taxpayer continues to maintain other operations in this state, 4710  
and, with respect to agreements involving multiple taxpayers, the 4711  
taxpayer's level of responsibility for the noncompliance. After 4712  
making the determination, the authority shall certify to the tax 4713  
commissioner the amount to be paid by each taxpayer subject to the 4714  
agreement. The tax commissioner shall make an assessment for that 4715  
amount against each such taxpayer under Chapter 5739. or 5741. of 4716

the Revised Code. The time limitations on assessments under those 4717  
chapters do not apply to an assessment under this division, but 4718  
the tax commissioner shall make the assessment within one year 4719  
after the date the authority certifies to the tax commissioner the 4720  
amount to be paid by the taxpayer. 4721

(K) The director of development services, after consultation 4722  
with the tax commissioner and in accordance with Chapter 119. of 4723  
the Revised Code, shall adopt rules necessary to implement this 4724  
section. The rules may provide for recipients of tax exemptions 4725  
under this section to be charged fees to cover administrative 4726  
costs incurred in the administration of this section. The fees 4727  
collected shall be credited to the tax incentives operating fund 4728  
created in section 122.174 of the Revised Code. At the time the 4729  
director gives public notice under division (A) of section 119.03 4730  
of the Revised Code of the adoption of the rules, the director 4731  
shall submit copies of the proposed rules to the chairpersons of 4732  
the standing committees on economic development in the senate and 4733  
the house of representatives. 4734

(L) On or before the first day of August of each year, the 4735  
director of development services shall submit a report to the 4736  
governor, the president of the senate, and the speaker of the 4737  
house of representatives on the tax exemption authorized under 4738  
this section. The report shall include information on the number 4739  
of agreements that were entered into under this section during the 4740  
preceding calendar year, a description of the eligible computer 4741  
data center that is the subject of each such agreement, and an 4742  
update on the status of eligible computer data centers under 4743  
agreements entered into before the preceding calendar year. 4744

(M) A taxpayer may be made a party to an existing agreement 4745  
entered into under this section by the tax credit authority and 4746  
another taxpayer or group of taxpayers. In such a case, the 4747  
taxpayer shall be entitled to all benefits and bound by all 4748

obligations contained in the agreement and all requirements 4749  
described in this section. When an agreement includes multiple 4750  
taxpayers, each taxpayer shall be entitled to a direct payment 4751  
permit as authorized in division (I) of this section. 4752

Sec. 122.84. (A) As used in this section: 4753

(1) "Ohio qualified opportunity fund" means a qualified 4754  
opportunity fund that holds one hundred per cent of its invested 4755  
assets in qualified opportunity zone property situated in an Ohio 4756  
opportunity zone. 4757

In the case of qualified opportunity zone property that is 4758  
qualified opportunity zone stock or qualified opportunity zone 4759  
partnership interest, the stock or interest is situated in an Ohio 4760  
opportunity zone only if, during all of the qualified opportunity 4761  
fund's holding period for such stock or interest, all of the use 4762  
of the corporation's or partnership's tangible property was in an 4763  
Ohio opportunity zone. In the case of qualified opportunity zone 4764  
property that is qualified opportunity zone business property, the 4765  
property is situated in an Ohio opportunity zone only if, during 4766  
all of the fund's holding period for such property, all of the use 4767  
of the property was in an Ohio opportunity zone. 4768

All terms used in division (A) of this section have the same 4769  
meaning as in 26 U.S.C. 1400Z-2, except that "all" shall be 4770  
substituted for "substantially all" wherever "substantially all" 4771  
appears in the definition of those terms or in the definition of 4772  
terms used in those terms. 4773

(2) "Ohio opportunity zone" means a qualified opportunity 4774  
zone designated in this state under 26 U.S.C. 1400Z-1 before, on, 4775  
or after the effective date of the enactment of this section by 4776  
H.B. 166 of the 133rd general assembly. 4777

(3) "Taxpayer" and "taxable year" have the same meanings as 4778

in section 5747.01 of the Revised Code. 4779

(4) "Qualifying taxable year" means a taxpayer's taxable year 4780  
that includes the first day of a calendar year during which an 4781  
Ohio qualified opportunity fund in which the taxpayer invests 4782  
makes an investment in a project located in an Ohio opportunity 4783  
zone. 4784

(B) A taxpayer that invests in one or more Ohio qualified 4785  
opportunity funds may apply to the director of development 4786  
services for a nonrefundable credit against the tax levied under 4787  
section 5747.02 of the Revised Code. The application shall be made 4788  
on forms prescribed by the director on or after the first day of 4789  
January and on or before the first day of February of each year. 4790  
The credit shall equal ten per cent of the amount of the 4791  
taxpayer's investment in the fund that the fund invested during 4792  
the preceding calendar year in projects located in Ohio 4793  
opportunity zones. 4794

The taxpayer shall include the following information with the 4795  
taxpayer's application: 4796

(1) The amount of the taxpayer's investment in Ohio qualified 4797  
opportunity funds during the taxpayer's qualifying taxable year, 4798  
arranged according to the amount invested in each such fund if the 4799  
taxpayer invested in more than one such fund; 4800

(2) A statement from an employee or officer of each Ohio 4801  
qualified opportunity fund identified by the taxpayer under 4802  
division (B)(1) of this section certifying the amount of the 4803  
taxpayer's investment in the fund and the amount of that 4804  
investment the fund invested in projects located in Ohio 4805  
opportunity zones during the preceding calendar year. The 4806  
statement shall describe each project funded by the investment and 4807  
state each project's location and the portion of the taxpayer's 4808  
investment invested in each such project. Unless the fund 4809

demonstrates otherwise to the director's satisfaction, the amount 4810  
of a taxpayer's investment that the fund invested in a project 4811  
located in an Ohio opportunity zone equals the same proportion of 4812  
the amount of the fund's investment in the project as the 4813  
taxpayer's investment in the fund bears to the total investment by 4814  
all investors in that fund on the date the fund makes the 4815  
investment in the project. 4816

The director shall review applications in the order in which 4817  
applications are received. 4818

(C)(1) Subject to division (C)(2) of this section, if the 4819  
director determines that the applicant qualifies for a credit 4820  
under this section, the director shall issue, within sixty days 4821  
after the receipt of a complete application under division (B) of 4822  
this section, a tax credit certificate to the taxpayer identified 4823  
with a unique number and listing the amount of credit the director 4824  
determines the taxpayer is eligible to claim. 4825

(2) The director shall not issue certificates in a total 4826  
amount that would cause the tax credits claimed in any fiscal 4827  
biennium to exceed fifty million dollars. The director shall not 4828  
issue certificates to a single applicant in an amount that would 4829  
cause the tax credits claimed in any fiscal biennium by that 4830  
applicant, and any person to whom the applicant transfers the 4831  
certificate under division (E) of this section, to exceed one 4832  
million dollars. 4833

The director may not issue a certificate under this section 4834  
on the basis of any investment for which a small business 4835  
investment certificate has been issued under section 122.86 of the 4836  
Revised Code. 4837

(3) The credit may be claimed for the taxpayer's qualifying 4838  
taxable year or the next ensuing taxable year. The taxpayer shall 4839  
claim the credit in the order prescribed by section 5747.98 of the 4840

Revised Code. Any unused amount may be carried forward for the 4841  
following five taxable years. If the certificate is issued to a 4842  
pass-through entity for an investment by the entity, any taxpayer 4843  
that is a direct or indirect investor in the pass-through entity 4844  
on the last day of the entity's qualifying taxable year may claim 4845  
the taxpayer's proportionate or distributive share of the credit 4846  
against the taxpayer's aggregate amount of tax levied under that 4847  
section. 4848

(D) A taxpayer claiming a credit under this section shall 4849  
submit a copy of the certificate with the taxpayer's return or 4850  
report. 4851

(E) A taxpayer that holds an unclaimed certificate under this 4852  
section may notify the tax commissioner, in writing, that the 4853  
taxpayer is transferring the right to claim the credit stated on 4854  
the certificate. The taxpayer shall identify in that notification 4855  
the certificate's number and the name and the tax identification 4856  
number of the transferee. Pursuant to division (D) of this 4857  
section, the transferee may claim the credit stated on the 4858  
certificate, subject to the limitations of this section. A 4859  
transferee may not transfer the right to claim the credit to any 4860  
other person. 4861

(F) On or before the first day of August each year, the 4862  
director of development services shall submit a report to the 4863  
governor, the president and minority leader of the senate, and the 4864  
speaker and minority leader of the house of representatives on the 4865  
tax credit program authorized under this section. The report shall 4866  
include the following information: 4867

(1) The number of projects funded by investments for which a 4868  
tax credit application was submitted under this section during the 4869  
preceding year, the Ohio opportunity zone in which each such 4870  
project is located, the number of projects funded by investments 4871  
for which certificates were allocated during the preceding year, a 4872

description of each such project, and the composition of an Ohio 4873  
qualified opportunity fund's investments in each project funded by 4874  
investments for which a tax credit application was submitted under 4875  
this section; 4876

(2) The number of taxpayers that invested in an Ohio 4877  
qualified opportunity fund and applied for a tax credit based on 4878  
the fund's investment in a project during the preceding year, the 4879  
name of the fund in which each such investment was made, the 4880  
number of taxpayers allocated a credit for such investments under 4881  
this section, and the dollar amount of those credits; 4882

(3) A map that shows the location of each Ohio opportunity 4883  
zone and that indicates which zones include existing or pending 4884  
projects that are, or will be, funded by tax credit-eligible 4885  
investments. 4886

**Sec. 122.85.** (A) As used in this section and in sections 4887  
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 4888

(1) "Tax credit-eligible production" means a motion picture 4889  
production certified by the director of development services under 4890  
~~division (B)~~ of this section as qualifying the motion picture 4891  
company for a tax credit under section 5726.55, 5733.59, 5747.66, 4892  
or 5751.54 of the Revised Code before July 1, 2019. 4893

(2) "Certificate owner" means a motion picture company to 4894  
which a tax credit certificate is issued or a person to which the 4895  
company has transferred under division ~~(H)~~(G) of this section the 4896  
authority to claim all or a part of the tax credit authorized by 4897  
that certificate. 4898

(3) "Motion picture company" means an individual, 4899  
corporation, partnership, limited liability company, or other form 4900  
of business association producing a motion picture. 4901

(4) "Eligible production expenditures" means expenditures 4902

made after June 30, 2009, for goods or services purchased and 4903  
consumed in this state by a motion picture company directly for 4904  
the production of a tax credit-eligible production. 4905

"Eligible production expenditures" includes, but is not 4906  
limited to, expenditures for cast and crew wages, accommodations, 4907  
costs of set construction and operations, editing and related 4908  
services, photography, sound synchronization, lighting, wardrobe, 4909  
makeup and accessories, film processing, transfer, sound mixing, 4910  
special and visual effects, music, location fees, and the purchase 4911  
or rental of facilities and equipment. 4912

(5) "Motion picture" means entertainment content created in 4913  
whole or in part within this state for distribution or exhibition 4914  
to the general public, including, but not limited to, 4915  
feature-length films; documentaries; long-form, specials, 4916  
miniseries, series, and interstitial television programming; 4917  
interactive web sites; sound recordings; videos; music videos; 4918  
interactive television; interactive games; video games; 4919  
commercials; any format of digital media; and any trailer, pilot, 4920  
video teaser, or demo created primarily to stimulate the sale, 4921  
marketing, promotion, or exploitation of future investment in 4922  
either a product or a motion picture by any means and media in any 4923  
digital media format, film, or videotape, provided the motion 4924  
picture qualifies as a motion picture. "Motion picture" does not 4925  
include any television program created primarily as news, weather, 4926  
or financial market reports, a production featuring current events 4927  
or sporting events, an awards show or other gala event, a 4928  
production whose sole purpose is fundraising, a long-form 4929  
production that primarily markets a product or service or in-house 4930  
corporate advertising or other similar productions, a production 4931  
for purposes of political advocacy, or any production for which 4932  
records are required to be maintained under 18 U.S.C. 2257 with 4933  
respect to sexually explicit content. 4934

(B) ~~For the purpose of encouraging and developing a strong~~ 4935  
~~film industry in this state, the director of development services~~ 4936  
~~may certify a motion picture produced by a motion picture company~~ 4937  
~~as a tax credit eligible production. In the case of a television~~ 4938  
~~series, the director may certify the production of each episode of~~ 4939  
~~the series as a separate tax credit eligible production. A motion~~ 4940  
~~picture company shall apply for certification of a motion picture~~ 4941  
~~as a tax credit eligible production on a form and in the manner~~ 4942  
~~prescribed by the director. Each application shall include the~~ 4943  
~~following information:~~ 4944

~~(1) The name and telephone number of the motion picture~~ 4945  
~~production company;~~ 4946

~~(2) The name and telephone number of the company's contact~~ 4947  
~~person;~~ 4948

~~(3) A list of the first preproduction date through the last~~ 4949  
~~production date in Ohio;~~ 4950

~~(4) The Ohio production office address and telephone number;~~ 4951

~~(5) The total production budget of the motion picture;~~ 4952

~~(6) The total budgeted eligible production expenditures and~~ 4953  
~~the percentage that amount is of the total production budget of~~ 4954  
~~the motion picture;~~ 4955

~~(7) The total percentage of the motion picture being shot in~~ 4956  
~~Ohio;~~ 4957

~~(8) The level of employment of cast and crew who reside in~~ 4958  
~~Ohio;~~ 4959

~~(9) A synopsis of the script;~~ 4960

~~(10) The shooting script;~~ 4961

~~(11) A creative elements list that includes the names of the~~ 4962  
~~principal cast and crew and the producer and director;~~ 4963

~~(12) Documentation of financial ability to undertake and complete the motion picture, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget of the motion picture;~~

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

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

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

~~(C)(1) A motion picture company whose motion picture has been certified as a tax credit-eligible production before July 1, 2019, may apply to the director of development services ~~on or after July 1, 2009~~, for a refundable credit against the tax imposed by section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. The director in consultation with the tax commissioner shall prescribe the form and manner of the application and the information or documentation required to be submitted with the application.~~

The credit is determined as follows:

(a) If the total budgeted eligible production expenditures stated in the application submitted under ~~division (B) of this~~

section or the actual eligible production expenditures as finally 4995  
determined under ~~division (D)~~ of this section, whichever is least, 4996  
is less than or equal to three hundred thousand dollars, no credit 4997  
is allowed; 4998

(b) If the total budgeted eligible production expenditures 4999  
stated in the application submitted under ~~division (B)~~ of this 5000  
section or the actual eligible production expenditures as finally 5001  
determined under ~~division (D)~~ of this section, whichever is least, 5002  
is greater than three hundred thousand dollars, the credit equals 5003  
thirty per cent of the least of such budgeted or actual eligible 5004  
expenditure amounts. 5005

(2) Except as provided in division ~~(C)~~(B)(4) of this section, 5006  
if the director of development services approves a motion picture 5007  
company's application for a credit, the director shall issue a tax 5008  
credit certificate to the company. The director in consultation 5009  
with the tax commissioner shall prescribe the form and manner of 5010  
issuing certificates. The director shall assign a unique 5011  
identifying number to each tax credit certificate and shall record 5012  
the certificate in a register devised and maintained by the 5013  
director for that purpose. The certificate shall state the amount 5014  
of the eligible production expenditures on which the credit is 5015  
based and the amount of the credit. Upon the issuance of a 5016  
certificate, the director shall certify to the tax commissioner 5017  
the name of the applicant, the amount of eligible production 5018  
expenditures shown on the certificate, and any other information 5019  
required by the rules adopted to administer this section. 5020

(3) The amount of eligible production expenditures for which 5021  
a tax credit may be claimed is subject to inspection and 5022  
examination by the tax commissioner or employees of the 5023  
commissioner under section 5703.19 of the Revised Code and any 5024  
other applicable law. Once the eligible production expenditures 5025  
are finally determined under section 5703.19 of the Revised Code 5026

and ~~division (D)~~ of this section, the credit amount is not subject 5027  
to adjustment unless the director determines an error was 5028  
committed in the computation of the credit amount. 5029

(4) No tax credit certificate may be issued before the 5030  
completion of the tax credit-eligible production. Not more than 5031  
forty million dollars of tax credit may be allowed per fiscal year 5032  
beginning July 1, 2016, and before July 1, 2019, provided that, 5033  
for any fiscal year in which the amount of tax credits allowed 5034  
under this section is less than that maximum annual amount, the 5035  
amount not allowed for that fiscal year shall be added to the 5036  
maximum annual amount that may be allowed for the following fiscal 5037  
year. 5038

(5) In approving applications for tax credits under this 5039  
section, the director shall give priority to tax-credit eligible 5040  
productions that are television series or miniseries. 5041

~~(D)~~(C) A motion picture company whose motion picture has been 5042  
certified as a tax credit-eligible production shall engage, at the 5043  
company's expense, an independent certified public accountant to 5044  
examine the company's production expenditures to identify the 5045  
expenditures that qualify as eligible production expenditures. The 5046  
certified public accountant shall issue a report to the company 5047  
and to the director of development services certifying the 5048  
company's eligible production expenditures and any other 5049  
information required by the director. Upon receiving and examining 5050  
the report, the director may disallow any expenditure the director 5051  
determines is not an eligible production expenditure. If the 5052  
director disallows an expenditure, the director shall issue a 5053  
written notice to the motion picture production company stating 5054  
that the expenditure is disallowed and the reason for the 5055  
disallowance. Upon examination of the report and disallowance of 5056  
any expenditures, the director shall determine finally the lesser 5057  
of the total budgeted eligible production expenditures stated in 5058

the application submitted under ~~division (B)~~ of this section or 5059  
the actual eligible production expenditures for the purpose of 5060  
computing the amount of the credit. 5061

~~(E)~~(D) No credit shall be allowed under section 5726.55, 5062  
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 5063  
director has reviewed the report and made the determination 5064  
prescribed by division ~~(D)~~(C) of this section. 5065

~~(F)~~(E) This state reserves the right to refuse the use of 5066  
this state's name in the credits of any tax credit-eligible motion 5067  
picture production. 5068

~~(G)~~(F)(1) The director of development services in 5069  
consultation with the tax commissioner shall adopt rules for the 5070  
administration of this section, including rules setting forth and 5071  
governing the criteria for determining whether a motion picture 5072  
production is a tax credit-eligible production; activities that 5073  
constitute the production of a motion picture; reporting 5074  
sufficient evidence of reviewable progress; expenditures that 5075  
qualify as eligible production expenditures; a competitive process 5076  
for approving credits; consideration of geographic distribution of 5077  
credits; and implementation of the program described in division 5078  
~~(I)~~(H) of this section. The rules shall be adopted under Chapter 5079  
119. of the Revised Code. 5080

(2) To cover the administrative costs of the program, the 5081  
director shall require each applicant to pay an application fee 5082  
equal to the lesser of ten thousand dollars or one per cent of the 5083  
estimated value of the tax credit as stated in the application. 5084  
The fees collected shall be credited to the tax incentives 5085  
operating fund created in section 122.174 of the Revised Code. All 5086  
grants, gifts, fees, and contributions made to the director for 5087  
marketing and promotion of the motion picture industry within this 5088  
state shall also be credited to the fund. 5089

~~(H)~~(G)(1) After the director of development services makes 5090  
the determination required under division ~~(D)~~(C) of this section, 5091  
a motion picture company to which a tax credit certificate is 5092  
issued may transfer the authority to claim all or a portion of the 5093  
amount of the tax credit the motion picture company is authorized 5094  
to claim pursuant to that certificate under section 5726.55, 5095  
5733.59, 5747.66, or 5751.54 of the Revised Code to one or more 5096  
other persons. Within thirty days after a transfer under this 5097  
division, the motion picture company shall submit the following 5098  
information to the director, on a form prescribed by the director: 5099

(a) Information necessary for the director to identify the 5100  
certificate that is the basis for the transfer; 5101

(b) The portion or amount of the tax credit transferred to 5102  
each transferee; 5103

(c) The portion or amount of the tax credit that the motion 5104  
picture company retains the authority to claim; 5105

(d) The tax identification number of each transferee; 5106

(e) The date of the transfer; 5107

(f) Any other information required by the director; 5108

(g) Any information required by the tax commissioner. 5109

The director shall deliver a copy of any submission received 5110  
under division ~~(H)~~(G)(1) of this section to the tax commissioner. 5111

(2) A transferee may not claim a credit under section 5112  
5726.55, 5733.59, 5747.66, or 5751.54 of the Revised Code unless 5113  
and until the transferring motion picture company complies with 5114  
division ~~(H)~~(G)(1) of this section. A transferee may claim the 5115  
transferred amount of any credit or portion of a credit for the 5116  
same taxable year or tax period for which the transferring motion 5117  
picture company was authorized to claim the credit or portion of a 5118  
credit pursuant to the certificate. A motion picture company shall 5119

make no transfer under division ~~(H)~~(G)(1) of this section after 5120  
the last day of the tax period or taxable year for which the 5121  
motion picture company is required to claim the credit pursuant to 5122  
the certificate. 5123

A motion picture company may make not more than one transfer 5124  
under division ~~(H)~~(G)(1) of this section for each tax credit 5125  
certificate, but pursuant to that transaction, may allocate the 5126  
authority to claim a portion of the credit to more than one 5127  
transferee. A motion picture company may not authorize more than 5128  
one transferee to claim the same portion of a credit. 5129

~~(I)~~(H) The director of development services shall establish a 5130  
program for the training of Ohio residents who are or wish to be 5131  
employed in the film or multimedia industry. Under the program, 5132  
the director shall: 5133

(1) Certify individuals as film and multimedia trainees. In 5134  
order to receive such a certification, an individual must be an 5135  
Ohio resident, have participated in relevant on-the-job training 5136  
or have completed a relevant training course approved by the 5137  
director, and have met any other requirements established by the 5138  
director. 5139

(2) Accept applications from motion picture companies that 5140  
intend to hire and provide on-the-job training to one or more 5141  
certified film and multimedia trainees who will be employed in the 5142  
company's tax credit-eligible production. 5143

(3) Upon completion of a tax-credit eligible production, and 5144  
upon the receipt of any salary information and other documentation 5145  
required by the director, authorize a reimbursement payment to 5146  
each motion picture company whose application was approved under 5147  
division ~~(I)~~(H)(2) of this section. The payment shall equal fifty 5148  
per cent of the salaries paid to film and multimedia trainees 5149  
employed in the production. 5150

Sec. 122.86. (A) As used in this section and section 5747.81 5151  
of the Revised Code: 5152

(1) "Small business enterprise" means a corporation, 5153  
pass-through entity, or other person satisfying all of the 5154  
following: 5155

(a) At the time of a qualifying investment, the enterprise 5156  
meets all of the following requirements: 5157

(i) Has no outstanding tax or other liabilities owed to the 5158  
state; 5159

(ii) Is in good standing with the secretary of state, if the 5160  
enterprise is required to be registered with the secretary; 5161

(iii) Is current with any court-ordered payments; 5162

(iv) Is not engaged in any illegal activity. 5163

(b) At the time of a qualifying investment, the enterprise's 5164  
assets according to generally accepted accounting principles do 5165  
not exceed fifty million dollars, or its annual sales do not 5166  
exceed ten million dollars. When making this determination, the 5167  
assets and annual sales of all of the enterprise's related or 5168  
affiliated entities shall be included in the calculation. 5169

(c) ~~The~~ At the time of a qualifying investment and for the 5170  
two-year period immediately preceding the qualifying investment, 5171  
the enterprise employs at least fifty full-time equivalent 5172  
employees in this state for whom the enterprise is required to 5173  
withhold income tax under section 5747.06 of the Revised Code, or 5174  
more than one-half the enterprise's total number of full-time 5175  
equivalent employees employed anywhere in the United States are 5176  
employed in this state and are subject to that withholding 5177  
requirement. 5178

(d) The enterprise, within six months after an eligible 5179  
investor's qualifying investment is made, ~~invests in or~~ incurs 5180

cost for one or more of the following ~~in an amount at least equal~~ 5181  
~~to the amount of the qualifying investment:~~ 5182

(i) Tangible personal property, other than motor vehicles 5183  
operated on public roads and highways, used in business and 5184  
physically located in this state from the time of its acquisition 5185  
by the enterprise until the end of the investor's holding period, 5186  
including the installation of such tangible personal property; 5187

(ii) Motor vehicles operated on public roads and highways if, 5188  
from the time of acquisition by the enterprise until the end of 5189  
the investor's holding period, the motor vehicles are purchased in 5190  
this state, registered in this state under Chapter 4503. of the 5191  
Revised Code, are used primarily for business purposes, and are 5192  
necessary for the operation of the enterprise's business; 5193

(iii) Real property located in this state that is used in the 5194  
business from the time of its acquisition by the enterprise until 5195  
the end of the holding period; 5196

(iv) ~~Intangible personal property, including patents,~~ 5197  
~~copyrights, trademarks, service marks, or licenses used in~~ 5198  
~~business primarily in this state from the time of its acquisition~~ 5199  
~~by the enterprise until the end of the holding period~~ Leasehold 5200  
improvements and construction costs for property located in this 5201  
state that is used in the business from the time its improvement 5202  
or construction was completed until the end of the holding period; 5203

(v) Compensation for new employees of the enterprise hired 5204  
after the date the qualifying investment is made for whom the 5205  
enterprise is required to withhold income tax under section 5206  
5747.06 of the Revised Code, ~~not including increased compensation~~ 5207  
~~for owners, officers, or managers of the enterprise. For this~~ 5208  
~~purpose compensation for new employees includes compensation for~~ 5209  
~~newly hired or retained employees.~~ 5210

(2) "Qualifying investment" means an investment of money made 5211

on or after July 1, ~~2011~~ 2019, to acquire capital stock or other 5212  
equity interest in a small business enterprise. "Qualifying 5213  
investment" does not include either of the following: 5214

(a) Any investment of money an eligible investor derives, 5215  
directly or indirectly, from a grant or loan from the federal 5216  
government or the state or a political subdivision, including the 5217  
third frontier program under Chapter 184. of the Revised Code; 5218

(b) Any investment of money which is the basis of a tax 5219  
credit granted under any other section of the Revised Code. 5220

(3) "Eligible investor" means an individual, estate, or trust 5221  
subject to the tax imposed by section 5747.02 of the Revised Code, 5222  
or a pass-through entity in which such an individual, estate, or 5223  
trust holds a direct or indirect ownership or other equity 5224  
interest. To qualify as an eligible investor, the individual, 5225  
estate, trust, or pass-through entity shall not owe any 5226  
outstanding tax or other liability to the state at the time of a 5227  
qualifying investment. 5228

(4) "Holding period" means the two-year period beginning on 5229  
the day a qualifying investment is made. 5230

(5) "Pass-through entity" has the same meaning as in section 5231  
5733.04 of the Revised Code. 5232

(B) ~~Any~~ An eligible investor that makes a qualifying 5233  
investment in a small business enterprise on or after July 1, ~~2011~~ 5234  
2019, may apply to the director of development services to obtain 5235  
an allocation for a small business investment certificate from the 5236  
director. Alternatively, a small business enterprise may apply on 5237  
behalf of eligible investors to obtain the ~~certificates~~ allocation 5238  
for those investors. The application must be submitted to the 5239  
director within sixty days after the date of the qualifying 5240  
investment, but within the same biennium as the qualifying 5241  
investment. The director, in consultation with the tax 5242

commissioner, shall prescribe the form or manner in which an 5243  
applicant shall apply for the certificate, devise the form of the 5244  
certificate, and prescribe any records or other information an 5245  
applicant shall furnish with the application to evidence the 5246  
qualifying investment. ~~The applicant shall state the amount of the~~ 5247  
~~intended investment.~~ The applicant shall pay an application fee 5248  
equal to the greater of one-tenth of one per cent of the amount of 5249  
the intended investment or one hundred dollars. 5250

~~A small business investment certificate entitles the 5251  
certificate holder to receive a tax credit under section 5747.81 5252  
of the Revised Code if the certificate holder qualifies for the 5253  
credit as otherwise provided in this section. If the certificate 5254  
holder is a pass through entity, the certificate entitles the 5255  
entity's equity owners to receive their distributive or 5256  
proportionate shares of the credit. In any fiscal biennium, an 5257  
eligible investor may not apply for small business investment 5258  
certificates representing intended investment amounts in excess of 5259  
ten million dollars. Such certificates are not transferable. 5260~~

The director of development services may reserve small 5261  
business investment ~~certificates~~ allocations to qualifying 5262  
applicants in the order in which the director receives 5263  
applications, ~~but may issue the certificates as the applications~~ 5264  
~~are completed.~~ An application is completed when the director has 5265  
validated that an eligible investor has made a qualified 5266  
investment and receives all required documentation needed to 5267  
demonstrate the small business enterprise ~~has made the appropriate~~ 5268  
~~reinvestment of the qualified investment pursuant to~~ satisfies the 5269  
requirements of division (A)(1)(~~d~~) of this section. To qualify for 5270  
a ~~certificate~~ an allocation, an eligible investor must satisfy 5271  
both of the following, subject to the limitation on the amount of 5272  
qualifying investments for which ~~certificates~~ allocations may be 5273  
issued under division (C) of this section: 5274

(1) The eligible investor makes a qualifying investment on or after July 1, ~~2011~~ 2019. 5275  
5276

(2) The eligible investor pledges not to sell or otherwise dispose of the qualifying investment before the conclusion of the applicable holding period. 5277  
5278  
5279

(C)(1) The amount of any eligible investor's qualifying investments for which small business investment ~~certificates~~ allocations may be issued for a fiscal biennium shall not exceed ten million dollars. 5280  
5281  
5282  
5283

(2) The director of development services shall not issue a small business investment ~~certificate~~ allocation to an eligible investor representing an amount of qualifying investment in excess of the amount of the ~~intended~~ investment indicated on the investor's application ~~for the certificate~~. 5284  
5285  
5286  
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(3) ~~The~~ For any fiscal biennium beginning before July 1, 2019, the director of development services shall not issue small business investment ~~certificates~~ allocations in a total amount that would cause the tax credits claimed in ~~any fiscal~~ that biennium to exceed one hundred million dollars. For any fiscal biennium beginning on or after July 1, 2019, the director shall not issue small business investment allocations in a total amount that would cause the tax credits claimed in that biennium to exceed fifty million dollars. 5289  
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(4) The director of development services may issue a small business investment ~~certificate~~ allocation only if both of the following apply at the time of issuance: 5298  
5299  
5300

(a) The small business enterprise meets all the requirements listed in divisions (A)(1)(a)(i) to (iv) of this section; 5301  
5302

(b) The eligible investor does not owe any outstanding tax or other liability to the state. 5303  
5304

(5) The director shall not issue a small business investment allocation on the basis of any investment for which an Ohio opportunity zone investment certificate has been issued under section 122.84 of the Revised Code. 5305  
5306  
5307  
5308

(D) Before the end of the applicable holding period of a 5309  
qualifying investment, each enterprise in which a qualifying 5310  
investment was made for which a small business investment 5311  
~~certificate allocation~~ allocation has been issued, upon the request of the 5312  
director of development services, shall provide to the director 5313  
records or other evidence satisfactory to the director that the 5314  
enterprise is a small business enterprise for the purposes of this 5315  
section. Each enterprise shall also provide annually to the 5316  
director records or evidence regarding the number of jobs created 5317  
or retained in the state. ~~No credit may be claimed under this~~ 5318  
~~section and section 5747.81 of the Revised Code if the director~~ 5319  
~~finds that an enterprise is not a small business enterprise for~~ 5320  
~~the purposes of this section.~~ The director shall compile and 5321  
maintain a register of small business enterprises qualifying under 5322  
this section and shall certify the register to the tax 5323  
commissioner. The director shall also compile and maintain a 5324  
record of the number of jobs created or retained as a result of 5325  
qualifying investments made pursuant to this section. 5326

(E) After the conclusion of the applicable holding period for 5327  
a qualifying investment, a person to whom a small business 5328  
investment ~~certificate allocation~~ allocation has been issued under this 5329  
section ~~may~~ shall receive a small business investment 5330  
certification, which entitles the person to claim a credit as 5331  
provided under section 5747.81 of the Revised Code. However, no 5332  
certificate may be issued if the director finds that any 5333  
requirement under this section is not met. 5334

(F) The director of development services, in consultation 5335  
with the tax commissioner, may adopt rules for the administration 5336

of this section, including rules governing the following:	5337
(1) Documents, records, or other information eligible investors shall provide to the director;	5338 5339
(2) Any information a small business enterprise shall provide for the purposes of this section and section 5747.81 of the Revised Code;	5340 5341 5342
(3) Determination of the number of full-time equivalent employees of a small business enterprise;	5343 5344
(4) Verification of a small business enterprise's investment <del>in tangible personal property and intangible personal property under division (A)(1)(d) of this section, including when such investments have been made and where the property is used in business;</del>	5345 5346 5347 5348 5349
(5) Circumstances under which small business enterprises or eligible investors may be subverting the purposes of this section and section 5747.81 of the Revised Code.	5350 5351 5352
(G) Application fees paid under division (B) of this section shall be credited to the tax incentives operating fund created in section 122.174 of the Revised Code.	5353 5354 5355
<b>Sec. 123.21.</b> (A) The Ohio facilities construction commission may perform any act and ensure the performance of any function necessary or appropriate to carry out the purposes of, and exercise the powers granted under this chapter or any other provision of the Revised Code, including any of the following:	5356 5357 5358 5359 5360
(1) Except as otherwise provided in section 123.211 of the Revised Code, prepare, or contract to be prepared, by licensed engineers or architects, surveys, general and detailed plans, specifications, bills of materials, and estimates of cost for any projects, improvements, or public buildings to be constructed by state agencies that may be authorized by legislative	5361 5362 5363 5364 5365 5366

appropriations or any other funds made available therefor, 5367  
provided that the construction of the projects, improvements, or 5368  
public buildings is a statutory duty of the commission. This 5369  
section does not require the independent employment of an 5370  
architect or engineer as provided by section 153.01 of the Revised 5371  
Code in the cases to which section 153.01 of the Revised Code 5372  
applies. This section does not affect or alter the existing powers 5373  
of the director of transportation. 5374

(2) Except as otherwise provided in section 123.211 of the 5375  
Revised Code, have general supervision over the construction of 5376  
any projects, improvements, or public buildings constructed for a 5377  
state agency and over the inspection of materials prior to their 5378  
incorporation into those projects, improvements, or buildings. 5379

(3) Except as otherwise provided in section 123.211 of the 5380  
Revised Code, make contracts for and supervise the design and 5381  
construction of any projects and improvements or the construction 5382  
and repair of buildings under the control of a state agency. All 5383  
such contracts may be based in whole or in part on the unit price 5384  
or maximum estimated cost, with payment computed and made upon 5385  
actual quantities or units. 5386

(4) Adopt, amend, and rescind rules pertaining to the 5387  
administration of the construction of the public works of the 5388  
state as required by law, in accordance with Chapter 119. of the 5389  
Revised Code. 5390

(5) Contract with, retain the services of, or designate, and 5391  
fix the compensation of, such agents, accountants, consultants, 5392  
advisers, and other independent contractors as may be necessary or 5393  
desirable to carry out the programs authorized under this chapter, 5394  
or authorize the executive director to perform such powers and 5395  
duties. 5396

(6) Receive and accept any gifts, grants, donations, and 5397

pledges, and receipts therefrom, to be used for the programs 5398  
authorized under this chapter. 5399

(7) Make and enter into all contracts, commitments, and 5400  
agreements, and execute all instruments, necessary or incidental 5401  
to the performance of its duties and the execution of its rights 5402  
and powers under this chapter, or authorize the executive director 5403  
to perform such powers and duties. 5404

(8) Debar a contractor as provided in section 153.02 of the 5405  
Revised Code. 5406

(9) Enter into and administer cooperative agreements for 5407  
cultural projects, as provided in sections 123.28 and 123.281 of 5408  
the Revised Code. 5409

(B) The commission shall appoint and fix the compensation of 5410  
an executive director who shall serve at the pleasure of the 5411  
commission. The executive director shall ~~exercise all powers that~~ 5412  
~~the commission possesses,~~ supervise the operations of the 5413  
commission, and perform such other duties as delegated by the 5414  
commission. The executive director also shall employ and fix the 5415  
compensation of such employees as will facilitate the activities 5416  
and purposes of the commission, who shall serve at the pleasure of 5417  
the executive director. The employees of the commission are exempt 5418  
from Chapter 4117. of the Revised Code and are not considered 5419  
public employees as defined in section 4117.01 of the Revised 5420  
Code. Any agreement entered into prior to July 1, 2012, between 5421  
the office of collective bargaining and the exclusive 5422  
representative for employees of the commission is binding and 5423  
shall continue to have effect. 5424

(C) The attorney general shall serve as the legal 5425  
representative for the commission and may appoint other counsel as 5426  
necessary for that purpose in accordance with section 109.07 of 5427  
the Revised Code. 5428

(D) Purchases for, and the custody and repair of, buildings 5429  
under the management and control of the capitol square review and 5430  
advisory board are not subject to the control and jurisdiction of 5431  
the Ohio facilities construction commission. 5432

**Sec. 124.132.** A state employee who is a certified disaster 5433  
service volunteer of the American red cross or who is a verified 5434  
team rubicon volunteer may be granted leave from ~~his~~ work with pay 5435  
for not to exceed thirty work days in each year to participate in 5436  
specialized disaster relief services ~~for the American red cross,~~ 5437  
upon the request of the American red cross or of team rubicon for 5438  
the services of that employee and upon the approval of that 5439  
employee's appointing authority. The appointing authority shall 5440  
compensate an employee granted leave under this section at ~~his~~ the 5441  
employee's regular rate of pay for those regular work hours during 5442  
which the employee is absent from ~~his~~ work. 5443

**Sec. 124.82.** (A) Except as provided in division (D) of this 5444  
section, the department of administrative services, in 5445  
consultation with the superintendent of insurance, shall, in 5446  
accordance with competitive selection procedures of Chapter 125. 5447  
of the Revised Code, contract with an insurance company or a 5448  
health plan in combination with an insurance company, authorized 5449  
to do business in this state, for the issuance of a policy or 5450  
contract of health, medical, hospital, dental, vision, or surgical 5451  
benefits, or any combination of those benefits, covering state 5452  
employees who are paid directly by warrant of the director of 5453  
budget and management, including elected state officials. The 5454  
department may fulfill its obligation under this division by 5455  
exercising its authority under division (A)(2) of section 124.81 5456  
of the Revised Code. 5457

(B) Except as provided in division (D) of this section, the 5458  
department may, in addition, in consultation with the 5459

superintendent of insurance, negotiate and contract with health 5460  
insuring corporations holding a certificate of authority under 5461  
Chapter 1751. of the Revised Code, in their approved service areas 5462  
only, for issuance of a contract or contracts of health care 5463  
services, covering state employees who are paid directly by 5464  
warrant of the director of budget and management, including 5465  
elected state officials. The department may enter into contracts 5466  
with one or more insurance carriers or health plans to provide the 5467  
same plan of benefits, provided that: 5468

(1) The employee be permitted to exercise the option as to 5469  
which plan the employee will select under division (A) or (B) of 5470  
this section, at a time that shall be determined by the 5471  
department; 5472

(2) The health insuring corporations do not refuse to accept 5473  
the employee, or the employee and the employee's family, if the 5474  
employee exercises the option to select care provided by the 5475  
corporations; 5476

(3) The employee may choose participation in only one of the 5477  
plans sponsored by the department; 5478

(4) The director of health examines and certifies to the 5479  
department that the quality and adequacy of care rendered by the 5480  
health insuring corporations meet at least the standards of care 5481  
provided by hospitals and physicians in that employee's community, 5482  
who would be providing such care as would be covered by a contract 5483  
awarded under division (A) of this section. 5484

(C) All or any portion of the cost, premium, or charge for 5485  
the coverage in divisions (A) and (B) of this section may be paid 5486  
in such manner or combination of manners as the department 5487  
determines and may include the proration of health care costs, 5488  
premiums, or charges for part-time employees. 5489

(D) Notwithstanding divisions (A) and (B) of this section, 5490

the department may provide benefits equivalent to those that may 5491  
be paid under a policy or contract issued by an insurance company 5492  
or a health plan pursuant to division (A) or (B) of this section. 5493

(E) This section does not prohibit the state office of 5494  
collective bargaining from entering into an agreement with an 5495  
employee representative for the purposes of providing fringe 5496  
benefits, including, but not limited to, hospitalization, surgical 5497  
care, major medical care, disability, dental care, vision care, 5498  
medical care, hearing aids, prescription drugs, group life 5499  
insurance, sickness and accident insurance, group legal services 5500  
or other benefits, or any combination of those benefits, to 5501  
employees paid directly by warrant of the director of budget and 5502  
management through a jointly administered trust fund. The 5503  
employer's contribution for the cost of the benefit care shall be 5504  
mutually agreed to in the collectively bargained agreement. The 5505  
amount, type, and structure of fringe benefits provided under this 5506  
division is subject to the determination of the board of trustees 5507  
of the jointly administered trust fund. Notwithstanding any other 5508  
provision of the Revised Code, competitive bidding does not apply 5509  
to the purchase of fringe benefits for employees under this 5510  
division when those benefits are provided through a jointly 5511  
administered trust fund. 5512

(F) Members of state boards or commissions may be covered by 5513  
any policy, contract, or plan of benefits or services described in 5514  
division (A) or (B) of this section. Board or commission members 5515  
who are appointed for a fixed term and who are compensated on a 5516  
per meeting basis, or paid only for expenses, or receive a 5517  
combination of per diem payments and expenses shall pay the entire 5518  
amount of the premiums, costs, or charges for that coverage. 5519

**Sec. 124.824.** (A) As used in this section, "death benefit 5520  
fund recipient" means any recipient of a death benefit paid under 5521

section 742.63 of the Revised Code except a parent who receives a death benefit paid under division (E) of that section.

(B)(1) Except as otherwise provided under division (B)(3) of this section, a death benefit fund recipient may elect to participate in any health, medical, hospital, dental, surgical, or vision benefit the department of administrative services contracts for under section 124.82 of the Revised Code or otherwise provides for the benefit of state employees who are paid directly by warrant of the director of budget and management. Receiving benefits under this section does not make the death benefit fund recipient a state employee. A death benefit fund recipient who elects to participate in a benefit under this section shall ~~do both of the following:~~

~~(a) File a notice~~ file the election form developed by the director of administrative services under division (D) of this section with the department of the death benefit fund recipient's election to participate that specifies the benefits or combination of benefits in which the recipient elects to participate board of trustees of the Ohio police and fire pension fund, which serves as the trustees of the Ohio public safety officers death benefit fund pursuant to section 742.62 of the Revised Code.

~~(b) Pay to the department the percentage of the premium or cost for the applicable benefits that would be paid by a state employee who elects that coverage.~~ The board of trustees shall forward the election form to the department after the board has approved an application for benefits under section 742.63 of the Revised Code.

(2) A parent, guardian, custodian, or other person responsible for the care of a death benefit fund recipient who is under eighteen years of age or who is a surviving child entitled to extended benefits under division (H)(3) of section 742.63 of

the Revised Code due to disability may file the election form 5553  
required by division (B)(1) of this section on the death benefit 5554  
fund recipient's behalf. 5555

(3) A death benefit fund recipient is ineligible to 5556  
participate in a health, medical, hospital, dental, surgical, or 5557  
vision benefit under division (B)(1) of this section if the 5558  
recipient is eligible either of the following: 5559

(a) An employee paid directly by warrant of the director of 5560  
budget and management who is eligible to participate in those 5561  
benefits pursuant to section 124.82 of the Revised Code; 5562

(b) Eligible to enroll in the medicare program established by 5563  
Title XVIII of the "Social Security Act," 79 Stat. 291 (1965), 42 5564  
U.S.C. 1395c, as amended. 5565

(C) For each death benefit fund recipient who ~~participates~~ 5566  
elects to participate in health, medical, hospital, dental, 5567  
surgical, or vision benefits under division (B) of this section, 5568  
the department shall ~~pay the percentage~~ notify the board of 5569  
trustees of the premium or amount of the cost for the applicable 5570  
benefits that would be paid by a state employer for a state 5571  
employee who elects that coverage that shall be withheld from 5572  
benefits paid to a death benefit fund recipient under section 5573  
742.63 of the Revised Code and forwarded to the department. The 5574  
amount withheld from the death benefit fund recipient shall be the 5575  
percentage of the cost of those benefits that would be paid by a 5576  
state employee. The board of trustees shall pay the department the 5577  
remaining cost of those benefits plus any applicable 5578  
administrative costs from appropriations made for that purpose. 5579

(D) The director of administrative services shall prescribe 5580  
procedures for the administration of benefits for death benefit 5581  
fund recipients under this section, including the development of 5582  
required forms for death benefit fund recipients to enroll, 5583

disenroll, or re-enroll in benefits under this section. The 5584  
director shall provide the required election forms developed under 5585  
this division to the board of trustees and shall notify the board 5586  
of trustees of a death benefit recipient's enrollment, 5587  
disenrollment, or re-enrollment in benefits under this section. 5588  
The director shall notify the board of trustees when the 5589  
department terminates the benefits a death benefit fund recipient 5590  
has elected under division (B) of this section. 5591

(E) ~~The board of trustees of the Ohio police and fire pension~~ 5592  
~~fund~~ shall provide any information ~~to the department~~ that the 5593  
department requires to provide benefits under this section to the 5594  
department, a designated third-party administrator, or both, 5595  
including information regarding the identities, ages, and family 5596  
relationships of death benefit fund recipients. 5597

**Sec. 124.91.** The director of administrative services annually 5598  
shall conduct a survey on diversity within each state agency's 5599  
workforce at the time of the survey. Not later than December 31, 5600  
2020, and not later than the thirty-first day of December of each 5601  
year thereafter, the director shall issue a report on the results 5602  
of the surveys with the governor and the general assembly in 5603  
accordance with section 101.68 of the Revised Code. 5604

**Sec. 125.01.** As used in this chapter: 5605  
5606

(A) "Order" means a copy of a contract or a statement of the 5607  
nature of a contemplated expenditure, a description of the 5608  
property or supplies to be purchased or service to be performed, 5609  
other than a service performed by officers and regular employees 5610  
of the state, and per diem of the national guard, and the total 5611  
sum of the expenditure to be made therefor, if the sum is fixed 5612  
and ascertained, otherwise the estimated sum thereof, and an 5613

authorization to pay for the contemplated expenditure, signed by 5614  
the person instructed and authorized to pay upon receipt of a 5615  
proper invoice. 5616

(B) "Invoice" means an itemized listing showing delivery of 5617  
the supplies or performance of the service described in the order, 5618  
~~and the~~ including all of the following: 5619

(1) The date of the purchase or rendering of the service, ~~or~~ 5620  
~~and~~ 5621

(2) An itemization of the things done, material supplied, or 5622  
labor furnished, ~~and the~~ 5623

(3) The sum due pursuant to the contract or obligation. 5624

(C) "Products" means materials, manufacturer's supplies, 5625  
merchandise, goods, wares, and foodstuffs. 5626

(D) "Produced" means the manufacturing, processing, mining, 5627  
developing, and making of a thing into a new article with a 5628  
distinct character in use through the application of input, within 5629  
the state, of Ohio products, labor, skill, or other services. 5630  
"Produced" does not include the mere assembling or putting 5631  
together of non-Ohio products or materials. 5632

(E) "Ohio products" means products that are mined, excavated, 5633  
produced, manufactured, raised, or grown in the state by a person 5634  
where the input of Ohio products, labor, skill, or other services 5635  
constitutes no less than twenty-five per cent of the manufactured 5636  
cost. With respect to mined products, such products shall be mined 5637  
or excavated in this state. 5638

(F) "Purchase" means to buy, rent, lease, lease purchase, or 5639  
otherwise acquire supplies or services. "Purchase" also includes 5640  
all functions that pertain to the obtaining of supplies or 5641  
services, including description of requirements, selection and 5642  
solicitation of sources, preparation and award of contracts, all 5643

phases of contract administration, and receipt and acceptance of 5644  
the supplies and services and payment for them. 5645

(G) "Services" means the furnishing of labor, time, or effort 5646  
by a person, not involving the delivery of a specific end product 5647  
other than a report which, if provided, is merely incidental to 5648  
the required performance. "Services" does not include services 5649  
furnished pursuant to employment agreements or collective 5650  
bargaining agreements. 5651

(H) "Supplies" means all property, including, but not limited 5652  
to, equipment, materials, other tangible assets, and insurance, 5653  
but excluding real property or an interest in real property. 5654

(I) "Competitive selection" means any of the following 5655  
procedures for making purchases: 5656

(1) Competitive sealed bidding under section 125.07 of the 5657  
Revised Code; 5658

(2) Competitive sealed proposals under section 125.071 of the 5659  
Revised Code; 5660

(3) Reverse auctions under section 125.072 of the Revised 5661  
Code. 5662

**Sec. 125.14.** (A) The director of administrative services 5663  
shall allocate any proceeds from the transfer, sale, or lease of 5664  
excess and surplus supplies in the following manner: 5665

(1) Except as otherwise provided in division (A)(2) of this 5666  
section, the proceeds of such a transfer, sale, or lease shall be 5667  
paid into the state treasury to the credit of the investment 5668  
recovery fund, which is hereby created. 5669

(2) Except as otherwise provided in division (A)(2) of this 5670  
section, when supplies originally were purchased with funds from 5671  
nongeneral revenue fund sources, the director shall determine what 5672  
fund or account originally was used to purchase the supplies, and 5673

the credit for the proceeds from any transfer, sale, or lease of 5674  
those supplies shall be transferred to that fund or account. If 5675  
the director cannot determine which fund or account originally was 5676  
used to purchase the supplies, if the fund or account is no longer 5677  
active, or if the proceeds from the transfer, sale, or lease of a 5678  
unit of supplies are less than one hundred dollars or any larger 5679  
amount the director may establish with the approval of the 5680  
director of budget and management, then the proceeds from the 5681  
transfer, sale, or lease of such supplies shall be paid into the 5682  
state treasury to the credit of the investment recovery fund. 5683

(B) The investment recovery fund shall be used to pay for the 5684  
operating expenses of the state surplus property program and of 5685  
the federal surplus property program described in sections 125.84 5686  
to 125.90 of the Revised Code. Any amounts in excess of these 5687  
operating expenses shall periodically be transferred to the 5688  
general revenue fund of the state. If proceeds paid into the 5689  
investment recovery fund are insufficient to pay for the program's 5690  
operating expenses, a service fee may be charged to state agencies 5691  
to eliminate the deficit. 5692

(C) Proceeds from the sale of recyclable goods and materials 5693  
shall be paid into the state treasury to the credit of the 5694  
recycled materials fund, which is hereby created, except that the 5695  
director of environmental protection, upon request, may grant an 5696  
exemption from this requirement. The director shall administer the 5697  
fund for the benefit of recycling programs in state agencies. 5698

**Sec. 125.18.** (A) There is hereby established the office of 5699  
information technology within the department of administrative 5700  
services. The office shall be under the supervision of a state 5701  
chief information officer to be appointed by the director of 5702  
administrative services and subject to removal at the pleasure of 5703  
the director. The chief information officer is an assistant 5704

director of administrative services. 5705

(B) Under the direction of the director of administrative 5706  
services, the state chief information officer shall lead, oversee, 5707  
and direct state agency activities related to information 5708  
technology development and use. In that regard, the state chief 5709  
information officer shall do all of the following: 5710

(1) Coordinate and superintend statewide efforts to promote 5711  
common use and development of technology by state agencies. The 5712  
office of information technology shall establish policies and 5713  
standards that govern and direct state agency participation in 5714  
statewide programs and initiatives. 5715

(2) Establish policies and standards for the acquisition and 5716  
use of common information technology by state agencies, including, 5717  
but not limited to, hardware, software, technology services, and 5718  
security, and the extension of the service life of information 5719  
technology systems, with which state agencies shall comply; 5720

(3) Establish criteria and review processes to identify state 5721  
agency information technology projects or purchases that require 5722  
alignment or oversight. As appropriate, the department of 5723  
administrative services shall provide the governor and the 5724  
director of budget and management with notice and advice regarding 5725  
the appropriate allocation of resources for those projects. The 5726  
state chief information officer may require state agencies to 5727  
provide, and may prescribe the form and manner by which they must 5728  
provide, information to fulfill the state chief information 5729  
officer's alignment and oversight role; 5730

(4) Establish policies and procedures for the security of 5731  
personal information that is maintained and destroyed by state 5732  
agencies; 5733

(5) Employ a chief information security officer who is 5734

responsible for the implementation of the policies and procedures 5735  
described in division (B)(4) of this section and for coordinating 5736  
the implementation of those policies and procedures in all of the 5737  
state agencies; 5738

(6) Employ a chief privacy officer who is responsible for 5739  
advising state agencies when establishing policies and procedures 5740  
for the security of personal information and developing education 5741  
and training programs regarding the state's security procedures; 5742

(7) Establish policies on the purchasing, use, and 5743  
reimbursement for use of handheld computing and telecommunications 5744  
devices by state agency employees; 5745

(8) Establish policies for the reduction of printing and the 5746  
use of electronic records by state agencies; 5747

(9) Establish policies for the reduction of energy 5748  
consumption by state agencies; 5749

(10) Compute the amount of revenue attributable to the 5750  
amortization of all equipment purchases and capitalized systems 5751  
from information technology service delivery and major information 5752  
technology purchases, MARCS administration, enterprise 5753  
applications, and the professions licensing system operating 5754  
appropriation items and major computer purchases capital 5755  
appropriation items that is recovered as part of the information 5756  
technology services rates the department of administrative 5757  
services charges and deposits into the information technology fund 5758  
created in section 125.15 of the Revised Code; the user fees the 5759  
department of administrative services charges and deposits in the 5760  
MARCS administration fund created in section 4501.29 of the 5761  
Revised Code, the rates the department of administrative services 5762  
charges to benefiting agencies for the operation and management of 5763  
information technology applications and deposits in the enterprise 5764  
applications fund, and the rates the department of administrative 5765

services charges for the cost of ongoing maintenance of the 5766  
professions licensing system and deposits in the professions 5767  
licensing system fund. The enterprise applications fund is hereby 5768  
created in the state treasury. 5769

(11) Regularly review and make recommendations regarding 5770  
improving the infrastructure of the state's cybersecurity 5771  
operations with existing resources and through partnerships 5772  
between government, business, and institutions of higher 5773  
education; 5774

(12) Assist, as needed, with general state efforts to grow 5775  
the cybersecurity industry in this state. 5776

(C)(1) The chief information security officer shall assist 5777  
each state agency with the development of an information 5778  
technology security strategic plan and review that plan, and each 5779  
state agency shall submit that plan to the state chief information 5780  
officer. The chief information security officer may require that 5781  
each state agency update its information technology security 5782  
strategic plan annually as determined by the state chief 5783  
information officer. 5784

(2) Prior to the implementation of any information technology 5785  
data system, a state agency shall prepare or have prepared a 5786  
privacy impact statement for that system. 5787

(D) When a state agency requests a purchase of information 5788  
technology supplies or services under Chapter 125. of the Revised 5789  
Code, the state chief information officer may review and reject 5790  
the requested purchase for noncompliance with information 5791  
technology direction, plans, policies, standards, or 5792  
project-alignment criteria. 5793

(E) The office of information technology may operate 5794  
technology services for state agencies in accordance with this 5795  
chapter. 5796

Notwithstanding any provision of the Revised Code to the contrary, the office of information technology may assess a transaction fee on each license or registration issued as part of an electronic licensing system operated by the office in an amount determined by the office not to exceed three dollars and fifty cents. The transaction fee shall apply to all transactions, regardless of form, that immediately precede the issuance, renewal, reinstatement, reactivation of, or other activity that results in, a license or registration to operate as a regulated professional or entity. Each license or registration is a separate transaction to which a fee under this division applies. Notwithstanding any provision of the Revised Code to the contrary, if a fee is assessed under this section, no agency, board, or commission shall issue a license or registration unless a fee required by this division has been received. The director of administrative services may collect the fee or require a state agency, board, or commission for which the system is being operated to collect the fee. Amounts received under this division shall be deposited in or transferred to the professions licensing system fund created in division (I) of this section.

(F) With the approval of the director of administrative services, the office of information technology may establish cooperative agreements with federal and local government agencies and state agencies that are not under the authority of the governor for the provision of technology services and the development of technology projects.

(G) The office of information technology may operate a program to make information technology purchases. The director of administrative services may recover the cost of operating the program from all participating government entities by issuing intrastate transfer voucher billings for the procured technology or through any pass-through billing method agreed to by the

director of administrative services, the director of budget and 5829  
management, and the participating government entities that will 5830  
receive the procured technology. 5831

If the director of administrative services chooses to recover 5832  
the program costs through intrastate transfer voucher billings, 5833  
the participating government entities shall process the intrastate 5834  
transfer vouchers to pay for the cost. Amounts received under this 5835  
section for the information technology purchase program shall be 5836  
deposited to the credit of the information technology governance 5837  
fund created in section 125.15 of the Revised Code. 5838

(H) Upon request from the director of administrative 5839  
services, the director of budget and management may transfer cash 5840  
from the information technology fund created in section 125.15 of 5841  
the Revised Code, the MARCS administration fund created in section 5842  
4501.29 of the Revised Code, the enterprise applications fund 5843  
created in division (B)(10) of this section, or the professions 5844  
licensing system fund created in division (I) of this section 5845  
to the major information technology purchases fund in an amount not 5846  
to exceed the amount computed under division (B)(10) of this 5847  
section. The major information technology purchases fund is hereby 5848  
created in the state treasury. 5849

(I) There is hereby created in the state treasury the 5850  
professions licensing system fund. The fund shall be used to 5851  
operate the electronic licensing system referenced in division (E) 5852  
of this section. 5853

(J) As used in this section: 5854

(1) "Personal information" has the same meaning as in section 5855  
149.45 of the Revised Code. 5856

(2) "State agency" means every organized body, office, or 5857  
agency established by the laws of the state for the exercise of 5858  
any function of state government, other than any state-supported 5859

institution of higher education, the office of the auditor of 5860  
state, treasurer of state, secretary of state, or attorney 5861  
general, the adjutant general's department, the bureau of workers' 5862  
compensation, the industrial commission, the public employees 5863  
retirement system, the Ohio police and fire pension fund, the 5864  
state teachers retirement system, the school employees retirement 5865  
system, the state highway patrol retirement system, the general 5866  
assembly or any legislative agency, the capitol square review 5867  
advisory board, or the courts or any judicial agency. 5868

**Sec. 125.25.** (A) The director of administrative services may 5869  
debar a vendor from consideration for contract awards upon a 5870  
finding based upon a reasonable belief that the vendor has done 5871  
any of the following: 5872

(1) Abused the selection process by repeatedly withdrawing 5873  
bids or proposals before purchase orders or contracts are issued 5874  
or failing to accept orders based upon firm bids; 5875

(2) Failed to substantially perform a contract according to 5876  
its terms, conditions, and specifications within specified time 5877  
limits; 5878

(3) Failed to cooperate in monitoring contract performance by 5879  
refusing to provide information or documents required in a 5880  
contract, failed to respond to complaints to the vendor, or 5881  
accumulated repeated justified complaints regarding performance of 5882  
a contract; 5883

(4) Attempted to influence a public employee to breach 5884  
ethical conduct standards or to influence a contract award; 5885

(5) Colluded to restrain competition by any means; 5886

(6) Been convicted of a criminal offense related to the 5887  
application for or performance of any public or private contract, 5888  
including, but not limited to, embezzlement, theft, forgery, 5889

bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the vendor's business integrity; 5890  
5891  
5892

(7) Been convicted under state or federal antitrust laws; 5893

(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract; 5894  
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5896

(9) Violated any other responsible business practice or performed in an unsatisfactory manner as determined by the director; 5897  
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5899

(10) Through the default of a contract or through other means had a determination of unresolved finding for recovery by the auditor of state under section 9.24 of the Revised Code; 5900  
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(11) Acted in such a manner as to be debarred from participating in a contract with any governmental agency. 5903  
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(B) When the director reasonably believes that grounds for debarment exist, the director shall send the vendor a notice of proposed debarment indicating the grounds for the proposed debarment and the procedure for requesting a hearing on the proposed debarment. The hearing shall be conducted in accordance with Chapter 119. of the Revised Code. If the vendor does not respond with a request for a hearing in the manner specified in Chapter 119. of the Revised Code, the director shall issue the debarment decision without a hearing and shall notify the vendor of the decision by certified mail, return receipt requested. 5905  
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(C) The director shall determine the length of the debarment period and may rescind the debarment at any time upon notification to the vendor. During the period of debarment, the vendor is not eligible to participate in any state contract. After the debarment period expires, the vendor ~~shall~~ may be eligible to be awarded contracts by state agencies if the vendor is not otherwise 5915  
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debarred. 5921

(D) The director, through the office of procurement services, 5922  
shall maintain a list of all vendors currently debarred under this 5923  
section. 5924

Sec. 125.93. (A) As used in this section and section 125.931 5925  
of the Revised Code: 5926

(1) "Affiliated company" means an entity, including a 5927  
third-party payer or specialty pharmacy, with common ownership, 5928  
members of a board of directors, or managers, or that is a parent 5929  
company, subsidiary company, jointly held company, or holding 5930  
company with respect to the other entity. 5931

(2) "Care management system," "medicaid managed care 5932  
organization," and "prescribed drug" have the same meanings as in 5933  
section 5167.01 of the Revised Code. 5934

(3) "Pharmacy benefit manager" has the same meaning as in 5935  
section 3959.01 of the Revised Code. 5936

(4) "Third-party administrator" means any person who adjusts 5937  
or settles claims on behalf of an insuring entity in connection 5938  
with life, dental, health, prescription drugs, or disability 5939  
insurance or self-insurance programs and includes a pharmacy 5940  
benefit manager. 5941

(B) Not later than July 1, 2020, if the department of 5942  
medicaid includes prescribed drugs in the care management system 5943  
as authorized under section 5167.05 of the Revised Code and the 5944  
department contracts with medicaid managed care organizations 5945  
under section 5167.10 of the Revised Code, the director of 5946  
administrative services, in consultation with the medicaid 5947  
director and through a procurement process, shall select a 5948  
third-party administrator to serve as the single pharmacy benefit 5949  
manager used by medicaid managed care organizations under the care 5950

management system. The state pharmacy benefit manager shall be 5951  
responsible for processing all pharmacy claims under the care 5952  
management system. The department of medicaid also shall be a 5953  
party to the contract and is responsible for enforcing the 5954  
contract after the procurement process. 5955

(C) As part of the procurement process, the department of 5956  
administrative services shall do all of the following: 5957

(1) Accept applications from entities seeking to become the 5958  
state pharmacy benefit manager; 5959

(2) Establish eligibility criteria an entity must meet in 5960  
order to become the state pharmacy benefit manager; 5961

(3) Select and contract with a single state pharmacy benefit 5962  
manager; 5963

(4) Develop a master contract to be used by the director when 5964  
contracting with the state pharmacy benefit manager, which shall 5965  
prohibit the state pharmacy benefit manager from requiring a 5966  
medicaid recipient to obtain a specialty drug from a specialty 5967  
pharmacy owned or otherwise associated with the state pharmacy 5968  
benefit manager. 5969

(D) A prospective state pharmacy benefit manager shall 5970  
disclose to the director all of the following during the 5971  
procurement process: 5972

(1) Any activity, policy, practice, contract or arrangement 5973  
of the state pharmacy benefit manager that may directly or 5974  
indirectly present any conflict of interest with the pharmacy 5975  
benefit manager's relationship with or obligation to the 5976  
department of administrative services, the department of medicaid, 5977  
or a medicaid managed care organization; 5978

(2) All common ownership, members of a board of directors, 5979  
managers, or other control of the pharmacy benefit manager (or any 5980

of the pharmacy benefit manager's affiliated companies) with any 5981  
of the following: 5982

(a) A medicaid managed care organization and its affiliated 5983  
companies; 5984

(b) An entity that contracts on behalf of a pharmacy or any 5985  
pharmacy services administration organization and its affiliated 5986  
companies; 5987

(c) A drug wholesaler or distributor and its affiliated 5988  
companies; 5989

(d) A third-party payer and its affiliated companies; 5990

(e) A pharmacy and its affiliated companies. 5991

(3) Any direct or indirect fees, charges, or any kind of 5992  
assessments imposed by the pharmacy benefit manager on pharmacies 5993  
licensed in this state with which the pharmacy benefit manager 5994  
shares common ownership, management, or control; or that are 5995  
owned, managed, or controlled by any of the pharmacy benefit 5996  
manager's affiliated companies; 5997

(4) Any direct or indirect fees, charges, or any kind of 5998  
assessments imposed by the pharmacy benefit manager on pharmacies 5999  
licensed in this state that operate more than eleven locations; 6000

(5) Any direct or indirect fees, charges, or any kind of 6001  
assessments imposed by the pharmacy benefit manager on pharmacies 6002  
licensed in this state that operate eleven or fewer locations. 6003

(6) Any financial terms and arrangements between the pharmacy 6004  
benefit manager and a prescription drug manufacturer or labeler, 6005  
including formulary management, drug substitution programs, 6006  
educational support claims processing, or data sales fees. 6007

(E) The medicaid director shall review the state pharmacy 6008  
benefit manager contract every six months and shall make 6009  
recommendations for changes to the director of administrative 6010

services. By contract amendment or renewal, the director of 6011  
administrative services shall effect the changes recommended by 6012  
the medicaid director. 6013

(F) Every four years, the director of administrative services 6014  
shall reprocure the state pharmacy benefit manager contract under 6015  
division (C) of this section. 6016

**Sec. 125.931.** (A) The affiliated companies of the state 6017  
pharmacy benefit manager selected under section 125.93 of the 6018  
Revised Code may conduct pharmacy benefit manager business in 6019  
their own names with medicaid managed care organizations. 6020

(B) The state pharmacy benefit manager owes to the department 6021  
of administrative services and the department of medicaid a 6022  
fiduciary duty and must perform its duties with care, skill, 6023  
prudence, and diligence. This duty includes negotiating the lowest 6024  
prices for prescription drugs and pricing drugs at those lowest 6025  
prices on the prescription drug formulary established under 6026  
section 5167.241 of the Revised Code to maximize the health of 6027  
medicaid recipients and promote the efficiency of the medicaid 6028  
program. It also includes cooperating with audits conducted by a 6029  
state entity. 6030

**Sec. 126.48.** (A) Except as provided in division (B) of this 6031  
section, any ~~preliminary or final~~ internal audit report ~~of an~~ 6032  
~~internal audit's findings and recommendations which is~~ produced by 6033  
the office of internal audit in the office of budget and 6034  
management and all work papers of the internal audit are 6035  
confidential and are not public records under section 149.43 of 6036  
the Revised Code until the final report of an internal audit's 6037  
findings and recommendations is submitted to the state audit 6038  
committee, the governor, and the director of the state agency 6039  
involved. 6040

(B) The following are not public records under section 149.43 6041  
of the Revised Code: 6042

(1) An internal audit report or work paper that meets the 6043  
definition of a security record or infrastructure record under 6044  
section 149.433 of the Revised Code; 6045

(2) Any information derived from a state tax return or state 6046  
tax return information as permitted to be used by the office of 6047  
internal audit under section 5703.21 of the Revised Code. 6048

(3) Any record or document necessary for the performance of 6049  
an internal audit received by the office of internal audit under 6050  
division (C) of section 126.45 of the Revised Code, that is 6051  
otherwise exempt from disclosure under state or federal law. 6052

**Sec. 126.60.** (A) There is hereby created in the state 6053  
treasury the H2Ohio fund consisting of money credited to it and 6054  
any donations, gifts, bequests, and other money received for 6055  
deposit in the fund. All investment earnings of the fund shall be 6056  
credited to the fund. All money credited or deposited in the fund 6057  
shall be used for any of the following purposes: 6058

(1) Awarding or allocating grants or money, issuing loans, or 6059  
making purchases for the development and implementation of 6060  
projects and programs, including remediation projects, that are 6061  
designed to address water quality priorities; 6062

(2) Funding cooperative research, data gathering and 6063  
monitoring, and demonstration projects related to water quality 6064  
priorities; 6065

(3) Encouraging cooperation with and among leaders from state 6066  
legislatures, state agencies, political subdivisions, business and 6067  
industry, labor, agriculture, environmental organizations, 6068  
institutions of higher education, and water conservation 6069  
districts; 6070

(4) Other purposes, policies, programs, and priorities identified by the Ohio Lake Erie commission in coordination with state agencies or boards responsible for water protection and water management, provided that the purposes, policies, programs, and priorities align with a statewide strategic vision and comprehensive periodic water protection and restoration strategy. 6071  
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(B)(1) The directors of agriculture, natural resources, and environmental protection shall each prepare an annual plan that, at a minimum, describes the following: 6077  
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6079

(a) Funding priorities; 6080

(b) The specific programs, projects, or entities proposed to receive funding; 6081  
6082

(c) The internal controls and external accountability measures that will be put in place to ensure that the funding is properly used. 6083  
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(2) Not later than the first day of March of each year, the directors shall deliver their respective annual plans to the H2Ohio advisory council created under section 126.61 of the Revised Code. 6086  
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(C) The H2Ohio advisory council shall review and shall approve or disapprove each annual plan in accordance with the council's policies and procedures adopted in accordance with section 126.62 of the Revised Code. An agency shall not expend money appropriated from the fund unless the council approves the plan submitted by the agency. 6090  
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**Sec. 126.61.** (A) There is hereby created the H2Ohio advisory council consisting of the following members: 6096  
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(1) The director of agriculture or the director's designee; 6098

(2) The director of environmental protection or the director's designee; 6099  
6100

- (3) The director of natural resources or the director's designee; 6101  
6102
- (4) The executive director of the Ohio Lake Erie commission who shall serve as a nonvoting, ex officio member; 6103  
6104
- (5) Two members appointed by the president of the senate, one member of the majority party and one member of the minority party; 6105  
6106
- (6) Two members appointed by the speaker of the house of representatives, one member of the majority party and one member of the minority party; 6107  
6108  
6109
- (7) One member appointed by the governor with the advice and consent of the senate who represents the interests of counties; 6110  
6111
- (8) One member appointed by the governor with the advice and consent of the senate who represents the interests of townships; 6112  
6113
- (9) One member appointed by the governor with the advice and consent of the senate who represents the interests of municipal corporations; 6114  
6115  
6116
- (10) One member appointed by the governor with the advice and consent of the senate who represents the interests of public health; 6117  
6118  
6119
- (11) Two members appointed by the governor with the advice and consent of the senate who represent the interests of business or tourism; 6120  
6121  
6122
- (12) Two members appointed by the governor with the advice and consent of the senate who represent agricultural interests; 6123  
6124
- (13) Two members appointed by the governor with the advice and consent of the senate who represent statewide environmental advocacy organizations. 6125  
6126  
6127
- All appointments to the council shall be made not later than one hundred twenty days after the effective date of this section. 6128  
6129

(B)(1) The members appointed by the president of the senate 6130  
and speaker of the house of representatives shall serve at the 6131  
pleasure of their appointing authorities. Of the initial members 6132  
appointed by the governor, five shall be appointed for two years 6133  
and four shall be appointed for one year. Thereafter, terms of 6134  
office for members appointed by the governor shall be for two 6135  
years, with each term ending on the same day of the same month as 6136  
did the term that it succeeds. The members appointed by the 6137  
governor shall reflect the demographic and economic diversity of 6138  
the population of the state. Additionally, the governor's 6139  
appointments shall be from geographically diverse areas of the 6140  
state so that all areas of the state have representation on the 6141  
council. The governor may remove a member appointed by the 6142  
governor for misfeasance, nonfeasance, or malfeasance in office. 6143

(2) Each appointed member shall hold office from the date of 6144  
appointment until the end of the term for which the member is 6145  
appointed. Members may be reappointed. Vacancies shall be filled 6146  
in the same manner as provided for original appointments. Any 6147  
member appointed to fill a vacancy occurring prior to the 6148  
expiration date of the term for which the member was appointed 6149  
shall hold office for the remainder of that term. A member shall 6150  
continue in office after the expiration date of the member's term 6151  
until the member's successor takes office or until a period of 6152  
sixty days has elapsed, whichever occurs first. 6153

(C) The governor shall appoint a member of the council to 6154  
serve as the chairperson of the council. The executive director of 6155  
the Ohio Lake Erie commission shall serve as the vice-chairperson 6156  
of the council unless the governor appoints the executive director 6157  
as the chairperson. If the executive director is appointed 6158  
chairperson, the council annually shall select a person from among 6159  
its members to serve as vice-chairperson while the director is 6160  
chairperson. The council annually shall select from among its 6161

members a secretary to keep a record of its proceedings. A 6162  
majority vote of a quorum of the members of the council is 6163  
necessary to take action on any matter. 6164

(D)(1) Members of the council are public officials or 6165  
officers only for the purposes of section 9.86 and Chapters 102. 6166  
and 2921. of the Revised Code. Serving as a member of the council 6167  
does not constitute holding a public office or position of 6168  
employment so as to constitute grounds for removal of public 6169  
officers or employees serving as members of the council from their 6170  
offices or positions of employment. 6171

(2) Members of the council shall file with the Ohio ethics 6172  
commission the disclosure statement described in division (A) of 6173  
section 102.02 of the Revised Code on the form prescribed by the 6174  
commission. Members are subject to divisions (C) and (D) of that 6175  
section. 6176

(3) Members of the council shall serve without compensation 6177  
for attending council meetings, but shall receive their actual and 6178  
necessary traveling and other expenses incurred in the performance 6179  
of their official duties in accordance with the rules of the 6180  
office of budget and management. 6181

(E) Members appointed by the governor to represent the 6182  
interests of counties, townships, and municipal corporations do 6183  
not have a conflict of interest by virtue of their service on the 6184  
council. For the purposes of this division, "conflict of interest" 6185  
means the taking of any action as a member of the council that 6186  
affects a public agency the person serves as an officer or 6187  
employee. 6188

(F) The Ohio Lake Erie commission, department of agriculture, 6189  
and environmental protection agency shall provide administrative 6190  
support to the council. The Ohio Lake Erie commission, in addition 6191  
to providing administrative support, shall provide the location 6192

for council meetings. 6193

(G) Sections 101.82 to 101.87 of the Revised Code do not 6194

apply to the council. 6195

**Sec. 126.62.** (A) The H2Ohio advisory council created in 6196

section 126.61 of the Revised Code shall adopt bylaws governing 6197

its operation, including bylaws that establish all of the 6198

following: 6199

(1) The frequency of meetings; 6200

(2) Procedures for reviewing annual plans submitted by the 6201

directors of agriculture, natural resources, and environmental 6202

protection under section 126.60 of the Revised Code; 6203

(3) Procedures for approving or disapproving annual plans 6204

submitted by the directors of agriculture, natural resources, and 6205

environmental protection under section 126.60 of the Revised Code. 6206

The procedures shall include a process for resubmitting 6207

disapproved plans. 6208

(4) Any other policy or procedure that the council determines 6209

is necessary to carry out its duties and for the administration 6210

and oversight of the H2Ohio fund. 6211

(B) Not later than August 31, 2020, and annually thereafter, 6212

the H2Ohio advisory council, in coordination with the Ohio Lake 6213

Erie commission, shall do both of the following: 6214

(1) Prepare a report of the activities that were undertaken 6215

with respect to the fund during the immediately preceding fiscal 6216

year, including the revenues and expenses of the fund for the 6217

preceding fiscal year; 6218

(2) Submit the report to the general assembly and to the 6219

governor. 6220

**Sec. 131.02.** (A) Except as otherwise provided in section 6221

4123.37, section 5703.061, and division (K) of section 4123.511 of 6222  
the Revised Code, whenever any amount is payable to the state, the 6223  
officer, employee, or agent responsible for administering the law 6224  
under which the amount is payable shall immediately proceed to 6225  
collect the amount or cause the amount to be collected and shall 6226  
pay the amount into the state treasury or into the appropriate 6227  
custodial fund in the manner set forth pursuant to section 113.08 6228  
of the Revised Code. Except as otherwise provided in this 6229  
division, if the amount is not paid within forty-five days after 6230  
payment is due, the officer, employee, or agent shall certify the 6231  
amount due to the attorney general, in the form and manner 6232  
prescribed by the attorney general, and notify the director of 6233  
budget and management thereof. In the case of an amount payable by 6234  
a student enrolled in a state institution of higher education, the 6235  
amount shall be certified ~~within~~ not less than the later of 6236  
forty-five days after the amount is due or the tenth day after the 6237  
beginning of the next academic semester, quarter, or other session 6238  
following the session for which the payment is payable; 6239  
thereafter, the amount shall be certified within fifteen days. The 6240  
attorney general may assess the collection cost to the amount 6241  
certified in such manner and amount as prescribed by the attorney 6242  
general. If an amount payable to a political subdivision is past 6243  
due, the political subdivision may, with the approval of the 6244  
attorney general, certify the amount to the attorney general 6245  
pursuant to this section. 6246

For the purposes of this section, the attorney general and 6247  
the officer, employee, or agent responsible for administering the 6248  
law under which the amount is payable shall agree on the time a 6249  
payment is due, and that agreed upon time shall be one of the 6250  
following times: 6251

(1) If a law, including an administrative rule, of this state 6252  
prescribes the time a payment is required to be made or reported, 6253

when the payment is required by that law to be paid or reported.	6254
(2) If the payment is for services rendered, when the rendering of the services is completed.	6255 6256
(3) If the payment is reimbursement for a loss, when the loss is incurred.	6257 6258
(4) In the case of a fine or penalty for which a law or administrative rule does not prescribe a time for payment, when the fine or penalty is first assessed.	6259 6260 6261
(5) If the payment arises from a legal finding, judgment, or adjudication order, when the finding, judgment, or order is rendered or issued.	6262 6263 6264
(6) If the payment arises from an overpayment of money by the state to another person, when the overpayment is discovered.	6265 6266
(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined.	6267 6268 6269
(8) Upon proof of claim being filed in a bankruptcy case.	6270
(9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the state agency to which the payment is owed.	6271 6272 6273 6274 6275
(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness.	6276 6277 6278
(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following:	6279 6280 6281
(a) The assessment or case number;	6282

(b) The tax pursuant to which the assessment is made;	6283
(c) The reason for the liability, including, if applicable, that a penalty or interest is due;	6284 6285
(d) An explanation of how and when interest will be added to the amount assessed;	6286 6287
(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.	6288 6289 6290 6291
(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.	6292 6293
(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code.	6294 6295 6296
(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:	6297 6298 6299
(1) Compromise the claim;	6300
(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.	6301 6302 6303 6304
(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.	6305 6306 6307
(F)(1) Except as provided in division (F)(2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following:	6308 6309 6310 6311 6312

(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection;

(b) Cancel the claim or cause it to be canceled.

(2) The attorney general shall cancel or cause to be canceled an unsatisfied claim on the date that is forty years after the date the claim is certified.

(3) No initial action shall be commenced to collect any tax payable to the state that is administered by the tax commissioner, whether or not such tax is subject to division (B) of this section, or any penalty, interest, or additional charge on such tax, after the expiration of the period ending on the later of the dates specified in divisions (F)(3)(a) and (b) of this section, provided that such period shall be extended by the period of any stay to such collection or by any other period to which the parties mutually agree. If the initial action in aid of execution is commenced before the later of the dates specified in divisions (F)(3)(a) and (b) of this section, any and all subsequent actions may be pursued in aid of execution of judgment for as long as the debt exists.

(a) Seven years after the assessment of the tax, penalty, interest, or additional charge is issued.

(b) Four years after the assessment of the tax, penalty, interest, or additional charge becomes final. For the purposes of division (F)(3)(b) of this section, the assessment becomes final at the latest of the following: upon expiration of the period to petition for reassessment, or if applicable, to appeal a final determination of the commissioner or decision of the board of tax appeals or a court, or, if applicable, upon decision of the United States supreme court.

For the purposes of division (F)(3) of this section, an initial action to collect a tax debt is commenced at the time when

any action, including any action in aid of execution on a 6344  
judgment, commences after a certified copy of the tax 6345  
commissioner's entry making an assessment final has been filed in 6346  
the office of the clerk of court of common pleas in the county in 6347  
which the taxpayer resides or has its principal place of business 6348  
in this state, or in the office of the clerk of court of common 6349  
pleas of Franklin county, as provided in section 5739.13, 5741.14, 6350  
5747.13, or 5751.09 of the Revised Code or in any other applicable 6351  
law requiring such a filing. If an assessment has not been issued 6352  
and there is no time limitation on the issuance of an assessment 6353  
under applicable law, an action to collect a tax debt commences 6354  
when the action is filed in the courts of this state to collect 6355  
the liability. 6356

(4) If information contained in a claim that is sold, 6357  
conveyed, or transferred to a private entity pursuant to this 6358  
section is confidential pursuant to federal law or a section of 6359  
the Revised Code that implements a federal law governing 6360  
confidentiality, such information remains subject to that law 6361  
during and following the sale, conveyance, or transfer. 6362

**Sec. 131.35.** (A) With respect to ~~the federal funds revenue~~ 6363  
received into any fund of the state ~~from which transfers may be~~ 6364  
~~made under~~, except for those funds listed in division (D) of 6365  
section 127.14 of the Revised Code: 6366

(1) No state agency may make expenditures of any federal 6367  
~~funds revenue~~, whether ~~such funds are the revenue is~~ advanced 6368  
prior to expenditure or as reimbursement, unless such expenditures 6369  
are made pursuant to specific appropriations of the general 6370  
assembly, are authorized by the controlling board pursuant to 6371  
division (A)(5) of this section, or are authorized by an executive 6372  
order issued in accordance with section 107.17 of the Revised 6373  
Code, and until an allotment has been approved by the director of 6374

budget and management. All federal ~~fund~~ revenue received by a 6375  
state agency shall be reported to the director within fifteen days 6376  
of the receipt of ~~such fund~~ the revenue or the notification of 6377  
award, whichever occurs first. The director shall prescribe the 6378  
forms and procedures to be used when reporting the receipt of 6379  
federal ~~fund~~ revenue. 6380

(2) If the federal ~~fund~~ revenue received ~~are~~ is greater than 6381  
the amount of ~~such fund~~ the revenue appropriated by the general 6382  
assembly for a specific purpose, the total appropriation of 6383  
federal and state funds for such purpose shall remain at the 6384  
amount designated by the general assembly, except that the 6385  
expenditure of federal ~~fund~~ revenue received in excess of such 6386  
specific appropriation may be authorized by the controlling board, 6387  
subject to division (D) of this section. 6388

(3) To the extent that the expenditure of excess federal 6389  
~~fund~~ revenue is authorized, the controlling board may transfer a 6390  
like amount of general revenue fund appropriation authority from 6391  
the affected agency to the emergency purposes appropriation of the 6392  
controlling board, if such action is permitted under federal 6393  
regulations. 6394

(4) Additional funds may be created by the controlling board 6395  
to receive revenues not anticipated in an appropriations act for 6396  
the biennium in which such new revenues are received. Subject to 6397  
division (D) of this section, expenditures from such additional 6398  
funds may be authorized by the controlling board, but such 6399  
authorization shall not extend beyond the end of the biennium in 6400  
which such funds are created. 6401

(5) Controlling board authorization for a state agency to 6402  
make an expenditure of federal ~~fund~~ revenue constitutes authority 6403  
for the agency to participate in the federal program providing the 6404  
~~fund~~ revenue, and the agency is not required to obtain an 6405  
executive order under section 107.17 of the Revised Code to 6406

participate in the federal program. 6407

(B) With respect to nonfederal ~~funds~~ revenue received into 6408  
~~the waterways safety fund, the wildlife fund, and~~ any fund of the 6409  
state ~~from which transfers may be made under,~~ except for any other 6410  
fund listed in division (D) of section 127.14 of the Revised Code: 6411

(1) No state agency may make expenditures of any ~~such funds~~ 6412  
of the revenue unless the expenditures are made pursuant to 6413  
specific appropriations of the general assembly. 6414

(2) If the ~~receipts~~ revenue received into any fund ~~are~~ is 6415  
greater than the amount appropriated, the appropriation for that 6416  
fund shall remain at the amount designated by the general assembly 6417  
or, subject to division (D) of this section, as increased and 6418  
approved by the controlling board. 6419

(3) Additional funds may be created by the controlling board 6420  
to receive revenues not anticipated in an appropriations act for 6421  
the biennium in which such new revenues are received. Subject to 6422  
division (D) of this section, expenditures from such additional 6423  
funds may be authorized by the controlling board, but such 6424  
authorization shall not extend beyond the end of the biennium in 6425  
which such funds are created. 6426

(C) The controlling board shall not authorize more than ten 6427  
per cent of additional spending from the occupational licensing 6428  
and regulatory fund, created in section 4743.05 of the Revised 6429  
Code, in excess of any appropriation made by the general assembly 6430  
to a licensing agency except an appropriation for costs related to 6431  
the examination or reexamination of applicants for a license. As 6432  
used in this division, "licensing agency" and "license" have the 6433  
same meanings as in section 4745.01 of the Revised Code. 6434

(D) If federal revenue is received in the waterways safety 6435  
fund or wildlife fund, the controlling board, at the request of 6436  
the director of natural resources, may approve the expenditure of 6437

the federal revenue for purposes for which the federal revenue was 6438  
granted. 6439

(E) The amount of any expenditure authorized under division 6440  
(A)(2) or (4) or (B)(2) or (3) of this section for a specific or 6441  
related purpose or item in any fiscal year shall not exceed an 6442  
amount greater than one-half of one per cent of the general 6443  
revenue fund appropriations for that fiscal year. 6444

Sec. 131.511. (A) In addition to the amounts credited to the 6445  
local government fund under section 131.51 of the Revised Code, 6446  
the director of the office of budget and management shall credit 6447  
monthly to the local government audit support fund a portion of 6448  
total tax revenue credited to the general revenue fund equal to 6449  
one-twelfth of the annual fiscal year appropriation from the local 6450  
government audit support fund. 6451

(B) The director of budget and management shall develop a 6452  
schedule identifying the specific tax revenue sources to be used 6453  
to make the monthly transfers required under division (A) of this 6454  
section. The director may, from time to time, revise the schedule 6455  
of revenue sources as the director considers necessary. 6456

Sec. 133.06. (A) A school district shall not incur, without a 6457  
vote of the electors, net indebtedness that exceeds an amount 6458  
equal to one-tenth of one per cent of its tax valuation, except as 6459  
provided in divisions (G) and (H) of this section and in division 6460  
(D) of section 3313.372 of the Revised Code, or as prescribed in 6461  
section 3318.052 or 3318.44 of the Revised Code, or as provided in 6462  
division (J) of this section. 6463

(B) Except as provided in divisions (E), (F), and (I) of this 6464  
section, a school district shall not incur net indebtedness that 6465  
exceeds an amount equal to nine per cent of its tax valuation. 6466

(C) A school district shall not submit to a vote of the 6467

electors the question of the issuance of securities in an amount 6468  
that will make the district's net indebtedness after the issuance 6469  
of the securities exceed an amount equal to four per cent of its 6470  
tax valuation, unless the superintendent of public instruction, 6471  
acting under policies adopted by the state board of education, and 6472  
the tax commissioner, acting under written policies of the 6473  
commissioner, consent to the submission. A request for the 6474  
consents shall be made at least one hundred twenty days prior to 6475  
the election at which the question is to be submitted. 6476

The superintendent of public instruction shall certify to the 6477  
district the superintendent's and the tax commissioner's decisions 6478  
within thirty days after receipt of the request for consents. 6479

If the electors do not approve the issuance of securities at 6480  
the election for which the superintendent of public instruction 6481  
and tax commissioner consented to the submission of the question, 6482  
the school district may submit the same question to the electors 6483  
on the date that the next special election may be held under 6484  
section 3501.01 of the Revised Code without submitting a new 6485  
request for consent. If the school district seeks to submit the 6486  
same question at any other subsequent election, the district shall 6487  
first submit a new request for consent in accordance with this 6488  
division. 6489

(D) In calculating the net indebtedness of a school district, 6490  
none of the following shall be considered: 6491

(1) Securities issued to acquire school buses and other 6492  
equipment used in transporting pupils or issued pursuant to 6493  
division (D) of section 133.10 of the Revised Code; 6494

(2) Securities issued under division (F) of this section, 6495  
under section 133.301 of the Revised Code, and, to the extent in 6496  
excess of the limitation stated in division (B) of this section, 6497  
under division (E) of this section; 6498

(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;	6499 6500 6501 6502
(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;	6503 6504
(5) Debt incurred under section 3313.374 of the Revised Code;	6505
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	6506 6507 6508
(7) Debt incurred under section 3318.042 of the Revised Code;	6509
(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of which the school district is a participating school district.	6510 6511 6512
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	6513 6514
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	6515 6516 6517
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	6518 6519
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	6520 6521 6522 6523
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	6524 6525 6526
(a) The history of and a projection of the growth of the tax valuation;	6527 6528

(b) The projected needs;	6529
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	6530 6531
(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:	6532 6533 6534
(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.	6535 6536 6537
(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the superintendent shall be conclusive.	6538 6539 6540 6541 6542 6543 6544 6545
(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following:	6546 6547 6548 6549
(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities;	6550 6551 6552 6553 6554 6555
(b) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the superintendent of public instruction, by which that tax valuation is projected to increase	6556 6557 6558 6559

during the next ten years. 6560

(F) A school district may issue securities for emergency 6561  
purposes, in a principal amount that does not exceed an amount 6562  
equal to three per cent of its tax valuation, as provided in this 6563  
division. 6564

(1) A board of education, by resolution, may declare an 6565  
emergency if it determines both of the following: 6566

(a) School buildings or other necessary school facilities in 6567  
the district have been wholly or partially destroyed, or condemned 6568  
by a constituted public authority, or that such buildings or 6569  
facilities are partially constructed, or so constructed or planned 6570  
as to require additions and improvements to them before the 6571  
buildings or facilities are usable for their intended purpose, or 6572  
that corrections to permanent improvements are necessary to remove 6573  
or prevent health or safety hazards. 6574

(b) Existing fiscal and net indebtedness limitations make 6575  
adequate replacement, additions, or improvements impossible. 6576

(2) Upon the declaration of an emergency, the board of 6577  
education may, by resolution, submit to the electors of the 6578  
district pursuant to section 133.18 of the Revised Code the 6579  
question of issuing securities for the purpose of paying the cost, 6580  
in excess of any insurance or condemnation proceeds received by 6581  
the district, of permanent improvements to respond to the 6582  
emergency need. 6583

(3) The procedures for the election shall be as provided in 6584  
section 133.18 of the Revised Code, except that: 6585

(a) The form of the ballot shall describe the emergency 6586  
existing, refer to this division as the authority under which the 6587  
emergency is declared, and state that the amount of the proposed 6588  
securities exceeds the limitations prescribed by division (B) of 6589  
this section; 6590

(b) The resolution required by division (B) of section 133.18 of the Revised Code shall be certified to the county auditor and the board of elections at least one hundred days prior to the election;

(c) The county auditor shall advise and, not later than ninety-five days before the election, confirm that advice by certification to, the board of education of the information required by division (C) of section 133.18 of the Revised Code;

(d) The board of education shall then certify its resolution and the information required by division (D) of section 133.18 of the Revised Code to the board of elections not less than ninety days prior to the election.

(4) Notwithstanding division (B) of section 133.21 of the Revised Code, the first principal payment of securities issued under this division may be set at any date not later than sixty months after the earliest possible principal payment otherwise provided for in that division.

(G)(1) The board of education may contract with an architect, professional engineer, or other person experienced in the design and implementation of energy conservation measures for an analysis and recommendations pertaining to installations, modifications of installations, or remodeling that would significantly reduce energy consumption in buildings owned by the district. The report shall include estimates of all costs of such installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, repairs, measurement and verification of energy savings, and debt service, forgone residual value of materials or equipment replaced by the energy conservation measure, as defined by the Ohio facilities construction commission, a baseline analysis of actual energy consumption data for the preceding three years with the utility baseline based on only the actual energy consumption data for the

preceding twelve months, and estimates of the amounts by which 6623  
energy consumption and resultant operational and maintenance 6624  
costs, as defined by the commission, would be reduced. 6625

If the board finds after receiving the report that the amount 6626  
of money the district would spend on such installations, 6627  
modifications, or remodeling is not likely to exceed the amount of 6628  
money it would save in energy and resultant operational and 6629  
maintenance costs over the ensuing fifteen years, the board may 6630  
submit to the commission a copy of its findings and a request for 6631  
approval to incur indebtedness to finance the making or 6632  
modification of installations or the remodeling of buildings for 6633  
the purpose of significantly reducing energy consumption. 6634

The facilities construction commission, in consultation with 6635  
the auditor of state, may deny a request under division (G)(1) of 6636  
this section by the board of education of any school district that 6637  
is in a state of fiscal watch pursuant to division (A) of section 6638  
3316.03 of the Revised Code, if it determines that the expenditure 6639  
of funds is not in the best interest of the school district. 6640

No district board of education of a school district that is 6641  
in a state of fiscal emergency pursuant to division (B) of section 6642  
3316.03 of the Revised Code shall submit a request without 6643  
submitting evidence that the installations, modifications, or 6644  
remodeling have been approved by the district's financial planning 6645  
and supervision commission established under section 3316.05 of 6646  
the Revised Code. 6647

~~No board of education of a school district for which an 6648  
academic distress commission has been established under section 6649  
3302.10 of the Revised Code shall submit a request without first 6650  
receiving approval to incur indebtedness from the district's 6651  
academic distress commission established under that section, for 6652  
so long as such commission continues to be required for the 6653  
district. 6654~~

(2) The board of education may contract with a person 6655  
experienced in the implementation of student transportation to 6656  
produce a report that includes an analysis of and recommendations 6657  
for the use of alternative fuel vehicles by school districts. The 6658  
report shall include cost estimates detailing the return on 6659  
investment over the life of the alternative fuel vehicles and 6660  
environmental impact of alternative fuel vehicles. The report also 6661  
shall include estimates of all costs associated with alternative 6662  
fuel transportation, including facility modifications and vehicle 6663  
purchase costs or conversion costs. 6664

If the board finds after receiving the report that the amount 6665  
of money the district would spend on purchasing alternative fuel 6666  
vehicles or vehicle conversion is not likely to exceed the amount 6667  
of money it would save in fuel and resultant operational and 6668  
maintenance costs over the ensuing five years, the board may 6669  
submit to the commission a copy of its findings and a request for 6670  
approval to incur indebtedness to finance the purchase of new 6671  
alternative fuel vehicles or vehicle conversions for the purpose 6672  
of reducing fuel costs. 6673

The facilities construction commission, in consultation with 6674  
the auditor of state, may deny a request under division (G)(2) of 6675  
this section by the board of education of any school district that 6676  
is in a state of fiscal watch pursuant to division (A) of section 6677  
3316.03 of the Revised Code, if it determines that the expenditure 6678  
of funds is not in the best interest of the school district. 6679

No district board of education of a school district that is 6680  
in a state of fiscal emergency pursuant to division (B) of section 6681  
3316.03 of the Revised Code shall submit a request without 6682  
submitting evidence that the purchase or conversion of alternative 6683  
fuel vehicles has been approved by the district's financial 6684  
planning and supervision commission established under section 6685  
3316.05 of the Revised Code. 6686

~~No board of education of a school district for which an  
academic distress commission has been established under section  
3302.10 of the Revised Code shall submit a request without first  
receiving approval to incur indebtedness from the district's  
academic distress commission established under that section, for  
so long as such commission continues to be required for the  
district.~~

(3) The facilities construction commission shall approve the  
board's request provided that the following conditions are  
satisfied:

(a) The commission determines that the board's findings are  
reasonable.

(b) The request for approval is complete.

(c) If the request was submitted under division (G)(1) of  
this section, the installations, modifications, or remodeling are  
consistent with any project to construct or acquire classroom  
facilities, or to reconstruct or make additions to existing  
classroom facilities under sections 3318.01 to 3318.20 or sections  
3318.40 to 3318.45 of the Revised Code.

Upon receipt of the commission's approval, the district may  
issue securities without a vote of the electors in a principal  
amount not to exceed nine-tenths of one per cent of its tax  
valuation for the purpose specified in division (G)(1) or (2) of  
this section, but the total net indebtedness of the district  
without a vote of the electors incurred under this and all other  
sections of the Revised Code, except section 3318.052 of the  
Revised Code, shall not exceed one per cent of the district's tax  
valuation.

(4)(a) So long as any securities issued under division (G)(1)  
of this section remain outstanding, the board of education shall  
monitor the energy consumption and resultant operational and

maintenance costs of buildings in which installations or 6718  
modifications have been made or remodeling has been done pursuant 6719  
to that division. Except as provided in division (G)(4)(b) of this 6720  
section, the board shall maintain and annually update a report in 6721  
a form and manner prescribed by the facilities construction 6722  
commission documenting the reductions in energy consumption and 6723  
resultant operational and maintenance cost savings attributable to 6724  
such installations, modifications, or remodeling. The resultant 6725  
operational and maintenance cost savings shall be certified by the 6726  
school district treasurer. The report shall be submitted annually 6727  
to the commission. 6728

(b) If the facilities construction commission verifies that 6729  
the certified annual reports submitted to the commission by a 6730  
board of education under division (G)(4)(a) of this section 6731  
fulfill the guarantee required under division (B) of section 6732  
3313.372 of the Revised Code for three consecutive years, the 6733  
board of education shall no longer be subject to the annual 6734  
reporting requirements of division (G)(4)(a) of this section. 6735

(5) So long as any securities issued under division (G)(2) of 6736  
this section remain outstanding, the board of education shall 6737  
monitor the purchase of new alternative fuel vehicles or vehicle 6738  
conversions pursuant to that division. The board shall maintain 6739  
and annually update a report in a form and manner prescribed by 6740  
the facilities construction commission documenting the purchase of 6741  
new alternative fuel vehicles or vehicle conversions, the 6742  
associated environmental impact, and return on investment. The 6743  
resultant fuel and operational and maintenance cost savings shall 6744  
be certified by the school district treasurer. The report shall be 6745  
submitted annually to the commission. 6746

(H) With the consent of the superintendent of public 6747  
instruction, a school district may incur without a vote of the 6748  
electors net indebtedness that exceeds the amounts stated in 6749

divisions (A) and (G) of this section for the purpose of paying 6750  
costs of permanent improvements, if and to the extent that both of 6751  
the following conditions are satisfied: 6752

(1) The fiscal officer of the school district estimates that 6753  
receipts of the school district from payments made under or 6754  
pursuant to agreements entered into pursuant to section 725.02, 6755  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 6756  
5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 6757  
of the Revised Code, or distributions under division (C) of 6758  
section 5709.43 or division (B) of section 5709.47 of the Revised 6759  
Code, or any combination thereof, are, after accounting for any 6760  
appropriate coverage requirements, sufficient in time and amount, 6761  
and are committed by the proceedings, to pay the debt charges on 6762  
the securities issued to evidence that indebtedness and payable 6763  
from those receipts, and the taxing authority of the district 6764  
confirms the fiscal officer's estimate, which confirmation is 6765  
approved by the superintendent of public instruction; 6766

(2) The fiscal officer of the school district certifies, and 6767  
the taxing authority of the district confirms, that the district, 6768  
at the time of the certification and confirmation, reasonably 6769  
expects to have sufficient revenue available for the purpose of 6770  
operating such permanent improvements for their intended purpose 6771  
upon acquisition or completion thereof, and the superintendent of 6772  
public instruction approves the taxing authority's confirmation. 6773

The maximum maturity of securities issued under division (H) 6774  
of this section shall be the lesser of twenty years or the maximum 6775  
maturity calculated under section 133.20 of the Revised Code. 6776

(I) A school district may incur net indebtedness by the 6777  
issuance of securities in accordance with the provisions of this 6778  
chapter in excess of the limit specified in division (B) or (C) of 6779  
this section when necessary to raise the school district portion 6780  
of the basic project cost and any additional funds necessary to 6781

participate in a project under Chapter 3318. of the Revised Code, 6782  
including the cost of items designated by the facilities 6783  
construction commission as required locally funded initiatives, 6784  
the cost of other locally funded initiatives in an amount that 6785  
does not exceed fifty per cent of the district's portion of the 6786  
basic project cost, and the cost for site acquisition. The 6787  
commission shall notify the superintendent of public instruction 6788  
whenever a school district will exceed either limit pursuant to 6789  
this division. 6790

(J) A school district whose portion of the basic project cost 6791  
of its classroom facilities project under sections 3318.01 to 6792  
3318.20 of the Revised Code is greater than or equal to one 6793  
hundred million dollars may incur without a vote of the electors 6794  
net indebtedness in an amount up to two per cent of its tax 6795  
valuation through the issuance of general obligation securities in 6796  
order to generate all or part of the amount of its portion of the 6797  
basic project cost if the controlling board has approved the 6798  
facilities construction commission's conditional approval of the 6799  
project under section 3318.04 of the Revised Code. The school 6800  
district board and the Ohio facilities construction commission 6801  
shall include the dedication of the proceeds of such securities in 6802  
the agreement entered into under section 3318.08 of the Revised 6803  
Code. No state moneys shall be released for a project to which 6804  
this section applies until the proceeds of any bonds issued under 6805  
this section that are dedicated for the payment of the school 6806  
district portion of the project are first deposited into the 6807  
school district's project construction fund. 6808

**Sec. 141.04.** (A) The annual salaries of the chief justice of 6809  
the supreme court and of the justices and judges named in this 6810  
section payable from the state treasury are as follows: 6811

(1) For the chief justice of the supreme court, the following 6812

amounts effective in the following years:	6813
(a) Beginning January 1, 2018, one hundred seventy-four thousand seven hundred dollars;	6814 6815
(b) Beginning January 1, 2019, one hundred eighty-three thousand four hundred fifty dollars;	6816 6817
(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year 2028 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent.	6818 6819 6820 6821
(2) For the justices of the supreme court, the following amounts effective in the following years:	6822 6823
(a) Beginning January 1, 2018, one hundred sixty-four thousand dollars;	6824 6825
(b) Beginning January 1, 2019, one hundred seventy-two thousand two hundred dollars;	6826 6827
(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year 2028 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent.	6828 6829 6830 6831
(3) For the judges of the courts of appeals, the following amounts effective in the following years:	6832 6833
(a) Beginning January 1, 2018, one hundred fifty-two thousand eight hundred fifty dollars;	6834 6835
(b) Beginning January 1, 2019, one hundred sixty thousand five hundred dollars;	6836 6837
(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year 2028 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent.	6838 6839 6840 6841

(4) For the judges of the courts of common pleas, the following amounts effective in the following years, reduced by an amount equal to the annual compensation paid to that judge from the county treasury pursuant to section 141.05 of the Revised Code:

(a) Beginning January 1, 2018, one hundred forty thousand five hundred fifty dollars;

(b) Beginning January 1, 2019, one hundred forty-seven thousand six hundred dollars;

(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year 2028 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent.

(5) For the full-time judges of a municipal court or the part-time judges of a municipal court of a territory having a population of more than fifty thousand, the following amounts effective in the following years, reduced by an amount equal to the annual compensation paid to that judge pursuant to division (B)(1)(a) of section 1901.11 of the Revised Code from municipal corporations and counties:

(a) Beginning January 1, 2018, one hundred thirty-two thousand one hundred fifty dollars;

(b) Beginning January 1, 2019, one hundred thirty-eight thousand eight hundred dollars;

(c) Beginning January 1, 2020, and in each calendar year thereafter through calendar year 2028 beginning on the first day of January, the annual compensation amount shall be increased by one and three-quarters per cent.

(6) For judges of a municipal court designated as part-time judges by section 1901.08 of the Revised Code, other than

part-time judges to whom division (A)(5) of this section applies, 6872  
and for judges of a county court, the following amounts effective 6873  
in the following years, reduced by an amount equal to the annual 6874  
compensation paid to that judge pursuant to division (A) of 6875  
section 1901.11 of the Revised Code from municipal corporations 6876  
and counties or pursuant to division (A) of section 1907.16 of the 6877  
Revised Code from counties: 6878

(a) Beginning January 1, 2018, seventy-six thousand fifty 6879  
dollars; 6880

(b) Beginning January 1, 2019, seventy-nine thousand nine 6881  
hundred dollars; 6882

(c) Beginning January 1, 2020, and in each calendar year 6883  
thereafter through calendar year 2028 beginning on the first day 6884  
of January, the annual compensation amount shall be increased by 6885  
one and three-quarters per cent. 6886

(B) Except as provided in sections 1901.122 and 1901.123 of 6887  
the Revised Code, except as otherwise provided in this division, 6888  
and except for the compensation to which the judges described in 6889  
division (A)(5) of this section are entitled pursuant to divisions 6890  
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 6891  
annual salary of the chief justice of the supreme court and of 6892  
each justice or judge listed in division (A) of this section shall 6893  
be paid in equal monthly installments from the state treasury. If 6894  
the chief justice of the supreme court or any justice or judge 6895  
listed in division (A)(2), (3), or (4) of this section delivers a 6896  
written request to be paid biweekly to the administrative director 6897  
of the supreme court prior to the first day of January of any 6898  
year, the annual salary of the chief justice or the justice or 6899  
judge that is listed in division (A)(2), (3), or (4) of this 6900  
section shall be paid, during the year immediately following the 6901  
year in which the request is delivered to the administrative 6902  
director of the supreme court, biweekly from the state treasury. 6903

(C) Upon the death of the chief justice or a justice of the supreme court during that person's term of office, an amount shall be paid in accordance with section 2113.04 of the Revised Code, or to that person's estate. The amount shall equal the amount of the salary that the chief justice or justice would have received during the remainder of the unexpired term or an amount equal to the salary of office for two years, whichever is less.

(D) Neither the chief justice of the supreme court nor any justice or judge of the supreme court, the court of appeals, the court of common pleas, or the probate court shall hold any other office of trust or profit under the authority of this state or the United States.

(E) In addition to the salaries payable pursuant to this section, the chief justice of the supreme court and the justices of the supreme court shall be entitled to a vehicle allowance of five hundred dollars per month, payable from the state treasury. The allowance shall be increased on the first day of January of each odd-numbered year by an amount equal to the percentage increase, if any, in the consumer price index for the immediately preceding twenty-four month period for which information is available.

~~(F) On or before the first day of December of each year, the Ohio supreme court, through its chief administrator, shall notify the administrative judge of the Montgomery county municipal court, the board of county commissioners of Montgomery county, and the treasurer of the state of the yearly salary cost of five part time county court judges as of that date. If the total yearly salary costs of all of the judges of the Montgomery county municipal court as of the first day of December of that same year exceeds that amount, the administrative judge of the Montgomery county municipal court shall cause payment of the excess between those two amounts less any reduced amount paid for the health care costs~~

~~of the Montgomery county municipal court judges in comparison to 6936  
the health care costs of five part time county court judges from 6937  
the general special projects fund or the fund for a specific 6938  
special project created pursuant to section 1901.26 of the Revised 6939  
Code to the treasurer of Montgomery county and to the treasurer of 6940  
the state in amounts proportional to the percentage of the 6941  
salaries of the municipal court judges paid by the county and by 6942  
the state. 6943~~

~~(G) As used in this section: 6944~~

~~(1) "Consumer price index" has the same meaning as in section 6945  
101.27 of the Revised Code. 6946~~

~~(2) "Salary" does not include any portion of the cost, 6947  
premium, or charge for health, medical, hospital, dental, or 6948  
surgical benefits, or any combination of those benefits, covering 6949  
the chief justice of the supreme court or a justice or judge named 6950  
in this section and paid on the chief justice's or the justice's 6951  
or judge's behalf by a governmental entity. 6952~~

**Sec. 141.16.** ~~(A) Any voluntarily retired judge, or any judge 6953  
who is retired under Section 6 of Article IV, Ohio Constitution, 6954  
may be assigned with the judge's consent, by the chief justice or 6955  
acting chief justice of the supreme court, to active duty as a 6956  
judge. While so serving, the judge shall be paid, from money 6957  
appropriated for this purpose, the established compensation for 6958  
such office, computed on a per diem basis, in addition to any 6959  
retirement benefits to which the judge may be entitled. 6960~~

~~(B) Annually, on the first day of August, the administrative 6961  
director of the ~~Ohio courts~~ supreme court shall issue a billing to 6962  
the county treasurer of any county to which such a judge is 6963  
assigned for reimbursement of the county's portion of the 6964  
compensation previously paid by the state for the twelve-month 6965  
period preceding the last day of June. The county's portion of the 6966~~

compensation shall be that part of each per diem paid by the state 6967  
which is proportional to the county's share of the total 6968  
compensation of a resident judge of such court. The county 6969  
treasurer shall forward the payment within thirty days. 6970

(C)~~(1)~~ A retired assigned judge is eligible to receive a 6971  
retired assigned judge payment if the retired assigned judge 6972  
completes not less than one hundred hours of service in the 6973  
preceding quarter as assigned by the chief justice or acting chief 6974  
justice. The payment shall be seven hundred fifty dollars per 6975  
quarter and shall be paid from money appropriated for this 6976  
purpose. The payment is subject to any and all applicable taxes 6977  
under local, state, and federal law. 6978

~~(2) Except as provided in division (C)(3) of this section,~~ 6979  
~~the~~ The payment shall be paid within thirty days after the end of 6980  
the quarter in which the one hundred hours is served. 6981

~~(3) In the case of a county operated municipal court, other 6982  
municipal court, or county court to which a judge was assigned,~~ 6983  
~~payment shall be made within thirty days after receipt of the 6984  
quarterly request for reimbursement as required in division (B) of 6985  
section 1901.123 of the Revised Code.~~ 6986

(D) Division (C) of this section does not affect any right of 6987  
a retired assigned judge to receive any allowance, annuity, 6988  
pension, or other benefit vested pursuant to Chapter 145. of the 6989  
Revised Code or other eligible retirement system pursuant to Ohio 6990  
law. 6991

(E) As used in this section: 6992

(1) "Retired assigned judge" is a judge that is described in 6993  
division (A) of this section. 6994

(2) "Quarter" is the preceding three-month period ending on 6995  
the last day of the month of March, June, September, or December 6996  
of each year. 6997

**Sec. 145.114.** (A) As used in this section and in section 6998  
145.116 of the Revised Code: 6999

(1) "Agent" means a dealer, as defined in section 1707.01 of 7000  
the Revised Code, who is licensed under sections 1707.01 to 7001  
~~1707.45~~ 1707.50 of the Revised Code or under comparable laws of 7002  
another state or of the United States. 7003

(2) "Minority business enterprise" has the same meaning as in 7004  
section 122.71 of the Revised Code. 7005

(3) "Ohio-qualified agent" means an agent designated as such 7006  
by the public employees retirement board. 7007

(4) "Ohio-qualified investment manager" means an investment 7008  
manager designated as such by the public employees retirement 7009  
board. 7010

(5) "Principal place of business" means an office in which 7011  
the agent regularly provides securities or investment advisory 7012  
services and solicits, meets with, or otherwise communicates with 7013  
clients. 7014

(B) The public employees retirement board shall, for the 7015  
purposes of this section, designate an agent as an Ohio-qualified 7016  
agent if the agent meets all of the following requirements: 7017

(1) The agent is subject to taxation under Chapter 5725., 7018  
5726., 5733., 5747., or 5751. of the Revised Code; 7019

(2) The agent is authorized to conduct business in this 7020  
state; 7021

(3) The agent maintains a principal place of business in this 7022  
state and employs at least five residents of this state. 7023

(C) The public employees retirement board shall adopt and 7024  
implement a written policy to establish criteria and procedures 7025  
used to select agents to execute securities transactions on behalf 7026

of the retirement system. The policy shall address each of the 7027  
following: 7028

(1) Commissions charged by the agent, both in the aggregate 7029  
and on a per share basis; 7030

(2) The execution speed and trade settlement capabilities of 7031  
the agent; 7032

(3) The responsiveness, reliability, and integrity of the 7033  
agent; 7034

(4) The nature and value of research provided by the agent; 7035

(5) Any special capabilities of the agent. 7036

(D)(1) The board shall, at least annually, establish a policy 7037  
with the goal to increase utilization by the board of 7038  
Ohio-qualified agents for the execution of domestic equity and 7039  
fixed income trades on behalf of the retirement system, when an 7040  
Ohio-qualified agent offers quality, services, and safety 7041  
comparable to other agents otherwise available to the board and 7042  
meets the criteria established under division (C) of this section. 7043

(2) The board shall review, at least annually, the 7044  
performance of the agents that execute securities transactions on 7045  
behalf of the board. 7046

(3) The board shall determine whether an agent is an 7047  
Ohio-qualified agent, meets the criteria established by the board 7048  
pursuant to division (C) of this section, and offers quality, 7049  
services, and safety comparable to other agents otherwise 7050  
available to the board. The board's determination shall be final. 7051

**Sec. 147.591.** (A) As used in this section, "electronic 7052  
document," "electronic seal," "electronic signature," and "online 7053  
notarization" have the same meanings as in section 147.60 of the 7054  
Revised Code. 7055

(B)(1) An electronic document that is signed in the physical presence of the notary public with an electronic signature and notarized with an electronic seal shall be considered an original document.

(2) Notwithstanding any other provision of the Revised Code to the contrary, a ~~printed~~ digital copy of a document executed electronically by the parties and acknowledged or sworn before a notary acting pursuant to this section shall be accepted by county auditors, engineers, and recorders for purposes of approval, transfer, and recording to the same extent as any other document that is submitted by an electronic recording method and shall not be rejected solely by reason of containing electronic signatures or an electronic notarization, including an online notarization, ~~if that document contains the certificate required under division (G) of section 147.542 of the Revised Code, including the notification required under division (G)(7) of that section.~~

(3) A county auditor, engineer, and recorder shall accept a printed document that was executed electronically for purposes of approval, transfer, and recording if that document contains an attached certificate in the following, or a substantially similar, format:

"AUTHENTICATOR CERTIFICATE

I certify and warrant that the foregoing and annexed paper document being presented for record, to which this certification is attached, represents a true, exact, complete, and unaltered copy of the original electronic document. The county offices of the auditor, treasurer, recorder, and others necessary to effectuate the transfer and recording of the instrument shall be entitled to rely on such certification and warranty for all purposes.

.....[signature of authenticator]



(B) The state library board shall distribute the print 7117  
publications so received as follows: 7118

~~(A)~~(1) Retain two copies in the state library; 7119

~~(B)~~(2) Send two copies to the document division of the 7120  
library of congress; 7121

~~(C)~~(3) Send one copy to the Ohio history connection and to 7122  
each public or college library in the state designated by the 7123  
state library board to be a depository for state publications. In 7124  
designating which libraries shall be depositories, the board shall 7125  
select those libraries that can best preserve those publications 7126  
and that are so located geographically as will make the 7127  
publications conveniently accessible to residents in all areas of 7128  
the state. 7129

~~(D)~~(4) Send one copy to each state in exchange for like 7130  
publications of that state. 7131

(C) A department, division, bureau, board, or commission of 7132  
the state government shall notify the state library of the 7133  
availability of documents or other publications, intended for 7134  
general public use and distribution, which are made available 7135  
electronically on its internet web site. The state library shall 7136  
retain electronic publications in the state library digital 7137  
archive and provide permanent access and records to each public or 7138  
college library in the state designated by the state library board 7139  
to be a depository for state publications. 7140

(D) The print publications described in division (A) of this 7141  
section and the electronic publications described in division (C) 7142  
of this section shall be considered already prepared and available 7143  
for inspection, and, subject to applicable copyright protections, 7144  
reproduction by any person at all reasonable times during regular 7145  
business hours at the state library and each library designated as 7146  
a depository for state publications. 7147

(E) The provisions of this section do not apply to any 7148  
publication of the general assembly or to the publications 7149  
described in sections 149.07, 149.08, 149.091, and 149.17 of the 7150  
Revised Code, except that the secretary of state shall forward to 7151  
the document division of the library of congress two copies of all 7152  
journals, two copies of the session laws as provided for in 7153  
section 149.091 of the Revised Code, and two copies of all 7154  
appropriation laws in separate form. 7155

**Sec. 149.43.** (A) As used in this section: 7156

(1) "Public record" means records kept by any public office, 7157  
including, but not limited to, state, county, city, village, 7158  
township, and school district units, and records pertaining to the 7159  
delivery of educational services by an alternative school in this 7160  
state kept by the nonprofit or for-profit entity operating the 7161  
alternative school pursuant to section 3313.533 of the Revised 7162  
Code. "Public record" does not mean any of the following: 7163

(a) Medical records; 7164

(b) Records pertaining to probation and parole proceedings, 7165  
to proceedings related to the imposition of community control 7166  
sanctions and post-release control sanctions, or to proceedings 7167  
related to determinations under section 2967.271 of the Revised 7168  
Code regarding the release or maintained incarceration of an 7169  
offender to whom that section applies; 7170

(c) Records pertaining to actions under section 2151.85 and 7171  
division (C) of section 2919.121 of the Revised Code and to 7172  
appeals of actions arising under those sections; 7173

(d) Records pertaining to adoption proceedings, including the 7174  
contents of an adoption file maintained by the department of 7175  
health under sections 3705.12 to 3705.124 of the Revised Code; 7176

(e) Information in a record contained in the putative father 7177

registry established by section 3107.062 of the Revised Code,	7178
regardless of whether the information is held by the department of	7179
job and family services or, pursuant to section 3111.69 of the	7180
Revised Code, the office of child support in the department or a	7181
child support enforcement agency;	7182
(f) Records specified in division (A) of section 3107.52 of	7183
the Revised Code;	7184
(g) Trial preparation records;	7185
(h) Confidential law enforcement investigatory records;	7186
(i) Records containing information that is confidential under	7187
section 2710.03 or 4112.05 of the Revised Code;	7188
(j) DNA records stored in the DNA database pursuant to	7189
section 109.573 of the Revised Code;	7190
(k) Inmate records released by the department of	7191
rehabilitation and correction to the department of youth services	7192
or a court of record pursuant to division (E) of section 5120.21	7193
of the Revised Code;	7194
(l) Records maintained by the department of youth services	7195
pertaining to children in its custody released by the department	7196
of youth services to the department of rehabilitation and	7197
correction pursuant to section 5139.05 of the Revised Code;	7198
(m) Intellectual property records;	7199
(n) Donor profile records;	7200
(o) Records maintained by the department of job and family	7201
services pursuant to section 3121.894 of the Revised Code;	7202
(p) Designated public service worker residential and familial	7203
information;	7204
(q) In the case of a county hospital operated pursuant to	7205
Chapter 339. of the Revised Code or a municipal hospital operated	7206

pursuant to Chapter 749. of the Revised Code, information that 7207  
constitutes a trade secret, as defined in section 1333.61 of the 7208  
Revised Code; 7209

(r) Information pertaining to the recreational activities of 7210  
a person under the age of eighteen; 7211

(s) In the case of a child fatality review board acting under 7212  
sections 307.621 to 307.629 of the Revised Code or a review 7213  
conducted pursuant to guidelines established by the director of 7214  
health under section 3701.70 of the Revised Code, records provided 7215  
to the board or director, statements made by board members during 7216  
meetings of the board or by persons participating in the 7217  
director's review, and all work products of the board or director, 7218  
and in the case of a child fatality review board, child fatality 7219  
review data submitted by the board to the department of health or 7220  
a national child death review database, other than the report 7221  
prepared pursuant to division (A) of section 307.626 of the 7222  
Revised Code; 7223

(t) Records provided to and statements made by the executive 7224  
director of a public children services agency or a prosecuting 7225  
attorney acting pursuant to section 5153.171 of the Revised Code 7226  
other than the information released under that section; 7227

(u) Test materials, examinations, or evaluation tools used in 7228  
an examination for licensure as a nursing home administrator that 7229  
the board of executives of long-term services and supports 7230  
administers under section ~~4751.04~~ 4751.15 of the Revised Code or 7231  
contracts under that section with a private or government entity 7232  
to administer; 7233

(v) Records the release of which is prohibited by state or 7234  
federal law; 7235

(w) Proprietary information of or relating to any person that 7236  
is submitted to or compiled by the Ohio venture capital authority 7237

created under section 150.01 of the Revised Code;	7238
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	7239 7240 7241 7242 7243 7244
(y) Records listed in section 5101.29 of the Revised Code;	7245
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	7246 7247 7248
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	7249 7250 7251
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	7252 7253 7254
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code;	7255 7256 7257
(dd) Personal information, as defined in section 149.45 of the Revised Code;	7258 7259
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record, and records or portions of	7260 7261 7262 7263 7264 7265 7266 7267

records pertaining to that program that identify the number of 7268  
program participants that reside within a precinct, ward, 7269  
township, municipal corporation, county, or any other geographic 7270  
area smaller than the state. As used in this division, 7271  
"confidential address" and "program participant" have the meaning 7272  
defined in section 111.41 of the Revised Code. 7273

(ff) Orders for active military service of an individual 7274  
serving or with previous service in the armed forces of the United 7275  
States, including a reserve component, or the Ohio organized 7276  
militia, except that, such order becomes a public record on the 7277  
day that is fifteen years after the published date or effective 7278  
date of the call to order; 7279

(gg) The name, address, contact information, or other 7280  
personal information of an individual who is less than eighteen 7281  
years of age that is included in any record related to a traffic 7282  
accident involving a school vehicle in which the individual was an 7283  
occupant at the time of the accident; 7284

(hh) Protected health information, as defined in 45 C.F.R. 7285  
160.103, that is in a claim for payment for a health care product, 7286  
service, or procedure, as well as any other health claims data in 7287  
another document that reveals the identity of an individual who is 7288  
the subject of the data or could be used to reveal that 7289  
individual's identity; 7290

(ii) Any depiction by photograph, film, videotape, or printed 7291  
or digital image under either of the following circumstances: 7292

(i) The depiction is that of a victim of an offense the 7293  
release of which would be, to a reasonable person of ordinary 7294  
sensibilities, an offensive and objectionable intrusion into the 7295  
victim's expectation of bodily privacy and integrity. 7296

(ii) The depiction captures or depicts the victim of a 7297  
sexually oriented offense, as defined in section 2950.01 of the 7298

Revised Code, at the actual occurrence of that offense. 7299

(jj) Restricted portions of a body-worn camera or dashboard  
camera recording; 7300  
7301

(kk) Telephone numbers for a victim, as defined in section 7302  
2930.01 of the Revised Code, a witness to a crime, or a party to a 7303  
motor vehicle accident subject to the requirements of section 7304  
5502.11 of the Revised Code that are listed on any law enforcement 7305  
record or report. 7306

A record that is not a public record under division (A)(1) of 7307  
this section and that, under law, is permanently retained becomes 7308  
a public record on the day that is seventy-five years after the 7309  
day on which the record was created, except for any record 7310  
protected by the attorney-client privilege, a trial preparation 7311  
record as defined in this section, a statement prohibiting the 7312  
release of identifying information signed under section 3107.083 7313  
of the Revised Code, a denial of release form filed pursuant to 7314  
section 3107.46 of the Revised Code, or any record that is exempt 7315  
from release or disclosure under section 149.433 of the Revised 7316  
Code. If the record is a birth certificate and a biological 7317  
parent's name redaction request form has been accepted under 7318  
section 3107.391 of the Revised Code, the name of that parent 7319  
shall be redacted from the birth certificate before it is released 7320  
under this paragraph. If any other section of the Revised Code 7321  
establishes a time period for disclosure of a record that 7322  
conflicts with the time period specified in this section, the time 7323  
period in the other section prevails. 7324

(2) "Confidential law enforcement investigatory record" means 7325  
any record that pertains to a law enforcement matter of a 7326  
criminal, quasi-criminal, civil, or administrative nature, but 7327  
only to the extent that the release of the record would create a 7328  
high probability of disclosure of any of the following: 7329

(a) The identity of a suspect who has not been charged with 7330  
the offense to which the record pertains, or of an information 7331  
source or witness to whom confidentiality has been reasonably 7332  
promised; 7333

(b) Information provided by an information source or witness 7334  
to whom confidentiality has been reasonably promised, which 7335  
information would reasonably tend to disclose the source's or 7336  
witness's identity; 7337

(c) Specific confidential investigatory techniques or 7338  
procedures or specific investigatory work product; 7339

(d) Information that would endanger the life or physical 7340  
safety of law enforcement personnel, a crime victim, a witness, or 7341  
a confidential information source. 7342

(3) "Medical record" means any document or combination of 7343  
documents, except births, deaths, and the fact of admission to or 7344  
discharge from a hospital, that pertains to the medical history, 7345  
diagnosis, prognosis, or medical condition of a patient and that 7346  
is generated and maintained in the process of medical treatment. 7347

(4) "Trial preparation record" means any record that contains 7348  
information that is specifically compiled in reasonable 7349  
anticipation of, or in defense of, a civil or criminal action or 7350  
proceeding, including the independent thought processes and 7351  
personal trial preparation of an attorney. 7352

(5) "Intellectual property record" means a record, other than 7353  
a financial or administrative record, that is produced or 7354  
collected by or for faculty or staff of a state institution of 7355  
higher learning in the conduct of or as a result of study or 7356  
research on an educational, commercial, scientific, artistic, 7357  
technical, or scholarly issue, regardless of whether the study or 7358  
research was sponsored by the institution alone or in conjunction 7359  
with a governmental body or private concern, and that has not been 7360

publicly released, published, or patented. 7361

(6) "Donor profile record" means all records about donors or 7362  
potential donors to a public institution of higher education 7363  
except the names and reported addresses of the actual donors and 7364  
the date, amount, and conditions of the actual donation. 7365

(7) "Designated public service worker" means a peace officer, 7366  
parole officer, probation officer, bailiff, prosecuting attorney, 7367  
assistant prosecuting attorney, correctional employee, county or 7368  
multicounty corrections officer, community-based correctional 7369  
facility employee, youth services employee, firefighter, EMT, 7370  
medical director or member of a cooperating physician advisory 7371  
board of an emergency medical service organization, state board of 7372  
pharmacy employee, investigator of the bureau of criminal 7373  
identification and investigation, judge, magistrate, or federal 7374  
law enforcement officer. 7375

(8) "Designated public service worker residential and 7376  
familial information" means any information that discloses any of 7377  
the following about a designated public service worker: 7378

(a) The address of the actual personal residence of a 7379  
designated public service worker, except for the following 7380  
information: 7381

(i) The address of the actual personal residence of a 7382  
prosecuting attorney or judge; and 7383

(ii) The state or political subdivision in which a designated 7384  
public service worker resides. 7385

(b) Information compiled from referral to or participation in 7386  
an employee assistance program; 7387

(c) The social security number, the residential telephone 7388  
number, any bank account, debit card, charge card, or credit card 7389  
number, or the emergency telephone number of, or any medical 7390

information pertaining to, a designated public service worker; 7391

(d) The name of any beneficiary of employment benefits, 7392  
including, but not limited to, life insurance benefits, provided 7393  
to a designated public service worker by the designated public 7394  
service worker's employer; 7395

(e) The identity and amount of any charitable or employment 7396  
benefit deduction made by the designated public service worker's 7397  
employer from the designated public service worker's compensation, 7398  
unless the amount of the deduction is required by state or federal 7399  
law; 7400

(f) The name, the residential address, the name of the 7401  
employer, the address of the employer, the social security number, 7402  
the residential telephone number, any bank account, debit card, 7403  
charge card, or credit card number, or the emergency telephone 7404  
number of the spouse, a former spouse, or any child of a 7405  
designated public service worker; 7406

(g) A photograph of a peace officer who holds a position or 7407  
has an assignment that may include undercover or plain clothes 7408  
positions or assignments as determined by the peace officer's 7409  
appointing authority. 7410

(9) As used in divisions (A)(7) and (15) to (17) of this 7411  
section: 7412

"Peace officer" has the meaning defined in section 109.71 of 7413  
the Revised Code and also includes the superintendent and troopers 7414  
of the state highway patrol; it does not include the sheriff of a 7415  
county or a supervisory employee who, in the absence of the 7416  
sheriff, is authorized to stand in for, exercise the authority of, 7417  
and perform the duties of the sheriff. 7418

"Correctional employee" means any employee of the department 7419  
of rehabilitation and correction who in the course of performing 7420  
the employee's job duties has or has had contact with inmates and 7421

persons under supervision. 7422

"County or multicounty corrections officer" means any 7423  
corrections officer employed by any county or multicounty 7424  
correctional facility. 7425

"Youth services employee" means any employee of the 7426  
department of youth services who in the course of performing the 7427  
employee's job duties has or has had contact with children 7428  
committed to the custody of the department of youth services. 7429

"Firefighter" means any regular, paid or volunteer, member of 7430  
a lawfully constituted fire department of a municipal corporation, 7431  
township, fire district, or village. 7432

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 7433  
emergency medical services for a public emergency medical service 7434  
organization. "Emergency medical service organization," 7435  
"EMT-basic," "EMT-I," and "paramedic" have the meanings defined in 7436  
section 4765.01 of the Revised Code. 7437

"Investigator of the bureau of criminal identification and 7438  
investigation" has the meaning defined in section 2903.11 of the 7439  
Revised Code. 7440

"Federal law enforcement officer" has the meaning defined in 7441  
section 9.88 of the Revised Code. 7442

(10) "Information pertaining to the recreational activities 7443  
of a person under the age of eighteen" means information that is 7444  
kept in the ordinary course of business by a public office, that 7445  
pertains to the recreational activities of a person under the age 7446  
of eighteen years, and that discloses any of the following: 7447

(a) The address or telephone number of a person under the age 7448  
of eighteen or the address or telephone number of that person's 7449  
parent, guardian, custodian, or emergency contact person; 7450

(b) The social security number, birth date, or photographic 7451

image of a person under the age of eighteen; 7452

(c) Any medical record, history, or information pertaining to 7453  
a person under the age of eighteen; 7454

(d) Any additional information sought or required about a 7455  
person under the age of eighteen for the purpose of allowing that 7456  
person to participate in any recreational activity conducted or 7457  
sponsored by a public office or to use or obtain admission 7458  
privileges to any recreational facility owned or operated by a 7459  
public office. 7460

(11) "Community control sanction" has the meaning defined in 7461  
section 2929.01 of the Revised Code. 7462

(12) "Post-release control sanction" has the meaning defined 7463  
in section 2967.01 of the Revised Code. 7464

(13) "Redaction" means obscuring or deleting any information 7465  
that is exempt from the duty to permit public inspection or 7466  
copying from an item that otherwise meets the definition of a 7467  
"record" in section 149.011 of the Revised Code. 7468

(14) "Designee," "elected official," and "future official" 7469  
have the meanings defined in section 109.43 of the Revised Code. 7470

(15) "Body-worn camera" means a visual and audio recording 7471  
device worn on the person of a peace officer while the peace 7472  
officer is engaged in the performance of the peace officer's 7473  
duties. 7474

(16) "Dashboard camera" means a visual and audio recording 7475  
device mounted on a peace officer's vehicle or vessel that is used 7476  
while the peace officer is engaged in the performance of the peace 7477  
officer's duties. 7478

(17) "Restricted portions of a body-worn camera or dashboard 7479  
camera recording" means any visual or audio portion of a body-worn 7480  
camera or dashboard camera recording that shows, communicates, or 7481

discloses any of the following: 7482

(a) The image or identity of a child or information that 7483  
could lead to the identification of a child who is a primary 7484  
subject of the recording when the law enforcement agency knows or 7485  
has reason to know the person is a child based on the law 7486  
enforcement agency's records or the content of the recording; 7487

(b) The death of a person or a deceased person's body, unless 7488  
the death was caused by a peace officer or, subject to division 7489  
(H)(1) of this section, the consent of the decedent's executor or 7490  
administrator has been obtained; 7491

(c) The death of a peace officer, firefighter, paramedic, or 7492  
other first responder, occurring while the decedent was engaged in 7493  
the performance of official duties, unless, subject to division 7494  
(H)(1) of this section, the consent of the decedent's executor or 7495  
administrator has been obtained; 7496

(d) Grievous bodily harm, unless the injury was effected by a 7497  
peace officer or, subject to division (H)(1) of this section, the 7498  
consent of the injured person or the injured person's guardian has 7499  
been obtained; 7500

(e) An act of severe violence against a person that results 7501  
in serious physical harm to the person, unless the act and injury 7502  
was effected by a peace officer or, subject to division (H)(1) of 7503  
this section, the consent of the injured person or the injured 7504  
person's guardian has been obtained; 7505

(f) Grievous bodily harm to a peace officer, firefighter, 7506  
paramedic, or other first responder, occurring while the injured 7507  
person was engaged in the performance of official duties, unless, 7508  
subject to division (H)(1) of this section, the consent of the 7509  
injured person or the injured person's guardian has been obtained; 7510

(g) An act of severe violence resulting in serious physical 7511  
harm against a peace officer, firefighter, paramedic, or other 7512

first responder, occurring while the injured person was engaged in 7513  
the performance of official duties, unless, subject to division 7514  
(H)(1) of this section, the consent of the injured person or the 7515  
injured person's guardian has been obtained; 7516

(h) A person's nude body, unless, subject to division (H)(1) 7517  
of this section, the person's consent has been obtained; 7518

(i) Protected health information, the identity of a person in 7519  
a health care facility who is not the subject of a law enforcement 7520  
encounter, or any other information in a health care facility that 7521  
could identify a person who is not the subject of a law 7522  
enforcement encounter; 7523

(j) Information that could identify the alleged victim of a 7524  
sex offense, menacing by stalking, or domestic violence; 7525

(k) Information, that does not constitute a confidential law 7526  
enforcement investigatory record, that could identify a person who 7527  
provides sensitive or confidential information to a law 7528  
enforcement agency when the disclosure of the person's identity or 7529  
the information provided could reasonably be expected to threaten 7530  
or endanger the safety or property of the person or another 7531  
person; 7532

(l) Personal information of a person who is not arrested, 7533  
cited, charged, or issued a written warning by a peace officer; 7534

(m) Proprietary police contingency plans or tactics that are 7535  
intended to prevent crime and maintain public order and safety; 7536

(n) A personal conversation unrelated to work between peace 7537  
officers or between a peace officer and an employee of a law 7538  
enforcement agency; 7539

(o) A conversation between a peace officer and a member of 7540  
the public that does not concern law enforcement activities; 7541

(p) The interior of a residence, unless the interior of a 7542

residence is the location of an adversarial encounter with, or a use of force by, a peace officer;

(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a peace officer occurs in that location.

As used in division (A)(17) of this section:

"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.

"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.

"Protected health information" has the same meaning as in 45 C.F.R. 160.103.

"Law enforcement agency" has the same meaning as in section 2925.61 of the Revised Code.

"Personal information" means any government-issued identification number, date of birth, address, financial information, or criminal justice information from the law enforcement automated data system or similar databases.

"Sex offense" has the same meaning as in section 2907.10 of the Revised Code.

"Firefighter," "paramedic," and "first responder" have the same meanings as in section 4765.01 of the Revised Code.

(B)(1) Upon request and subject to division (B)(8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B)(8) of this section, upon request by any person, a public office or person responsible for public records shall make copies of the requested public record available to the requester at cost and within a reasonable period of time. If a public record

contains information that is exempt from the duty to permit public 7573  
inspection or to copy the public record, the public office or the 7574  
person responsible for the public record shall make available all 7575  
of the information within the public record that is not exempt. 7576  
When making that public record available for public inspection or 7577  
copying that public record, the public office or the person 7578  
responsible for the public record shall notify the requester of 7579  
any redaction or make the redaction plainly visible. A redaction 7580  
shall be deemed a denial of a request to inspect or copy the 7581  
redacted information, except if federal or state law authorizes or 7582  
requires a public office to make the redaction. 7583

(2) To facilitate broader access to public records, a public 7584  
office or the person responsible for public records shall organize 7585  
and maintain public records in a manner that they can be made 7586  
available for inspection or copying in accordance with division 7587  
(B) of this section. A public office also shall have available a 7588  
copy of its current records retention schedule at a location 7589  
readily available to the public. If a requester makes an ambiguous 7590  
or overly broad request or has difficulty in making a request for 7591  
copies or inspection of public records under this section such 7592  
that the public office or the person responsible for the requested 7593  
public record cannot reasonably identify what public records are 7594  
being requested, the public office or the person responsible for 7595  
the requested public record may deny the request but shall provide 7596  
the requester with an opportunity to revise the request by 7597  
informing the requester of the manner in which records are 7598  
maintained by the public office and accessed in the ordinary 7599  
course of the public office's or person's duties. 7600

(3) If a request is ultimately denied, in part or in whole, 7601  
the public office or the person responsible for the requested 7602  
public record shall provide the requester with an explanation, 7603  
including legal authority, setting forth why the request was 7604

denied. If the initial request was provided in writing, the 7605  
explanation also shall be provided to the requester in writing. 7606  
The explanation shall not preclude the public office or the person 7607  
responsible for the requested public record from relying upon 7608  
additional reasons or legal authority in defending an action 7609  
commenced under division (C) of this section. 7610

(4) Unless specifically required or authorized by state or 7611  
federal law or in accordance with division (B) of this section, no 7612  
public office or person responsible for public records may limit 7613  
or condition the availability of public records by requiring 7614  
disclosure of the requester's identity or the intended use of the 7615  
requested public record. Any requirement that the requester 7616  
disclose the requester's identity or the intended use of the 7617  
requested public record constitutes a denial of the request. 7618

(5) A public office or person responsible for public records 7619  
may ask a requester to make the request in writing, may ask for 7620  
the requester's identity, and may inquire about the intended use 7621  
of the information requested, but may do so only after disclosing 7622  
to the requester that a written request is not mandatory, that the 7623  
requester may decline to reveal the requester's identity or the 7624  
intended use, and when a written request or disclosure of the 7625  
identity or intended use would benefit the requester by enhancing 7626  
the ability of the public office or person responsible for public 7627  
records to identify, locate, or deliver the public records sought 7628  
by the requester. 7629

(6) If any person requests a copy of a public record in 7630  
accordance with division (B) of this section, the public office or 7631  
person responsible for the public record may require that person 7632  
to pay in advance the cost involved in providing the copy of the 7633  
public record in accordance with the choice made by the person 7634  
requesting the copy under this division. The public office or the 7635  
person responsible for the public record shall permit that person 7636

to choose to have the public record duplicated upon paper, upon 7637  
the same medium upon which the public office or person responsible 7638  
for the public record keeps it, or upon any other medium upon 7639  
which the public office or person responsible for the public 7640  
record determines that it reasonably can be duplicated as an 7641  
integral part of the normal operations of the public office or 7642  
person responsible for the public record. When the person 7643  
requesting the copy makes a choice under this division, the public 7644  
office or person responsible for the public record shall provide a 7645  
copy of it in accordance with the choice made by that person. 7646  
Nothing in this section requires a public office or person 7647  
responsible for the public record to allow the person requesting a 7648  
copy of the public record to make the copies of the public record. 7649

(7)(a) Upon a request made in accordance with division (B) of 7650  
this section and subject to division (B)(6) of this section, a 7651  
public office or person responsible for public records shall 7652  
transmit a copy of a public record to any person by United States 7653  
mail or by any other means of delivery or transmission within a 7654  
reasonable period of time after receiving the request for the 7655  
copy. The public office or person responsible for the public 7656  
record may require the person making the request to pay in advance 7657  
the cost of postage if the copy is transmitted by United States 7658  
mail or the cost of delivery if the copy is transmitted other than 7659  
by United States mail, and to pay in advance the costs incurred 7660  
for other supplies used in the mailing, delivery, or transmission. 7661

(b) Any public office may adopt a policy and procedures that 7662  
it will follow in transmitting, within a reasonable period of time 7663  
after receiving a request, copies of public records by United 7664  
States mail or by any other means of delivery or transmission 7665  
pursuant to division (B)(7) of this section. A public office that 7666  
adopts a policy and procedures under division (B)(7) of this 7667  
section shall comply with them in performing its duties under that 7668

division. 7669

(c) In any policy and procedures adopted under division 7670  
(B)(7) of this section: 7671

(i) A public office may limit the number of records requested 7672  
by a person that the office will physically deliver by United 7673  
States mail or by another delivery service to ten per month, 7674  
unless the person certifies to the office in writing that the 7675  
person does not intend to use or forward the requested records, or 7676  
the information contained in them, for commercial purposes; 7677

(ii) A public office that chooses to provide some or all of 7678  
its public records on a web site that is fully accessible to and 7679  
searchable by members of the public at all times, other than 7680  
during acts of God outside the public office's control or 7681  
maintenance, and that charges no fee to search, access, download, 7682  
or otherwise receive records provided on the web site, may limit 7683  
to ten per month the number of records requested by a person that 7684  
the office will deliver in a digital format, unless the requested 7685  
records are not provided on the web site and unless the person 7686  
certifies to the office in writing that the person does not intend 7687  
to use or forward the requested records, or the information 7688  
contained in them, for commercial purposes. 7689

(iii) For purposes of division (B)(7) of this section, 7690  
"commercial" shall be narrowly construed and does not include 7691  
reporting or gathering news, reporting or gathering information to 7692  
assist citizen oversight or understanding of the operation or 7693  
activities of government, or nonprofit educational research. 7694

(8)(a) A public office or person responsible for public 7695  
records is not required to permit a person who is incarcerated 7696  
pursuant to a criminal conviction or a juvenile adjudication to 7697  
inspect or to obtain a copy of any public record concerning a 7698  
criminal investigation or prosecution or concerning what would be 7699

a criminal investigation or prosecution if the subject of the 7700  
investigation or prosecution were an adult, unless the request to 7701  
inspect or to obtain a copy of the record is for the purpose of 7702  
acquiring information that is subject to release as a public 7703  
record under this section and the judge who imposed the sentence 7704  
or made the adjudication with respect to the person, or the 7705  
judge's successor in office, finds that the information sought in 7706  
the public record is necessary to support what appears to be a 7707  
justiciable claim of the person. 7708

(b) A public office or person responsible for public records 7709  
is not required to permit a person who is subject to an order 7710  
finding the person to be a vexatious litigator under section 7711  
2323.52 of the Revised Code to inspect or to obtain a copy of any 7712  
public record, except pursuant to a court order issued under 7713  
division (J) of that section. 7714

(9)(a) Upon written request made and signed by a journalist, 7715  
a public office, or person responsible for public records, having 7716  
custody of the records of the agency employing a specified 7717  
designated public service worker shall disclose to the journalist 7718  
the address of the actual personal residence of the designated 7719  
public service worker and, if the designated public service 7720  
worker's spouse, former spouse, or child is employed by a public 7721  
office, the name and address of the employer of the designated 7722  
public service worker's spouse, former spouse, or child. The 7723  
request shall include the journalist's name and title and the name 7724  
and address of the journalist's employer and shall state that 7725  
disclosure of the information sought would be in the public 7726  
interest. 7727

(b) Division (B)(9)(a) of this section also applies to 7728  
journalist requests for: 7729

(i) Customer information maintained by a municipally owned or 7730  
operated public utility, other than social security numbers and 7731

any private financial information such as credit reports, payment 7732  
methods, credit card numbers, and bank account information; 7733

(ii) Information about minors involved in a school vehicle 7734  
accident as provided in division (A)(1)(gg) of this section, other 7735  
than personal information as defined in section 149.45 of the 7736  
Revised Code. 7737

(c) As used in division (B)(9) of this section, "journalist" 7738  
means a person engaged in, connected with, or employed by any news 7739  
medium, including a newspaper, magazine, press association, news 7740  
agency, or wire service, a radio or television station, or a 7741  
similar medium, for the purpose of gathering, processing, 7742  
transmitting, compiling, editing, or disseminating information for 7743  
the general public. 7744

(10) Upon a request made by a victim, victim's attorney, or 7745  
victim's representative, as that term is used in section 2930.02 7746  
of the Revised Code, a public office or person responsible for 7747  
public records shall transmit a copy of a depiction of the victim 7748  
as described in division (A)(1)(gg) of this section to the victim, 7749  
victim's attorney, or victim's representative. 7750

(C)(1) If a person allegedly is aggrieved by the failure of a 7751  
public office or the person responsible for public records to 7752  
promptly prepare a public record and to make it available to the 7753  
person for inspection in accordance with division (B) of this 7754  
section or by any other failure of a public office or the person 7755  
responsible for public records to comply with an obligation in 7756  
accordance with division (B) of this section, the person allegedly 7757  
aggrieved may do only one of the following, and not both: 7758

(a) File a complaint with the clerk of the court of claims or 7759  
the clerk of the court of common pleas under section 2743.75 of 7760  
the Revised Code; 7761

(b) Commence a mandamus action to obtain a judgment that 7762

orders the public office or the person responsible for the public 7763  
record to comply with division (B) of this section, that awards 7764  
court costs and reasonable attorney's fees to the person that 7765  
instituted the mandamus action, and, if applicable, that includes 7766  
an order fixing statutory damages under division (C)(2) of this 7767  
section. The mandamus action may be commenced in the court of 7768  
common pleas of the county in which division (B) of this section 7769  
allegedly was not complied with, in the supreme court pursuant to 7770  
its original jurisdiction under Section 2 of Article IV, Ohio 7771  
Constitution, or in the court of appeals for the appellate 7772  
district in which division (B) of this section allegedly was not 7773  
complied with pursuant to its original jurisdiction under Section 7774  
3 of Article IV, Ohio Constitution. 7775

(2) If a requester transmits a written request by hand 7776  
delivery, electronic submission, or certified mail to inspect or 7777  
receive copies of any public record in a manner that fairly 7778  
describes the public record or class of public records to the 7779  
public office or person responsible for the requested public 7780  
records, except as otherwise provided in this section, the 7781  
requester shall be entitled to recover the amount of statutory 7782  
damages set forth in this division if a court determines that the 7783  
public office or the person responsible for public records failed 7784  
to comply with an obligation in accordance with division (B) of 7785  
this section. 7786

The amount of statutory damages shall be fixed at one hundred 7787  
dollars for each business day during which the public office or 7788  
person responsible for the requested public records failed to 7789  
comply with an obligation in accordance with division (B) of this 7790  
section, beginning with the day on which the requester files a 7791  
mandamus action to recover statutory damages, up to a maximum of 7792  
one thousand dollars. The award of statutory damages shall not be 7793  
construed as a penalty, but as compensation for injury arising 7794

from lost use of the requested information. The existence of this 7795  
injury shall be conclusively presumed. The award of statutory 7796  
damages shall be in addition to all other remedies authorized by 7797  
this section. 7798

The court may reduce an award of statutory damages or not 7799  
award statutory damages if the court determines both of the 7800  
following: 7801

(a) That, based on the ordinary application of statutory law 7802  
and case law as it existed at the time of the conduct or 7803  
threatened conduct of the public office or person responsible for 7804  
the requested public records that allegedly constitutes a failure 7805  
to comply with an obligation in accordance with division (B) of 7806  
this section and that was the basis of the mandamus action, a 7807  
well-informed public office or person responsible for the 7808  
requested public records reasonably would believe that the conduct 7809  
or threatened conduct of the public office or person responsible 7810  
for the requested public records did not constitute a failure to 7811  
comply with an obligation in accordance with division (B) of this 7812  
section; 7813

(b) That a well-informed public office or person responsible 7814  
for the requested public records reasonably would believe that the 7815  
conduct or threatened conduct of the public office or person 7816  
responsible for the requested public records would serve the 7817  
public policy that underlies the authority that is asserted as 7818  
permitting that conduct or threatened conduct. 7819

(3) In a mandamus action filed under division (C)(1) of this 7820  
section, the following apply: 7821

(a)(i) If the court orders the public office or the person 7822  
responsible for the public record to comply with division (B) of 7823  
this section, the court shall determine and award to the relator 7824  
all court costs, which shall be construed as remedial and not 7825

punitive. 7826

(ii) If the court makes a determination described in division 7827  
(C)(3)(b)(iii) of this section, the court shall determine and 7828  
award to the relator all court costs, which shall be construed as 7829  
remedial and not punitive. 7830

(b) If the court renders a judgment that orders the public 7831  
office or the person responsible for the public record to comply 7832  
with division (B) of this section or if the court determines any 7833  
of the following, the court may award reasonable attorney's fees 7834  
to the relator, subject to division (C)(4) of this section: 7835

(i) The public office or the person responsible for the 7836  
public records failed to respond affirmatively or negatively to 7837  
the public records request in accordance with the time allowed 7838  
under division (B) of this section. 7839

(ii) The public office or the person responsible for the 7840  
public records promised to permit the relator to inspect or 7841  
receive copies of the public records requested within a specified 7842  
period of time but failed to fulfill that promise within that 7843  
specified period of time. 7844

(iii) The public office or the person responsible for the 7845  
public records acted in bad faith when the office or person 7846  
voluntarily made the public records available to the relator for 7847  
the first time after the relator commenced the mandamus action, 7848  
but before the court issued any order concluding whether or not 7849  
the public office or person was required to comply with division 7850  
(B) of this section. No discovery may be conducted on the issue of 7851  
the alleged bad faith of the public office or person responsible 7852  
for the public records. This division shall not be construed as 7853  
creating a presumption that the public office or the person 7854  
responsible for the public records acted in bad faith when the 7855  
office or person voluntarily made the public records available to 7856

the relator for the first time after the relator commenced the 7857  
mandamus action, but before the court issued any order described 7858  
in this division. 7859

(c) The court shall not award attorney's fees to the relator 7860  
if the court determines both of the following: 7861

(i) That, based on the ordinary application of statutory law 7862  
and case law as it existed at the time of the conduct or 7863  
threatened conduct of the public office or person responsible for 7864  
the requested public records that allegedly constitutes a failure 7865  
to comply with an obligation in accordance with division (B) of 7866  
this section and that was the basis of the mandamus action, a 7867  
well-informed public office or person responsible for the 7868  
requested public records reasonably would believe that the conduct 7869  
or threatened conduct of the public office or person responsible 7870  
for the requested public records did not constitute a failure to 7871  
comply with an obligation in accordance with division (B) of this 7872  
section; 7873

(ii) That a well-informed public office or person responsible 7874  
for the requested public records reasonably would believe that the 7875  
conduct or threatened conduct of the public office or person 7876  
responsible for the requested public records would serve the 7877  
public policy that underlies the authority that is asserted as 7878  
permitting that conduct or threatened conduct. 7879

(4) All of the following apply to any award of reasonable 7880  
attorney's fees awarded under division (C)(3)(b) of this section: 7881

(a) The fees shall be construed as remedial and not punitive. 7882

(b) The fees awarded shall not exceed the total of the 7883  
reasonable attorney's fees incurred before the public record was 7884  
made available to the relator and the fees described in division 7885  
(C)(4)(c) of this section. 7886

(c) Reasonable attorney's fees shall include reasonable fees 7887

incurred to produce proof of the reasonableness and amount of the 7888  
fees and to otherwise litigate entitlement to the fees. 7889

(d) The court may reduce the amount of fees awarded if the 7890  
court determines that, given the factual circumstances involved 7891  
with the specific public records request, an alternative means 7892  
should have been pursued to more effectively and efficiently 7893  
resolve the dispute that was subject to the mandamus action filed 7894  
under division (C)(1) of this section. 7895

(5) If the court does not issue a writ of mandamus under 7896  
division (C) of this section and the court determines at that time 7897  
that the bringing of the mandamus action was frivolous conduct as 7898  
defined in division (A) of section 2323.51 of the Revised Code, 7899  
the court may award to the public office all court costs, 7900  
expenses, and reasonable attorney's fees, as determined by the 7901  
court. 7902

(D) Chapter 1347. of the Revised Code does not limit the 7903  
provisions of this section. 7904

(E)(1) To ensure that all employees of public offices are 7905  
appropriately educated about a public office's obligations under 7906  
division (B) of this section, all elected officials or their 7907  
appropriate designees shall attend training approved by the 7908  
attorney general as provided in section 109.43 of the Revised 7909  
Code. A future official may satisfy the requirements of this 7910  
division by attending the training before taking office, provided 7911  
that the future official may not send a designee in the future 7912  
official's place. 7913

(2) All public offices shall adopt a public records policy in 7914  
compliance with this section for responding to public records 7915  
requests. In adopting a public records policy under this division, 7916  
a public office may obtain guidance from the model public records 7917  
policy developed and provided to the public office by the attorney 7918

general under section 109.43 of the Revised Code. Except as 7919  
otherwise provided in this section, the policy may not limit the 7920  
number of public records that the public office will make 7921  
available to a single person, may not limit the number of public 7922  
records that it will make available during a fixed period of time, 7923  
and may not establish a fixed period of time before it will 7924  
respond to a request for inspection or copying of public records, 7925  
unless that period is less than eight hours. 7926

The public office shall distribute the public records policy 7927  
adopted by the public office under this division to the employee 7928  
of the public office who is the records custodian or records 7929  
manager or otherwise has custody of the records of that office. 7930  
The public office shall require that employee to acknowledge 7931  
receipt of the copy of the public records policy. The public 7932  
office shall create a poster that describes its public records 7933  
policy and shall post the poster in a conspicuous place in the 7934  
public office and in all locations where the public office has 7935  
branch offices. The public office may post its public records 7936  
policy on the internet web site of the public office if the public 7937  
office maintains an internet web site. A public office that has 7938  
established a manual or handbook of its general policies and 7939  
procedures for all employees of the public office shall include 7940  
the public records policy of the public office in the manual or 7941  
handbook. 7942

(F)(1) The bureau of motor vehicles may adopt rules pursuant 7943  
to Chapter 119. of the Revised Code to reasonably limit the number 7944  
of bulk commercial special extraction requests made by a person 7945  
for the same records or for updated records during a calendar 7946  
year. The rules may include provisions for charges to be made for 7947  
bulk commercial special extraction requests for the actual cost of 7948  
the bureau, plus special extraction costs, plus ten per cent. The 7949  
bureau may charge for expenses for redacting information, the 7950

release of which is prohibited by law. 7951

(2) As used in division (F)(1) of this section: 7952

(a) "Actual cost" means the cost of depleted supplies, 7953  
records storage media costs, actual mailing and alternative 7954  
delivery costs, or other transmitting costs, and any direct 7955  
equipment operating and maintenance costs, including actual costs 7956  
paid to private contractors for copying services. 7957

(b) "Bulk commercial special extraction request" means a 7958  
request for copies of a record for information in a format other 7959  
than the format already available, or information that cannot be 7960  
extracted without examination of all items in a records series, 7961  
class of records, or database by a person who intends to use or 7962  
forward the copies for surveys, marketing, solicitation, or resale 7963  
for commercial purposes. "Bulk commercial special extraction 7964  
request" does not include a request by a person who gives 7965  
assurance to the bureau that the person making the request does 7966  
not intend to use or forward the requested copies for surveys, 7967  
marketing, solicitation, or resale for commercial purposes. 7968

(c) "Commercial" means profit-seeking production, buying, or 7969  
selling of any good, service, or other product. 7970

(d) "Special extraction costs" means the cost of the time 7971  
spent by the lowest paid employee competent to perform the task, 7972  
the actual amount paid to outside private contractors employed by 7973  
the bureau, or the actual cost incurred to create computer 7974  
programs to make the special extraction. "Special extraction 7975  
costs" include any charges paid to a public agency for computer or 7976  
records services. 7977

(3) For purposes of divisions (F)(1) and (2) of this section, 7978  
"surveys, marketing, solicitation, or resale for commercial 7979  
purposes" shall be narrowly construed and does not include 7980  
reporting or gathering news, reporting or gathering information to 7981

assist citizen oversight or understanding of the operation or 7982  
activities of government, or nonprofit educational research. 7983

(G) A request by a defendant, counsel of a defendant, or any 7984  
agent of a defendant in a criminal action that public records 7985  
related to that action be made available under this section shall 7986  
be considered a demand for discovery pursuant to the Criminal 7987  
Rules, except to the extent that the Criminal Rules plainly 7988  
indicate a contrary intent. The defendant, counsel of the 7989  
defendant, or agent of the defendant making a request under this 7990  
division shall serve a copy of the request on the prosecuting 7991  
attorney, director of law, or other chief legal officer 7992  
responsible for prosecuting the action. 7993

(H)(1) Any portion of a body-worn camera or dashboard camera 7994  
recording described in divisions (A)(17)(b) to (h) of this section 7995  
may be released by consent of the subject of the recording or a 7996  
representative of that person, as specified in those divisions, 7997  
only if either of the following applies: 7998

(a) The recording will not be used in connection with any 7999  
probable or pending criminal proceedings; 8000

(b) The recording has been used in connection with a criminal 8001  
proceeding that was dismissed or for which a judgment has been 8002  
entered pursuant to Rule 32 of the Rules of Criminal Procedure, 8003  
and will not be used again in connection with any probable or 8004  
pending criminal proceedings. 8005

(2) If a public office denies a request to release a 8006  
restricted portion of a body-worn camera or dashboard camera 8007  
recording, as defined in division (A)(17) of this section, any 8008  
person may file a mandamus action pursuant to this section or a 8009  
complaint with the clerk of the court of claims pursuant to 8010  
section 2743.75 of the Revised Code, requesting the court to order 8011  
the release of all or portions of the recording. If the court 8012

considering the request determines that the filing articulates by 8013  
clear and convincing evidence that the public interest in the 8014  
recording substantially outweighs privacy interests and other 8015  
interests asserted to deny release, the court shall order the 8016  
public office to release the recording. 8017

**Sec. 153.02.** (A) The executive director of the Ohio 8018  
facilities construction commission, may debar a contractor from 8019  
contract awards for public improvements as referred to in section 8020  
153.01 of the Revised Code or for projects as defined in section 8021  
3318.01 of the Revised Code, upon proof that the contractor has 8022  
done any of the following: 8023

(1) Defaulted on a contract requiring the execution of a 8024  
takeover agreement as set forth in division (B) of section 153.17 8025  
of the Revised Code; 8026

(2) Knowingly failed during the course of a contract to 8027  
maintain the coverage required by the bureau of workers' 8028  
compensation; 8029

(3) Knowingly failed during the course of a contract to 8030  
maintain the contractor's drug-free workplace program as required 8031  
by the contract; 8032

(4) Knowingly failed during the course of a contract to 8033  
maintain insurance required by the contract or otherwise by law, 8034  
resulting in a substantial loss to the owner, as owner is referred 8035  
to in section 153.01 of the Revised Code, or to the commission and 8036  
school district board, as provided in division (F) of section 8037  
3318.08 of the Revised Code; 8038

(5) Misrepresented the firm's qualifications in the selection 8039  
process set forth in sections 153.65 to 153.71 or section 3318.10 8040  
of the Revised Code; 8041

(6) Been convicted of a criminal offense related to the 8042

application for or performance of any public or private contract, 8043  
including, but not limited to, embezzlement, theft, forgery, 8044  
bribery, falsification or destruction of records, receiving stolen 8045  
property, and any other offense that directly reflects on the 8046  
contractor's business integrity; 8047

(7) Been convicted of a criminal offense under state or 8048  
federal antitrust laws; 8049

(8) Deliberately or willfully submitted false or misleading 8050  
information in connection with the application for or performance 8051  
of a public contract; 8052

(9) Been debarred from bidding on or participating in a 8053  
contract with any state or federal agency. 8054

(B) When the executive director debar a contractor that is a 8055  
partnership, association, or corporation, the executive director 8056  
also may debar any partner of the partnership or any officer or 8057  
director of the association or corporation, as applicable. 8058

(C) When the executive director reasonably believes that 8059  
grounds for debarment exist, the executive director shall send the 8060  
contractor a notice of proposed debarment indicating the grounds 8061  
for the proposed debarment and the procedure for requesting a 8062  
hearing on the proposed debarment. The hearing shall be conducted 8063  
in accordance with Chapter 119. of the Revised Code. If the 8064  
contractor does not respond with a request for a hearing in the 8065  
manner specified in Chapter 119. of the Revised Code, the 8066  
executive director shall issue the debarment decision without a 8067  
hearing and shall notify the contractor of the decision by 8068  
certified mail, return receipt requested. 8069

(D) The executive director shall determine the length of the 8070  
debarment period and may rescind the debarment at any time upon 8071  
notification to the contractor. During the period of debarment, 8072  
the contractor is not eligible to bid for or participate in any 8073

contract for a public improvement as referred to in section 153.01 8074  
of the Revised Code or for a project as defined in section 3318.01 8075  
of the Revised Code. After the debarment period expires, the 8076  
contractor ~~shall~~ may be eligible to bid for and participate in 8077  
such contracts if the vendor is not otherwise debarred. 8078

(E) The executive director shall maintain a list of all 8079  
contractors currently debarred under this section. Any 8080  
governmental entity awarding a contract for construction of a 8081  
public improvement or project may use a contractor's presence on 8082  
the debarment list to determine whether a contractor is 8083  
responsible or best under section 9.312 or any other section of 8084  
the Revised Code in the award of a contract. 8085

(F) As used in this section, "contractor" means a 8086  
construction contracting business, a subcontractor of a 8087  
construction contracting business, a supplier of materials, or a 8088  
manufacturer of materials. 8089

**Sec. 166.01.** As used in this chapter: 8090

(A) "Allowable costs" means all or part of the costs of 8091  
project facilities, eligible projects, eligible innovation 8092  
projects, eligible research and development projects, eligible 8093  
advanced energy projects, or eligible logistics and distribution 8094  
projects, including costs of acquiring, constructing, 8095  
reconstructing, rehabilitating, renovating, enlarging, improving, 8096  
equipping, or furnishing project facilities, eligible projects, 8097  
eligible innovation projects, eligible research and development 8098  
projects, eligible advanced energy projects, or eligible logistics 8099  
and distribution projects, site clearance and preparation, 8100  
supplementing and relocating public capital improvements or 8101  
utility facilities, designs, plans, specifications, surveys, 8102  
studies, and estimates of costs, expenses necessary or incident to 8103  
determining the feasibility or practicability of assisting an 8104

eligible project, an eligible innovation project, an eligible 8105  
research and development project, an eligible advanced energy 8106  
project, or an eligible logistics and distribution project, or 8107  
providing project facilities or facilities related to an eligible 8108  
project, an eligible innovation project, an eligible research and 8109  
development project, an eligible advanced energy project, or an 8110  
eligible logistics and distribution project, architectural, 8111  
engineering, and legal services fees and expenses, the costs of 8112  
conducting any other activities as part of a voluntary action, and 8113  
such other expenses as may be necessary or incidental to the 8114  
establishment or development of an eligible project, an eligible 8115  
innovation project, an eligible research and development project, 8116  
an eligible advanced energy project, or an eligible logistics and 8117  
distribution project, and reimbursement of moneys advanced or 8118  
applied by any governmental agency or other person for allowable 8119  
costs. 8120

(B) "Allowable innovation costs" includes allowable costs of 8121  
eligible innovation projects and, in addition, includes the costs 8122  
of research and development of eligible innovation projects; 8123  
obtaining or creating any requisite software or computer hardware 8124  
related to an eligible innovation project or the products or 8125  
services associated therewith; testing (including, without 8126  
limitation, quality control activities necessary for initial 8127  
production), perfecting, and marketing of such products and 8128  
services; creating and protecting intellectual property related to 8129  
an eligible innovation project or any products or services related 8130  
thereto, including costs of securing appropriate patent, 8131  
trademark, trade secret, trade dress, copyright, or other form of 8132  
intellectual property protection for an eligible innovation 8133  
project or related products and services; all to the extent that 8134  
such expenditures could be capitalized under then-applicable 8135  
generally accepted accounting principles; and the reimbursement of 8136  
moneys advanced or applied by any governmental agency or other 8137

person for allowable innovation costs. 8138

(C) "Eligible innovation project" includes an eligible 8139  
project, including any project facilities associated with an 8140  
eligible innovation project and, in addition, includes all 8141  
tangible and intangible property related to a new product or 8142  
process based on new technology or the creative application of 8143  
existing technology, including research and development, product 8144  
or process testing, quality control, market research, and related 8145  
activities, that is to be acquired, established, expanded, 8146  
remodeled, rehabilitated, or modernized for industry, commerce, 8147  
distribution, or research, or any combination thereof, the 8148  
operation of which, alone or in conjunction with other eligible 8149  
projects, eligible innovation projects, or innovation property, 8150  
will create new jobs or preserve existing jobs and employment 8151  
opportunities and improve the economic welfare of the people of 8152  
the state. 8153

(D) "Eligible project" means project facilities to be 8154  
acquired, established, expanded, remodeled, rehabilitated, or 8155  
modernized for industry, commerce, distribution, or research, or 8156  
any combination thereof, the operation of which, alone or in 8157  
conjunction with other facilities, will create new jobs or 8158  
preserve existing jobs and employment opportunities and improve 8159  
the economic welfare of the people of the state. "Eligible 8160  
project" includes, without limitation, a voluntary action. For 8161  
purposes of this division, "new jobs" does not include existing 8162  
jobs transferred from another facility within the state, and 8163  
"existing jobs" includes only those existing jobs with work places 8164  
within the municipal corporation or unincorporated area of the 8165  
county in which the eligible project is located. 8166

"Eligible project" does not include project facilities to be 8167  
acquired, established, expanded, remodeled, rehabilitated, or 8168  
modernized for industry, commerce, distribution, or research, or 8169

any combination of industry, commerce, distribution, or research, 8170  
if the project facilities consist solely of 8171  
point-of-final-purchase retail facilities. If the project 8172  
facilities consist of both point-of-final-purchase retail 8173  
facilities and nonretail facilities, only the portion of the 8174  
project facilities consisting of nonretail facilities is an 8175  
eligible project. If a warehouse facility is part of a 8176  
point-of-final-purchase retail facility and supplies only that 8177  
facility, the warehouse facility is not an eligible project. 8178  
Catalog distribution facilities are not considered 8179  
point-of-final-purchase retail facilities for purposes of this 8180  
paragraph, and are eligible projects. 8181

(E) "Eligible research and development project" means an 8182  
eligible project, including project facilities, comprising, 8183  
within, or related to, a facility or portion of a facility at 8184  
which research is undertaken for the purpose of discovering 8185  
information that is technological in nature and the application of 8186  
which is intended to be useful in the development of a new or 8187  
improved product, process, technique, formula, or invention, a new 8188  
product or process based on new technology, or the creative 8189  
application of existing technology. 8190

(F) "Financial assistance" means inducements under division 8191  
(B) of section 166.02 of the Revised Code, loan guarantees under 8192  
section 166.06 of the Revised Code, and direct loans under section 8193  
166.07 of the Revised Code. 8194

(G) "Governmental action" means any action by a governmental 8195  
agency relating to the establishment, development, or operation of 8196  
an eligible project, eligible innovation project, eligible 8197  
research and development project, eligible advanced energy 8198  
project, or eligible logistics and distribution project, and 8199  
project facilities that the governmental agency acting has 8200  
authority to take or provide for the purpose under law, including, 8201

but not limited to, actions relating to contracts and agreements, 8202  
zoning, building, permits, acquisition and disposition of 8203  
property, public capital improvements, utility and transportation 8204  
service, taxation, employee recruitment and training, and liaison 8205  
and coordination with and among governmental agencies. 8206

(H) "Governmental agency" means the state and any state 8207  
department, division, commission, institution or authority; a 8208  
municipal corporation, county, or township, and any agency 8209  
thereof, and any other political subdivision or public corporation 8210  
or the United States or any agency thereof; any agency, 8211  
commission, or authority established pursuant to an interstate 8212  
compact or agreement; and any combination of the above. 8213

(I) "Innovation financial assistance" means inducements under 8214  
division (B) of section 166.12 of the Revised Code, innovation 8215  
Ohio loan guarantees under section 166.15 of the Revised Code, and 8216  
innovation Ohio loans under section 166.16 of the Revised Code. 8217

(J) "Innovation Ohio loan guarantee reserve requirement" 8218  
means, at any time, with respect to innovation loan guarantees 8219  
made under section 166.15 of the Revised Code, a balance in the 8220  
innovation Ohio loan guarantee fund equal to the greater of twenty 8221  
per cent of the then-outstanding principal amount of all 8222  
outstanding innovation loan guarantees made pursuant to section 8223  
166.15 of the Revised Code or fifty per cent of the principal 8224  
amount of the largest outstanding guarantee made pursuant to 8225  
section 166.15 of the Revised Code. 8226

(K) "Innovation property" includes property and also includes 8227  
software, inventory, licenses, contract rights, goodwill, 8228  
intellectual property, including without limitation, patents, 8229  
patent applications, trademarks and service marks, and trade 8230  
secrets, and other tangible and intangible property, and any 8231  
rights and interests in or connected to the foregoing. 8232

(L) "Loan guarantee reserve requirement" means, at any time, 8233  
with respect to loan guarantees made under section 166.06 of the 8234  
Revised Code, a balance in the loan guarantee fund equal to the 8235  
greater of twenty per cent of the then-outstanding principal 8236  
amount of all outstanding guarantees made pursuant to section 8237  
166.06 of the Revised Code or fifty per cent of the principal 8238  
amount of the largest outstanding guarantee made pursuant to 8239  
section 166.06 of the Revised Code. 8240

(M) "Person" means any individual, firm, partnership, 8241  
association, corporation, or governmental agency, and any 8242  
combination thereof. 8243

(N) "Project facilities" means buildings, structures, and 8244  
other improvements, and equipment and other property, excluding 8245  
small tools, supplies, and inventory, and any one, part of, or 8246  
combination of the above, comprising all or part of, or serving or 8247  
being incidental to, an eligible project, an eligible innovation 8248  
project, an eligible research and development project, an eligible 8249  
advanced energy project, or an eligible logistics and distribution 8250  
project, including, but not limited to, public capital 8251  
improvements. 8252

(O) "Property" means real and personal property and interests 8253  
therein. 8254

(P) "Public capital improvements" means capital improvements 8255  
or facilities that any governmental agency has authority to 8256  
acquire, pay the costs of, own, maintain, or operate, or to 8257  
contract with other persons to have the same done, including, but 8258  
not limited to, highways, roads, streets, water and sewer 8259  
facilities, railroad and other transportation facilities, and air 8260  
and water pollution control and solid waste disposal facilities. 8261  
For purposes of this division, "air pollution control facilities" 8262  
includes, without limitation, solar, geothermal, biofuel, biomass, 8263  
wind, hydro, wave, and other advanced energy projects as defined 8264

in section 3706.25 of the Revised Code. 8265

(Q) "Research and development financial assistance" means 8266  
inducements under section 166.17 of the Revised Code, research and 8267  
development loans under section 166.21 of the Revised Code, and 8268  
research and development tax credits under sections 5733.352 and 8269  
5747.331 of the Revised Code. 8270

(R) "Targeted innovation industry sectors" means industry 8271  
sectors involving the production or use of advanced materials, 8272  
instruments, controls and electronics, power and propulsion, 8273  
biosciences, and information technology, or such other sectors as 8274  
may be designated by the director of development services. 8275

(S) "Voluntary action" means a voluntary action, as defined 8276  
in section 3746.01 of the Revised Code, that is conducted under 8277  
the voluntary action program established in Chapter 3746. of the 8278  
Revised Code. 8279

(T) "Project financing obligations" means obligations issued 8280  
pursuant to section 166.08 of the Revised Code other than 8281  
obligations for which the bond proceedings provide that bond 8282  
service charges shall be paid from receipts of the state 8283  
representing gross profit on the sale of spirituous liquor as 8284  
referred to in division (B)(4) of section 4310.10 of the Revised 8285  
Code. 8286

(U) "Regional economic development entity" means an entity 8287  
that is under contract with the director to administer a loan 8288  
program under this chapter in a particular area of this state. 8289

(V) ~~"Advanced energy research and development fund" means the~~ 8290  
~~advanced energy research and development fund created in section~~ 8291  
~~3706.27 of the Revised Code.~~ 8292

~~(W) "Advanced energy research and development taxable fund"~~ 8293  
~~means the advanced energy research and development taxable fund~~ 8294  
~~created in section 3706.27 of the Revised Code.~~ 8295

~~(X)~~ "Eligible advanced energy project" means an eligible 8296  
project that is an "advanced energy project" as defined in section 8297  
3706.25 of the Revised Code. 8298

~~(Y)~~(W) "Eligible logistics and distribution project" means an 8299  
eligible project, including project facilities, to be acquired, 8300  
established, expanded, remodeled, rehabilitated, or modernized for 8301  
transportation logistics and distribution infrastructure purposes. 8302  
As used in this division, "transportation logistics and 8303  
distribution infrastructure purposes" means promoting, providing 8304  
for, and enabling improvements to the ground, air, and water 8305  
transportation infrastructure comprising the transportation system 8306  
in this state, including, without limitation, highways, streets, 8307  
roads, bridges, railroads carrying freight, and air and water 8308  
ports and port facilities, and all related supporting facilities. 8309

~~(Z)~~(X) "Department of development" means the development 8310  
services agency and "director of development" means the director 8311  
of development services. 8312

**Sec. 167.03.** (A) The council shall have the power to: 8313

(1) Study such area governmental problems common to two or 8314  
more members of the council as it deems appropriate, including but 8315  
not limited to matters affecting health, safety, welfare, 8316  
education, economic conditions, and regional development; 8317

(2) Promote cooperative arrangements and coordinate action 8318  
among its members, and between its members and other agencies of 8319  
local or state governments, whether or not within Ohio, and the 8320  
federal government; 8321

(3) Make recommendations for review and action to the members 8322  
and other public agencies that perform functions within the 8323  
region; 8324

(4) Promote cooperative agreements and contracts among its 8325

members or other governmental agencies and private persons,	8326
corporations, or agencies;	8327
(5) Operate a public safety answering point in accordance	8328
with Chapter 128. of the Revised Code;	8329
(6) Perform planning directly by personnel of the council, or	8330
under contracts between the council and other public or private	8331
planning agencies.	8332
(B) The council may:	8333
(1) Review, evaluate, comment upon, and make recommendations,	8334
relative to the planning and programming, and the location,	8335
financing, and scheduling of public facility projects within the	8336
region and affecting the development of the area;	8337
(2) Act as an areawide agency to perform comprehensive	8338
planning for the programming, locating, financing, and scheduling	8339
of public facility projects within the region and affecting the	8340
development of the area and for other proposed land development or	8341
uses, which projects or uses have public metropolitan wide or	8342
interjurisdictional significance;	8343
(3) Act as an agency for coordinating, based on metropolitan	8344
wide comprehensive planning and programming, local public	8345
policies, and activities affecting the development of the region	8346
or area.	8347
(C) The council may, by appropriate action of the governing	8348
bodies of the members, perform such other functions and duties as	8349
are performed or capable of performance by the members and	8350
necessary or desirable for dealing with problems of mutual	8351
concern.	8352
(D) The authority granted to the council by this section or	8353
in any agreement by the members thereof shall not displace any	8354
existing municipal, county, regional, or other planning commission	8355

or planning agency in the exercise of its statutory powers. 8356

(E) A council, with an educational service center as its 8357  
fiscal agent, that is established to provide health care benefits 8358  
to the council members' officers and employees and their 8359  
dependents may contract to administer and coordinate a self-funded 8360  
health benefit program of a nonprofit corporation organized under 8361  
Chapter 1702. of the Revised Code. Operating a program under this 8362  
division does not constitute engaging in the business of insurance 8363  
or the business of an administrator under section 3959.01 of the 8364  
Revised Code and is not subject to the insurance laws of this 8365  
state. 8366

**Sec. 169.06.** (A) Before the first day of November of each 8367  
year immediately following the calendar year in which the filing 8368  
of reports is required by section 169.03 of the Revised Code, the 8369  
director of commerce shall cause notice to be published once in an 8370  
English language newspaper of general circulation in the county in 8371  
this state in which is located the last known address of any 8372  
person to be named in the notice required by this section. The 8373  
notice may be published in print or electronic format. If no 8374  
address is listed, the notice shall be published in the county in 8375  
which the holder of the unclaimed funds has its principal place of 8376  
business within this state; or if the holder has no principal 8377  
place of business within this state, publication shall be made as 8378  
the director determines most effective. If the address is outside 8379  
this state, notice shall be published in a newspaper of general 8380  
circulation in the county or parish of any state in the United 8381  
States in which such last known address is located. If the last 8382  
known address is in a foreign country, publication shall be made 8383  
as the director determines most effective. 8384

If the name of the owner is not available, the director may 8385  
publish notice by class, identifying number, or as the director 8386

determines most effective. 8387

(B) The published notice shall be entitled "Notice of Names of Persons Appearing to be Owners of Unclaimed Funds," and shall contain: 8388  
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(1) The names in alphabetical order and last known addresses, if any, of each person appearing from the records of the holder to be the owner of unclaimed funds of a value of fifty dollars or more and entitled to notice as specified in division (A) of this section; 8391  
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(2) A statement that information concerning the amount of the funds and any necessary information concerning the presentment of a claim therefor may be obtained by any persons possessing a property interest in the unclaimed funds by addressing an inquiry to the director. 8396  
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(C) With respect to items of unclaimed funds each having a value of ten dollars or more, the director shall have available in ~~his~~ the director's office during business hours an alphabetical list of owners and where a holder is a person providing life insurance coverage, beneficiaries, and their last known addresses, if any, whose funds are being held by the state pursuant to this chapter. 8401  
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(D) The director may give any additional notice ~~he~~ using any electronic or print medium that the director deems necessary to inform the owner of the whereabouts of ~~his~~ the owner's funds. 8408  
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**Sec. 173.04.** (A) As used in this section, ~~"respite:~~ 8411

(1) "Respite care" means short-term, temporary care or supervision provided to a person who has ~~Alzheimer's disease~~ dementia in the absence of the person who normally provides that care or supervision. 8412  
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(2) "Dementia" includes Alzheimer's disease or other 8416

dementia. 8417

(B) Through the internet web site maintained by the 8418  
department of aging, the director of aging shall disseminate 8419  
~~Alzheimer's disease~~ dementia training materials for licensed 8420  
physicians, registered nurses, licensed practical nurses, 8421  
administrators of health care programs, social workers, and other 8422  
health care and social service personnel who participate or assist 8423  
in the care or treatment of persons who have ~~Alzheimer's disease~~ 8424  
dementia. The training materials disseminated through the web site 8425  
may be developed by the director or obtained from other sources. 8426

(C) To the extent funds are available, the director shall 8427  
administer respite care programs and other supportive services for 8428  
persons who have ~~Alzheimer's disease~~ dementia and their families 8429  
or care givers. Respite care programs shall be approved by the 8430  
director and shall be provided for the following purposes: 8431

(1) Giving persons who normally provide care or supervision 8432  
for a person who has ~~Alzheimer's disease~~ dementia relief from the 8433  
stresses and responsibilities that result from providing such 8434  
care; 8435

(2) Preventing or reducing inappropriate institutional care 8436  
and enabling persons who have ~~Alzheimer's disease~~ dementia to 8437  
remain at home as long as possible. 8438

(D) The director may provide services under this section to 8439  
persons with ~~Alzheimer's disease~~ dementia and their families 8440  
regardless of the age of the persons with ~~Alzheimer's disease~~ 8441  
dementia. 8442

(E) The director may adopt rules in accordance with Chapter 8443  
119. of the Revised Code governing respite care programs and other 8444  
supportive services, the distribution of funds, and the purpose 8445  
for which funds may be utilized under this section. 8446

Sec. 173.27. (A) As used in this section: 8447

(1) "Applicant" means a person who is under final 8448  
consideration for employment by a responsible party in a 8449  
full-time, part-time, or temporary position that involves 8450  
providing ombudsman services to residents and recipients. 8451  
"Applicant" includes a person who is under final consideration for 8452  
employment as the state long-term care ombudsman or the head of a 8453  
regional long-term care ombudsman program. "Applicant" does not 8454  
include a person seeking to provide ombudsman services to 8455  
residents and recipients as a volunteer without receiving or 8456  
expecting to receive any form of remuneration other than 8457  
reimbursement for actual expenses. 8458

(2) "Criminal records check" has the same meaning as in 8459  
section 109.572 of the Revised Code. 8460

(3) "Disqualifying offense" means any of the offenses listed 8461  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 8462  
the Revised Code. 8463

(4) "Employee" means a person employed by a responsible party 8464  
in a full-time, part-time, or temporary position that involves 8465  
providing ombudsman services to residents and recipients. 8466  
"Employee" includes the person employed as the state long-term 8467  
care ombudsman and a person employed as the head of a regional 8468  
long-term care ombudsman program. "Employee" does not include a 8469  
person who provides ombudsman services to residents and recipients 8470  
as a volunteer without receiving or expecting to receive any form 8471  
of remuneration other than reimbursement for actual expenses. 8472

(5) "Responsible party" means the following: 8473

(a) In the case of an applicant who is under final 8474  
consideration for employment as the state long-term care ombudsman 8475  
or the person employed as the state long-term care ombudsman, the 8476

director of aging; 8477

(b) In the case of any other applicant who is under final 8478  
consideration for employment with the state long-term care 8479  
ombudsman program or any other employee of the state long-term 8480  
care ombudsman program, the state long-term care ombudsman; 8481

(c) In the case of an applicant who is under final 8482  
consideration for employment with a regional long-term care 8483  
ombudsman program (including as the head of the regional program) 8484  
or an employee of a regional long-term care ombudsman program 8485  
(including the head of a regional program), the regional long-term 8486  
care ombudsman program. 8487

(B) A responsible party may not employ an applicant or 8488  
continue to employ an employee in a position that involves 8489  
providing ombudsman services to residents and recipients if any of 8490  
the following apply: 8491

(1) A review of the databases listed in division (D) of this 8492  
section reveals any of the following: 8493

(a) That the applicant or employee is included in one or more 8494  
of the databases listed in divisions (D)(1) to (5) of this 8495  
section; 8496

(b) That there is in the state nurse aide registry 8497  
established under section 3721.32 of the Revised Code a statement 8498  
detailing findings by the director of health that the applicant or 8499  
employee abused, neglected, or exploited a long-term care facility 8500  
or residential care facility resident or misappropriated property 8501  
of such a resident; 8502

(c) That the applicant or employee is included in one or more 8503  
of the databases, if any, specified in rules adopted under this 8504  
section and the rules prohibit the responsible party from 8505  
employing an applicant or continuing to employ an employee 8506  
included in such a database in a position that involves providing 8507

ombudsman services to residents and recipients. 8508

(2) After the applicant or employee is provided, pursuant to 8509  
division (E)(2)(a) of this section, a copy of the form prescribed 8510  
pursuant to division (C)(1) of section 109.572 of the Revised Code 8511  
and the standard impression sheet prescribed pursuant to division 8512  
(C)(2) of that section, the applicant or employee fails to 8513  
complete the form or provide the applicant's or employee's 8514  
fingerprint impressions on the standard impression sheet. 8515

(3) Unless the applicant or employee meets standards 8516  
specified in rules adopted under this section, the applicant or 8517  
employee is found by a criminal records check required by this 8518  
section to have been convicted of, pleaded guilty to, or been 8519  
found eligible for intervention in lieu of conviction for a 8520  
disqualifying offense. 8521

(C) A responsible party or a responsible party's designee 8522  
shall inform each applicant of both of the following at the time 8523  
of the applicant's initial application for employment in a 8524  
position that involves providing ombudsman services to residents 8525  
and recipients: 8526

(1) That a review of the databases listed in division (D) of 8527  
this section will be conducted to determine whether the 8528  
responsible party is prohibited by division (B)(1) of this section 8529  
from employing the applicant in the position; 8530

(2) That, unless the database review reveals that the 8531  
applicant may not be employed in the position, a criminal records 8532  
check of the applicant will be conducted and the applicant is 8533  
required to provide a set of the applicant's fingerprint 8534  
impressions as part of the criminal records check. 8535

(D) As a condition of any applicant's being employed by a 8536  
responsible party in a position that involves providing ombudsman 8537  
services to residents and recipients, the responsible party or 8538

designee shall conduct a database review of the applicant in 8539  
accordance with rules adopted under this section. If rules adopted 8540  
under this section so require, the responsible party or designee 8541  
shall conduct a database review of an employee in accordance with 8542  
the rules as a condition of the responsible party continuing to 8543  
employ the employee in a position that involves providing 8544  
ombudsman services to residents and recipients. A database review 8545  
shall determine whether the applicant or employee is included in 8546  
any of the following: 8547

(1) The excluded parties list system that is maintained by 8548  
the United States general services administration pursuant to 8549  
subpart 9.4 of the federal acquisition regulation and available at 8550  
the federal web site known as the system for award management; 8551

(2) The list of excluded individuals and entities maintained 8552  
by the office of inspector general in the United States department 8553  
of health and human services pursuant to section 1128 of the 8554  
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 8555  
amended, and section 1156 of the "Social Security Act," 96 Stat. 8556  
388 (1982), 42 U.S.C. 1320c-5, as amended; 8557

(3) The registry of developmental disabilities employees 8558  
established under section 5123.52 of the Revised Code; 8559

(4) The internet-based sex offender and child-victim offender 8560  
database established under division (A)(11) of section 2950.13 of 8561  
the Revised Code; 8562

(5) The internet-based database of inmates established under 8563  
section 5120.66 of the Revised Code; 8564

(6) The state nurse aide registry established under section 8565  
3721.32 of the Revised Code; 8566

(7) Any other database, if any, specified in rules adopted 8567  
under this section. 8568

(E)(1) As a condition of any applicant's being employed by a responsible party in a position that involves providing ombudsman services to residents and recipients, the responsible party or designee shall request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules adopted under this section so require, the responsible party or designee shall request that the superintendent conduct a criminal records check of an employee at times specified in the rules as a condition of the responsible party continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. However, the responsible party or designee is not required to request the criminal records check of the applicant or employee if the responsible party is prohibited by division (B)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing ombudsman services to residents and recipients. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the responsible party or designee shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check. Even if an applicant or employee for whom a criminal records check request is required by this section presents proof of having been a resident of this state for the five-year period, the responsible party or designee may request that the superintendent include information from the federal bureau of investigation in the criminal records check.

(2) A responsible party or designee shall do all of the following: 8602  
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(a) Provide to each applicant and employee for whom a criminal records check request is required by this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet prescribed pursuant to division (C)(2) of that section; 8604  
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(b) Obtain the completed form and standard impression sheet from the applicant or employee; 8609  
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(c) Forward the completed form and standard impression sheet to the superintendent. 8611  
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(3) A responsible party shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check the responsible party or the responsible party's designee requests under this section. The responsible party may charge an applicant a fee not exceeding the amount the responsible party pays to the bureau under this section if the responsible party or designee notifies the applicant at the time of initial application for employment of the amount of the fee. 8613  
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(F)(1) A responsible party may employ conditionally an applicant for whom a criminal records check is required by this section prior to obtaining the results of the criminal records check if both of the following apply: 8622  
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(a) The responsible party is not prohibited by division (B)(1) of this section from employing the applicant in a position that involves providing ombudsman services to residents and recipients; 8626  
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(b) The responsible party or designee requests the criminal records check in accordance with division (E) of this section ~~not later than five business days after~~ before conditionally employing 8630  
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the applicant ~~begins conditional employment.~~ 8633

(2) A responsible party shall terminate the employment of an 8634  
applicant employed conditionally under division (F)(1) of this 8635  
section if the results of the criminal records check, other than 8636  
the results of any request for information from the federal bureau 8637  
of investigation, are not obtained within the period ending sixty 8638  
days after the date the request for the criminal records check is 8639  
made. Regardless of when the results of the criminal records check 8640  
are obtained, if the results indicate that the applicant has been 8641  
convicted of, pleaded guilty to, or been found eligible for 8642  
intervention in lieu of conviction for a disqualifying offense, 8643  
the responsible party shall terminate the applicant's employment 8644  
unless the applicant meets standards specified in rules adopted 8645  
under this section that permit the responsible party to employ the 8646  
applicant and the responsible party chooses to employ the 8647  
applicant. Termination of employment under this division shall be 8648  
considered just cause for discharge for purposes of division 8649  
(D)(2) of section 4141.29 of the Revised Code if the applicant 8650  
makes any attempt to deceive the responsible party or designee 8651  
about the applicant's criminal record. 8652

(G) The report of any criminal records check conducted 8653  
pursuant to a request made under this section is not a public 8654  
record for the purposes of section 149.43 of the Revised Code and 8655  
shall not be made available to any person other than the 8656  
following: 8657

(1) The applicant or employee who is the subject of the 8658  
criminal records check or the applicant's or employee's 8659  
representative; 8660

(2) The responsible party or designee; 8661

(3) In the case of a criminal records check conducted for an 8662  
applicant who is under final consideration for employment with a 8663

regional long-term care ombudsman program (including as the head of the regional program) or an employee of a regional long-term care ombudsman program (including the head of a regional program), the state long-term care ombudsman or a representative of the office of the state long-term care ombudsman program who is responsible for monitoring the regional program's compliance with this section;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an applicant or employee who a responsible party employs in a position that involves providing ombudsman services to residents and recipients, all of the following shall apply:

(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (F) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section.

(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(I) The state long-term care ombudsman may not act as the director of aging's designee for the purpose of this section. The head of a regional long-term care ombudsman program may not act as the regional program's designee for the purpose of this section if the head is the employee for whom a database review or criminal records check is being conducted.

(J) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

(1) The rules may do the following:

(a) Require employees to undergo database reviews and criminal records checks under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;

(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The procedures for conducting database reviews under this section;

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to

be conducted; 8725

(c) If the rules specify other databases to be checked as 8726  
part of the database reviews, the circumstances under which a 8727  
responsible party is prohibited from employing an applicant or 8728  
continuing to employ an employee who is found by a database review 8729  
to be included in one or more of those databases; 8730

(d) Standards that an applicant or employee must meet for a 8731  
responsible party to be permitted to employ the applicant or 8732  
continue to employ the employee in a position that involves 8733  
providing ombudsman services to residents and recipients if the 8734  
applicant or employee is found by a criminal records check 8735  
required by this section to have been convicted of, pleaded guilty 8736  
to, or been found eligible for intervention in lieu of conviction 8737  
for a disqualifying offense. 8738

Sec. 173.30. (A) As used in this section, "snack" means 8739  
either of the following that is usually consumed before or after a 8740  
breakfast, lunch, or dinner meal: 8741

(1) A small portion of food or drink; 8742

(2) A light meal. 8743

(B) The department of aging shall not award a grant under 8744  
Title III of the "Older Americans Act of 1965," 42 U.S.C. 3021 et 8745  
seq., to a provider of home-delivered meals if the provider offers 8746  
snacks in addition to the breakfast, lunch, or dinner meals 8747  
provided to recipients unless the provider does all of the 8748  
following: 8749

(1) Offers a recipient not more than five snack choices at a 8750  
time; 8751

(2) Provides a recipient with the amount of calories in, and 8752  
the sugar and sodium contents of, each snack offered to the 8753  
recipient; 8754

(3) Provides a recipient not more than one snack per each 8755  
breakfast, lunch, and dinner meal that is provided to the 8756  
recipient at the same time as the snacks. 8757

**Sec. 173.38.** (A) As used in this section: 8758

(1) "Applicant" means a person who is under final 8759  
consideration for employment with a responsible party in a 8760  
full-time, part-time, or temporary direct-care position or is 8761  
referred to a responsible party by an employment service for such 8762  
a position. "Applicant" does not include a person being considered 8763  
for a direct-care position as a volunteer. 8764

(2) "Area agency on aging" has the same meaning as in section 8765  
173.14 of the Revised Code. 8766

(3) "Chief administrator of a responsible party" includes a 8767  
consumer when the consumer is a responsible party. 8768

(4) "Community-based long-term care services" means 8769  
community-based long-term care services, as defined in section 8770  
173.14 of the Revised Code, that are provided under a program the 8771  
department of aging administers. 8772

(5) "Consumer" means an individual who receives 8773  
community-based long-term care services. 8774

(6) "Criminal records check" has the same meaning as in 8775  
section 109.572 of the Revised Code. 8776

(7)(a) "Direct-care position" means an employment position in 8777  
which an employee has either or both of the following: 8778

(i) In-person contact with one or more consumers; 8779

(ii) Access to one or more consumers' personal property or 8780  
records. 8781

(b) "Direct-care position" does not include a person whose 8782  
sole duties are transporting individuals under Chapter 306. of the 8783

Revised Code. 8784

(8) "Disqualifying offense" means any of the offenses listed 8785  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 8786  
the Revised Code. 8787

(9) "Employee" means a person employed by a responsible party 8788  
in a full-time, part-time, or temporary direct-care position and a 8789  
person who works in such a position due to being referred to a 8790  
responsible party by an employment service. "Employee" does not 8791  
include a person who works in a direct-care position as a 8792  
volunteer. 8793

(10) "PASSPORT administrative agency" has the same meaning as 8794  
in section 173.42 of the Revised Code. 8795

(11) "Provider" has the same meaning as in section 173.39 of 8796  
the Revised Code. 8797

(12) "Responsible party" means the following: 8798

(a) An area agency on aging in the case of either of the 8799  
following: 8800

(i) A person who is an applicant because the person is under 8801  
final consideration for employment with the agency in a full-time, 8802  
part-time, or temporary direct-care position or is referred to the 8803  
agency by an employment service for such a position; 8804

(ii) A person who is an employee because the person is 8805  
employed by the agency in a full-time, part-time, or temporary 8806  
direct-care position or works in such a position due to being 8807  
referred to the agency by an employment service. 8808

(b) A PASSPORT administrative agency in the case of either of 8809  
the following: 8810

(i) A person who is an applicant because the person is under 8811  
final consideration for employment with the agency in a full-time, 8812  
part-time, or temporary direct-care position or is referred to the 8813

agency by an employment service for such a position; 8814

(ii) A person who is an employee because the person is 8815  
employed by the agency in a full-time, part-time, or temporary 8816  
direct-care position or works in such a position due to being 8817  
referred to the agency by an employment service. 8818

(c) A provider in the case of either of the following: 8819

(i) A person who is an applicant because the person is under 8820  
final consideration for employment with the provider in a 8821  
full-time, part-time, or temporary direct-care position or is 8822  
referred to the provider by an employment service for such a 8823  
position; 8824

(ii) A person who is an employee because the person is 8825  
employed by the provider in a full-time, part-time, or temporary 8826  
direct-care position or works in such a position due to being 8827  
referred to the provider by an employment service. 8828

(d) A subcontractor in the case of either of the following: 8829

(i) A person who is an applicant because the person is under 8830  
final consideration for employment with the subcontractor in a 8831  
full-time, part-time, or temporary direct-care position or is 8832  
referred to the subcontractor by an employment service for such a 8833  
position; 8834

(ii) A person who is an employee because the person is 8835  
employed by the subcontractor in a full-time, part-time, or 8836  
temporary direct-care position or works in such a position due to 8837  
being referred to the subcontractor by an employment service. 8838

(e) A consumer in the case of either of the following: 8839

(i) A person who is an applicant because the person is under 8840  
final consideration for employment with the consumer in a 8841  
full-time, part-time, or temporary direct-care position for which 8842  
the consumer, as the employer of record, is to direct the person 8843

in the provision of community-based long-term care services the 8844  
person is to provide the consumer or is referred to the consumer 8845  
by an employment service for such a position; 8846

(ii) A person who is an employee because the person is 8847  
employed by the consumer in a full-time, part-time, or temporary 8848  
direct-care position for which the consumer, as the employer of 8849  
record, directs the person in the provision of community-based 8850  
long-term care services the person provides to the consumer or who 8851  
works in such a position due to being referred to the consumer by 8852  
an employment service. 8853

(13) "Subcontractor" has the meaning specified in rules 8854  
adopted under this section. 8855

(14) "Volunteer" means a person who serves in a direct-care 8856  
position without receiving or expecting to receive any form of 8857  
remuneration other than reimbursement for actual expenses. 8858

(15) "Waiver agency" has the same meaning as in section 8859  
5164.342 of the Revised Code. 8860

(B) This section does not apply to any individual who is 8861  
subject to a database review or criminal records check under 8862  
section 173.381 or 3701.881 of the Revised Code or to any 8863  
individual who is subject to a criminal records check under 8864  
section 3721.121 of the Revised Code. ~~If a provider or 8865  
subcontractor also is a waiver agency, the provider or 8866  
subcontractor may provide for applicants and employees to undergo 8867  
database reviews and criminal records checks in accordance with 8868  
section 5164.342 of the Revised Code rather than this section.~~ 8869

(C) No responsible party shall employ an applicant or 8870  
continue to employ an employee in a direct-care position if any of 8871  
the following apply: 8872

(1) A review of the databases listed in division (E) of this 8873  
section reveals any of the following: 8874

(a) That the applicant or employee is included in one or more 8875  
of the databases listed in divisions (E)(1) to (5) of this 8876  
section; 8877

(b) That there is in the state nurse aide registry 8878  
established under section 3721.32 of the Revised Code a statement 8879  
detailing findings by the director of health that the applicant or 8880  
employee abused, neglected, or exploited a long-term care facility 8881  
or residential care facility resident or misappropriated property 8882  
of such a resident; 8883

(c) That the applicant or employee is included in one or more 8884  
of the databases, if any, specified in rules adopted under this 8885  
section and the rules prohibit the responsible party from 8886  
employing an applicant or continuing to employ an employee 8887  
included in such a database in a direct-care position. 8888

(2) After the applicant or employee is provided, pursuant to 8889  
division (F)(2)(a) of this section, a copy of the form prescribed 8890  
pursuant to division (C)(1) of section 109.572 of the Revised Code 8891  
and the standard impression sheet prescribed pursuant to division 8892  
(C)(2) of that section, the applicant or employee fails to 8893  
complete the form or provide the applicant's or employee's 8894  
fingerprint impressions on the standard impression sheet. 8895

(3) Unless the applicant or employee meets standards 8896  
specified in rules adopted under this section, the applicant or 8897  
employee is found by a criminal records check required by this 8898  
section to have been convicted of, pleaded guilty to, or been 8899  
found eligible for intervention in lieu of conviction for a 8900  
disqualifying offense. 8901

(D) Except as provided by division (G) of this section, the 8902  
chief administrator of a responsible party shall inform each 8903  
applicant of both of the following at the time of the applicant's 8904  
initial application for employment or referral to the responsible 8905

party by an employment service for a direct-care position: 8906

(1) That a review of the databases listed in division (E) of 8907  
this section will be conducted to determine whether the 8908  
responsible party is prohibited by division (C)(1) of this section 8909  
from employing the applicant in the direct-care position; 8910

(2) That, unless the database review reveals that the 8911  
applicant may not be employed in the direct-care position, a 8912  
criminal records check of the applicant will be conducted and the 8913  
applicant is required to provide a set of the applicant's 8914  
fingerprint impressions as part of the criminal records check. 8915

(E) As a condition of employing any applicant in a 8916  
direct-care position, the chief administrator of a responsible 8917  
party shall conduct a database review of the applicant in 8918  
accordance with rules adopted under this section. If rules adopted 8919  
under this section so require, the chief administrator of a 8920  
responsible party shall conduct a database review of an employee 8921  
in accordance with the rules as a condition of continuing to 8922  
employ the employee in a direct-care position. However, a chief 8923  
administrator is not required to conduct a database review of an 8924  
applicant or employee if division (G) of this section applies. A 8925  
database review shall determine whether the applicant or employee 8926  
is included in any of the following: 8927

(1) The excluded parties list system that is maintained by 8928  
the United States general services administration pursuant to 8929  
subpart 9.4 of the federal acquisition regulation and available at 8930  
the federal web site known as the system for award management; 8931

(2) The list of excluded individuals and entities maintained 8932  
by the office of inspector general in the United States department 8933  
of health and human services pursuant to the "Social Security 8934  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 8935

(3) The registry of developmental disabilities employees 8936

established under section 5123.52 of the Revised Code; 8937

(4) The internet-based sex offender and child-victim offender 8938  
database established under division (A)(11) of section 2950.13 of 8939  
the Revised Code; 8940

(5) The internet-based database of inmates established under 8941  
section 5120.66 of the Revised Code; 8942

(6) The state nurse aide registry established under section 8943  
3721.32 of the Revised Code; 8944

(7) Any other database, if any, specified in rules adopted 8945  
under this section. 8946

(F)(1) As a condition of employing any applicant in a 8947  
direct-care position, the chief administrator of a responsible 8948  
party shall request that the superintendent of the bureau of 8949  
criminal identification and investigation conduct a criminal 8950  
records check of the applicant. If rules adopted under this 8951  
section so require, the chief administrator of a responsible party 8952  
shall request that the superintendent conduct a criminal records 8953  
check of an employee at times specified in the rules as a 8954  
condition of continuing to employ the employee in a direct-care 8955  
position. However, the chief administrator is not required to 8956  
request the criminal records check of the applicant or employee if 8957  
division (G) of this section applies or the responsible party is 8958  
prohibited by division (C)(1) of this section from employing the 8959  
applicant or continuing to employ the employee in a direct-care 8960  
position. If an applicant or employee for whom a criminal records 8961  
check request is required by this section does not present proof 8962  
of having been a resident of this state for the five-year period 8963  
immediately prior to the date the criminal records check is 8964  
requested or provide evidence that within that five-year period 8965  
the superintendent has requested information about the applicant 8966  
or employee from the federal bureau of investigation in a criminal 8967

records check, the chief administrator shall request that the 8968  
superintendent obtain information from the federal bureau of 8969  
investigation as part of the criminal records check. Even if an 8970  
applicant or employee for whom a criminal records check request is 8971  
required by this section presents proof of having been a resident 8972  
of this state for the five-year period, the chief administrator 8973  
may request that the superintendent include information from the 8974  
federal bureau of investigation in the criminal records check. 8975

(2) The chief administrator shall do all of the following: 8976

(a) Provide to each applicant and employee for whom a 8977  
criminal records check request is required by this section a copy 8978  
of the form prescribed pursuant to division (C)(1) of section 8979  
109.572 of the Revised Code and a standard impression sheet 8980  
prescribed pursuant to division (C)(2) of that section; 8981

(b) Obtain the completed form and standard impression sheet 8982  
from the applicant or employee; 8983

(c) Forward the completed form and standard impression sheet 8984  
to the superintendent. 8985

(3) A responsible party shall pay to the bureau of criminal 8986  
identification and investigation the fee prescribed pursuant to 8987  
division (C)(3) of section 109.572 of the Revised Code for each 8988  
criminal records check the responsible party requests under this 8989  
section. A responsible party may charge an applicant a fee not 8990  
exceeding the amount the responsible party pays to the bureau 8991  
under this section if both of the following apply: 8992

(a) The responsible party notifies the applicant at the time 8993  
of initial application for employment of the amount of the fee and 8994  
that, unless the fee is paid, the applicant will not be considered 8995  
for employment. 8996

(b) The medicaid program does not pay the responsible party 8997  
for the fee it pays to the bureau under this section. 8998

(G) Divisions (D) to (F) of this section do not apply with regard to an applicant or employee if the applicant or employee is referred to a responsible party by an employment service that supplies full-time, part-time, or temporary staff for direct-care positions and both of the following apply:

(1) The chief administrator of the responsible party receives from the employment service confirmation that a review of the databases listed in division (E) of this section was conducted of the applicant or employee.

(2) The chief administrator of the responsible party receives from the employment service, applicant, or employee a report of the results of a criminal records check of the applicant or employee that has been conducted by the superintendent within the one-year period immediately preceding the following:

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the responsible party;

(b) In the case of an employee, the date by which the responsible party would otherwise have to request a criminal records check of the employee under division (F) of this section.

(H)(1) A responsible party may employ conditionally an applicant for whom a criminal records check request is required by this section prior to obtaining the results of the criminal records check if the responsible party is not prohibited by division (C)(1) of this section from employing the applicant in a direct-care position and either of the following applies:

(a) The chief administrator of the responsible party requests the criminal records check in accordance with division (F) of this section ~~not later than five business days after~~ before conditionally employing the applicant ~~begins conditional~~ employment.

(b) The applicant is referred to the responsible party by an

employment service, the employment service or the applicant 9030  
provides the chief administrator of the responsible party a letter 9031  
that is on the letterhead of the employment service, the letter is 9032  
dated and signed by a supervisor or another designated official of 9033  
the employment service, and the letter states all of the 9034  
following: 9035

(i) That the employment service has requested the 9036  
superintendent to conduct a criminal records check regarding the 9037  
applicant; 9038

(ii) That the requested criminal records check is to include 9039  
a determination of whether the applicant has been convicted of, 9040  
pleaded guilty to, or been found eligible for intervention in lieu 9041  
of conviction for a disqualifying offense; 9042

(iii) That the employment service has not received the 9043  
results of the criminal records check as of the date set forth on 9044  
the letter; 9045

(iv) That the employment service promptly will send a copy of 9046  
the results of the criminal records check to the chief 9047  
administrator of the responsible party when the employment service 9048  
receives the results. 9049

(2) If a responsible party employs an applicant conditionally 9050  
pursuant to division (H)(1)(b) of this section, the employment 9051  
service, on its receipt of the results of the criminal records 9052  
check, promptly shall send a copy of the results to the chief 9053  
administrator of the responsible party. 9054

(3) A responsible party that employs an applicant 9055  
conditionally pursuant to division (H)(1)(a) or (b) of this 9056  
section shall terminate the applicant's employment if the results 9057  
of the criminal records check, other than the results of any 9058  
request for information from the federal bureau of investigation, 9059  
are not obtained within the period ending sixty days after the 9060

date the request for the criminal records check is made. 9061  
Regardless of when the results of the criminal records check are 9062  
obtained, if the results indicate that the applicant has been 9063  
convicted of, pleaded guilty to, or been found eligible for 9064  
intervention in lieu of conviction for a disqualifying offense, 9065  
the responsible party shall terminate the applicant's employment 9066  
unless the applicant meets standards specified in rules adopted 9067  
under this section that permit the responsible party to employ the 9068  
applicant and the responsible party chooses to employ the 9069  
applicant. Termination of employment under this division shall be 9070  
considered just cause for discharge for purposes of division 9071  
(D)(2) of section 4141.29 of the Revised Code if the applicant 9072  
makes any attempt to deceive the responsible party about the 9073  
applicant's criminal record. 9074

(I) The report of any criminal records check conducted 9075  
pursuant to a request made under this section is not a public 9076  
record for the purposes of section 149.43 of the Revised Code and 9077  
shall not be made available to any person other than the 9078  
following: 9079

(1) The applicant or employee who is the subject of the 9080  
criminal records check or the applicant's or employee's 9081  
representative; 9082

(2) The chief administrator of the responsible party 9083  
requesting the criminal records check or the administrator's 9084  
representative; 9085

(3) The administrator of any other facility, agency, or 9086  
program that provides community-based long-term care services that 9087  
is owned or operated by the same entity that owns or operates the 9088  
responsible party that requested the criminal records check; 9089

(4) The employment service that requested the criminal 9090  
records check; 9091

(5) The director of aging or a person authorized by the	9092
director to monitor a responsible party's compliance with this	9093
section;	9094
(6) The medicaid director and the staff of the department of	9095
medicaid who are involved in the administration of the medicaid	9096
program if any of the following apply:	9097
(a) In the case of a criminal records check requested by a	9098
provider or subcontractor, the provider or subcontractor also is a	9099
waiver agency;	9100
(b) In the case of a criminal records check requested by an	9101
employment service, the employment service makes the request for	9102
an applicant or employee the employment service refers to a	9103
provider or subcontractor that also is a waiver agency;	9104
(c) The criminal records check is requested by a consumer who	9105
is acting as a responsible party.	9106
(7) A court, hearing officer, or other necessary individual	9107
involved in a case dealing with any of the following:	9108
(a) A denial of employment of the applicant or employee;	9109
(b) Employment or unemployment benefits of the applicant or	9110
employee;	9111
(c) A civil or criminal action regarding the medicaid program	9112
or a program the department of aging administers.	9113
(J) In a tort or other civil action for damages that is	9114
brought as the result of an injury, death, or loss to person or	9115
property caused by an applicant or employee who a responsible	9116
party employs in a direct-care position, all of the following	9117
shall apply:	9118
(1) If the responsible party employed the applicant or	9119
employee in good faith and reasonable reliance on the report of a	9120
criminal records check requested under this section, the	9121

responsible party shall not be found negligent solely because of 9122  
its reliance on the report, even if the information in the report 9123  
is determined later to have been incomplete or inaccurate. 9124

(2) If the responsible party employed the applicant in good 9125  
faith on a conditional basis pursuant to division (H) of this 9126  
section, the responsible party shall not be found negligent solely 9127  
because it employed the applicant prior to receiving the report of 9128  
a criminal records check requested under this section. 9129

(3) If the responsible party in good faith employed the 9130  
applicant or employee because the applicant or employee meets 9131  
standards specified in rules adopted under this section, the 9132  
responsible party shall not be found negligent solely because the 9133  
applicant or employee has been convicted of, pleaded guilty to, or 9134  
been found eligible for intervention in lieu of conviction for a 9135  
disqualifying offense. 9136

(K) The director of aging shall adopt rules in accordance 9137  
with Chapter 119. of the Revised Code to implement this section. 9138

(1) The rules may do the following: 9139

(a) Require employees to undergo database reviews and 9140  
criminal records checks under this section; 9141

(b) If the rules require employees to undergo database 9142  
reviews and criminal records checks under this section, exempt one 9143  
or more classes of employees from the requirements; 9144

(c) For the purpose of division (E)(7) of this section, 9145  
specify other databases that are to be checked as part of a 9146  
database review conducted under this section. 9147

(2) The rules shall specify all of the following: 9148

(a) The meaning of the term "subcontractor"; 9149

(b) The procedures for conducting database reviews under this 9150  
section; 9151

(c) If the rules require employees to undergo database 9152  
reviews and criminal records checks under this section, the times 9153  
at which the database reviews and criminal records checks are to 9154  
be conducted; 9155

(d) If the rules specify other databases to be checked as 9156  
part of the database reviews, the circumstances under which a 9157  
responsible party is prohibited from employing an applicant or 9158  
continuing to employ an employee who is found by a database review 9159  
to be included in one or more of those databases; 9160

(e) Standards that an applicant or employee must meet for a 9161  
responsible party to be permitted to employ the applicant or 9162  
continue to employ the employee in a direct-care position if the 9163  
applicant or employee is found by a criminal records check 9164  
required by this section to have been convicted of, pleaded guilty 9165  
to, or been found eligible for intervention in lieu of conviction 9166  
for a disqualifying offense. 9167

**Sec. 173.391.** (A) Subject to section 173.381 of the Revised 9168  
Code, the department of aging or its designee shall do all of the 9169  
following in accordance with Chapter 119. of the Revised Code: 9170

(1) Certify a provider to provide community-based long-term 9171  
care services under a program the department administers if the 9172  
provider satisfies the requirements for certification established 9173  
by rules adopted under division (B) of this section and pays the 9174  
fee, if any, established by rules adopted under division (G) of 9175  
this section; 9176

(2) When required to do so by rules adopted under division 9177  
(B) of this section, take one or more of the following 9178  
disciplinary actions against a provider certified under division 9179  
(A)(1) of this section: 9180

(a) Issue a written warning; 9181

(b) Require the submission of a plan of correction or evidence of compliance with requirements identified by the department;	9182 9183 9184
(c) Suspend referrals;	9185
(d) Remove clients;	9186
(e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;	9187 9188
(f) Suspend the certification;	9189
(g) Revoke the certification;	9190
(h) Impose another sanction.	9191
(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its designee takes regarding a decision not to certify the provider under division (A)(1) of this section or a disciplinary action under divisions (A)(2)(e) to (h) of this section.	9192 9193 9194 9195 9196 9197
(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing certification requirements and standards for determining which type of disciplinary action to take under division (A)(2) of this section in individual situations. The rules shall establish procedures for all of the following:	9198 9199 9200 9201 9202 9203
(1) Ensuring that providers comply with sections 173.38 and 173.381 of the Revised Code;	9204 9205
(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;	9206 9207 9208
(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to	9209 9210 9211

take; 9212

(4) Determining what constitutes another sanction for 9213  
purposes of division (A)(2)(h) of this section. 9214

(C) The procedures established in rules adopted under 9215  
division (B)(2) of this section shall require that all of the 9216  
following be considered as part of an evaluation described in 9217  
division (B)(2) of this section: 9218

(1) The provider's experience and financial responsibility; 9219

(2) The provider's ability to comply with standards for the 9220  
community-based long-term care services that the provider provides 9221  
under a program the department administers; 9222

(3) The provider's ability to meet the needs of the 9223  
individuals served; 9224

(4) Any other factor the director considers relevant. 9225

(D) The rules adopted under division (B)(3) of this section 9226  
shall specify that the reasons disciplinary action may be taken 9227  
under division (A)(2) of this section include good cause, 9228  
including misfeasance, malfeasance, nonfeasance, confirmed abuse 9229  
or neglect, financial irresponsibility, or other conduct the 9230  
director determines is injurious, or poses a threat, to the health 9231  
or safety of individuals being served. 9232

(E) Subject to division (F) of this section, the department 9233  
is not required to hold hearings under division (A)(3) of this 9234  
section if any of the following conditions apply: 9235

(1) Rules adopted by the director of aging pursuant to this 9236  
chapter require the provider to be a party to a provider 9237  
agreement; hold a license, certificate, or permit; or maintain a 9238  
certification, any of which is required or issued by a state or 9239  
federal government entity other than the department of aging, and 9240  
either of the following is the case: 9241

(a) The provider agreement has not been entered into or the 9242  
license, certificate, permit, or certification has not been 9243  
obtained or maintained. 9244

(b) The provider agreement, license, certificate, permit, or 9245  
certification has been denied, revoked, not renewed, or suspended 9246  
or has been otherwise restricted. 9247

(2) The provider's certification under this section has been 9248  
denied, suspended, or revoked for any of the following reasons: 9249

(a) A government entity of this state, other than the 9250  
department of aging, has terminated or refused to renew any of the 9251  
following held by, or has denied any of the following sought by, a 9252  
provider: a provider agreement, license, certificate, permit, or 9253  
certification. Division (E)(2)(a) of this section applies 9254  
regardless of whether the provider has entered into a provider 9255  
agreement in, or holds a license, certificate, permit, or 9256  
certification issued by, another state. 9257

(b) The provider or a principal owner or manager of the 9258  
provider who provides direct care has entered a guilty plea for, 9259  
or has been convicted of, an offense materially related to the 9260  
medicaid program. 9261

(c) A principal owner or manager of the provider who provides 9262  
direct care has entered a guilty plea for, been convicted of, or 9263  
been found eligible for intervention in lieu of conviction for an 9264  
offense listed or described in divisions (A)(3)(a) to (e) of 9265  
section 109.572 of the Revised Code, but only if the provider, 9266  
principal owner, or manager does not meet standards specified by 9267  
the director in rules adopted under section 173.38 of the Revised 9268  
Code. 9269

(d) The department or its designee is required by section 9270  
173.381 of the Revised Code to deny or revoke the provider's 9271  
certification. 9272

(e) The United States department of health and human services 9273  
has taken adverse action against the provider and that action 9274  
impacts the provider's participation in the medicaid program. 9275

(f) The provider has failed to enter into or renew a provider 9276  
agreement with the PASSPORT administrative agency, as that term is 9277  
defined in section 173.42 of the Revised Code, that administers 9278  
programs on behalf of the department of aging in the region of the 9279  
state in which the provider is certified to provide services. 9280

(g) The provider has not billed or otherwise submitted a 9281  
claim to the department for payment under the medicaid program in 9282  
at least two years. 9283

(h) The provider denied or failed to provide the department 9284  
or its designee access to the provider's facilities during the 9285  
provider's normal business hours for purposes of conducting an 9286  
audit or structural compliance review. 9287

(i) The provider has ceased doing business. 9288

(j) The provider has voluntarily relinquished its 9289  
certification for any reason. 9290

(3) The provider's provider agreement with the department of 9291  
medicaid has been suspended under ~~division (C) of section 5164.37~~ 9292  
5164.36 of the Revised Code. 9293

(4) The provider's provider agreement with the department of 9294  
medicaid is denied or revoked because the provider or its owner, 9295  
officer, authorized agent, associate, manager, or employee has 9296  
been convicted of an offense that caused the provider agreement to 9297  
be suspended under section ~~5164.37~~ 5164.36 of the Revised Code. 9298

(F) If the department does not hold hearings when any 9299  
condition described in division (E) of this section applies, the 9300  
department ~~may~~ shall send a notice to the provider describing a 9301  
decision not to certify the provider under division (A)(1) of this 9302

section or the disciplinary action the department ~~proposes to take~~ 9303  
is taking under ~~division~~ divisions (A)(2)(e) to (h) of this 9304  
section. The notice shall be sent to the provider's address that 9305  
is on record with the department and may be sent by regular mail. 9306

(G) The director of aging may adopt rules in accordance with 9307  
Chapter 119. of the Revised Code establishing a fee to be charged 9308  
by the department of aging or its designee for certification 9309  
issued under this section. 9310

~~All fees~~(H) Any amounts collected by the department or its 9311  
designee under this section shall be deposited in the state 9312  
treasury to the credit of the provider certification fund, which 9313  
is hereby created. Money credited to the fund shall be used to pay 9314  
for community-based long-term care services, administrative costs 9315  
associated with provider certification under this section, and 9316  
administrative costs related to the publication of the Ohio 9317  
long-term care consumer guide. 9318

**Sec. 173.525.** (A) As used in this section, "snack" has the 9319  
same meaning as in section 173.30 of the Revised Code. 9320

(B) An entity that provides home-delivered meals under the 9321  
PASSPORT program shall not offer snacks in addition to the 9322  
breakfast, lunch, or dinner meals provided to PASSPORT program 9323  
enrollees unless the entity does all of the following: 9324

(1) Offers an enrollee not more than five snack choices at a 9325  
time; 9326

(2) Provides an enrollee with the amount of calories in, and 9327  
the sugar and sodium contents of, each snack offered to the 9328  
enrollee; 9329

(3) Provides an enrollee not more than one snack per each 9330  
breakfast, lunch, and dinner meal that is provided to the enrollee 9331  
at the same time as the snacks. 9332

**Sec. 177.02.** (A) Any person may file with the organized crime 9333  
investigations commission a complaint that alleges that organized 9334  
criminal activity has occurred in a county. A person who files a 9335  
complaint under this division also may file with the commission 9336  
information relative to the complaint. 9337

(B) Upon the filing of a complaint under division (A) of this 9338  
section or upon its own initiative, the commission may establish 9339  
an organized crime task force to investigate organized criminal 9340  
activity in a single county or in two or more counties if it 9341  
determines, based upon the complaint filed and the information 9342  
relative to it or based upon any information that it may have 9343  
received, that there is reason to believe that organized criminal 9344  
activity has occurred and continues to occur in that county or in 9345  
each of those counties. The commission shall not establish an 9346  
organized crime task force to investigate organized criminal 9347  
activity in any single county unless it makes the determination 9348  
required under this division relative to that county and shall not 9349  
establish an organized crime task force to investigate organized 9350  
criminal activity in two or more counties unless it makes the 9351  
determination required under this division relative to each of 9352  
those counties. The commission, at any time, may terminate an 9353  
organized crime task force it has established under this section. 9354

(C)(1) If the commission establishes an organized crime task 9355  
force to investigate organized criminal activity in a single 9356  
county or in two or more counties pursuant to division (B) of this 9357  
section, the commission initially shall appoint a task force 9358  
director to directly supervise the investigation. The task force 9359  
director shall be either the sheriff or a deputy sheriff of any 9360  
county in the state, the chief law enforcement officer or a member 9361  
of a law enforcement agency of any municipal corporation or 9362  
township in the state, or an agent of the bureau of criminal 9363  
identification and investigation. No person shall be appointed as 9364

task force director without the person's consent and, if 9365  
applicable, the consent of the person's employing sheriff or law 9366  
enforcement agency or of the superintendent of the bureau of 9367  
criminal identification and investigation if the person is an 9368  
employee of the bureau. Upon appointment of a task force director, 9369  
the commission shall meet with the director and establish the 9370  
scope and limits of the investigation to be conducted by the task 9371  
force and the size of the task force investigatory staff to be 9372  
appointed by the task force director. The commission, at any time, 9373  
may remove a task force director appointed under this division and 9374  
may replace any director so removed according to the guidelines 9375  
for the initial appointment of a director. 9376

(2) A task force director appointed under this section shall 9377  
assemble a task force investigatory staff, of a size determined by 9378  
the commission and the director, to conduct the investigation. 9379  
Unless it appears to the commission and the director, based upon 9380  
the complaint filed and any information relative to it or based 9381  
upon any information that the commission may have received, that 9382  
there is reason to believe that the office of the prosecuting 9383  
attorney of the county or one of the counties served by the task 9384  
force is implicated in the organized criminal activity to be 9385  
investigated, one member of the investigatory staff shall be the 9386  
prosecuting attorney or an assistant prosecuting attorney of the 9387  
county or one of the counties served by the task force. If a 9388  
prosecuting attorney or assistant prosecuting attorney is not a 9389  
participating member of the task force, the office of the attorney 9390  
general shall provide legal assistance to the task force upon 9391  
request. Each of the other members of the investigatory staff 9392  
shall be either the sheriff or a deputy sheriff of any county in 9393  
the state, the chief law enforcement officer or a member of a law 9394  
enforcement agency of any municipal corporation or township in the 9395  
state, or an agent of the bureau of criminal identification and 9396  
investigation. No person shall be appointed to the investigatory 9397

staff without the person's consent and, if applicable, the consent 9398  
of the person's employing sheriff or law enforcement agency or the 9399  
superintendent of the bureau of criminal identification and 9400  
investigation if the person is an employee of the bureau. To the 9401  
extent possible, the investigatory staff shall be composed of 9402  
persons familiar with investigatory techniques that generally 9403  
would be utilized in an investigation of organized criminal 9404  
activity. To the extent practicable, the investigatory staff shall 9405  
be assembled in such a manner that numerous law enforcement 9406  
agencies within the county or the counties served by the task 9407  
force are represented on the investigatory staff. The 9408  
investigatory staff shall be assembled in such a manner that at 9409  
least one sheriff, deputy sheriff, municipal corporation law 9410  
enforcement officer, or township law enforcement officer from each 9411  
of the counties served by the task force is represented on the 9412  
investigatory staff. A task force director, at any time, may 9413  
remove any member of the investigatory staff the task force 9414  
director has assembled under this division and may replace any 9415  
member so removed according to the guidelines for the initial 9416  
assembly of the investigatory staff. 9417

(3) The commission may provide an organized crime task force 9418  
established under this section with technical and clerical 9419  
employees and with equipment necessary to efficiently conduct its 9420  
investigation into organized criminal activity. 9421

(4) Upon the establishment of a task force, the commission 9422  
shall issue to the task force director and each member of the task 9423  
force investigatory staff appropriate credentials stating the 9424  
person's identity, position, and authority. 9425

(D)(1) A task force investigatory staff, during the period of 9426  
the investigation for which it is assembled, is responsible only 9427  
to the task force director and shall operate under the direction 9428  
and control of the task force director. Any necessary and actual 9429

expenses incurred by a task force director or investigatory staff, 9430  
including any such expenses incurred for food, lodging, or travel, 9431  
and any other necessary and actual expenses of an investigation 9432  
into organized criminal activity conducted by a task force, shall 9433  
be paid by the commission. ~~For~~ 9434

(2) For purposes of workers' compensation and the allocation 9435  
of liability for any death, injury, or damage they may cause in 9436  
the performance of their duties, a task force director and 9437  
investigatory staff, during the period of the investigation for 9438  
which the task force is assembled, shall be considered to be 9439  
employees of the commission and of the state. ~~However, for~~ 9440

(3) For purposes of compensation, pension or indemnity fund 9441  
rights, and other rights and benefits to which they may be 9442  
entitled, a task force director and investigatory staff, during 9443  
the period of the performance of their duties as director and 9444  
investigatory staff, shall be considered to be performing their 9445  
duties in their normal capacity as prosecuting attorney, assistant 9446  
prosecuting attorney, sheriff, deputy sheriff, chief law 9447  
enforcement officer or member of a law enforcement agency of a 9448  
municipal corporation or township, or agent of the bureau of 9449  
criminal identification and investigation. 9450

The commission may reimburse a political subdivision for any 9451  
costs incurred under division (D)(3) of this section resulting 9452  
from the payment of any compensation, rights, or benefits as 9453  
described in that division from the organized crime commission 9454  
fund created in section 177.011 of the Revised Code. 9455

(E) Except as provided in this division, upon the 9456  
establishment of a task force, the commission shall provide the 9457  
prosecuting attorney of each of the counties served by the task 9458  
force with written notice that the task force has been established 9459  
to investigate organized criminal activity in that county. Such 9460  
notice shall not be provided to a prosecuting attorney if it 9461

appears to the commission, based upon the complaint filed and any 9462  
information relative to it or based upon any information that the 9463  
commission may have received, that there is reason to believe that 9464  
the office of that prosecuting attorney is implicated in the 9465  
organized criminal activity to be investigated. 9466

(F) The filing of a complaint alleging organized criminal 9467  
activity, the establishment of an organized crime task force, the 9468  
appointment of a task force director and the identity of the task 9469  
force director, the assembly of an investigatory staff and the 9470  
identity of its members, the conduct of an investigation into 9471  
organized criminal activity, and the identity of any person who is 9472  
being or is expected to be investigated by the task force shall be 9473  
kept confidential by the commission and its director and 9474  
employees, and by the task force and its director, investigatory 9475  
staff, and employees until an indictment is returned or a criminal 9476  
action or proceeding is initiated in a court of proper 9477  
jurisdiction. 9478

(G) For purposes of divisions (C) and (E) of this section, 9479  
the office of a prosecuting attorney shall be considered as being 9480  
implicated in organized criminal activity only if the prosecuting 9481  
attorney, one or more of the prosecuting attorney's assistants, or 9482  
one or more of the prosecuting attorney's employees has committed 9483  
or attempted or conspired to commit, is committing or attempting 9484  
or conspiring to commit, or has engaged in or is engaging in 9485  
complicity in the commission of, organized criminal activity. 9486

**Sec. 183.18.** (A) Ohio's public health priorities trust fund 9487  
is hereby created in the state treasury. All investment earnings 9488  
of the fund shall be credited to the fund. Notwithstanding any 9489  
conflicting provision of the Revised Code, the director of budget 9490  
and management may credit to the fund any money received by the 9491  
state, director of health, or department of health as part of a 9492

settlement agreement relating to a pressing public health issue. 9493

(B) Money credited to the fund shall be used by the director of health for the following purposes: 9494  
9495

~~(A) Minority health programs, on which not less than twenty five per cent of the annual appropriations from the trust fund shall be expended;~~ 9496  
9497  
9498

~~(B) Enforcing section 2927.02 of the Revised Code;~~ 9499

~~(C) Alcohol and drug abuse treatment and prevention programs, including programs for adult and juvenile offenders in state institutions and aftercare programs;~~ 9500  
9501  
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~~(D) A non entitlement program funded through the department of health to provide emergency assistance consisting of medication, oxygen, or both to seniors whose health has been adversely affected by tobacco use and whose income does not exceed one hundred per cent of the federal poverty guidelines, on which five per cent of the annual appropriations from the trust fund shall be expended. However, if federal funding becomes available for this purpose, the department shall utilize the federal funding and the appropriations from the trust fund shall be used for the other purposes authorized by this section. If the federal program requires seniors described by this division to pay a premium or copayment to obtain medication or oxygen, the director of health shall recommend to the general assembly whether this division's set aside of five per cent of the appropriations from the trust fund should be used to pay such premiums or copayments. As used in this division, "federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.~~ 9503  
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~~(E) Partial reimbursement, on a county basis, of hospitals, free medical clinics, and similar organizations or programs that provide free, uncompensated care to the general public, and of counties that pay private entities to provide such care using~~ 9520  
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~~revenue from a property tax levied at least in part for that~~ 9524  
~~purpose (1) To conduct public health awareness and educational~~ 9525  
~~campaigns;~~ 9526

(2) To address any pressing public health issue identified by 9527  
the director or described in the state health improvement plan or 9528  
a successor document prepared for the department of health; 9529

(3) To implement and administer innovative public health 9530  
programs and prevention strategies; 9531

(4) To improve the population health of Ohio. 9532

The director may collaborate with one or more nonprofit 9533  
entities, including a public health foundation, to meet the 9534  
requirements of division (B) of this section. 9535

~~All investment earnings of the fund shall be credited to the~~ 9536  
~~fund.~~ 9537

**Sec. 183.33.** No money shall be appropriated or transferred 9538  
from the general revenue fund to the law enforcement improvements 9539  
trust fund, southern Ohio agricultural and community development 9540  
foundation endowment fund, ~~Ohio's public health priorities trust~~ 9541  
~~fund~~, biomedical research and technology transfer trust fund, 9542  
~~education facilities trust fund~~, or education technology trust 9543  
fund. 9544

**Sec. 307.622.** (A) The health commissioner of the board of 9545  
health of a city or a general health district who is appointed 9546  
under section 307.621 of the Revised Code to establish the child 9547  
fatality review board shall select six members to serve on the 9548  
child fatality review board along with the commissioner. The 9549  
review board shall consist of the following: 9550

(1) A county coroner or designee; 9551

(2) The chief of police of a police department or the sheriff 9552

that serves the greatest population in the county or region or a designee of the chief or sheriff; 9553  
9554

(3) The executive director of a public children services agency or designee; 9555  
9556

(4) A public health official or designee; 9557

(5) The executive director of a board of alcohol, drug addiction, and mental health services or designee; 9558  
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(6) A physician who holds a ~~certificate~~ license issued pursuant to Chapter 4731. of the Revised Code authorizing the practice of medicine and surgery or osteopathic medicine and surgery, specializes in pediatric or family medicine, and currently practices pediatric or family medicine. 9560  
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(B) The majority of the members of a review board may invite additional members to serve on the board. The additional members invited under this division shall serve for a period of time determined by a majority of the members described in division (A) of this section. An additional member shall have the same authority, duties, and responsibilities as members described in division (A) of this section. 9565  
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(C) A vacancy in a child fatality review board shall be filled in the same manner as the original appointment. 9572  
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(D) A child fatality review board member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the board unless compensation for, or payment for expenses incurred pursuant to, those duties is received pursuant to a member's regular employment. 9574  
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**Sec. 319.16.** The county auditor shall issue warrants, including electronic warrants authorizing direct deposit for payment of county obligations in accordance with division (F) of 9580  
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section 9.37 of the Revised Code, on the county treasurer for all 9583  
moneys payable from the county treasury, upon presentation of 9584  
either of the ~~proper~~ following: 9585

(A) The proper court order asserting the expenditure is a 9586  
proper public purpose, redacted as required by law or to maintain 9587  
attorney-client confidentiality. When such a court order is 9588  
presented, the auditor shall have no liability for that 9589  
expenditure; or 9590

(B) The proper order or a voucher and evidentiary matter for 9591  
the moneys, ~~and keep.~~ 9592

The county auditor shall keep a record of all such warrants 9593  
showing the number, date of issue, amount for which drawn, in 9594  
whose favor, for what purpose, and on what fund. The auditor shall 9595  
not issue a warrant for the payment of any claim against the 9596  
county, unless it is allowed by the board of county commissioners, 9597  
except where the amount due is fixed by law or is allowed by an 9598  
officer or tribunal, including a county board of mental health or 9599  
county board of developmental disabilities, so authorized by law. 9600  
If the auditor questions the validity of an expenditure that is 9601  
within available appropriations and for which a proper order or 9602  
voucher and evidentiary matter is presented, the auditor shall 9603  
notify the board, officer, or tribunal who presented the voucher. 9604  
If the board, officer, or tribunal determines that the expenditure 9605  
is valid and the auditor continues to refuse to issue the 9606  
appropriate warrant on the county treasury, a writ of mandamus may 9607  
be sought. The court shall issue a writ of mandamus for issuance 9608  
of the warrant if the court determines that the claim is valid. 9609

Evidentiary matter includes original invoices, receipts, 9610  
bills and checks, and legible copies of contracts. 9611

**Sec. 319.302.** (A)(1) Real property that is not intended 9612  
primarily for use in a business activity shall qualify for a 9613

partial exemption from real property taxation. For purposes of 9614  
this partial exemption, "business activity" includes all uses of 9615  
real property, except farming; leasing property for farming; 9616  
occupying or holding property improved with single-family, 9617  
two-family, or three-family dwellings; leasing property improved 9618  
with single-family, two-family, or three-family dwellings; or 9619  
holding vacant land that the county auditor determines will be 9620  
used for farming or to develop single-family, two-family, or 9621  
three-family dwellings. For purposes of this partial exemption, 9622  
"farming" does not include land used for the commercial production 9623  
of timber that is receiving the tax benefit under section 5713.23 9624  
or 5713.31 of the Revised Code and all improvements connected with 9625  
such commercial production of timber. 9626

(2) Each year, the county auditor shall review each parcel of 9627  
real property to determine whether it qualifies for the partial 9628  
exemption provided for by this section as of the first day of 9629  
January of the current tax year. 9630

(B) After complying with section 319.301 of the Revised Code, 9631  
the county auditor shall reduce the remaining sums to be levied by 9632  
qualifying levies against each parcel of real property that is 9633  
listed on the general tax list and duplicate of real and public 9634  
utility property for the current tax year and that qualifies for 9635  
partial exemption under division (A) of this section, and against 9636  
each manufactured and mobile home that is taxed pursuant to 9637  
division (D)(2) of section 4503.06 of the Revised Code and that is 9638  
on the manufactured home tax list for the current tax year, by ten 9639  
per cent, to provide a partial exemption for that parcel or home. 9640  
For the purposes of this division: 9641

(1) "Qualifying levy" means a levy approved at an election 9642  
held before September 29, 2013; a levy within the ten-mill 9643  
limitation; a levy provided for by the charter of a municipal 9644  
corporation that was levied on the tax list for tax year 2013; a 9645

subsequent renewal of any such levy; or a subsequent substitute 9646  
for such a levy under section 5705.199 of the Revised Code. 9647

(2) "Qualifying levy" does not include any replacement 9648  
imposed under section 5705.192 of the Revised Code of any levy 9649  
described in division (B)(1) of this section. 9650

(C) Except as otherwise provided in sections 323.152, 9651  
323.158, 323.16, 505.06, and 715.263 of the Revised Code, the 9652  
amount of the taxes remaining after any such reduction shall be 9653  
the real and public utility property taxes charged and payable on 9654  
each parcel of real property, including property that does not 9655  
qualify for partial exemption under division (A) of this section, 9656  
and the manufactured home tax charged and payable on each 9657  
manufactured or mobile home, and shall be the amounts certified to 9658  
the county treasurer for collection. Upon receipt of the real and 9659  
public utility property tax duplicate, the treasurer shall certify 9660  
to the tax commissioner the total amount by which the real 9661  
property taxes were reduced under this section, as shown on the 9662  
duplicate. Such reduction shall not directly or indirectly affect 9663  
the determination of the principal amount of notes that may be 9664  
issued in anticipation of any tax levies or the amount of bonds or 9665  
notes for any planned improvements. If after application of 9666  
sections 5705.31 and 5705.32 of the Revised Code and other 9667  
applicable provisions of law, including divisions (F) and (I) of 9668  
section 321.24 of the Revised Code, there would be insufficient 9669  
funds for payment of debt charges on bonds or notes payable from 9670  
taxes reduced by this section, the reduction of taxes provided for 9671  
in this section shall be adjusted to the extent necessary to 9672  
provide funds from such taxes. 9673

(D) The tax commissioner may adopt rules governing the 9674  
administration of the partial exemption provided for by this 9675  
section. 9676

(E) The determination of whether property qualifies for 9677

partial exemption under division (A) of this section is solely for 9678  
the purpose of allowing the partial exemption under division (B) 9679  
of this section. 9680

**Sec. 321.24.** (A) On or before the fifteenth day of February, 9681  
in each year, the county treasurer shall settle with the county 9682  
auditor for all taxes and assessments that the treasurer has 9683  
collected on the general duplicate of real and public utility 9684  
property at the time of making the settlement. If the county 9685  
treasurer has made or will make advance payments to the several 9686  
taxing districts of current year unpaid taxes under section 9687  
321.341 of the Revised Code before collecting them, the county 9688  
treasurer shall take the advance payments into account for 9689  
purposes of the settlement with the county auditor under this 9690  
division. 9691

(B) On or before the thirtieth day of June, in each year, the 9692  
treasurer shall settle with the auditor for all advance payments 9693  
of general personal and classified property taxes that the 9694  
treasurer has received at the time of making the settlement. 9695

(C) On or before the tenth day of August, in each year, the 9696  
treasurer shall settle with the auditor for all taxes and 9697  
assessments that the treasurer has collected on the general 9698  
duplicates of real and public utility property at the time of 9699  
making such settlement, not included in the preceding February 9700  
settlement. If the county treasurer has made or will make advance 9701  
payments to the several taxing districts of the current year 9702  
delinquent taxes under section 321.341 of the Revised Code before 9703  
collecting them, the county treasurer shall take the advance 9704  
payments into account for purposes of the settlement with the 9705  
county auditor under this division. 9706

(D) On or before the thirty-first day of October, in each 9707  
year, the treasurer shall settle with the auditor for all taxes 9708

that the treasurer has collected on the general personal and 9709  
classified property duplicates, and for all advance payments of 9710  
general personal and classified property taxes, not included in 9711  
the preceding June settlement, that the treasurer has received at 9712  
the time of making such settlement. 9713

(E) In the event the time for the payment of taxes is 9714  
extended, pursuant to section 323.17 of the Revised Code, the date 9715  
on or before which settlement for the taxes so extended must be 9716  
made, as herein prescribed, shall be deemed to be extended for a 9717  
like period of time. At each such settlement, the auditor shall 9718  
allow to the treasurer, on the moneys received or collected and 9719  
accounted for by the treasurer, the treasurer's fees, at the rate 9720  
or percentage allowed by law, at a full settlement of the 9721  
treasurer. 9722

(F) Within thirty days after the day of each settlement of 9723  
taxes required under divisions (A) and (C) of this section, the 9724  
treasurer shall certify to the tax commissioner any adjustments 9725  
that have been made to the amount certified previously pursuant to 9726  
section 319.302 of the Revised Code and that the settlement has 9727  
been completed. Upon receipt of such certification, the 9728  
commissioner shall provide for payment to the county treasurer 9729  
from the general revenue fund of an amount equal to one-half of 9730  
the amount certified by the treasurer in the preceding tax year 9731  
under section 319.302 of the Revised Code, less the sum of (1) 9732  
one-half of the amount computed for all taxing districts in that 9733  
county for the current fiscal year under section 5703.80 of the 9734  
Revised Code for crediting to the property tax administration fund 9735  
and (2) any reduction required by the commissioner under division 9736  
(D) of section 718.83 of the Revised Code. Such payment shall be 9737  
credited upon receipt to the county's undivided income tax fund, 9738  
and the county auditor shall transfer to the county general fund 9739  
from the amount thereof the total amount of all fees and charges 9740

which the auditor and treasurer would have been authorized to 9741  
receive had such section not been in effect and that amount had 9742  
been levied and collected as taxes. The county auditor shall 9743  
distribute the amount remaining among the various taxing districts 9744  
in the county as if it had been levied, collected, and settled as 9745  
real property taxes. The amount distributed to each taxing 9746  
district shall be reduced by the total of the amounts computed for 9747  
the district under section 5703.80 of the Revised Code, but the 9748  
reduction shall not exceed the amount that otherwise would be 9749  
distributed to the taxing district under this division. The amount 9750  
distributed to a taxing district shall account for any reduction 9751  
required by the commissioner under division (D) of section 718.83 9752  
of the Revised Code. The tax commissioner shall make available to 9753  
taxing districts such information as is sufficient for a taxing 9754  
district to be able to determine the amount of the reduction in 9755  
its distribution under this section. 9756

(G)(1) Within thirty days after the day of the settlement 9757  
required in division (D) of this section, the county treasurer 9758  
shall notify the tax commissioner that the settlement has been 9759  
completed. Upon receipt of that notification, the commissioner 9760  
shall provide for payment to the county treasurer from the general 9761  
revenue fund of an amount equal to the amount certified under 9762  
former section 319.311 of the Revised Code and paid in the state's 9763  
fiscal year 2003 multiplied by the percentage specified in 9764  
division (G)(2) of this section. The payment shall be credited 9765  
upon receipt to the county's undivided income tax fund, and the 9766  
county auditor shall distribute the amount thereof among the 9767  
various taxing districts of the county as if it had been levied, 9768  
collected, and settled as personal property taxes. The amount 9769  
received by a taxing district under this division shall be 9770  
apportioned among its funds in the same proportion as the current 9771  
year's personal property taxes are apportioned. 9772

(2) Payments required under division (G)(1) of this section shall be made at the following percentages of the amount certified under former section 319.311 of the Revised Code and paid under division (G)(1) of this section in the state's fiscal year 2003:

- (a) In fiscal year 2004, ninety per cent;
- (b) In fiscal year 2005, eighty per cent;
- (c) In fiscal year 2006, sixty-four per cent;
- (d) In fiscal year 2007, forty per cent;
- (e) In fiscal year 2008, thirty-two per cent;
- (f) In fiscal year 2009, sixteen per cent.

After fiscal year 2009, no payments shall be made under division (G)(1) of this section.

(H)(1) On or before the fifteenth day of April each year, the county treasurer shall settle with the county auditor for all manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(2) On or before the fifteenth day of September each year, the county treasurer shall settle with the county auditor for all remaining manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(3) If the time for payment of such taxes is extended under section 4503.06 of the Revised Code, the time for making the settlement as prescribed by divisions (H)(1) and (2) of this section is extended for a like period of time.

(I) On or before the second Monday in September of each year, the county treasurer shall certify to the tax commissioner the total amount by which the manufactured home taxes levied in that year were reduced pursuant to section 319.302 of the Revised Code.

Within ninety days after the receipt of such certification, the 9803  
commissioner shall provide for payment to the county treasurer 9804  
from the general revenue fund of an amount equal to the amount 9805  
certified by the treasurer. Such payment shall be credited upon 9806  
receipt to the county's undivided income tax fund, and the county 9807  
auditor shall transfer to the county general fund from the amount 9808  
thereof the total amount of all fees and charges that the auditor 9809  
and treasurer would have been authorized to receive had such 9810  
section not been in effect and that amount had been levied and 9811  
collected as manufactured home taxes. The county auditor shall 9812  
distribute the amount remaining among the various taxing districts 9813  
in the county as if it had been levied, collected, and settled as 9814  
manufactured home taxes. 9815

**Sec. 323.151.** As used in sections 323.151 to 323.159 of the 9816  
Revised Code: 9817

(A)(1) "Homestead" means either of the following: 9818

(a) A dwelling, including a unit in a multiple-unit dwelling 9819  
and a manufactured home or mobile home taxed as real property 9820  
pursuant to division (B) of section 4503.06 of the Revised Code, 9821  
owned and occupied as a home by an individual whose domicile is in 9822  
this state and who has not acquired ownership from a person, other 9823  
than the individual's spouse, related by consanguinity or affinity 9824  
for the purpose of qualifying for the real property tax reduction 9825  
provided in section 323.152 of the Revised Code. 9826

(b) A unit in a housing cooperative that is occupied as a 9827  
home, but not owned, by an individual whose domicile is in this 9828  
state. 9829

(2) The homestead shall include so much of the land 9830  
surrounding it, not exceeding one acre, as is reasonably necessary 9831  
for the use of the dwelling or unit as a home. An owner includes a 9832  
holder of one of the several estates in fee, a vendee in 9833

possession under a purchase agreement or a land contract, a 9834  
mortgagor, a life tenant, one or more tenants with a right of 9835  
survivorship, tenants in common, and a settlor of a revocable or 9836  
irrevocable inter vivos trust holding the title to a homestead 9837  
occupied by the settlor as of right under the trust. The tax 9838  
commissioner shall adopt rules for the uniform classification and 9839  
valuation of real property or portions of real property as 9840  
homesteads. 9841

(B) "Sixty-five years of age or older" means a person who has 9842  
attained age sixty-four prior to the first day of January of the 9843  
year of application for reduction in real estate taxes. 9844

(C) "Total income" means ~~Ohio~~ modified adjusted gross income, 9845  
as that term is defined in section 5747.01 of the Revised Code, of 9846  
the owner and the owner's spouse for the year preceding the year 9847  
in which application for a reduction in taxes is made, ~~as~~ 9848  
~~determined under division (A) of section 5747.01 of the Revised~~ 9849  
~~Code.~~ 9850

(D) "Permanently and totally disabled" means that a person 9851  
other than a disabled veteran has, on the first day of January of 9852  
the year of application for reduction in real estate taxes, some 9853  
impairment in body or mind that makes the person unable to work at 9854  
any substantially remunerative employment that the person is 9855  
reasonably able to perform and that will, with reasonable 9856  
probability, continue for an indefinite period of at least twelve 9857  
months without any present indication of recovery therefrom or has 9858  
been certified as permanently and totally disabled by a state or 9859  
federal agency having the function of so classifying persons. 9860

(E) "Housing cooperative" means a housing complex of at least 9861  
two units that is owned and operated by a nonprofit corporation 9862  
that issues a share of the corporation's stock to an individual, 9863  
entitling the individual to live in a unit of the complex, and 9864  
collects a monthly maintenance fee from the individual to 9865

maintain, operate, and pay the taxes of the complex. 9866

(F) "Disabled veteran" means a person who is a veteran of the 9867  
armed forces of the United States, including reserve components 9868  
thereof, or of the national guard, who has been discharged or 9869  
released from active duty in the armed forces under honorable 9870  
conditions, and who has received a total disability rating or a 9871  
total disability rating for compensation based on individual 9872  
unemployability for a service-connected disability or combination 9873  
of service-connected disabilities as prescribed in Title 38, Part 9874  
4 of the Code of Federal Regulations, as amended. 9875

**Sec. 323.155.** The tax bill prescribed under section 323.131 9876  
of the Revised Code shall indicate the net amount of taxes due 9877  
following the reductions in taxes under sections 319.301, 319.302, 9878  
~~and~~ 323.152, and 323.16 of the Revised Code. 9879

Any reduction in taxes under section 323.152 of the Revised 9880  
Code shall be disregarded as income or resources in determining 9881  
eligibility for any program or calculating any payment under Title 9882  
LI of the Revised Code. 9883

**Sec. 323.16.** (A) As used in this section: 9884

(1) "Qualifying child care center" means real property on 9885  
which a licensed child care program operates. For purposes of this 9886  
division, "licensed child care program" means a licensed child 9887  
care program, as defined in section 5104.01 of the Revised Code, 9888  
that meets all of the following requirements: 9889

(a) The program only serves children under six years of age; 9890

(b) At least twenty-five per cent of the children in the 9891  
program reside in a household that receives public assistance; 9892

(c) The program is not operated from the permanent residence 9893  
of the licensee or administrator or from a location that is also 9894

used for a separate commercial purpose. 9895

(2) "Public assistance" means benefits or assistance provided 9896  
under any of the following government programs: 9897

(a) The publicly funded child care program authorized by 9898  
Chapter 5104. of the Revised Code; 9899

(b) Medicaid. 9900

(3) The Ohio works first program established by Chapter 5107. 9901  
of the Revised Code; 9902

(4) The supplemental nutrition assistance program 9903  
administered by the department of job and family services under 9904  
section 5101.54 of the Revised Code; 9905

(5) The special supplemental nutrition program for women, 9906  
infants, and children administered by the department of health 9907  
under section 3701.132 of the Revised Code. 9908

(B) A partial real property tax exemption is allowed to a 9909  
qualifying child care center for each tax year for which an 9910  
application for the partial exemption has been approved. The 9911  
partial exemption shall take the form of a percentage reduction in 9912  
the real property taxes levied on the qualifying child care 9913  
center. That percentage shall equal one of the following: 9914

(1) Twenty-five per cent, if at least twenty-five per cent, 9915  
but less than fifty per cent, of the children that attend the 9916  
qualifying child care center reside in a household that receives 9917  
public assistance; 9918

(2) Seventy-five per cent, if at least fifty per cent of the 9919  
children that attend the qualifying child care center reside in a 9920  
household that receives public assistance. 9921

After complying with section 319.301 of the Revised Code, the 9922  
county auditor shall reduce the remaining sum to be levied against 9923  
a qualifying child care center by the applicable percentage. The 9924

auditor shall certify the amount of taxes remaining after the 9925  
reduction to the county treasurer for collection as the real 9926  
property taxes charged and payable on the qualifying child care 9927  
center. 9928

(C)(1) To obtain the partial exemption, the owner of a 9929  
qualifying child care center shall file an application each year 9930  
with the county auditor of the county in which the center is 9931  
located. The application shall be filed on or before the 9932  
thirty-first day of December of the year for which the partial 9933  
exemption is sought. The tax commissioner shall prescribe the form 9934  
of the application, which shall contain a statement that 9935  
conviction of willfully falsifying information to obtain the 9936  
partial exemption results in the revocation of the right to the 9937  
partial exemption for a period of three years. 9938

(2) The county auditor shall approve or deny an application 9939  
for the partial exemption within thirty days after receiving the 9940  
application. Notification shall be provided on a form prescribed 9941  
by the tax commissioner. If the application is approved, upon 9942  
issuance of the notification the county auditor shall record the 9943  
partial exemption in the appropriate column on the general tax 9944  
list and duplicate of real and public utility property. If the 9945  
application is denied, the notification shall inform the applicant 9946  
of the reasons for the denial. 9947

If an applicant believes that the application for the partial 9948  
exemption has been improperly denied for a tax year, the applicant 9949  
may file an appeal with the county board of revision on or before 9950  
the last day of March of the ensuing tax year. The appeal shall be 9951  
treated in the same manner as a complaint relating to the 9952  
valuation or assessment of real property under Chapter 5715. of 9953  
the Revised Code. 9954

**Sec. 341.34.** (A) As used in this section, "building or 9955

structure" includes, but is not limited to, a modular unit, 9956  
building, or structure and a movable unit, building, or structure. 9957

(B)(1) The board of county commissioners of any county, by 9958  
resolution, may dedicate and permit the use, as a minimum security 9959  
jail, of any vacant or abandoned public building or structure 9960  
owned by the county that has not been dedicated to or is not then 9961  
in use for any county or other public purpose, or any building or 9962  
structure rented or leased by the county. The board of county 9963  
commissioners of any county, by resolution, also may dedicate and 9964  
permit the use, as a minimum security jail, of any building or 9965  
structure purchased by or constructed by or for the county. 9966  
Subject to divisions (B)(3) and (C) of this section, upon the 9967  
effective date of such a resolution, the specified building or 9968  
structure shall be used, in accordance with this section, for the 9969  
confinement of persons who meet one of the following conditions: 9970

(a) The person is sentenced to a term of imprisonment for a 9971  
traffic violation or a misdemeanor or is sentenced to a 9972  
residential sanction in the jail for a felony of the fourth or 9973  
fifth degree pursuant to sections 2929.11 to 2929.19 of the 9974  
Revised Code, and the jail administrator or the jail 9975  
administrator's designee has classified the person as a minimal 9976  
security risk. In determining the person's classification under 9977  
this division, the administrator or designee shall consider all 9978  
relevant factors, including, but not limited to, the person's 9979  
escape risk and propensity for assaultive or violent behavior, 9980  
based upon the person's prior and current behavior. 9981

(b) The person is charged with a traffic violation, a 9982  
misdemeanor, or a felony of the fourth or fifth degree and has had 9983  
bail set and has not been released on bail and is confined in a 9984  
county or municipal jail pending trial, and the jail administrator 9985  
or the jail administrator's designee has classified the person as 9986  
a minimal security risk. In determining the person's 9987

classification under this division, the administrator or designee 9988  
shall consider all relevant factors, including, but not limited 9989  
to, the person's escape risk and propensity for assaultive or 9990  
violent behavior, based upon the person's prior and current 9991  
behavior. Nothing in this division authorizes the operation or 9992  
management of a minimum security jail by a private entity. 9993

(c) The person is an inmate transferred by order of a judge 9994  
of the sentencing court upon the request of the sheriff, 9995  
administrator, jailer, or other person responsible for operating 9996  
the jail other than a contractor as defined in section 9.06 of the 9997  
Revised Code, who is named in the request as being suitable for 9998  
confinement in a minimum security facility. 9999

(2) The board of county commissioners of any county, by 10000  
resolution, may affiliate with one or more adjacent counties, or 10001  
with one or more municipal corporations located within the county 10002  
or within an adjacent county, and dedicate and permit the use, as 10003  
a minimum security jail, of any vacant or abandoned public 10004  
building or structure owned by any of the affiliating counties or 10005  
municipal corporations that has not been dedicated to or is not 10006  
then in use for any public purpose, or any building or structure 10007  
rented or leased by any of the affiliating counties or municipal 10008  
corporations. The board of county commissioners of any county, by 10009  
resolution, also may affiliate with one or more adjacent counties 10010  
or with one or more municipal corporations located within the 10011  
county or within an adjacent county and dedicate and permit the 10012  
use, as a minimum security jail, of any building or structure 10013  
purchased by or constructed by or for any of the affiliating 10014  
counties or municipal corporations. Any counties and municipal 10015  
corporations that affiliate for purposes of this division shall 10016  
enter into an agreement that establishes the responsibilities for 10017  
the operation and for the cost of operation of the minimum 10018  
security jail. Subject to divisions (B)(3) and (C) of this 10019

section, upon the effective date of a resolution adopted under 10020  
this division, the specified building or structure shall be used, 10021  
in accordance with this section, for the confinement of persons 10022  
who meet one of the following conditions: 10023

(a) The person is sentenced to a term of imprisonment for a 10024  
traffic violation, a misdemeanor, or a violation of an ordinance 10025  
of any municipal corporation, or is sentenced to a residential 10026  
sanction in the jail for a felony of the fourth or fifth degree 10027  
pursuant to sections 2929.11 to 2929.19 of the Revised Code, and 10028  
the jail administrator or the jail administrator's designee has 10029  
classified the person as a minimal security risk. In determining 10030  
the person's classification under this division, the administrator 10031  
or designee shall consider all relevant factors, including, but 10032  
not limited to, the person's escape risk and propensity for 10033  
assaultive or violent behavior, based upon the person's prior and 10034  
current behavior. 10035

(b) The person is charged with a traffic violation, a 10036  
misdemeanor, or a felony of the fourth or fifth degree and has had 10037  
bail set and has not been released on bail and is confined in a 10038  
county jail pending trial, and the jail administrator or the jail 10039  
administrator's designee has classified the person as a minimal 10040  
security risk. In determining the person's classification under 10041  
this division, the administrator or designee shall consider all 10042  
relevant factors, including, but not limited to, the person's 10043  
escape risk and propensity for assaultive or violent behavior, 10044  
based upon the person's prior and current behavior. Nothing in 10045  
this division authorizes the operation or management of a minimum 10046  
security jail by a private entity. 10047

(c) The person is an inmate transferred by order of a judge 10048  
of the sentencing court upon the request of the sheriff, 10049  
administrator, jailer, or other person responsible for operating 10050  
the jail other than a contractor as defined in section 9.06 of the 10051

Revised Code, who is named in the request as being suitable for 10052  
confinement in a minimum security facility. 10053

(3) No person shall be confined in a building or structure 10054  
dedicated as a minimum security jail under division (B)(1) or (2) 10055  
of this section unless the judge who sentenced the person to the 10056  
term of imprisonment for the traffic violation or the misdemeanor 10057  
specifies that the term of imprisonment is to be served in that 10058  
jail, and division (B)(1) or (2) of this section permits the 10059  
confinement of the person in that jail or unless the judge who 10060  
sentenced the person to the residential sanction for the felony 10061  
specifies that the residential sanction is to be served in a jail, 10062  
and division (B)(1) or (2) of this section permits the confinement 10063  
of the person in that jail. If a rented or leased building or 10064  
structure is so dedicated, the building or structure may be used 10065  
as a minimum security jail only during the period that it is 10066  
rented or leased by the county or by an affiliated county or 10067  
municipal corporation. If a person convicted of a misdemeanor is 10068  
confined to a building or structure dedicated as a minimum 10069  
security jail under division (B)(1) or (2) of this section and the 10070  
sheriff, administrator, jailer, or other person responsible for 10071  
operating the jail other than a contractor as defined in section 10072  
9.06 of the Revised Code determines that it would be more 10073  
appropriate for the person so confined to be confined in another 10074  
jail or workhouse facility, the sheriff, administrator, jailer, or 10075  
other person may transfer the person so confined to a more 10076  
appropriate jail or workhouse facility. 10077

(C) All of the following apply to a building or structure 10078  
that is dedicated pursuant to division (B)(1) or (2) of this 10079  
section for use as a minimum security jail: 10080

(1) To the extent that the use of the building or structure 10081  
as a minimum security jail requires a variance from any county, 10082  
municipal corporation, or township zoning regulations or 10083

ordinances, the variance shall be granted. 10084

(2) Except as provided in this section, the building or 10085  
structure shall not be used to confine any person unless it is in 10086  
substantial compliance with any applicable housing, fire 10087  
prevention, sanitation, health, and safety codes, regulations, or 10088  
standards. 10089

(3) Unless such satisfaction or compliance is required under 10090  
the standards described in division (C)(4) of this section, and 10091  
notwithstanding any other provision of state or local law to the 10092  
contrary, the building or structure need not satisfy or comply 10093  
with any state or local building standard or code in order to be 10094  
used to confine a person for the purposes specified in division 10095  
(B) of this section. 10096

(4) The building or structure shall not be used to confine 10097  
any person unless it is in compliance with all minimum standards 10098  
and minimum renovation, modification, and construction criteria 10099  
for ~~minimum security~~ jails that have been proposed by the 10100  
department of rehabilitation and correction, through its bureau of 10101  
adult detention, under section 5120.10 of the Revised Code. 10102

(5) The building or structure need not be renovated or 10103  
modified into a secure detention facility in order to be used 10104  
solely to confine a person for the purposes specified in divisions 10105  
(B)(1)(a) or (b) and (B)(2)(a) or (b) of this section. 10106

(6) The building or structure shall be used, equipped, 10107  
furnished, and staffed in the manner necessary to provide adequate 10108  
and suitable living, sleeping, food service or preparation, 10109  
drinking, bathing and toilet, sanitation, and other necessary 10110  
facilities, furnishings, and equipment. 10111

(D) Except as provided in this section, a minimum security 10112  
jail dedicated and used under this section shall be considered to 10113  
be part of the jail, workhouse, or other correctional facilities 10114

of the county or the affiliated counties and municipal 10115  
corporations for all purposes under the law. All persons confined 10116  
in such a minimum security jail shall be and shall remain, in all 10117  
respects, under the control of the county authority that has 10118  
responsibility for the management and operation of the jail, 10119  
workhouse, or other correctional facilities of the county or, if 10120  
it is operated by any affiliation of counties or municipal 10121  
corporations, under the control of the specified county or 10122  
municipal corporation with that authority, provided that, if the 10123  
person was convicted of a felony and is serving a residential 10124  
sanction in the facility, all provisions of law that pertain to 10125  
persons convicted of a felony that would not by their nature 10126  
clearly be inapplicable apply regarding the person. A minimum 10127  
security jail dedicated and used under this section shall be 10128  
managed and maintained in accordance with policies and procedures 10129  
adopted by the board of county commissioners or the affiliated 10130  
counties and municipal corporations governing the safe and 10131  
healthful operation of the jail, the confinement and supervision 10132  
of the persons sentenced to it, and their participation in work 10133  
release or similar rehabilitation programs. In addition to other 10134  
rules of conduct and discipline, the rights of ingress and egress 10135  
of persons confined in a minimum security jail dedicated and used 10136  
under this section shall be subject to reasonable restrictions. 10137  
Every person confined in a minimum security jail dedicated and 10138  
used under this section shall be given verbal and written 10139  
notification, at the time of the person's admission to the jail, 10140  
that purposely leaving, or purposely failing to return to, the 10141  
jail without proper authority or permission constitutes the felony 10142  
offense of escape. 10143

(E) If a person who has been convicted of or pleaded guilty 10144  
to an offense is sentenced to a term of imprisonment or a 10145  
residential sanction in a minimum security jail as described in 10146  
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 10147

an inmate transferred to a minimum security jail by order of a 10148  
judge of the sentencing court as described in division (B)(1)(c) 10149  
or (B)(2)(c) of this section, at the time of reception and at 10150  
other times the person in charge of the operation of the jail 10151  
determines to be appropriate, the sheriff or other person in 10152  
charge of the operation of the jail may cause the convicted 10153  
offender to be examined and tested for tuberculosis, HIV 10154  
infection, hepatitis, including but not limited to hepatitis A, B, 10155  
and C, and other contagious diseases. The person in charge of the 10156  
operation of the jail may cause a convicted offender in the jail 10157  
who refuses to be tested or treated for tuberculosis, HIV 10158  
infection, hepatitis, including but not limited to hepatitis A, B, 10159  
and C, or another contagious disease to be tested and treated 10160  
involuntarily. 10161

**Sec. 351.021.** (A) The resolution of the county commissioners 10162  
creating a convention facilities authority, or any amendment or 10163  
supplement to that resolution, may authorize the authority to levy 10164  
one or both of the excise taxes authorized by division (B) of this 10165  
section to pay the cost of one or more facilities; to pay 10166  
principal, interest, and premium on convention facilities 10167  
authority tax anticipation bonds issued to pay those costs; to pay 10168  
the operating costs of the authority; to pay operating and 10169  
maintenance costs of those facilities; and to pay the costs of 10170  
administering the excise tax. 10171

(B) The board of directors of a convention facilities 10172  
authority that has been authorized pursuant to resolution adopted, 10173  
amended, or supplemented by the board of county commissioners 10174  
pursuant to division (A) of this section may levy, by resolution 10175  
adopted on or before December 31, 1988, either or both of the 10176  
following: 10177

(1) Within the territory of the authority, an additional 10178

excise tax not to exceed four per cent on each transaction. The 10179  
excise tax authorized by division (B)(1) of this section shall be 10180  
in addition to any excise tax levied pursuant to section 5739.08 10181  
or 5739.09 of the Revised Code, or division (B)(2) of this 10182  
section. 10183

(2) Within that portion of any municipal corporation that is 10184  
located within the territory of the authority or within the 10185  
boundaries of any township that is located within the territory of 10186  
the authority, which municipal corporation or township is levying 10187  
any portion of the excise tax authorized by division (A) of 10188  
section 5739.08 of the Revised Code, and with the approval, by 10189  
ordinance or resolution, of the legislative authority of that 10190  
municipal corporation or township, an additional excise tax not to 10191  
exceed nine-tenths of one per cent on each transaction. The excise 10192  
tax authorized by division (B)(2) of this section may be levied 10193  
only if, on the effective date of the levy specified in the 10194  
resolution making the levy, the amount being levied pursuant to 10195  
division (A) of section 5739.08 of the Revised Code by each 10196  
municipal corporation or township in which the tax authorized by 10197  
division (B)(2) of this section will be levied, when added to the 10198  
amount levied under division (B)(2) of this section, does not 10199  
exceed three per cent on each transaction. The excise tax 10200  
authorized by division (B)(2) of this section shall be in addition 10201  
to any excise tax that is levied pursuant to section 5739.08 or 10202  
5739.09 of the Revised Code, or division (B)(1) of this section. 10203

(C)(1) The board of directors of a convention facilities 10204  
authority that is located in an eligible Appalachian county; that 10205  
has been authorized pursuant to resolution adopted, amended, or 10206  
supplemented by the board of county commissioners pursuant to 10207  
division (A) of this section; and that is not levying a tax under 10208  
division (B)(1) or (2) of this section may levy within the 10209  
territory of the authority, by resolution adopted on or before 10210

December 31, 2005, an additional excise tax not to exceed three 10211  
per cent on each transaction. The excise tax authorized under 10212  
division (C)(1) of this section shall be in addition to any excise 10213  
tax levied pursuant to section 5739.08 or 5739.09 of the Revised 10214  
Code. 10215

As used in division (C)(1) of this section, "eligible 10216  
Appalachian county" means a county in this state designated as 10217  
being in the "Appalachian region" under the "Appalachian Regional 10218  
Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and 10219  
having a population less than eighty thousand according to the 10220  
most recent federal decennial census. 10221

(2) Division (C)(2) of this section applies only to a 10222  
convention facilities authority located in a county with a 10223  
population, according to the 2000 federal decennial census, of at 10224  
least one hundred thirty-five thousand and not more than one 10225  
hundred fifty thousand and containing entirely within its 10226  
boundaries the territory of a municipal corporation with a 10227  
population according to that census of more than fifty thousand. 10228  
The board of directors of such a convention facilities authority, 10229  
by resolution adopted on or before November 1, 2009, may levy 10230  
within the territory of the authority an excise tax on 10231  
transactions by which lodging by a hotel is or is to be furnished 10232  
to transient guests at a rate not to exceed three per cent on such 10233  
transactions for the same purposes for which a tax may be levied 10234  
under division (B) of this section. The resolution may be adopted 10235  
only if the board of county commissioners of the county, by 10236  
resolution, authorizes the levy of the tax. The resolution of the 10237  
board of county commissioners is subject to referendum as 10238  
prescribed by sections 305.31 to 305.41 of the Revised Code. If, 10239  
pursuant to those procedures, a referendum is to be held, the 10240  
board's resolution does not take effect until approved by a 10241  
majority of electors voting on the question. The convention 10242

facilities authority may adopt the resolution authorized by 10243  
division (C)(2) of this section before the election, but the 10244  
authority's resolution shall not take effect if the board of 10245  
commissioners' resolution is not approved at the election. A tax 10246  
levied under division (C)(2) of this section is in addition to any 10247  
tax levied under section 5739.09 of the Revised Code. 10248

(D) The authority shall provide for the administration and 10249  
allocation of an excise tax levied pursuant to division (B) or (C) 10250  
of this section. All receipts arising from those excise taxes 10251  
shall be expended for the purposes provided in, and in accordance 10252  
with this section and section 351.141 of the Revised Code. An 10253  
excise tax levied under division (B) or (C) of this section shall 10254  
remain in effect at the rate at which it is levied for at least 10255  
the duration of the period for which the receipts from the tax 10256  
have been anticipated and pledged pursuant to section 351.141 of 10257  
the Revised Code. 10258

(E) Except as provided in division (B)(2) of this section, 10259  
the levy of an excise tax on each transaction pursuant to sections 10260  
5739.08 and 5739.09 of the Revised Code does not prevent a 10261  
convention facilities authority from levying an excise tax 10262  
pursuant to division (B) or (C) of this section. 10263

(F) A convention facilities authority located in a county 10264  
with a population greater than eighty thousand but less than 10265  
ninety thousand according to the 2010 federal decennial census 10266  
that levies a tax under division (B) of this section may amend the 10267  
resolution levying the tax to allocate a portion of the revenue 10268  
from the tax for support of tourism-related sites or facilities 10269  
and programs operated by the county or a municipal corporation 10270  
within the county in which the authority is located or for the 10271  
purpose of leasing lands for county fairs, erecting buildings for 10272  
county fair purposes, making improvements on a county fairground, 10273  
or for any purpose connected with the use of a county fairground 10274

or with the management thereof by the county in which the 10275  
authority is located. The revenue allocated by the authority for 10276  
such purposes in a calendar year shall not exceed fifteen per cent 10277  
of the total revenue from the tax in the preceding calendar year. 10278

(G) A tax levied by a convention facilities authority under 10279  
this section on transactions by which lodging by a hotel is or is 10280  
to be furnished to transient guests, if the transaction is 10281  
conducted through a hotel intermediary, shall be levied on the 10282  
basis of the lodging's fair market value. The hotel intermediary 10283  
shall collect the tax due from the purchaser and remit it to the 10284  
convention facilities authority. As used in this division, 10285  
"lodging's fair market value" and "hotel intermediary" have the 10286  
same meanings as in section 5739.01 of the Revised Code. 10287

**Sec. 353.06.** As used in this section, "hotel," "lodging's 10288  
fair market value," "hotel intermediary," and "transient guests" 10289  
have the same meanings as in section 5739.01 of the Revised Code. 10290

A resolution creating a lake facilities authority under 10291  
section 353.02 of the Revised Code, or any amendments or 10292  
supplements thereto, may authorize the authority to levy an excise 10293  
tax on transactions by which lodging in a hotel is or is to be 10294  
furnished to transient guests to pay any costs authorized under 10295  
this chapter; to pay principal, interest, and premium on lake 10296  
facilities authority tax anticipation bonds issued to pay those 10297  
costs; to pay the operating costs of the authority; and to pay the 10298  
costs of administering the tax. 10299

Upon the affirmative vote of at least a majority of the 10300  
qualified electors in a primary or general election within the 10301  
impacted lake district voting at an election held for the purpose 10302  
of authorizing the tax, the board of directors of a lake 10303  
facilities authority authorized to levy a tax under this section 10304  
may, by resolution, levy an additional excise tax within the 10305

territory of the impacted lake district on all transactions by 10306  
which lodging in a hotel is or is to be furnished to transient 10307  
guests. The rate of the tax, when added to the aggregate rate of 10308  
excise taxes levied in the impacted lake district pursuant to 10309  
section 351.021, 5739.08, or 5739.09 of the Revised Code, shall 10310  
not cause the total aggregate rate to exceed five per cent on any 10311  
such transaction. 10312

The lake facilities authority shall provide for the 10313  
administration and allocation of a tax levied pursuant to this 10314  
section. All receipts arising from the tax shall be expended for 10315  
the purposes provided in, and in accordance with, this section. An 10316  
excise tax levied under this section shall remain in effect at the 10317  
rate at which it is levied for at least the duration of the period 10318  
for which the receipts from the tax have been anticipated and 10319  
pledged pursuant to section 353.08 of the Revised Code. 10320

The form of the ballot in an election held on the question of 10321  
levying a tax proposed pursuant to this section shall be as 10322  
follows or in any other form acceptable to the secretary of state: 10323

"An excise tax on all transactions by which lodging in a 10324  
hotel is or is to be furnished to transient guests within the 10325  
territory of the (name of impacted lake district) ..... for 10326  
the purpose of ..... at a rate of ..... for ..... 10327  
(number of years the tax is to be levied). 10328

	For the Excise Tax
	Against the Excise Tax

"

10329  
10330  
10331  
10332  
A tax levied by a lake facilities authority under this 10333  
section on transactions by which lodging by a hotel is or is to be 10334  
furnished to transient guests, if the transaction is conducted 10335  
through a hotel intermediary, shall be levied on the basis of the 10336  
lodging's fair market value. The hotel intermediary shall collect

the tax due from the purchaser and remit it to the lake facilities 10337  
authority. 10338

**Sec. 505.262.** (A) Notwithstanding division (D) of section 10339  
505.37 of the Revised Code or any other statute of this state and 10340  
subject to division (C) of this section, the board of township 10341  
trustees of any township, by unanimous vote, may adopt a 10342  
resolution allowing the township to contract for the purchase of 10343  
equipment, buildings, and sites, or for the construction of 10344  
buildings, for any lawful township purpose. The board may issue, 10345  
by resolution adopted by unanimous vote, securities of the 10346  
township to finance purchases and construction made pursuant to 10347  
this division. The securities shall be signed by the board and 10348  
attested by the signature of the township fiscal officer, and the 10349  
maximum maturity of those securities is subject to the limitations 10350  
in section 133.20 of the Revised Code. The securities shall bear 10351  
interest not to exceed the rate determined as provided in section 10352  
9.95 of the Revised Code and shall not be subject to Chapter 133. 10353  
of the Revised Code. The resolution authorizing the issuance of 10354  
the securities shall provide for levying and collecting annually 10355  
by taxation, amounts sufficient to pay the interest on and 10356  
principal of the securities. The securities may contain a clause 10357  
permitting prepayment at the option of the board. Securities shall 10358  
be offered for sale on the open market or given to the vendor or 10359  
contractor if no sale is made. 10360

(B) No purchase or construction pursuant to division (A) of 10361  
this section shall be undertaken unless the county auditor 10362  
certifies that, if the purchase or construction is undertaken, the 10363  
debt service charge for the purchase or construction in the first 10364  
year, together with the debt service charge for that same year for 10365  
any other purchase or construction already undertaken pursuant to 10366  
division (A) of this section, does not exceed one-tenth of the 10367  
township's total revenue from all sources. If the county auditor 10368

so certifies, in every year of the debt after the first year, the 10369  
county budget commission shall include a debt charge in the 10370  
township's annual tax budget submitted pursuant to sections 10371  
5705.01 to 5705.47 of the Revised Code sufficient to meet the 10372  
annual debt incurred pursuant to division (A) of this section, if 10373  
the debt charge is omitted from the budget. 10374

(C) A board of township trustees of an urban township as 10375  
defined in section 504.01 of the Revised Code may adopt a 10376  
resolution to require a majority vote rather than a unanimous vote 10377  
for the purposes of contracting for or issuing securities for the 10378  
construction of buildings under division (A) of this section. 10379

**Sec. 505.37.** (A) The board of township trustees may establish 10380  
all necessary rules to guard against the occurrence of fires and 10381  
to protect the property and lives of the citizens against damage 10382  
and accidents, and may, with the approval of the specifications by 10383  
the prosecuting attorney or, if the township has adopted limited 10384  
home rule government under Chapter 504. of the Revised Code, with 10385  
the approval of the specifications by the township's law director, 10386  
purchase, lease, lease with an option to purchase, or otherwise 10387  
provide any fire apparatus, mechanical resuscitators, underwater 10388  
rescue and recovery equipment, or other fire equipment, 10389  
appliances, materials, fire hydrants, and water supply for 10390  
fire-fighting and fire and rescue purposes that seems advisable to 10391  
the board. The board shall provide for the care and maintenance of 10392  
such fire equipment, and, for these purposes, may purchase, lease, 10393  
lease with an option to purchase, or construct and maintain 10394  
necessary buildings, and it may establish and maintain lines of 10395  
fire-alarm communications within the limits of the township. The 10396  
board may employ one or more persons to maintain and operate such 10397  
fire equipment, or it may enter into an agreement with a volunteer 10398  
fire company for the use and operation of the equipment. The board 10399  
may compensate the members of a volunteer fire company on any 10400

basis and in any amount that it considers equitable. 10401

10402

When the estimated cost to purchase fire apparatus, 10403

mechanical resuscitators, underwater rescue and recovery 10404

equipment, or other fire equipment, appliances, materials, fire 10405

hydrants, buildings, or fire-alarm communications equipment or 10406

services exceeds fifty thousand dollars, the contract shall be let 10407

by competitive bidding. When competitive bidding is required, the 10408

board shall advertise once a week for not less than two 10409

consecutive weeks in a newspaper of general circulation within the 10410

township. The board may also cause notice to be inserted in trade 10411

papers or other publications designated by it or to be distributed 10412

by electronic means, including posting the notice on the board's 10413

internet web site. If the board posts the notice on its web site, 10414

it may eliminate the second notice otherwise required to be 10415

published in a newspaper of general circulation within the 10416

township, provided that the first notice published in such 10417

newspaper meets all of the following requirements: 10418

(1) It is published at least two weeks before the opening of 10419

bids. 10420

(2) It includes a statement that the notice is posted on the 10421

board's internet web site. 10422

(3) It includes the internet address of the board's internet 10423

web site. 10424

(4) It includes instructions describing how the notice may be 10425

accessed on the board's internet web site. 10426

The advertisement shall include the time, date, and place 10427

where the clerk of the township, or the clerk's designee, will 10428

read bids publicly. The time, date, and place of bid openings may 10429

be extended to a later date by the board of township trustees, 10430

provided that written or oral notice of the change shall be given 10431  
to all persons who have received or requested specifications not 10432  
later than ninety-six hours prior to the original time and date 10433  
fixed for the opening. The board may reject all the bids or accept 10434  
the lowest and best bid, provided that the successful bidder meets 10435  
the requirements of section 153.54 of the Revised Code when the 10436  
contract is for the construction, demolition, alteration, repair, 10437  
or reconstruction of an improvement. 10438

(B) The boards of township trustees of any two or more 10439  
townships, or the legislative authorities of any two or more 10440  
political subdivisions, or any combination of these, may, through 10441  
joint action, unite in the joint purchase, lease, lease with an 10442  
option to purchase, maintenance, use, and operation of fire 10443  
equipment described in division (A) of this section, or for any 10444  
other purpose designated in sections 505.37 to 505.42 of the 10445  
Revised Code, and may prorate the expense of the joint action on 10446  
any terms that are mutually agreed upon. 10447

(C) The board of township trustees of any township may, by 10448  
resolution, whenever it is expedient and necessary to guard 10449  
against the occurrence of fires or to protect the property and 10450  
lives of the citizens against damages resulting from their 10451  
occurrence, create a fire district of any portions of the township 10452  
that it considers necessary. The board may purchase, lease, lease 10453  
with an option to purchase, or otherwise provide any fire 10454  
apparatus, mechanical resuscitators, underwater rescue and 10455  
recovery equipment, or other fire equipment, appliances, 10456  
materials, fire hydrants, and water supply for fire-fighting and 10457  
fire and rescue purposes, or may contract for the fire protection 10458  
for the fire district as provided in section 9.60 of the Revised 10459  
Code. The fire district so created shall be given a separate name 10460  
by which it shall be known. 10461

Additional unincorporated territory of the township may be 10462

added to a fire district upon the board's adoption of a resolution 10463  
authorizing the addition. A municipal corporation, or a portion of 10464  
a municipal corporation, that is within or adjoining the township 10465  
may be added to a fire district upon the board's adoption of a 10466  
resolution authorizing the addition and the municipal legislative 10467  
authority's adoption of a resolution or ordinance requesting the 10468  
addition of the municipal corporation or a portion of the 10469  
municipal corporation to the fire district. 10470

If the township fire district imposes a tax, additional 10471  
unincorporated territory of the township or a municipal 10472  
corporation or a portion of a municipal corporation that is within 10473  
or adjoining the township shall become part of the fire district 10474  
only after all of the following have occurred: 10475

(1) Adoption by the board of township trustees of a 10476  
resolution approving the expansion of the territorial limits of 10477  
the district and, if the resolution proposes to add a municipal 10478  
corporation or a portion of a municipal corporation, adoption by 10479  
the municipal legislative authority of a resolution or ordinance 10480  
requesting the addition of the municipal corporation or a portion 10481  
of the municipal corporation to the district; 10482

(2) Adoption by the board of township trustees of a 10483  
resolution recommending the extension of the tax to the additional 10484  
territory; 10485

(3) Approval of the tax by the electors of the territory 10486  
proposed for addition to the district. 10487

Each resolution of the board adopted under division (C)(2) of 10488  
this section shall state the name of the fire district, a 10489  
description of the territory to be added, and the rate and 10490  
termination date of the tax, which shall be the rate and 10491  
termination date of the tax currently in effect in the fire 10492  
district. 10493

The board of trustees shall certify each resolution adopted 10494  
under division (C)(2) of this section to the board of elections in 10495  
accordance with section 5705.19 of the Revised Code. The election 10496  
required under division (C)(3) of this section shall be held, 10497  
canvassed, and certified in the manner provided for the submission 10498  
of tax levies under section 5705.25 of the Revised Code, except 10499  
that the question appearing on the ballot shall read: 10500

"Shall the territory within ..... 10501  
(description of the proposed territory to be added) be added to 10502  
..... (name) fire district, and a property tax 10503  
at a rate of taxation not exceeding ..... (here insert tax rate) 10504  
be in effect for ..... (here insert the number of years the 10505  
tax is to be in effect or "a continuing period of time," as 10506  
applicable)?" 10507

If the question is approved by at least a majority of the 10508  
electors voting on it, the joinder shall be effective as of the 10509  
first day of July of the year following approval, and on that 10510  
date, the township fire district tax shall be extended to the 10511  
taxable property within the territory that has been added. If the 10512  
territory that has been added is a municipal corporation or 10513  
portion thereof and if it had adopted a tax levy for fire 10514  
purposes, the levy is terminated on the effective date of the 10515  
joinder in the area of the municipal corporation added to the 10516  
district. 10517

Any municipal corporation may withdraw from a township fire 10518  
district created under division (C) of this section by the 10519  
adoption by the municipal legislative authority of a resolution or 10520  
ordinance ordering withdrawal. On the first day of July of the 10521  
year following the adoption of the resolution or ordinance of 10522  
withdrawal, the withdrawing municipal corporation ~~withdrawing~~ or 10523  
the portion thereof ceases to be a part of the district, and the 10524  
power of the fire district to levy a tax upon taxable property in 10525

the withdrawing municipal corporation or the portion thereof 10526  
terminates, except that the fire district shall continue to levy 10527  
and collect taxes for the payment of indebtedness within the 10528  
territory of the fire district as it was composed at the time the 10529  
indebtedness was incurred. 10530

Upon the withdrawal of any municipal corporation from a 10531  
township fire district created under division (C) of this section, 10532  
the county auditor shall ascertain, apportion, and order a 10533  
division of the funds on hand, moneys and taxes in the process of 10534  
collection except for taxes levied for the payment of 10535  
indebtedness, credits, and real and personal property, either in 10536  
money or in kind, on the basis of the valuation of the respective 10537  
tax duplicates of the withdrawing municipal corporation and the 10538  
remaining territory of the fire district. 10539

A board of township trustees may remove unincorporated 10540  
territory of the township from the fire district upon the adoption 10541  
of a resolution authorizing the removal. On the first day of July 10542  
of the year following the adoption of the resolution, the 10543  
unincorporated township territory described in the resolution 10544  
ceases to be a part of the district, and the power of the fire 10545  
district to levy a tax upon taxable property in that territory 10546  
terminates, except that the fire district shall continue to levy 10547  
and collect taxes for the payment of indebtedness within the 10548  
territory of the fire district as it was composed at the time the 10549  
indebtedness was incurred. 10550

(D) The board of township trustees of any township, the board 10551  
of fire district trustees of a fire district created under section 10552  
505.371 of the Revised Code, or the legislative authority of any 10553  
municipal corporation may purchase, lease, or lease with an option 10554  
to purchase the necessary fire equipment described in division (A) 10555  
of this section, buildings, and sites for the township, fire 10556  
district, or municipal corporation and issue securities for that 10557

purpose with maximum maturities as provided in section 133.20 of 10558  
the Revised Code. The board of township trustees, board of fire 10559  
district trustees, or legislative authority may also construct any 10560  
buildings necessary to house fire equipment and issue securities 10561  
for that purpose with maximum maturities as provided in section 10562  
133.20 of the Revised Code. 10563

The board of township trustees, board of fire district 10564  
trustees, or legislative authority may issue the securities of the 10565  
township, fire district, or municipal corporation, signed by the 10566  
board or designated officer of the municipal corporation and 10567  
attested by the signature of the township fiscal officer, fire 10568  
district clerk, or municipal clerk, covering any deferred payments 10569  
and payable at the times provided, which securities shall bear 10570  
interest not to exceed the rate determined as provided in section 10571  
9.95 of the Revised Code, and shall not be subject to Chapter 133. 10572  
of the Revised Code. The legislation authorizing the issuance of 10573  
the securities shall provide for levying and collecting annually 10574  
by taxation, amounts sufficient to pay the interest on and 10575  
principal of the securities. The securities shall be offered for 10576  
sale on the open market or given to the vendor or contractor if no 10577  
sale is made. 10578

Section 505.40 of the Revised Code does not apply to any 10579  
securities issued, or any lease with an option to purchase entered 10580  
into, in accordance with this division. 10581

(E) A board of township trustees of any township or a board 10582  
of fire district trustees of a fire district created under section 10583  
505.371 of the Revised Code may purchase a policy or policies of 10584  
liability insurance for the officers, employees, and appointees of 10585  
the fire department, fire district, or joint fire district 10586  
governed by the board that includes personal injury liability 10587  
coverage as to the civil liability of those officers, employees, 10588  
and appointees for false arrest, detention, or imprisonment, 10589

malicious prosecution, libel, slander, defamation or other 10590  
violation of the right of privacy, wrongful entry or eviction, or 10591  
other invasion of the right of private occupancy, arising out of 10592  
the performance of their duties. 10593

When a board of township trustees cannot, by deed of gift or 10594  
by purchase and upon terms it considers reasonable, procure land 10595  
for a township fire station that is needed in order to respond in 10596  
reasonable time to a fire or medical emergency, the board may 10597  
appropriate land for that purpose under sections 163.01 to 163.22 10598  
of the Revised Code. If it is necessary to acquire additional 10599  
adjacent land for enlarging or improving the fire station, the 10600  
board may purchase, appropriate, or accept a deed of gift for the 10601  
land for these purposes. 10602

(F) As used in this division, "emergency medical service 10603  
organization" has the same meaning as in section 4766.01 of the 10604  
Revised Code. 10605

A board of township trustees, by adoption of an appropriate 10606  
resolution, may choose to have the state board of emergency 10607  
medical, fire, and transportation services license any emergency 10608  
medical service organization it operates. If the board adopts such 10609  
a resolution, Chapter 4766. of the Revised Code, except for 10610  
sections 4766.06 and 4766.99 of the Revised Code, applies to the 10611  
organization. All rules adopted under the applicable sections of 10612  
that chapter also apply to the organization. A board of township 10613  
trustees, by adoption of an appropriate resolution, may remove its 10614  
emergency medical service organization from the jurisdiction of 10615  
the state board of emergency medical, fire, and transportation 10616  
services. 10617

**Sec. 505.371.** (A) The boards of township trustees of one or 10618  
more townships and the legislative authorities of one or more 10619  
municipal corporations, or the legislative authorities of two or 10620

more municipal corporations, or the boards of township trustees of 10621  
two or more townships, may, by adoption of a joint resolution by a 10622  
majority of the members of each board of township trustees and by 10623  
a majority of the members of the legislative authority of each 10624  
municipal corporation, create a joint fire district comprising all 10625  
or any portions of the municipal corporations and all or any 10626  
portions of the townships as are mutually agreed upon. A joint 10627  
fire district so created shall be given a name different from the 10628  
name of any participating township or municipal corporation. 10629

(B) The governing body of the joint fire district shall be a 10630  
board of fire district trustees, which shall include one 10631  
representative from each board of township trustees and one 10632  
representative from the legislative authority of each municipal 10633  
corporation in the district. The board of fire district trustees 10634  
may exercise the same powers as are granted to a board of township 10635  
trustees in sections 505.37 to 505.45 of the Revised Code, 10636  
including, but not limited to, the power to levy a tax upon all 10637  
taxable property in the fire district as provided in section 10638  
505.39 of the Revised Code. The board of fire district trustees 10639  
may be compensated at a rate not to exceed thirty dollars per 10640  
meeting, not to exceed fifteen meetings per year, and may be 10641  
reimbursed for all necessary expenses incurred. The board shall 10642  
employ a clerk of the board of fire district trustees. 10643

(C)(1) The board of fire district trustees may establish 10644  
reasonable charges for the use of ambulance or emergency medical 10645  
services. The board may establish different charges for residents 10646  
and nonresidents of the district, and may waive, at its 10647  
discretion, all or part of the charge for any resident of the 10648  
district. The charge for nonresidents shall be an amount not less 10649  
than the authorized medicare reimbursement rate, except that if, 10650  
prior to February 4, 1998, the board had different charges for 10651  
residents and nonresidents and the charge for nonresidents was 10652

less than the authorized medicare reimbursement rate, the board 10653  
may charge nonresidents less than the authorized medicare 10654  
reimbursement rate. 10655

(2) In the resolution creating the joint fire district, the 10656  
political subdivisions that create the district may provide that 10657  
any of those political subdivisions may agree to pay any charges 10658  
for the use of ambulance or emergency medical services that the 10659  
board of fire district trustees establishes under division (C)(1) 10660  
of this section and that are incurred by the residents of the 10661  
particular political subdivision. Unless the board elects pursuant 10662  
to that division to waive all or part of the charges for the use 10663  
of ambulance or emergency medical services that any resident of 10664  
the district incurs, the residents of a particular political 10665  
subdivision that has not so agreed to pay the charges for the use 10666  
of ambulance or emergency medical services incurred by its 10667  
residents shall pay those charges. 10668

(3) Charges collected under division (C) of this section 10669  
shall be kept in a separate fund designated as the ambulance and 10670  
emergency medical services fund and shall be appropriated and 10671  
administered by the board. The fund shall be used for the payment 10672  
of the costs of the management, maintenance, and operation of 10673  
ambulance and emergency medical services in the district. 10674

(4) As used in division (C) of this section, "authorized 10675  
medicare reimbursement rate" has the same meaning as in section 10676  
505.84 of the Revised Code. 10677

(D) Any municipal corporation or township, or parts of them, 10678  
may join an existing joint fire district by the adoption of a 10679  
resolution requesting such membership and upon approval of the 10680  
board of fire district trustees. Any municipal corporation or 10681  
township may withdraw from a joint fire district created under 10682  
this section, by the adoption of a resolution ordering withdrawal. 10683  
On or after the first day of January of the year following the 10684

adoption of the resolution of withdrawal, the municipal 10685  
corporation or township withdrawing ceases to be a part of such 10686  
district, and the power of the district to levy a tax upon taxable 10687  
property in the withdrawing township or municipal corporation 10688  
terminates, except that the district shall continue to levy and 10689  
collect taxes for the payment of indebtedness within the territory 10690  
of the district as it was comprised at the time the indebtedness 10691  
was incurred. 10692

Upon the withdrawal of any township or municipal corporation 10693  
from a joint fire district created under this section, the county 10694  
auditor shall ascertain, apportion, and order a division of the 10695  
funds on hand, including funds in the ambulance and emergency 10696  
medical services fund, moneys and taxes in the process of 10697  
collection, except for taxes levied for the payment of 10698  
indebtedness, credits, and real and personal property, either in 10699  
money or in kind, on the basis of the valuation of the respective 10700  
tax duplicates of the withdrawing municipal corporation or 10701  
township and the remaining territory of the joint fire district. 10702

When the number of townships and municipal corporations 10703  
comprising a joint fire district is reduced to one, the joint fire 10704  
district ceases to exist by operation of law, and the funds, 10705  
credits, and property remaining after apportionments to 10706  
withdrawing municipal corporations or townships shall be assumed 10707  
by the one remaining township or municipal corporation. When a 10708  
joint fire district ceases to exist and an indebtedness remains 10709  
unpaid, the board of county commissioners shall continue to levy 10710  
and collect taxes for the payment of that indebtedness within the 10711  
territory of the joint fire district as it was comprised at the 10712  
time the indebtedness was incurred. 10713

(E) Neither this section nor any other section of the Revised 10714  
Code requires, or shall be construed to require, that the fire 10715  
chief of a joint fire district be a resident of the fire district. 10716

**Sec. 701.10.** The legislative authority of a municipal corporation ~~that is located in a charter county and~~ that has established a rate or charge for the provision of collection or disposal services for garbage, ashes, animal and vegetable refuse, dead animals, or animal offal may certify to the county ~~fiscal officer~~ auditor, by ordinance, the amount of the rate or charge that has not been paid in accordance with applicable requirements by a person using the collection or disposal services. The amount certified shall be a lien on the person's property to which services are provided, placed on the tax list in a separate column, collected as other taxes, and paid into the general fund of the municipal corporation.

**Sec. 711.131.** (A) Notwithstanding sections 711.001 to 711.13 of the Revised Code and except as provided in division (C) of this section, unless the rules adopted under section 711.05, 711.09, or 711.10 of the Revised Code are amended pursuant to division (B) of this section, a proposed division of a parcel of land along an existing public street, not involving the opening, widening, or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided, may be submitted to the planning authority having approving jurisdiction of plats under section 711.05, 711.09, or 711.10 of the Revised Code for approval without plat. If the authority acting through a properly designated representative finds that a proposed division is not contrary to applicable platting, subdividing, zoning, health, sanitary, or access management regulations, regulations adopted under division (B)(3) of section 307.37 of the Revised Code regarding existing surface or subsurface drainage, or household sewage treatment rules adopted under section 3718.02 of the Revised Code, it shall approve the proposed division within seven business days after its submission

and, on presentation of a conveyance of the parcel, shall stamp 10748  
the conveyance "approved by (planning authority); no plat 10749  
required" and have it signed by its clerk, secretary, or other 10750  
official as may be designated by it. The planning authority may 10751  
require the submission of a sketch and other information that is 10752  
pertinent to its determination under this division. 10753

(B) For a period of up to two years after ~~the effective date~~ 10754  
~~of this amendment~~ the effective date of this amendment, the rules 10755  
adopted under section 711.05, 711.09, or 711.10 of the Revised 10756  
Code may be amended within that period to authorize the planning 10757  
authority involved to approve proposed divisions of parcels of 10758  
land without plat under this division. If an authority so amends 10759  
its rules, it may approve no more than five lots without a plat 10760  
from an original tract as that original tract exists on the 10761  
effective date of the amendment to the rules. The authority shall 10762  
make the findings and approve a proposed division in the time and 10763  
manner specified in division (A) of this section. 10764

(C) This section does not apply to parcels subject to section 10765  
711.133 of the Revised Code. 10766

(D) As used in this section, "business day" means a day of 10767  
the week excluding Saturday, Sunday, or a legal holiday as defined 10768  
in section 1.14 of the Revised Code. 10769

**Sec. 718.83.** (A) On or before the last day of each month, the 10770  
tax commissioner shall certify to the director of budget and 10771  
management the amount to be paid to each municipal corporation, 10772  
based on amounts reported on annual returns and declarations of 10773  
estimated tax under sections 718.85 and 718.88 of the Revised 10774  
Code, less any amounts previously distributed and net of any audit 10775  
adjustments made or refunds granted by the commissioner, for the 10776  
~~ealender~~ calendar month preceding the month in which the 10777  
certification is made. Not later than the fifth day of each month, 10778

the director shall provide for payment of the amount certified to 10779  
each municipal corporation from the municipal income net profit 10780  
tax fund, plus a pro rata share of any investment earnings 10781  
accruing to the fund since the previous payment under this 10782  
section, and minus any reduction required by the commissioner 10783  
under division (D) of this section. Each municipal corporation's 10784  
share of such earnings shall equal the proportion that the 10785  
municipal corporation's certified tax payment is of the total 10786  
taxes certified to all municipal corporations in that quarter. All 10787  
investment earnings on money in the municipal income net profit 10788  
tax fund shall be credited to that fund. 10789

(B) If the tax commissioner determines that the amount of tax 10790  
paid by a taxpayer and distributed to a municipal corporation 10791  
under this section for a taxable year exceeds the amount payable 10792  
to that municipal corporation under sections 718.80 to 718.95 of 10793  
the Revised Code after accounting for amounts remitted with the 10794  
annual return and as estimated taxes, the commissioner shall 10795  
proceed according to divisions (A) and (B) of section 5703.77 of 10796  
the Revised Code. 10797

(C) If the amount of a municipal corporation's net 10798  
distribution computed by the commissioner under division (A) of 10799  
this section is less than zero, the commissioner may notify the 10800  
municipal corporation of the deficiency. Within thirty days after 10801  
receiving such a notice, the municipal corporation shall pay an 10802  
amount equal to the deficiency to the treasurer of state. The 10803  
treasurer of state shall credit any payment received under this 10804  
division to the municipal net profit tax fund. 10805

(D) If a municipal corporation fails to make a timely payment 10806  
required under division (C) of this section, the commissioner may 10807  
recover the deficiency using any or all of the following options: 10808

(1) Deduct the amount of the deficiency from the next 10809

distribution to that municipal corporation under division (A) of 10810  
this section or, if the amount of the deficiency exceeds the 10811  
amount of such distribution, withhold such distributions entirely 10812  
until the withheld amount equals the amount of the municipal 10813  
corporation's deficiency; 10814

(2) Deduct the amount of the deficiency from the next payment 10815  
to that municipal corporation under division (A) of section 10816  
5745.05 of the Revised Code or, if the amount of the deficiency 10817  
exceeds the amount of such distribution, withhold such 10818  
distributions entirely until the withheld amount equals the amount 10819  
of the municipal corporation's deficiency; 10820

(3) Deduct the amount of the deficiency from the municipal 10821  
corporation's share of the next payment made by the commissioner 10822  
under division (F) of section 321.24 of the Revised Code or, if 10823  
the amount of the deficiency exceeds the amount of the municipal 10824  
corporation's share of such payment, withhold the municipal 10825  
corporation's share of the payments entirely until the withheld 10826  
amount equals the amount of the municipal corporation's 10827  
deficiency. 10828

(E) The total amount of payments and distributions withheld 10829  
from a municipal corporation under division (D) of this section 10830  
shall not exceed the unpaid portion of the municipal corporation's 10831  
net distribution deficiency. All amounts withheld under division 10832  
(D) of this section shall be credited to the municipal net profit 10833  
tax fund. 10834

(F) The commissioner may adopt rules necessary to administer 10835  
this section. 10836

**Sec. 718.85.** (A)(1) For each taxable year, every taxpayer 10837  
shall file an annual return. Such return, along with the amount of 10838  
tax shown to be due on the return less the amount paid for the 10839  
taxable year under section 718.88 of the Revised Code, shall be 10840

submitted to the tax commissioner, on a form and in the manner 10841  
prescribed by the commissioner, on or before the fifteenth day of 10842  
the fourth month following the end of the taxpayer's taxable year. 10843

(2) If a taxpayer has multiple taxable years beginning within 10844  
one calendar year, the taxpayer shall aggregate the facts and 10845  
figures necessary to compute the tax due under this chapter, in 10846  
accordance with sections 718.81, 718.82, and, if applicable, 10847  
718.86 of the Revised Code onto its annual return. 10848

(3) The remittance shall be made payable to the treasurer of 10849  
state and in the form prescribed by the tax commissioner. If the 10850  
amount payable with the tax return is ten dollars or less, no 10851  
remittance is required. 10852

(B) The tax commissioner shall immediately forward to the 10853  
treasurer of state all amounts the commissioner receives pursuant 10854  
to sections 718.80 to 718.95 of the Revised Code. The treasurer 10855  
shall credit ninety-nine and one-half per cent of such amounts to 10856  
the municipal ~~income~~ net profit tax fund which is hereby created 10857  
in the state treasury, and the remainder to the municipal income 10858  
tax administrative fund established under section 5745.03 of the 10859  
Revised Code. 10860

(C)(1) Each return required to be filed under this section 10861  
shall contain the signature of the taxpayer or the taxpayer's duly 10862  
authorized agent and of the person who prepared the return for the 10863  
taxpayer, and shall include the taxpayer's identification number. 10864  
Each return shall be verified by a declaration under penalty of 10865  
perjury. 10866

(2)(a) The tax commissioner may require a taxpayer to 10867  
include, with each annual tax return, amended return, or request 10868  
for refund filed with the commissioner under sections 718.80 to 10869  
718.95 of the Revised Code, copies of any relevant documents or 10870  
other information. 10871

(b) A taxpayer that files an annual tax return electronically 10872  
through the Ohio business gateway or in another manner as 10873  
prescribed by the tax commissioner shall either submit the 10874  
documents required under this division electronically as 10875  
prescribed at the time of filing or, if electronic submission is 10876  
not available, mail the documents to the tax commissioner. The 10877  
department of taxation shall publish a method of electronically 10878  
submitting the documents required under this division on or before 10879  
January 1, 2019. 10880

(3) After a taxpayer files a tax return, the tax commissioner 10881  
may request, and the taxpayer shall provide, any information, 10882  
statements, or documents required to determine and verify the 10883  
taxpayer's municipal income tax. 10884

(D)(1)(a) Any taxpayer that has duly requested an automatic 10885  
extension for filing the taxpayer's federal income tax return 10886  
shall automatically receive an extension for the filing of a tax 10887  
return with the commissioner under this section. The extended due 10888  
date of the return shall be the fifteenth day of the tenth month 10889  
after the last day of the taxable year to which the return 10890  
relates. 10891

(b) A taxpayer that has not requested or received a six-month 10892  
extension for filing the taxpayer's federal income tax return may 10893  
request that the commissioner grant the taxpayer a six-month 10894  
extension of the date for filing the taxpayer's municipal income 10895  
tax return. If the commissioner receives the request on or before 10896  
the date the municipal income tax return is due, the commissioner 10897  
shall grant the taxpayer's extension request. 10898

(c) An extension of time to file under division (D)(1) of 10899  
this section is not an extension of the time to pay any tax due 10900  
unless the tax commissioner grants an extension of that date. 10901

(2) If the commissioner considers it necessary in order to 10902

ensure payment of a tax imposed in accordance with section 718.04 10903  
of the Revised Code, the commissioner may require taxpayers to 10904  
file returns and make payments otherwise than as provided in this 10905  
section, including taxpayers not otherwise required to file annual 10906  
returns. 10907

(E) Each return required to be filed in accordance with this 10908  
section shall include a box that the taxpayer may check to 10909  
authorize another person, including a tax return preparer who 10910  
prepared the return, to communicate with the tax commissioner 10911  
about matters pertaining to the return. The return or instructions 10912  
accompanying the return shall indicate that by checking the box 10913  
the taxpayer authorizes the commissioner to contact the preparer 10914  
or other person concerning questions that arise during the 10915  
examination or other review of the return and authorizes the 10916  
preparer or other person only to provide the commissioner with 10917  
information that is missing from the return, to contact the 10918  
commissioner for information about the examination or other review 10919  
of the return or the status of the taxpayer's refund or payments, 10920  
and to respond to notices about mathematical errors, offsets, or 10921  
return preparation that the taxpayer has received from the 10922  
commissioner and has shown to the preparer or other person. 10923

(F) When income tax returns or other documents require the 10924  
signature of a tax return preparer, the tax commissioner shall 10925  
accept a facsimile or electronic version of such a signature in 10926  
lieu of a manual signature. 10927

**Sec. 718.90.** (A) If any taxpayer required to file a return 10928  
under section 718.80 to 718.95 of the Revised Code fails to file 10929  
the return within the time prescribed, files an incorrect return, 10930  
or fails to remit the full amount of the tax due for the period 10931  
covered by the return, the tax commissioner may make an assessment 10932  
against the taxpayer for any deficiency for the period for which 10933

the return or tax is due, based upon any information in the 10934  
commissioner's possession. 10935

The tax commissioner shall not make or issue an assessment 10936  
against a taxpayer more than three years after the later of the 10937  
date the return subject to assessment was required to be filed or 10938  
the date the return was filed. Such time limit may be extended if 10939  
both the taxpayer and the commissioner consent in writing to the 10940  
extension. Any such extension shall extend the three-year time 10941  
limit in section 718.91 of the Revised Code for the same period of 10942  
time. There shall be no bar or limit to an assessment against a 10943  
taxpayer that fails to file a return subject to assessment as 10944  
required by sections 718.80 to 718.95 of the Revised Code, or that 10945  
files a fraudulent return. The commissioner shall give the 10946  
taxpayer assessed written notice of the assessment as provided in 10947  
section 5703.37 of the Revised Code. With the notice, the 10948  
commissioner shall provide instructions on how to petition for 10949  
reassessment and request a hearing on the petition. 10950

(B) Unless the taxpayer assessed files with the tax 10951  
commissioner within sixty days after service of the notice of 10952  
assessment, either personally or by certified mail, a written 10953  
petition for reassessment signed by the authorized agent of the 10954  
taxpayer assessed having knowledge of the facts, the assessment 10955  
becomes final, and the amount of the assessment is due and payable 10956  
from the taxpayer to the treasurer of state. The petition shall 10957  
indicate the taxpayer's objections, but additional objections may 10958  
be raised in writing if received by the commissioner prior to the 10959  
date shown on the final determination. If the petition has been 10960  
properly filed, the commissioner shall proceed under section 10961  
5703.60 of the Revised Code. 10962

(C) After an assessment becomes final, if any portion of the 10963  
assessment remains unpaid, including accrued interest, a certified 10964

copy of the tax commissioner's entry making the assessment final 10965  
may be filed in the office of the clerk of the court of common 10966  
pleas in the county in which the taxpayer has an office or place 10967  
of business in this state, the county in which the taxpayer's 10968  
statutory agent is located, or Franklin county. 10969

Immediately upon the filing of the entry, the clerk shall 10970  
enter a judgment against the taxpayer assessed in the amount shown 10971  
on the entry. The judgment may be filed by the clerk in a 10972  
loose-leaf book entitled "special judgments for municipal income 10973  
taxes," and shall have the same effect as other judgments. 10974  
Execution shall issue upon the judgment upon the request of the 10975  
tax commissioner, and all laws applicable to sales on execution 10976  
shall apply to sales made under the judgment. 10977

If the assessment is not paid in its entirety within sixty 10978  
days after the day the assessment was issued, the portion of the 10979  
assessment consisting of tax due shall bear interest at the rate 10980  
per annum prescribed by section 5703.47 of the Revised Code from 10981  
the day the commissioner issues the assessment until the 10982  
assessment is paid or until it is certified to the attorney 10983  
general for collection under section 131.02 of the Revised Code, 10984  
whichever comes first. If the unpaid portion of the assessment is 10985  
certified to the attorney general for collection, the entire 10986  
unpaid portion of the assessment shall bear interest at the rate 10987  
per annum prescribed by section 5703.47 of the Revised Code from 10988  
the date of certification until the date it is paid in its 10989  
entirety. Interest shall be paid in the same manner as the tax and 10990  
may be collected by issuing an assessment under this section. 10991

(D) All money collected under this section shall be credited 10992  
to the municipal ~~income~~ net profit tax fund and distributed to the 10993  
municipal corporation to which the money is owed based on the 10994  
assessment issued under this section. 10995

(E) If the tax commissioner believes that collection of the 10996

tax will be jeopardized unless proceedings to collect or secure 10997  
collection of the tax are instituted without delay, the 10998  
commissioner may issue a jeopardy assessment against the taxpayer 10999  
liable for the tax. Immediately upon the issuance of the jeopardy 11000  
assessment, the commissioner shall file an entry with the clerk of 11001  
the court of common pleas in the manner prescribed by division (C) 11002  
of this section. Notice of the jeopardy assessment shall be served 11003  
on the taxpayer assessed or the taxpayer's legal representative in 11004  
the manner provided in section 5703.37 of the Revised Code within 11005  
five days of the filing of the entry with the clerk. The total 11006  
amount assessed is immediately due and payable, unless the 11007  
taxpayer assessed files a petition for reassessment in accordance 11008  
with division (B) of this section and provides security in a form 11009  
satisfactory to the commissioner and in an amount sufficient to 11010  
satisfy the unpaid balance of the assessment. Full or partial 11011  
payment of the assessment does not prejudice the commissioner's 11012  
consideration of the petition for reassessment. 11013

(F) Notwithstanding the fact that a petition for reassessment 11014  
is pending, the taxpayer may pay all or a portion of the 11015  
assessment that is the subject of the petition. The acceptance of 11016  
a payment by the treasurer of state does not prejudice any claim 11017  
for refund upon final determination of the petition. 11018

If upon final determination of the petition an error in the 11019  
assessment is corrected by the tax commissioner, upon petition so 11020  
filed or pursuant to a decision of the board of tax appeals or any 11021  
court to which the determination or decision has been appealed, so 11022  
that the amount due from the taxpayer under the corrected 11023  
assessment is less than the portion paid, there shall be issued to 11024  
the taxpayer, its assigns, or legal representative a refund in the 11025  
amount of the overpayment as provided by section 718.91 of the 11026  
Revised Code, with interest on that amount as provided by that 11027  
section. 11028

**Sec. 742.114.** (A) As used in this section and in section 11029  
742.116 of the Revised Code: 11030

(1) "Agent" means a dealer, as defined in section 1707.01 of 11031  
the Revised Code, who is licensed under sections 1707.01 to 11032  
~~1707.45~~ 1707.50 of the Revised Code or under comparable laws of 11033  
another state or of the United States. 11034

(2) "Minority business enterprise" has the same meaning as in 11035  
section 122.71 of the Revised Code. 11036

(3) "Ohio-qualified agent" means an agent designated as such 11037  
by the board of trustees of the fund. 11038

(4) "Ohio-qualified investment manager" means an investment 11039  
manager designated as such by the board of trustees of the fund. 11040

(5) "Principal place of business" means an office in which 11041  
the agent regularly provides securities or investment advisory 11042  
services and solicits, meets with, or otherwise communicates with 11043  
clients. 11044

(B) The board of trustees of the fund shall, for the purposes 11045  
of this section, designate an agent as an Ohio-qualified agent if 11046  
the agent meets all of the following requirements: 11047

(1) The agent is subject to taxation under Chapter 5725., 11048  
5726., 5733., 5747., or 5751. of the Revised Code; 11049

(2) The agent is authorized to conduct business in this 11050  
state; 11051

(3) The agent maintains a principal place of business in this 11052  
state and employs at least five residents of this state. 11053

(C) The board shall adopt and implement a written policy to 11054  
establish criteria and procedures used to select agents to execute 11055  
securities transactions on behalf of the retirement system. The 11056  
policy shall address each of the following: 11057

(1) Commissions charged by the agent, both in the aggregate and on a per share basis;	11058 11059
(2) The execution speed and trade settlement capabilities of the agent;	11060 11061
(3) The responsiveness, reliability, and integrity of the agent;	11062 11063
(4) The nature and value of research provided by the agent;	11064
(5) Any special capabilities of the agent.	11065
(D)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed-income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section.	11066 11067 11068 11069 11070 11071 11072
(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.	11073 11074 11075
(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.	11076 11077 11078 11079 11080
<b>Sec. 753.21.</b> (A) As used in this section, "building or structure" includes, but is not limited to, a modular unit, building, or structure and a movable unit, building, or structure.	11081 11082 11083
(B)(1) The legislative authority of a municipal corporation, by ordinance, may dedicate and permit the use, as a minimum security jail, of any vacant or abandoned public building or structure owned by the municipal corporation that has not been	11084 11085 11086 11087

dedicated to or is not then in use for any municipal or other 11088  
public purpose, or any building or structure rented or leased by 11089  
the municipal corporation. The legislative authority of a 11090  
municipal corporation, by ordinance, also may dedicate and permit 11091  
the use, as a minimum security jail, of any building or structure 11092  
purchased by or constructed by or for the municipal corporation. 11093  
Subject to divisions (B)(3) and (C) of this section, upon the 11094  
effective date of such an ordinance, the specified building or 11095  
structure shall be used, in accordance with this section, for the 11096  
confinement of persons who meet one of the following conditions: 11097

(a) The person is sentenced to a term of imprisonment for a 11098  
traffic violation, a misdemeanor, or a violation of a municipal 11099  
ordinance and is under the jurisdiction of the municipal 11100  
corporation or is sentenced to a residential sanction in the jail 11101  
for a felony of the fourth or fifth degree pursuant to sections 11102  
2929.11 to 2929.19 of the Revised Code, and the jail administrator 11103  
or the jail administrator's designee has classified the person as 11104  
a minimal security risk. In determining the person's 11105  
classification under this division, the administrator or designee 11106  
shall consider all relevant factors, including, but not limited 11107  
to, the person's escape risk and propensity for assaultive or 11108  
violent behavior, based upon the person's prior and current 11109  
behavior. 11110

(b) The person is an inmate transferred by order of a judge 11111  
of the sentencing court upon the request of the sheriff, 11112  
administrator, jailer, or other person responsible for operating 11113  
the jail other than a contractor as defined in section 9.06 of the 11114  
Revised Code, who is named in the request as being suitable for 11115  
confinement in a minimum security facility. 11116

(2) The legislative authority of a municipal corporation, by 11117  
ordinance, may affiliate with the county in which it is located, 11118  
with one or more counties adjacent to the county in which it is 11119

located, or with one or more municipal corporations located within 11120  
the county in which it is located or within an adjacent county, 11121  
and dedicate and permit the use, as a minimum security jail, of 11122  
any vacant or abandoned public building or structure owned by any 11123  
of the affiliating counties or municipal corporations that has not 11124  
been dedicated to or is not then in use for any public purpose, or 11125  
any building or structure rented or leased by any of the 11126  
affiliating counties or municipal corporations. The legislative 11127  
authority of a municipal corporation, by ordinance, also may 11128  
affiliate with one or more counties adjacent to the county in 11129  
which it is located or with one or more municipal corporations 11130  
located within the county in which it is located or within an 11131  
adjacent county and dedicate and permit the use, as a minimum 11132  
security jail, of any building or structure purchased by or 11133  
constructed by or for any of the affiliating counties or municipal 11134  
corporations. Any counties and municipal corporations that 11135  
affiliate for purposes of this division shall enter into an 11136  
agreement that establishes the responsibilities for the operation 11137  
and for the cost of operation of the minimum security jail. 11138  
Subject to divisions (B)(3) and (C) of this section, upon the 11139  
effective date of an ordinance adopted under this division, the 11140  
specified building or structure shall be used, in accordance with 11141  
this section, for the confinement of persons who meet one of the 11142  
following conditions: 11143

(a) The person is sentenced to a term of imprisonment for a 11144  
traffic violation, a misdemeanor, or a violation of an ordinance 11145  
of a municipal corporation and is under the jurisdiction of any of 11146  
the affiliating counties or municipal corporations or is sentenced 11147  
to a residential sanction in the jail for a felony of the fourth 11148  
or fifth degree pursuant to sections 2929.11 to 2929.19 of the 11149  
Revised Code, and the jail administrator or the jail 11150  
administrator's designee has classified the person as a minimal 11151  
security risk. In determining the person's classification under 11152

this division, the administrator or designee shall consider all 11153  
relevant factors, including, but not limited to, the person's 11154  
escape risk and propensity for assaultive or violent behavior, 11155  
based upon the person's prior and current behavior. 11156

(b) The person is an inmate transferred by order of a judge 11157  
of the sentencing court upon the request of the sheriff, 11158  
administrator, jailer, or other person responsible for operating 11159  
the jail other than a contractor as defined in section 9.06 of the 11160  
Revised Code, who is named in the request as being suitable for 11161  
confinement in a minimum security facility. 11162

(3) No person shall be confined in a building or structure 11163  
dedicated as a minimum security jail under division (B)(1) or (2) 11164  
of this section unless the judge who sentenced the person to the 11165  
term of imprisonment for the traffic violation or the misdemeanor 11166  
specifies that the term of imprisonment is to be served in that 11167  
jail, and division (B)(1) or (2) of this section permits the 11168  
confinement of the person in that jail or unless the judge who 11169  
sentenced the person to the residential sanction for the felony 11170  
specifies that the residential sanction is to be served in a jail, 11171  
and division (B)(1) or (2) of this section permits the confinement 11172  
of the person in that jail. If a rented or leased building or 11173  
structure is so dedicated, the building or structure may be used 11174  
as a minimum security jail only during the period that it is 11175  
rented or leased by the municipal corporation or by an affiliated 11176  
county or municipal corporation. If a person convicted of a 11177  
misdemeanor is confined to a building or structure dedicated as a 11178  
minimum security jail under division (B)(1) or (2) of this section 11179  
and the sheriff, administrator, jailer, or other person 11180  
responsible for operating the jail other than a contractor as 11181  
defined in division (H) of section 9.06 of the Revised Code 11182  
determines that it would be more appropriate for the person so 11183  
confined to be confined in another jail or workhouse facility, the 11184

sheriff, administrator, jailer, or other person may transfer the 11185  
person so confined to a more appropriate jail or workhouse 11186  
facility. 11187

(C) All of the following apply in relation to a building or 11188  
structure that is dedicated pursuant to division (B)(1) or (2) of 11189  
this section for use as a minimum security jail: 11190

(1) To the extent that the use of the building or structure 11191  
as a minimum security jail requires a variance from any municipal 11192  
corporation, county, or township zoning ordinances or regulations, 11193  
the variance shall be granted. 11194

(2) Except as provided in this section, the building or 11195  
structure shall not be used to confine any person unless it is in 11196  
substantial compliance with any applicable housing, fire 11197  
prevention, sanitation, health, and safety codes, regulations, or 11198  
standards. 11199

(3) Unless such satisfaction or compliance is required under 11200  
the standards described in division (C)(4) of this section, and 11201  
notwithstanding any other provision of state or local law to the 11202  
contrary, the building or structure need not satisfy or comply 11203  
with any state or local building standard or code in order to be 11204  
used to confine a person for the purposes specified in division 11205  
(B) of this section. 11206

(4) The building or structure shall not be used to confine 11207  
any person unless it is in compliance with all minimum standards 11208  
and minimum renovation, modification, and construction criteria 11209  
for ~~minimum security~~ jails that have been proposed by the 11210  
department of rehabilitation and correction, through its bureau of 11211  
adult detention, under section 5120.10 of the Revised Code. 11212

(5) The building or structure need not be renovated or 11213  
modified into a secure detention facility in order to be used 11214  
solely to confine a person for the purposes specified in divisions 11215

(B)(1)(a) and (B)(2)(a) of this section. 11216

(6) The building or structure shall be used, equipped, 11217  
furnished, and staffed to provide adequate and suitable living, 11218  
sleeping, food service or preparation, drinking, bathing and 11219  
toilet, sanitation, and other necessary facilities, furnishings, 11220  
and equipment. 11221

(D) Except as provided in this section, a minimum security 11222  
jail dedicated and used under this section shall be considered to 11223  
be part of the jail, workhouse, or other correctional facilities 11224  
of the municipal corporation or the affiliated counties and 11225  
municipal corporations for all purposes under the law. All persons 11226  
confined in such a minimum security jail shall be and shall 11227  
remain, in all respects, under the control of the authority of the 11228  
municipal corporation that has responsibility for the management 11229  
and operation of the jail, workhouse, or other correctional 11230  
facilities of the municipal corporation or, if it is operated by 11231  
any affiliation of counties or municipal corporations, under the 11232  
control of the specified county or municipal corporation with that 11233  
authority, provided that, if the person was convicted of a felony 11234  
and is serving a residential sanction in the facility, all 11235  
provisions of law that pertain to persons convicted of a felony 11236  
that would not by their nature clearly be inapplicable apply 11237  
regarding the person. A minimum security jail dedicated and used 11238  
under this section shall be managed and maintained in accordance 11239  
with policies and procedures adopted by the legislative authority 11240  
of the municipal corporation or the affiliated counties and 11241  
municipal corporations governing the safe and healthful operation 11242  
of the jail, the confinement and supervision of the persons 11243  
sentenced to it, and their participation in work release or 11244  
similar rehabilitation programs. In addition to other rules of 11245  
conduct and discipline, the rights of ingress and egress of 11246  
persons confined in a minimum security jail dedicated and used 11247

under this section shall be subject to reasonable restrictions. 11248  
Every person confined in a minimum security jail dedicated and 11249  
used under this section shall be given verbal and written 11250  
notification, at the time of the person's admission to the jail, 11251  
that purposely leaving, or purposely failing to return to, the 11252  
jail without proper authority or permission constitutes the felony 11253  
offense of escape. 11254

(E) If a person who has been convicted of or pleaded guilty 11255  
to an offense is sentenced to a term of imprisonment or a 11256  
residential sanction in a minimum security jail as described in 11257  
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 11258  
an inmate transferred to a minimum security jail by order of a 11259  
judge of the sentencing court as described in division (B)(1)(b) 11260  
or (2)(b) of this section, at the time of reception and at other 11261  
times the person in charge of the operation of the jail determines 11262  
to be appropriate, the person in charge of the operation of the 11263  
jail may cause the convicted offender to be examined and tested 11264  
for tuberculosis, HIV infection, hepatitis, including but not 11265  
limited to hepatitis A, B, and C, and other contagious diseases. 11266  
The person in charge of the operation of the jail may cause a 11267  
convicted offender in the jail who refuses to be tested or treated 11268  
for tuberculosis, HIV infection, hepatitis, including but not 11269  
limited to hepatitis A, B, and C, or another contagious disease to 11270  
be tested and treated involuntarily. 11271

Sec. 901.172. (A) As used in this section, "beer," "cider," 11272  
and "spirituous liquor" have the same meanings as in section 11273  
4301.01 of the Revised Code. 11274

(B) The department of agriculture may promote the use of 11275  
Ohio-produced agricultural goods grown for inclusion in both of 11276  
the following: 11277

(1) Beer or cider through the issuance of logotypes to 11278

qualified producers and processors under a promotional 11279  
certification program to be developed and administered by the 11280  
division of markets. The program shall be entitled "Ohio Proud 11281  
Craft Beer." 11282

(2) Spirituous liquor through the issuance of logotypes to 11283  
qualified producers and processors under a promotional 11284  
certification program to be developed and administered by the 11285  
division. The program shall be entitled "Ohio Proud Craft 11286  
Spirits." 11287

(C) Pursuant to rules adopted under Chapter 119. of the 11288  
Revised Code, the department may establish reasonable fees and 11289  
criteria for participation in the programs. All such fees shall be 11290  
credited to the general revenue fund and used to finance the 11291  
programs. 11292

**Sec. 905.31.** As used in sections 905.31 to 905.503 of the 11293  
Revised Code: 11294

(A) "Brand name" means a name or expression, design, or 11295  
trademark used in connection with one or several grades of any 11296  
type of fertilizer. 11297

(B) "Bulk fertilizer" means any type of fertilizer in solid, 11298  
liquid, or gaseous state, or any combination thereof, in a 11299  
nonpackaged form. 11300

(C) "Distribute" means to offer for sale, sell, barter, or 11301  
otherwise supply fertilizer for other than manufacturing purposes. 11302

(D) "Fertilizer" means any substance containing nitrogen, 11303  
phosphorus, or potassium or any recognized plant nutrient element 11304  
or compound that is used for its plant nutrient content or for 11305  
compounding mixed fertilizers. "Fertilizer" does not include lime, 11306  
limestone, marl, unground bone, water, residual farm products, and 11307  
animal and vegetable manures unless mixed with fertilizer 11308

materials or distributed with a guaranteed analysis. 11309

(E) "Grade" means the percentages of total nitrogen, 11310  
available phosphorus or available phosphate ( $P_2O_5$ ), and soluble 11311  
potassium or soluble potash ( $K_2O$ ) stated in the same terms, order, 11312  
and percentage as in guaranteed analysis. 11313

(F) "Guaranteed analysis" means: 11314

(1) The minimum percentages of plant nutrients claimed in the 11315  
following order and form: 11316

Total Nitrogen (N)	per cent	11317
Available phosphate ( $P_2O_5$ )	per cent	11318
Soluble Potash ( $K_2O$ )	per cent	11319

(2) Guaranteed analysis includes, in the following order: 11320

(a) For bone and tankage, total phosphorus (P) or phosphate 11321  
( $P_2O_5$ ); 11322

(b) For basic slag and unacidulated phosphatic materials, 11323  
available and total phosphorus (P) or phosphate ( $P_2O_5$ ) and the 11324  
degree of fineness; 11325

(c) Additional plant nutrients guaranteed expressed as 11326  
percentage of elements in the order and form as prescribed by 11327  
rules adopted by the director of agriculture. 11328

(G) "Label" means any written or printed matter on the 11329  
package or tag attached to it or on the pertinent delivery and 11330  
billing invoice. 11331

(H) "Manufacture" means to process, granulate, blend, mix, or 11332  
alter the composition of fertilizers for distribution. 11333

(I) "Mixed fertilizer" means any combination or mixture of 11334  
fertilizer designed for use, or claimed to have value, in 11335  
promoting plant growth, including fertilizer pesticide mixtures. 11336

(J) "Net weight" means the weight of a commodity excluding 11337  
any packaging in pounds or metric equivalent, as determined by a 11338

sealed weighing device or other means prescribed by rules adopted	11339
by the director.	11340
(K) "Packaged fertilizer" means any type of fertilizer in	11341
closed containers of not over one hundred pounds or metric	11342
equivalent.	11343
(L) "Per cent" or "percentage" means the percentage of	11344
weight.	11345
(M) "Person" includes any partnership, association, firm,	11346
corporation, company, society, individual or combination of	11347
individuals, institution, park, or public agency administered by	11348
the state or any subdivision of the state.	11349
(N) "Product name" means a coined or specific designation	11350
applied to an individual fertilizer material or mixture of a fixed	11351
composition and derivation.	11352
(O) "Sale" means exchange of ownership or transfer of	11353
custody.	11354
(P) "Official sample" means the sample of fertilizer taken	11355
and designated as official by the director.	11356
(Q) "Specialty fertilizer" means any fertilizer designed,	11357
labeled, and distributed for uses other than the production of	11358
commercial crops.	11359
(R) "Ton" means a net weight of two thousand pounds.	11360
(S) "Fertilizer material" includes any of the following:	11361
(1) A material containing not more than one of the following	11362
primary plant nutrients:	11363
(a) Nitrogen (N);	11364
(b) Phosphorus (P);	11365
(c) Potassium (K).	11366
(2) A material that has not less than eighty-five per cent of	11367

its plant nutrient content composed of a single chemical compound; 11368

(3) A material that is derived from a residue or by-product 11369  
of a plant or animal or a natural material deposit and has been 11370  
processed in such a way that its plant nutrients content has not 11371  
been materially changed except by purification and concentration. 11372

(T) "Custom mixed fertilizer" means a fertilizer that is not 11373  
premixed, but that is blended specifically to meet the nutrient 11374  
needs of one specific customer. 11375

(U) "Director" or "director of agriculture" means the 11376  
director of agriculture or the director's designee. 11377

(V) "Lot" means an identifiable quantity of fertilizer that 11378  
may be used as an official sample. 11379

(W) "Unit" means twenty pounds of fertilizer or one per cent 11380  
of a ton. 11381

(X) "Anhydrous ammonia equipment" means, with regard to the 11382  
handling or storage of anhydrous ammonia, a container or 11383  
containers with a maximum capacity of not more than four thousand 11384  
nine hundred ninety-nine gallons or any appurtenances, pumps, 11385  
compressors, or interconnecting pipes associated with such a 11386  
container or containers. "Anhydrous ammonia equipment" does not 11387  
include equipment for the manufacture of anhydrous ammonia or the 11388  
storage of anhydrous ammonia either underground or in refrigerated 11389  
structures. 11390

(Y) "Anhydrous ammonia system" or "system" means, with regard 11391  
to the handling or storage of anhydrous ammonia, a container or 11392  
containers with a minimum capacity of not less than five thousand 11393  
gallons or any appurtenances, pumps, compressors, or 11394  
interconnecting pipes associated with such a container or 11395  
containers. "Anhydrous ammonia system" does not include equipment 11396  
for the manufacture of anhydrous ammonia or the storage of 11397  
anhydrous ammonia either underground or in refrigerated 11398

structures. 11399

(Z) "Agricultural production" means the cultivation, 11400  
primarily for sale, of plants or any parts of plants on more than 11401  
fifty acres. "Agricultural production" does not include the use of 11402  
start-up fertilizer applied through a planter. 11403

(AA) "Rule" means a rule adopted under section 905.322, 11404  
905.40, or 905.44 of the Revised Code, as applicable. 11405

(BB) "Certificate holder" means a person who has been 11406  
certified to apply fertilizer under section 905.321 of the Revised 11407  
Code and rules adopted under section 905.322 of the Revised Code. 11408

(CC) "Residual farm products" has the same meaning as in 11409  
section 939.01 of the Revised Code. 11410

(DD) "Voluntary nutrient management plan" means any of the 11411  
following: 11412

(1) A nutrient management plan that is in the form of the 11413  
Ohio nutrient management workbook made available by the Ohio state 11414  
university; 11415

(2) A comprehensive nutrient management plan developed by the 11416  
United States department of agriculture natural resources 11417  
conservation service, a technical service provider certified by 11418  
the conservation service, or a person authorized by the 11419  
conservation service to develop a plan; 11420

(3) A document that is equivalent to a plan specified in 11421  
division (DD)(1) or (2) of this section, that is in a form 11422  
approved by the director or the director's designee, and that 11423  
contains at least all of the following information: 11424

(a) Results of soil tests conducted on land subject to the 11425  
plan that comply with the field office technical guide established 11426  
by the conservation service and adopted by the director in rules 11427  
adopted under division (E) of section 939.02 of the Revised Code 11428

and that are not older than ~~three~~ four years; 11429

(b) Documentation of the method and seasonal time of 11430  
utilization and application of nutrients; 11431

(c) Identification of all nutrients applied, including 11432  
manure, fertilizer, sewage sludge, and biodigester residue; 11433

(d) Field information regarding land subject to the plan, 11434  
including the location, spreadable acreage, crops grown, and 11435  
actual and projected yields. 11436

Sec. 936.01. As used in this chapter: 11437

"Education" means any activity designed to provide 11438  
information regarding propane, propane equipment, mechanical and 11439  
technical practices, and uses and promotion of propane to 11440  
consumers and members of the propane industry. 11441

"Propane" means liquefied petroleum gas, a material with a 11442  
vapor pressure not exceeding that of commercial propane composed 11443  
predominately of the following hydrocarbons or mixtures: 11444

(A) Propane; 11445

(B) Propylene; 11446

(C) Butane; 11447

(D) Butylene 11448

"Propane council" or "council" means the propane council 11449  
created under section 936.02 of the Revised Code. 11450

"Retailer" means a person engaged primarily in the sale of 11451  
odorized propane to the ultimate consumer or to a retail propane 11452  
dispenser. 11453

"Wholesale distributor" means a person whose primary business 11454  
involves the sale of propane to a retailer. 11455

Sec. 936.02. (A) The director of agriculture shall establish a propane council and adopt rules in accordance with Chapter 119. of the Revised Code necessary to implement this chapter. 11456  
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(B) The director shall appoint the following members to the council in accordance with this section and rules adopted under it: 11459  
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(1) Two multi-state propane gas retailers; 11462

(2) Two intrastate propane gas retailers; 11463

(3) One cooperative propane gas retailer; 11464

(4) One wholesale propane gas wholesale distributor; 11465

(5) One propane gas equipment dealer; 11466

The director of agriculture or the director's designee and the state fire marshal or the fire marshal's designee also shall serve on the council. 11467  
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(C) The director shall appoint members under divisions (B)(1) through (5) of this section from a list submitted by a qualified statewide propane association. The director shall not appoint a person as a member of the council unless the person is at least twenty-five years old and has at least five years of active experience in the propane gas industry. 11470  
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(D) Not later than ninety days after the effective date of this section, the director shall make initial appointments to the council. Members shall serve three-year staggered terms of office in accordance with rules adopted by the director. 11476  
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Sec. 936.03. The propane council shall adopt procedures by which retailers of propane in this state may propose, develop, and operate a marketing program to do all of the following: 11480  
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(A) Promote the safe and efficient use of propane; 11483

<u>(B) Demonstrate to the general public the importance and economic significance of propane;</u>	11484
	11485
<u>(C) Develop new uses and markets for propane and enable engagement in promotional activities that incentivize the use of propane;</u>	11486
	11487
	11488
<u>(D) Support research, training, and educational activities concerning the propane industry;</u>	11489
	11490
<u>(E) Determine the eligibility of retailers to participate in referendums and other procedures that may be required to establish the marketing program;</u>	11491
	11492
	11493
<u>(F) Establish procedures necessary to implement and administer the marketing program;</u>	11494
	11495
<u>(G) Enter into contracts with qualified organizations, agencies, individuals, or any combination thereof, to carry out the purpose of the marketing program;</u>	11496
	11497
	11498
<u>(H) Employ staff to carry out the purpose of the marketing program.</u>	11499
	11500
<b><u>Sec. 936.04. (A) Retailers in this state may present the propane council with a petition signed by the lesser of</u></b>	11501
<b><u>twenty-five or ten per cent of all such retailers requesting that</u></b>	11502
<b><u>the council hold a referendum in accordance with section 936.05 of</u></b>	11503
<b><u>the Revised Code to establish or amend a marketing program for</u></b>	11504
<b><u>propane.</u></b>	11505
	11506
<u>(B) At the time of presentation of the petition to the council under division (A) of this section, the petitioners also shall present the proposed program or amendment, which shall include all of the following:</u>	11507
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	11509
	11510
<u>(1) The rate of assessment to be made on the volume of odorized propane purchased by a retailer from a wholesale distributor in this state, which shall not exceed five thousandths</u>	11511
	11512
	11513

of a mill per gallon; 11514

(2) Terms, conditions, limitations, and other eligibility 11515  
qualifications for assessment; 11516

(3) Procedures and eligibility requirements for a refund of 11517  
the assessment. 11518

(C) Before the council makes a decision to approve or 11519  
disapprove a proposed program or amendment, the council shall 11520  
publish in at least two appropriate periodicals designated by the 11521  
council a notice that the program or amendment has been proposed 11522  
and informing interested persons of the procedures for submitting 11523  
comments regarding the proposal. After publishing the notice, the 11524  
council shall provide interested persons with a copy of the 11525  
proposed program or amendment and an opportunity to comment on the 11526  
proposed program or amendment for thirty days after the 11527  
publication of the notice. The petitioners may make changes to the 11528  
proposed program or amendment based upon the comments received. 11529  
The council may make technical changes to the proposal to ensure 11530  
compliance with this chapter. Subsequent to any changes made by 11531  
the petitioners or any technical changes made by the council to a 11532  
proposed program or amendment, the council may approve or 11533  
disapprove the proposed program or amendment. 11534

(D) If the council approves the proposed program or 11535  
amendment, with any changes made under division (C) of this 11536  
section, the council shall hold a referendum in accordance with 11537  
section 936.05 of the Revised Code to establish a marketing 11538  
program for propane or to amend an existing program. 11539

**Sec. 936.05.** (A) Not later than ninety days after the propane 11540  
council has approved a marketing program proposed under section 11541  
936.04 of the Revised Code, or an amendment to such a program, the 11542  
council shall determine by a referendum whether the eligible 11543  
retailers, as determined under section 936.03 of the Revised Code, 11544

favor the proposed program or amendment. The council shall cause a ballot request form to be published not less than thirty days before the beginning of the election period established under division (B) of this section in at least two appropriate periodicals designated by the council and shall make the form available for reproduction to any qualified statewide propane association. 11545  
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(B) In a referendum held under this section, each eligible retailer is entitled to one vote. The council shall establish a three-day period during which eligible retailers may vote either in person during normal business hours at polling places designated by the council or by mailing a ballot to such a polling place. The council shall send a mail-in ballot by first-class mail to any eligible retailer who requests one by sending in the ballot request form provided for in division (A) of this section or by any additional method that the council may provide. A ballot that is returned by mail is not valid if it is postmarked later than the third day of the election period established by the council. 11552  
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(C) A marketing program or an amendment to a marketing program is favored by retailers if a majority of the retailers who vote in the referendum vote in favor of the program or amendment. 11563  
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Sec. 936.06. When the retailers who vote in a referendum held under section 936.05 of the Revised Code favor a proposed marketing program, the propane council shall order the program established. 11566  
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Sec. 936.07. The director of agriculture shall monitor the actions of the propane council to ensure all of the following: 11570  
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(A) A marketing program is self-supporting. 11572

(B) The council keeps all records that are required for agencies of the state. 11573  
11574

(C) All program operations are in accord with both of the 11575  
following: 11576

(1) The provisions of the marketing program; 11577

(2) This chapter and procedures established under it. 11578

**Sec. 936.08.** (A) For the purpose of a marketing program 11579  
established under this chapter, the council may levy assessments 11580  
on retailers at the time of purchase of odorized propane by a 11581  
retailer from a wholesale distributor. The council shall base the 11582  
assessments on the volume of odorized propane purchased by the 11583  
retailer from the wholesale distributor. 11584

(B) A marketing program shall require a refund of assessments 11585  
collected under this section after receiving an application for a 11586  
refund from a retailer who has been assessed and is eligible for a 11587  
refund. The retailer shall submit the application for a refund on 11588  
a form furnished by the council. The council shall ensure that 11589  
refund forms are available where assessments for its program are 11590  
withheld. 11591

A retailer who desires a refund shall submit a request for a 11592  
refund not later than thirty days after the end of the month for 11593  
which the request is submitted. The council shall refund the 11594  
assessment to the retailer not later than sixty days after the 11595  
request for the refund is submitted. 11596

(C) The propane council shall not use money from any 11597  
assessments that it levies for any political or legislative 11598  
purpose or for preferential treatment of one person to the 11599  
detriment of another person who is affected by the marketing 11600  
program that the council administers. 11601

(D) If the propane council requests that a retailer seeking a 11602  
refund provide additional information to support a refund request, 11603  
any additional information provided to the council is not a public 11604

record under section 149.43 of the Revised Code, is confidential, 11605  
and the propane council shall treat the information as 11606  
confidential. 11607

Sec. 936.09. (A) There is hereby established a fund for the 11608  
marketing program that is established by the propane council under 11609  
this chapter. The fund shall be in the custody of the treasurer of 11610  
state, but shall not be part of the state treasury. Except as 11611  
authorized in division (B) of this section, all money collected 11612  
pursuant to section 936.08 of the Revised Code for the marketing 11613  
program shall be paid into the fund for the marketing program and 11614  
shall be disbursed only pursuant to a voucher signed by the 11615  
chairperson of the council for use in defraying the costs of 11616  
administration of the marketing program and for carrying out 11617  
sections 936.03 and 936.11 of the Revised Code. 11618

(B) In lieu of deposits in the fund established under 11619  
division (A) of this section, the propane council may deposit all 11620  
money collected pursuant to section 936.08 of the Revised Code 11621  
with a bank as defined in section 1101.01 of the Revised Code. All 11622  
money collected pursuant to section 936.08 of the Revised Code for 11623  
the marketing program and deposited pursuant to this division also 11624  
shall be used only in defraying the costs of administration of the 11625  
marketing program and for carrying out sections 936.03 and 936.11 11626  
of the Revised Code. 11627

(C) The council shall establish a fiscal year for its 11628  
marketing program, shall publish an activity and financial report 11629  
within sixty days of the end of each fiscal year, and shall make 11630  
the report available to each retailer who pays an assessment or 11631  
otherwise contributes to the marketing program that the council 11632  
administers and to other interested persons. 11633

(D) In addition to the report required by division (C) of 11634  
this section, if the council deposits money in accordance with 11635

division (B) of this section, the council shall annually submit a 11636  
financial statement prepared by a certified public accountant 11637  
holding valid certification from the Ohio board of accountancy 11638  
issued pursuant to Chapter 4701. of the Revised Code to the 11639  
department of agriculture. The council shall file the financial 11640  
statement with the department not more than one hundred fifty days 11641  
after the end of each fiscal year. 11642

(E) The council shall use money in the fund or deposited in a 11643  
bank to promote the common good, welfare, and advancement of the 11644  
propane industry, including, but not limited to, all of the 11645  
following activities and programs: 11646

(1) Education; 11647

(2) Training; 11648

(3) Safety compliance; 11649

(4) Advertising; 11650

(5) Promotion; 11651

(6) Customer rebates to encourage energy efficient appliance 11652  
and equipment purchases by residential, commercial, or 11653  
agricultural customers. 11654

**Sec. 936.10.** (A) The director of agriculture temporarily may 11655  
suspend the operation of a marketing program, or any part of a 11656  
program, established under this chapter for any reason upon 11657  
recommendation by the propane council for a period of not more 11658  
than twelve consecutive months. 11659

(B) At least once in each five years of operation, or at any 11660  
time upon written petition by the lesser of twenty-five or ten per 11661  
cent of the retailers in this state, the council shall hold a 11662  
hearing as prescribed in Chapter 119. of the Revised Code to 11663  
consider the continuation of the program. 11664

(C) Not later than thirty days after the close of any hearing to consider the continuation of a marketing program, the council shall recommend continuation or termination of the program, shall give public notice, and shall notify each retailer of record, all parties appearing at the hearing, and other interested parties of the recommendation. 11665  
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(D) When the council recommends termination of a marketing program, within forty-five days the council shall conduct a referendum to determine whether retailers favor the proposed termination. Retailers favor the termination of the program if a majority of the retailers who vote in the referendum vote in favor of termination of the program. 11671  
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**Sec. 936.11.** (A) When retailers favor termination of a marketing program established under this chapter, the propane council shall terminate all operations of the program. 11677  
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(B)(1) Except as provided in division (B)(2) of this section, upon termination of a program, the council shall return any remaining unobligated money to the retailers who paid the assessments levied under section 936.08 of the Revised Code during the immediately preceding twelve months and shall prorate the money accordingly. 11680  
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(2) If a program is operated by a nonprofit corporation that is organized under Chapter 1702. of the Revised Code for the purpose of carrying out the purposes identified in section 936.03 of the Revised Code, and if the nonprofit corporation is exempt from federal income taxation pursuant to section 501(a) of the Internal Revenue Code and is described in section 501(c) (3) of the Internal Revenue Code, upon termination of the program, the nonprofit corporation shall distribute any remaining unobligated money to be used for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code or to 11686  
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the federal, a state, or a local government to be used for a 11696  
public purpose. If there remains any unobligated money after the 11697  
distribution by the nonprofit corporation, the court of common 11698  
pleas of the county in which the principal office of the nonprofit 11699  
corporation is located shall distribute the remaining unobligated 11700  
money to be used for one or more exempt purposes within the 11701  
meaning of section 501(c)(3) of the Internal Revenue Code, to the 11702  
federal, a state, or a local government to be used for a public 11703  
purpose, or to one or more organizations that are organized and 11704  
operated exclusively for one or more of the purposes that are 11705  
within the meaning of section 501(c)(3) of the Internal Revenue 11706  
Code, as the court determines is best to accomplish the exempt 11707  
purposes of the nonprofit corporation. 11708

Sec. 936.12. The propane council may institute an action at 11709  
law or in equity that appears necessary to enforce compliance with 11710  
this chapter, a procedure established under it, or a marketing 11711  
program established under it. 11712

Sec. 936.13. No retailer shall knowingly fail or refuse to 11713  
withhold or remit any assessment levied under section 936.08 of 11714  
the Revised Code. 11715

Sec. 936.99. Whoever violates section 936.13 of the Revised 11716  
Code is guilty of a misdemeanor of the fourth degree. 11717

Sec. 1181.23. (A) The superintendent of financial 11718  
institutions may require persons licensed or registered by the 11719  
division of financial institutions to participate in a multistate 11720  
licensing system. 11721

(B)(1) If the superintendent requires use of a multistate 11722  
licensing system, the superintendent may establish, by rule, 11723  
regulation, or order, requirements as necessary to enable 11724

information required by existing statutes providing for licensing 11725  
or registration to be submitted to the superintendent through the 11726  
multistate licensing system. 11727

(2) The superintendent shall not adopt a requirement in 11728  
conflict with a provision of the Revised Code, but may add to 11729  
existing requirements with regard to all of the following: 11730

(a) The manner of obtaining required criminal history 11731  
records, civil or administrative records, or credit history 11732  
records; 11733

(b) The payment of fees required for the use of the 11734  
multistate licensing system; 11735

(c) The setting or resetting as necessary of renewal or 11736  
reporting dates; 11737

(d) The amending of or surrendering of a license or 11738  
registration. 11739

(C) Any person engaged in activity that requires licensure or 11740  
registration pursuant to this section shall utilize the multistate 11741  
licensing system for the application for, renewal of, amendment 11742  
to, or surrender of a license or registration, as well as for any 11743  
other activity as the superintendent may require. Such a person 11744  
shall pay all applicable charges to utilize the multistate 11745  
licensing system. 11746

(D) The superintendent is authorized to establish 11747  
relationships or contacts with the multistate licensing system or 11748  
other entities designated by the multistate licensing system to 11749  
collect and maintain records and process transaction fees or other 11750  
fees related to licensees and registrants. 11751

(E) Any confidentiality or privilege arising under federal or 11752  
state law with respect to any information or material provided to 11753  
the multistate licensing system shall continue to apply to the 11754

information or material after the information or material is 11755  
provided to the multistate licensing system. The information and 11756  
material so provided may be released to any state or federal 11757  
regulatory official with applicable oversight authority without 11758  
the loss of confidentiality or privilege protections provided by 11759  
federal law or the law of any state. 11760

(F) The superintendent may use the documents, materials, or 11761  
other information made available to the superintendent through the 11762  
multistate licensing system in furtherance of any action brought 11763  
by the superintendent. 11764

**Sec. 1321.73.** (A) No person shall engage in the business of 11765  
entering into or otherwise acquiring premium finance agreements in 11766  
the state without first having obtained a license as a premium 11767  
finance company from the division of financial institutions. 11768

(B) The annual license fee shall be determined by the 11769  
superintendent of financial institutions pursuant to section 11770  
1321.20 of the Revised Code. Licenses may be renewed from year to 11771  
year as of the first day of July of each year, or annually on a 11772  
different date established by the superintendent pursuant to 11773  
section 1181.23 of the Revised Code, upon payment of the fee. 11774

(C) The person to whom the license or the renewal thereof is 11775  
issued shall file sworn answers, subject to the penalties of 11776  
perjury, to such interrogatories as the division requires. The 11777  
division may, at any time, require the applicant to fully disclose 11778  
the identity of all stockholders, partners, officers, and 11779  
employees, and it may, at its discretion, refuse to issue or renew 11780  
a license in the name of any firm, partnership, or corporation if 11781  
it is not satisfied that any officer, employee, stockholder, or 11782  
partner thereof, who may materially influence the applicant's 11783  
conduct, meets the standards provided by sections 1321.71 to 11784  
1321.83 of the Revised Code. 11785

(D) Each applicant shall execute and file with the division 11786  
proof that the applicant has a net worth of at least fifty 11787  
thousand dollars, as determined in accordance with generally 11788  
accepted accounting principles. The proof is subject to the 11789  
approval of the division. 11790

**Sec. 1347.08.** (A) Every state or local agency that maintains 11791  
a personal information system, upon the request and the proper 11792  
identification of any person who is the subject of personal 11793  
information in the system, shall: 11794

(1) Inform the person of the existence of any personal 11795  
information in the system of which the person is the subject; 11796

(2) Except as provided in divisions (C) and (E)(2) of this 11797  
section, permit the person, the person's legal guardian, or an 11798  
attorney who presents a signed written authorization made by the 11799  
person, to inspect all personal information in the system of which 11800  
the person is the subject; 11801

(3) Inform the person about the types of uses made of the 11802  
personal information, including the identity of any users usually 11803  
granted access to the system. 11804

(B) Any person who wishes to exercise a right provided by 11805  
this section may be accompanied by another individual of the 11806  
person's choice. 11807

(C)(1) A state or local agency, upon request, shall disclose 11808  
medical, psychiatric, or psychological information to a person who 11809  
is the subject of the information or to the person's legal 11810  
guardian, unless a physician, psychiatrist, or psychologist 11811  
determines for the agency that the disclosure of the information 11812  
is likely to have an adverse effect on the person, in which case 11813  
the information shall be released to a physician, psychiatrist, or 11814  
psychologist who is designated by the person or by the person's 11815

legal guardian. 11816

(2) Upon the signed written request of either a licensed 11817  
attorney at law or a licensed physician designated by the inmate, 11818  
together with the signed written request of an inmate of a 11819  
correctional institution under the administration of the 11820  
department of rehabilitation and correction, the department shall 11821  
disclose medical information to the designated attorney or 11822  
physician as provided in division (C) of section 5120.21 of the 11823  
Revised Code. 11824

(D) If an individual who is authorized to inspect personal 11825  
information that is maintained in a personal information system 11826  
requests the state or local agency that maintains the system to 11827  
provide a copy of any personal information that the individual is 11828  
authorized to inspect, the agency shall provide a copy of the 11829  
personal information to the individual. Each state and local 11830  
agency may establish reasonable fees for the service of copying, 11831  
upon request, personal information that is maintained by the 11832  
agency. 11833

(E)(1) This section regulates access to personal information 11834  
that is maintained in a personal information system by persons who 11835  
are the subject of the information, but does not limit the 11836  
authority of any person, including a person who is the subject of 11837  
personal information maintained in a personal information system, 11838  
to inspect or have copied, pursuant to section 149.43 of the 11839  
Revised Code, a public record as defined in that section. 11840

(2) This section does not provide a person who is the subject 11841  
of personal information maintained in a personal information 11842  
system, the person's legal guardian, or an attorney authorized by 11843  
the person, with a right to inspect or have copied, or require an 11844  
agency that maintains a personal information system to permit the 11845  
inspection of or to copy, a confidential law enforcement 11846  
investigatory record or trial preparation record, as defined in 11847

divisions (A)(2) and (4) of section 149.43 of the Revised Code.	11848
(F) This section does not apply to any of the following:	11849
(1) The contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;	11850 11851 11852
(2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	11853 11854 11855 11856 11857 11858
(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code;	11859 11860 11861
(4) Records specified in division (A) of section 3107.52 of the Revised Code;	11862 11863
(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;	11864 11865 11866
(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;	11867 11868
(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend to identify such an individual;	11869 11870 11871
(8) Records that identify an individual described in division (A)(1) of section 5165.88 of the Revised Code, or that would tend to identify such an individual;	11872 11873 11874
(9) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports	11875 11876 11877

administers under section ~~4751.04~~ 4751.15 of the Revised Code or 11878  
contracts under that section with a private or government entity 11879  
to administer; 11880

(10) Information contained in a database established and 11881  
maintained pursuant to section 5101.13 of the Revised Code; 11882

(11) Information contained in a database established and 11883  
maintained pursuant to section 5101.631 of the Revised Code. 11884

**Sec. 1349.05.** (A) As used in this section: 11885

(1) "Agency" and "license" have the same meanings as in 11886  
section 119.01 of the Revised Code. 11887

(2) "Crime" and "victim" have the same meanings as in section 11888  
2930.01 of the Revised Code. 11889

(3) "Health care practitioner" means any of the following: 11890

(a) An individual licensed under Chapter 4731. of the Revised 11891  
Code to practice medicine and surgery; 11892

(b) An individual licensed under Chapter 4723. of the Revised 11893  
Code to practice as an advanced practice registered nurse; 11894

(c) An individual licensed under Chapter 4730. of the Revised 11895  
Code to practice as a physician assistant; 11896

(d) An individual licensed under Chapter 4732. of the Revised 11897  
Code to practice as a psychologist; 11898

(e) An individual licensed under Chapter 4734. of the Revised 11899  
Code to practice as a chiropractor. 11900

(B) No health care practitioner, with the intent to obtain 11901  
professional employment for the health care practitioner, shall 11902  
directly contact in person, by telephone, or by electronic means 11903  
any party to a motor vehicle accident, any victim of a crime, or 11904  
any witness to a motor vehicle accident or crime until thirty days 11905  
after the date of the motor vehicle accident or crime. Any 11906

communication to obtain professional employment shall be sent via 11907  
the United States postal service. 11908

(C) No person who has been paid or given, or was offered to 11909  
be paid or given, money or anything of value to solicit employment 11910  
on behalf of another shall directly contact in person, by 11911  
telephone, or by electronic means any party to a motor vehicle 11912  
accident, any victim of a crime, or any witness to a motor vehicle 11913  
accident or crime until thirty days after the date of the motor 11914  
vehicle accident or crime. Any communication to solicit employment 11915  
on behalf of another shall be sent via the United States postal 11916  
service. 11917

(D) If the attorney general believes that a health care 11918  
practitioner or a person described in division (C) of this section 11919  
has violated division (B) or (C) of this section, the attorney 11920  
general shall issue a notice and conduct a hearing in accordance 11921  
with Chapter 119. of the Revised Code. If, after the hearing, the 11922  
attorney general determines that a violation of division (B) or 11923  
(C) of this section occurred, the attorney general shall impose a 11924  
fine of five thousand dollars for each violation to each health 11925  
care practitioner or person described in division (C) of this 11926  
section who sought to financially benefit from the solicitation. 11927  
If the attorney general determines that a health care practitioner 11928  
or person described in division (C) of this section has 11929  
subsequently violated division (B) or (C) of this section, the 11930  
attorney general shall impose a fine of twenty-five thousand 11931  
dollars for each violation. 11932

(E) After determining that a health care practitioner or 11933  
person described in division (C) of this section has violated 11934  
division (B) or (C) of this section on three separate occasions, 11935  
and if that health care practitioner or person described in 11936  
division (C) of this section holds a license issued by an agency, 11937  
the attorney general shall notify that agency in writing of the 11938

three violations. On receipt of that notice, the agency shall 11939  
suspend the health care practitioner's or the person's license 11940  
without a prior hearing and shall afford the health care 11941  
practitioner or the person a hearing on request in accordance with 11942  
section 119.06 of the Revised Code. 11943

**Sec. 1349.43.** (A) As used in this section, "loan officer," 11944  
"mortgage broker," and "nonbank mortgage lender" have the same 11945  
meanings as in section 1345.01 of the Revised Code. 11946

(B) The department of commerce shall establish and maintain 11947  
an electronic database accessible through the internet that 11948  
contains information on all of the following: 11949

(1) The enforcement actions taken by the superintendent of 11950  
financial institutions for each violation of or failure to comply 11951  
with any provision of Chapter 1322. of the Revised Code, upon 11952  
final disposition of the action; 11953

(2) The enforcement actions taken by the attorney general 11954  
under Chapter 1345. of the Revised Code against loan officers, 11955  
mortgage brokers, and nonbank mortgage lenders, upon final 11956  
disposition of each action; 11957

(3) All judgments by courts of this state, concerning which 11958  
appellate remedies have been exhausted or lost by the expiration 11959  
of the time for appeal, finding either of the following: 11960

(a) A violation of any provision of Chapter 1322. of the 11961  
Revised Code; 11962

(b) That specific acts or practices by a loan officer, 11963  
mortgage broker, or nonbank mortgage lender violate section 11964  
1345.02, 1345.03, or 1345.031 of the Revised Code. 11965

(C) The attorney general shall notify the department of all 11966  
enforcement actions and judgments described in divisions (B)(2) 11967  
and (3)(b) of this section. 11968

(D) The department may adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to implement this section. 11969  
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(E) The electronic database maintained by the department in accordance with this section shall not include information that, pursuant to section 1322.36 of the Revised Code, is confidential. 11972  
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(F) The department may use the multistate licensing system authorized in section 1181.23 of the Revised Code to fulfill its obligations under this section. 11975  
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**Sec. 1505.09.** (A) There is hereby created in the state treasury the geological mapping fund, to be administered by the chief of the division of geological survey. Except as provided in ~~division (B)~~ divisions (C) and (D) of this section, the fund shall be used for both of the following purposes of performing: 11978  
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(1) Performing the necessary field, laboratory, and administrative tasks to map and make public reports on the geology, geologic hazards, and energy and mineral resources of the state; 11983  
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(2) The administration of the oil and gas leasing commission created in section 1509.71 of the Revised Code. ~~The source~~ 11987  
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(B) The sources of money for the fund shall include, ~~but not be limited to,~~ the all of the following: 11989  
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(1) The mineral severance tax as specified in section 5749.02 of the Revised Code ~~transfers;~~ 11991  
11992

(2) Transfers made to the fund in accordance with section 6111.046 of the Revised Code, ~~and the;~~ 11993  
11994

(3) Contributions that a person pays to the bureau of motor vehicles to obtain "Ohio geology" license plates under section 4503.515 of the Revised Code; 11995  
11996  
11997

(4) The fees collected under rules adopted under section 11998  
1505.05 of the Revised Code. ~~The~~ 11999

The chief may seek federal or other money in addition to the 12000  
mineral severance tax and fees to carry out the purposes of this 12001  
section. If the chief receives federal money for the purposes of 12002  
this section, the chief shall deposit that money into the state 12003  
treasury to the credit of a fund created by the controlling board 12004  
to carry out those purposes. ~~Other~~ 12005

Other money received by the chief for the purposes of this 12006  
section in addition to the mineral severance tax, fees, and 12007  
federal money shall be credited to the geological mapping fund. 12008

~~(B)~~(C) Any money transferred to the geological mapping fund 12009  
in accordance with section 6111.046 of the Revised Code shall be 12010  
used by the chiefs of the divisions of mineral resources 12011  
management, oil and gas resources management, geological survey, 12012  
and water resources in the department of natural resources for the 12013  
purpose of executing their duties under sections 6111.043 to 12014  
6111.047 of the Revised Code. 12015

(D) The director of natural resources shall use contributions 12016  
from "Ohio geology" license plates deposited into the fund for 12017  
both of the following purposes in order of preference: 12018

(1) To award grants to geology departments at state colleges 12019  
and universities for graduate level research conducted at 12020  
locations of geological interest in the state; 12021

(2) To provide materials such as rock and mineral kits to 12022  
state elementary and secondary schools to assist students in the 12023  
study of geology. 12024

The director shall award grants at least annually, but at the 12025  
director's discretion, may award grants more frequently. 12026

**Sec. 1509.28.** (A) The chief of the division of oil and gas 12027

resources management, upon the chief's own motion or upon 12028  
application by the owners of sixty-five per cent of the land area 12029  
overlying the pool, shall hold a hearing to consider the need for 12030  
the operation as a unit of an entire pool or part thereof. In 12031  
calculating the sixty-five per cent, an owner's entire interest in 12032  
each tract in the proposed unit area, including any divided, 12033  
undivided, partial, fee, or other interest in the tract, shall be 12034  
included to the fullest extent of that interest. An application by 12035  
owners shall be accompanied by a nonrefundable fee of ten thousand 12036  
dollars and by such information as the chief may request. 12037

The chief shall make an order providing for the unit 12038  
operation of a pool or part thereof if the chief finds that such 12039  
operation is reasonably necessary to increase substantially the 12040  
ultimate recovery of oil and gas, and the value of the estimated 12041  
additional recovery of oil or gas exceeds the estimated additional 12042  
cost incident to conducting the operation. The order shall be upon 12043  
terms and conditions that are just and reasonable and shall 12044  
prescribe a plan for unit operations that shall include: 12045

(1) A description of the unitized area, termed the unit area; 12046

(2) A statement of the nature of the operations contemplated; 12047

(3) An allocation to the separately owned tracts in the unit 12048  
area of all the oil and gas that is produced from the unit area 12049  
and is saved, being the production that is not used in the conduct 12050  
of operations on the unit area or not unavoidably lost. The 12051  
allocation shall be in accord with the agreement, if any, of the 12052  
interested parties. If there is no such agreement, the chief shall 12053  
determine the value, from the evidence introduced at the hearing, 12054  
of each separately owned tract in the unit area, exclusive of 12055  
physical equipment, for development of oil and gas by unit 12056  
operations, and the production allocated to each tract shall be 12057  
the proportion that the value of each tract so determined bears to 12058  
the value of all tracts in the unit area. 12059

(4) A provision for the credits and charges to be made in the 12060  
adjustment among the owners in the unit area for their respective 12061  
investments in wells, tanks, pumps, machinery, materials, and 12062  
equipment contributed to the unit operations; 12063

(5) A provision providing how the expenses of unit 12064  
operations, including capital investment, shall be determined and 12065  
charged to the separately owned tracts and how the expenses shall 12066  
be paid; 12067

(6) A provision, if necessary, for carrying or otherwise 12068  
financing any person who is unable to meet the person's financial 12069  
obligations in connection with the unit, allowing a reasonable 12070  
interest charge for such service; 12071

(7) A provision for the supervision and conduct of the unit 12072  
operations, in respect to which each person shall have a vote with 12073  
a value corresponding to the percentage of the expenses of unit 12074  
operations chargeable against the interest of that person; 12075

(8) The time when the unit operations shall commence, and the 12076  
manner in which, and the circumstances under which, the unit 12077  
operations shall terminate; 12078

(9) Such additional provisions as are found to be appropriate 12079  
for carrying on the unit operations, and for the protection or 12080  
adjustment of correlative rights. 12081

(B) No order of the chief providing for unit operations shall 12082  
become effective unless and until the plan for unit operations 12083  
prescribed by the chief has been approved in writing by those 12084  
owners who, under the chief's order, will be required to pay at 12085  
least sixty-five per cent of the costs of the unit operation, and 12086  
also by the royalty or, with respect to unleased acreage, fee 12087  
owners of sixty-five per cent of the acreage to be included in the 12088  
unit. If the plan for unit operations has not been so approved by 12089  
owners and royalty owners at the time the order providing for unit 12090

operations is made, the chief shall upon application and notice 12091  
hold such supplemental hearings as may be required to determine if 12092  
and when the plan for unit operations has been so approved. If the 12093  
owners and royalty owners, or either, owning the required 12094  
percentage of interest in the unit area do not approve the plan 12095  
for unit operations within a period of six months from the date on 12096  
which the order providing for unit operations is made, the order 12097  
shall cease to be of force and shall be revoked by the chief. 12098

An order providing for unit operations may be amended by an 12099  
order made by the chief, in the same manner and subject to the 12100  
same conditions as an original order providing for unit 12101  
operations, provided that: 12102

(1) If such an amendment affects only the rights and 12103  
interests of the owners, the approval of the amendment by the 12104  
royalty owners shall not be required. 12105

(2) No such order of amendment shall change the percentage 12106  
for allocation of oil and gas as established for any separately 12107  
owned tract by the original order, except with the consent of all 12108  
persons owning interest in the tract. 12109

The chief, by an order, may provide for the unit operation of 12110  
a pool or a part thereof that embraces a unit area established by 12111  
a previous order of the chief. Such an order, in providing for the 12112  
allocation of unit production, shall first treat the unit area 12113  
previously established as a single tract, and the portion of the 12114  
unit production so allocated thereto shall then be allocated among 12115  
the separately owned tracts included in the previously established 12116  
unit area in the same proportions as those specified in the 12117  
previous order. 12118

Oil and gas allocated to a separately owned tract shall be 12119  
deemed, for all purposes, to have been actually produced from the 12120  
tract, and all operations, including, but not limited to, the 12121

commencement, drilling, operation of, or production from a well 12122  
upon any portion of the unit area shall be deemed for all purposes 12123  
the conduct of such operations and production from any lease or 12124  
contract for lands any portion of which is included in the unit 12125  
area. The operations conducted pursuant to the order of the chief 12126  
shall constitute a fulfillment of all the express or implied 12127  
obligations of each lease or contract covering lands in the unit 12128  
area to the extent that compliance with such obligations cannot be 12129  
had because of the order of the chief. 12130

Oil and gas allocated to any tract, and the proceeds from the 12131  
sale thereof, shall be the property and income of the several 12132  
persons to whom, or to whose credit, the same are allocated or 12133  
payable under the order providing for unit operations. 12134

No order of the chief or other contract relating to the sale 12135  
or purchase of production from a separately owned tract shall be 12136  
terminated by the order providing for unit operations, but shall 12137  
remain in force and apply to oil and gas allocated to the tract 12138  
until terminated in accordance with the provisions thereof. 12139

Notwithstanding divisions (A) to (H) of section 1509.73 of 12140  
the Revised Code and rules adopted under it, the chief shall issue 12141  
an order for the unit operation of a pool or a part of a pool that 12142  
encompasses a unit area for which all or a portion of the mineral 12143  
rights are owned by the department of transportation. 12144

Except to the extent that the parties affected so agree, no 12145  
order providing for unit operations shall be construed to result 12146  
in a transfer of all or any part of the title of any person to the 12147  
oil and gas rights in any tract in the unit area. All property, 12148  
whether real or personal, that may be acquired for the account of 12149  
the owners within the unit area shall be the property of such 12150  
owners in the proportion that the expenses of unit operations are 12151  
charged. 12152

Sec. 1509.31. (A)(1) No person shall operate a well in this 12153  
state unless the person first registers with and obtains an 12154  
identification number from the chief of the division of oil and 12155  
gas resources management. 12156

(2) Whenever the entire interest of an oil and gas lease is 12157  
assigned or otherwise transferred, the assignor or transferor 12158  
shall notify the holders of the royalty interests, and, if a well 12159  
or wells exist on the lease, the division of oil and gas resources 12160  
management, of the name and address of the assignee or transferee 12161  
by certified mail, return receipt requested, not later than thirty 12162  
days after the date of the assignment or transfer. When notice of 12163  
any such assignment or transfer is required to be provided to the 12164  
division, it shall be provided on a form prescribed and provided 12165  
by the division and verified by both the assignor or transferor 12166  
and by the assignee or transferee ~~and shall be accompanied by a~~ 12167  
~~nonrefundable fee of one hundred dollars for each well.~~ The notice 12168  
form applicable to assignments or transfers of a well to the owner 12169  
of the surface estate of the tract on which the well is located 12170  
shall contain a statement informing the landowner that the well 12171  
may require periodic servicing to maintain its productivity; that, 12172  
upon assignment or transfer of the well to the landowner, the 12173  
landowner becomes responsible for compliance with the requirements 12174  
of this chapter and rules adopted under it, including, without 12175  
limitation, the proper disposal of brine obtained from the well, 12176  
the plugging of the well when it becomes incapable of producing 12177  
oil or gas, and the restoration of the well site; and that, upon 12178  
assignment or transfer of the well to the landowner, the landowner 12179  
becomes responsible for the costs of compliance with the 12180  
requirements of this chapter and rules adopted under it and the 12181  
costs for operating and servicing the well. 12182

(3) Notwithstanding division (A)(2) of this section, the 12183  
assignee or transferee shall notify the division of oil and gas 12184

resources management of the assignment or transfer if both of the 12185  
following apply: 12186

(a) The assignor or transferor failed to notify the division 12187  
of the assignment or transfer as required by division (A)(2) of 12188  
this section; 12189

(b) The assignor or transferor is deceased, dissolved, cannot 12190  
be located, or is otherwise incapable of complying with the 12191  
notification requirement. 12192

The assignee or transferee shall notify the division of the 12193  
assignment or transfer on a form prescribed and provided by the 12194  
division. At a minimum, the form shall require the assignee or 12195  
transferee to attest that the assignee or transferee is the owner. 12196  
The division shall not charge a fee for such assignment or 12197  
transfer when notice is provided in accordance with division 12198  
(A)(3) of this section. 12199

(B) When the entire interest of a well is proposed to be 12200  
assigned or otherwise transferred to the landowner for use as an 12201  
exempt domestic well, the owner who has been issued a permit under 12202  
this chapter for the well shall submit to the chief of the 12203  
division of oil and gas resources management an application for 12204  
the assignment or transfer that contains all documents that the 12205  
chief requires ~~and a nonrefundable fee of one hundred dollars~~. The 12206  
application for such an assignment or transfer shall be prescribed 12207  
and provided by the chief. The chief may approve the application 12208  
if the application is accompanied by a release of all of the oil 12209  
and gas leases that are included in the applicable formation of 12210  
the drilling unit, the release is in a form such that the well 12211  
ownership merges with the fee simple interest of the surface 12212  
tract, and the release is in a form that may be recorded. However, 12213  
if the owner of the well does not release the oil and gas leases 12214  
associated with the well that is proposed to be assigned or 12215  
otherwise transferred or if the fee simple tract that results from 12216

the merger of the well ownership with the fee simple interest of 12217  
the surface tract is less than five acres, the proposed exempt 12218  
domestic well owner shall post a five thousand dollar bond with 12219  
the division prior to the assignment or transfer of the well to 12220  
ensure that the well will be properly plugged. The chief, for good 12221  
cause, may modify the requirements of this section governing the 12222  
assignment or transfer of the interests of a well to the 12223  
landowner. Upon the assignment or transfer of the well, the owner 12224  
of an exempt domestic well is not subject to the severance tax 12225  
levied under section 5749.02 of the Revised Code, but is subject 12226  
to all applicable fees established in this chapter. 12227

(C) The owner holding a permit under section 1509.05 of the 12228  
Revised Code is responsible for all obligations and liabilities 12229  
imposed by this chapter and any rules, orders, and terms and 12230  
conditions of a permit adopted or issued under it, and no 12231  
assignment or transfer by the owner relieves the owner of the 12232  
obligations and liabilities until and unless the assignee or 12233  
transferee files with the division the information described in 12234  
divisions (A)(1), (2), (3), (4), (5), (10), (11), and (12) of 12235  
section 1509.06 of the Revised Code; obtains liability insurance 12236  
coverage required by section 1509.07 of the Revised Code, except 12237  
when none is required by that section; and executes and files a 12238  
surety bond, negotiable certificates of deposit or irrevocable 12239  
letters of credit, or cash, as described in that section. Instead 12240  
of a bond, but only upon acceptance by the chief, the assignee or 12241  
transferee may file proof of financial responsibility, described 12242  
in section 1509.07 of the Revised Code. Section 1509.071 of the 12243  
Revised Code applies to the surety bond, cash, and negotiable 12244  
certificates of deposit and irrevocable letters of credit 12245  
described in this section. Unless the chief approves a 12246  
modification, each assignee or transferee shall operate in 12247  
accordance with the plans and information filed by the permit 12248  
holder pursuant to section 1509.06 of the Revised Code. 12249

(D) If a mortgaged property that is being foreclosed is 12250  
subject to an oil or gas lease, pipeline agreement, or other 12251  
instrument related to the production or sale of oil or natural gas 12252  
and the lease, agreement, or other instrument was recorded 12253  
subsequent to the mortgage, and if the lease, agreement, or other 12254  
instrument is not in default, the oil or gas lease, pipeline 12255  
agreement, or other instrument, as applicable, has priority over 12256  
all other liens, claims, or encumbrances on the property so that 12257  
the oil or gas lease, pipeline agreement, or other instrument is 12258  
not terminated or extinguished upon the foreclosure sale of the 12259  
mortgaged property. If the owner of the mortgaged property was 12260  
entitled to oil and gas royalties before the foreclosure sale, the 12261  
oil or gas royalties shall be paid to the purchaser of the 12262  
foreclosed property. 12263

**Sec. 1509.36.** Any person adversely affected by an order by 12264  
the chief of the division of oil and gas resources management may 12265  
appeal to the oil and gas commission for an order vacating or 12266  
modifying the order. 12267

The person so appealing to the commission shall be known as 12268  
appellant and the chief shall be known as appellee. Appellant and 12269  
appellee shall be deemed to be parties to the appeal. 12270

The appeal shall be in writing and shall set forth the order 12271  
complained of and the grounds upon which the appeal is based. The 12272  
appeal shall be filed with the commission within thirty days after 12273  
the date upon which the ~~appellant~~ person to whom the order was 12274  
issued received ~~notice by certified mail~~ the order and, for all 12275  
other persons adversely affected by the order, within thirty days 12276  
after the date of the order complained of. Notice of the filing of 12277  
the appeal shall be filed with the chief within three days after 12278  
the appeal is filed with the commission. 12279

Upon the filing of the appeal the commission promptly shall 12280

fix the time and place at which the hearing on the appeal will be 12281  
held, and shall give the appellant and the chief at least ten 12282  
days' written notice thereof by mail. The commission may postpone 12283  
or continue any hearing upon its own motion or upon application of 12284  
the appellant or of the chief. 12285

The filing of an appeal provided for in this section does not 12286  
automatically suspend or stay execution of the order appealed 12287  
from, but upon application by the appellant the commission may 12288  
suspend or stay the execution pending determination of the appeal 12289  
upon such terms as the commission considers proper. 12290

Either party to the appeal or any interested person who, 12291  
pursuant to commission rules has been granted permission to 12292  
appear, may submit such evidence as the commission considers 12293  
admissible. 12294

For the purpose of conducting a hearing on an appeal, the 12295  
commission may require the attendance of witnesses and the 12296  
production of books, records, and papers, and it may, and at the 12297  
request of any party it shall, issue subpoenas for witnesses or 12298  
subpoenas duces tecum to compel the production of any books, 12299  
records, or papers, directed to the sheriffs of the counties where 12300  
the witnesses are found. The subpoenas shall be served and 12301  
returned in the same manner as subpoenas in criminal cases are 12302  
served and returned. The fees of sheriffs shall be the same as 12303  
those allowed by the court of common pleas in criminal cases. 12304  
Witnesses shall be paid the fees and mileage provided for under 12305  
section 119.094 of the Revised Code. Such fees and mileage 12306  
expenses incurred at the request of appellant shall be paid in 12307  
advance by the appellant, and the remainder of those expenses 12308  
shall be paid out of funds appropriated for the expenses of the 12309  
division of oil and gas resources management. 12310

In case of disobedience or neglect of any subpoena served on 12311  
any person, or the refusal of any witness to testify to any matter 12312

regarding which the witness may be lawfully interrogated, the 12313  
court of common pleas of the county in which the disobedience, 12314  
neglect, or refusal occurs, or any judge thereof, on application 12315  
of the commission or any member thereof, shall compel obedience by 12316  
attachment proceedings for contempt as in the case of disobedience 12317  
of the requirements of a subpoena issued from that court or a 12318  
refusal to testify therein. Witnesses at such hearings shall 12319  
testify under oath, and any member of the commission may 12320  
administer oaths or affirmations to persons who so testify. 12321

At the request of any party to the appeal, a record of the 12322  
testimony and other evidence submitted shall be taken by an 12323  
official court reporter at the expense of the party making the 12324  
request for the record. The record shall include all of the 12325  
testimony and other evidence and the rulings on the admissibility 12326  
thereof presented at the hearing. The commission shall pass upon 12327  
the admissibility of evidence, but any party may at the time 12328  
object to the admission of any evidence and except to the rulings 12329  
of the commission thereon, and if the commission refuses to admit 12330  
evidence the party offering same may make a proffer thereof, and 12331  
such proffer shall be made a part of the record of the hearing. 12332

If upon completion of the hearing the commission finds that 12333  
the order appealed from was lawful and reasonable, it shall make a 12334  
written order affirming the order appealed from; if the commission 12335  
finds that the order was unreasonable or unlawful, it shall make a 12336  
written order vacating the order appealed from and making the 12337  
order that it finds the chief should have made. Every order made 12338  
by the commission shall contain a written finding by the 12339  
commission of the facts upon which the order is based. 12340

Notice of the making of the order shall be given forthwith to 12341  
each party to the appeal by mailing a certified copy thereof to 12342  
each such party by certified mail. 12343

The order of the commission is final unless vacated by the 12344

court of common pleas of Franklin county in an appeal as provided 12345  
for in section 1509.37 of the Revised Code. Sections 1509.01 to 12346  
1509.37 of the Revised Code, providing for appeals relating to 12347  
orders by the chief or by the commission, or relating to rules 12348  
adopted by the chief, do not constitute the exclusive procedure 12349  
that any person who believes the person's rights to be unlawfully 12350  
affected by those sections or any official action taken thereunder 12351  
must pursue in order to protect and preserve those rights, nor do 12352  
those sections constitute a procedure that that person must pursue 12353  
before that person may lawfully appeal to the courts to protect 12354  
and preserve those rights. 12355

**Sec. 1509.50.** (A) An oil and gas regulatory cost recovery 12356  
assessment is hereby imposed by this section on an owner. An owner 12357  
shall pay the assessment in the same manner as a severer who is 12358  
required to file a return under section 5749.06 of the Revised 12359  
Code. However, an owner may designate a severer who shall pay the 12360  
owner's assessment on behalf of the owner on the return that the 12361  
severer is required to file under that section. If a severer so 12362  
pays an owner's assessment, the severer may recoup from the owner 12363  
the amount of the assessment. Except for an exempt domestic well, 12364  
the assessment imposed shall be in addition to the taxes levied on 12365  
the severance of oil and gas under section 5749.02 of the Revised 12366  
Code. 12367

(B)(1) Except for an exempt domestic well, the oil and gas 12368  
regulatory cost recovery assessment shall be calculated on a 12369  
quarterly basis ~~and shall be one of the following~~ as follows: 12370

~~(a) If the sum of ten cents per barrel of oil for all of the 12371  
wells of the owner, one half of one cent per one thousand cubic 12372  
feet of natural gas for all of the wells of the owner, and the 12373  
amount of the severance tax levied on each severer for all of the 12374  
wells of the owner under divisions (A)(5) and (6) of section 12375~~

~~5749.02 of the Revised Code, as applicable, is greater than the~~ 12376  
~~sum of fifteen dollars for each well owned by the owner, the~~ 12377  
~~amount of the assessment is the sum of ten cents per barrel of oil~~ 12378  
~~for all of the wells of the owner and one-half (1) One-half of one~~ 12379  
~~cent per one thousand cubic feet of natural gas for all of the~~ 12380  
~~wells of the owner.~~ 12381

~~(b) If the sum of ten;~~ 12382

~~(2) Ten cents per barrel of oil for all of the wells of the~~ 12383  
~~owner, one-half of one cent per one thousand cubic feet of natural~~ 12384  
~~gas for all of the wells of the owner, and the amount of the~~ 12385  
~~severance tax levied on each severer for all of the wells of the~~ 12386  
~~owner under divisions (A)(5) and (6) of section 5749.02 of the~~ 12387  
~~Revised Code, as applicable, is less than the sum of fifteen~~ 12388  
~~dollars for each well owned by the owner, the amount of the~~ 12389  
~~assessment is the sum of fifteen dollars for each well owned by~~ 12390  
~~the owner less the amount of the tax levied on each severer for~~ 12391  
~~all of the wells of the owner under divisions (A)(5) and (6) of~~ 12392  
~~section 5749.02 of the Revised Code, as applicable.~~ 12393

~~(2) The oil and gas regulatory cost recovery assessment for a~~ 12394  
~~well that becomes an exempt domestic well on and after June 30,~~ 12395  
~~2010, shall be sixty dollars to be paid to the division of oil and~~ 12396  
~~gas resources management on the first day of July of each year.~~ 12397

(C) All money collected pursuant to this section shall be 12398  
credited to the severance tax receipts fund. After the director of 12399  
budget and management transfers money from the severance tax 12400  
receipts fund as required in division (H) of section 5749.06 of 12401  
the Revised Code, money in the severance tax receipts fund from 12402  
amounts collected pursuant to this section shall be credited to 12403  
the oil and gas well fund created in section 1509.02 of the 12404  
Revised Code. 12405

(D) Except for purposes of revenue distribution as specified 12406

in division (B) of section 5749.02 of the Revised Code, the oil 12407  
and gas regulatory cost recovery assessment imposed by this 12408  
section shall be treated the same and equivalent for all purposes 12409  
as the taxes levied on the severance of oil and gas under that 12410  
section. However, the assessment imposed by this section is not a 12411  
tax under Chapter 5749. of the Revised Code. 12412

Sec. 1521.08. (A) The chief of the division of water 12413  
resources and the director of environmental protection shall 12414  
jointly establish a program to study the impact of oil and gas 12415  
production operations on stream flow using continuous stream flow 12416  
monitoring technology in the following creeks: 12417

(1) Yellow creek, short creek, and cross creek in Jefferson 12418  
county; 12419

(2) Wheeling creek, McMahan creek, Wegee creek, and pipe 12420  
creek in Belmont county; 12421

(3) Sunfish creek and opossum creek in Monroe county. 12422

(B) The chief shall jointly adopt rules with the director in 12423  
accordance with Chapter 119. of the Revised Code for the 12424  
administration and implementation of this section. 12425

Sec. ~~1533.09~~ 1533.06. Before the fifteenth day of March of 12426  
each year, each wild animal permit holder shall file with the 12427  
division of wildlife a written report of the permit holder's 12428  
operations under the permit and the disposition of the specimens 12429  
collected or possessed during the preceding calendar year on 12430  
report blanks furnished by the chief of the division. Failure to 12431  
file a report shall cause the permit to be forfeited as of the 12432  
fifteenth day of March. Permits are not transferable. No permit 12433  
holder or person collecting or possessing wild animals under 12434  
authority of such a permit shall take, possess, or transport the 12435  
wild animals for any purpose not specified in the permit. 12436

Conviction of a violation of this section, failure to carry a permit and exhibit it to any person requesting to see it as provided in section 1533.08 of the Revised Code, or the violation of any other law concerning wild animals constitutes a revocation and forfeiture of the permit involved. The former permit holder shall not be entitled to another permit for a period of one year from the date of the conviction.

Sec. 1533.09. (A) The chief of the division of wildlife, with the approval of the director of natural resources and the wildlife council, may adopt rules in accordance with Chapter 119. of the Revised Code establishing fees, in lieu of the statutorily imposed fees, for all of the following:

(1) Hunting licenses in accordance with section 1533.10 of the Revised Code;

(2) Small game hunting licenses in accordance with section 1533.10 of the Revised Code;

(3) Deer and wild turkey permits in accordance with section 1533.11 of the Revised Code;

(4) Fur taker permits in accordance with section 1533.111 of the Revised Code;

(5) Wetland habitat stamps in accordance with section 1533.112 of the Revised Code;

(6) Fishing licenses in accordance with section 1533.32 of the Revised Code;

(7) Multi-year fishing and hunting licenses in accordance with section 1533.321 of the Revised Code.

(B) The chief shall make rules adopted under this section available to the public and shall include a copy of current rules in any authorized compilation of the division lawbook. The rules must be under the seal of the division and bear the signature, or

facsimile of the chief. 12467

**Sec. 1533.10.** (A) Except as provided in this section or 12468  
division (A)(2) of section 1533.12 or section 1533.73 or 1533.731 12469  
of the Revised Code, no person shall hunt any wild bird or wild 12470  
quadruped without a hunting license. Each day that any person 12471  
hunts within the state without procuring such a license 12472  
constitutes a separate offense. 12473

(B)(1) Except as otherwise provided in this section, division 12474  
(A) of section 1533.12 of the Revised Code, or in rules adopted 12475  
under section 1533.09 or division (B) of ~~that~~ section 1533.12 of 12476  
the Revised Code, each applicant for a hunting license shall pay 12477  
an annual fee for each annual license in accordance with the 12478  
following schedule: 12479

Hunting license - resident	\$18.00	12480
Hunting license - nonresident, <del>and that is</del> not a resident of a reciprocal state, ages 18 and older	\$174.00	12481
Hunting license - nonresident, <del>but that</del> is a resident of a reciprocal state, ages 18 and older	\$18.00	12482
Apprentice hunting license - resident	\$18.00	12483
Apprentice hunting license - nonresident, <del>and that</del> <u>is</u> not a resident of a reciprocal state	\$174.00	12484
Apprentice hunting license - nonresident, <del>but that</del> is a resident of a reciprocal state	\$18.00	12485
Youth hunting license - resident and nonresident	\$9.00	12486
Apprentice youth hunting license - resident	\$9.00	12487
Senior hunting license - resident	\$9.00	12488
Apprentice senior hunting license - resident	\$9.00	12489

(2) Apprentice resident hunting licenses, apprentice youth 12490  
hunting licenses, apprentice senior hunting licenses, and 12491  
apprentice nonresident hunting licenses are subject to the 12492  
requirements established under section 1533.102 of the Revised 12493

Code and rules adopted under it.	12494
(3) As used in division (B)(1) of this section:	12495
(a) "Youth" means an applicant who is under the age of	12496
eighteen years at the time of application for a <del>permit</del> <u>license</u> .	12497
(b) "Senior" means an applicant who is sixty-six years of age	12498
or older at the time of application for a <del>permit</del> <u>license</u> .	12499
(c) "Reciprocal state" means a state that is a party to an	12500
agreement under section 1533.91 of the Revised Code.	12501
(C) A resident of this state who owns lands in the state and	12502
the owner's children of any age and grandchildren under eighteen	12503
years of age may hunt on the lands without a hunting license. A	12504
resident of any other state who owns real property in this state,	12505
and the spouse and children living with the property owner, may	12506
hunt on that property without a license, provided that the state	12507
of residence of the real property owner allows residents of this	12508
state owning real property in that state, and the spouse and	12509
children living with the property owner, to hunt without a	12510
license. If the owner of land in this state is a limited liability	12511
company or a limited liability partnership that consists of three	12512
or fewer individual members or partners, as applicable, an	12513
individual member or partner who is a resident of this state and	12514
the member's or partner's children of any age and grandchildren	12515
under eighteen years of age may hunt on the land owned by the	12516
limited liability company or limited liability partnership without	12517
a hunting license. In addition, if the owner of land in this state	12518
is a trust that has a total of three or fewer trustees and	12519
beneficiaries, an individual who is a trustee or beneficiary and	12520
who is a resident of this state and the individual's children of	12521
any age and grandchildren under eighteen years of age may hunt on	12522
the land owned by the trust without a hunting license. The tenant	12523
and children of the tenant, residing on lands in the state, may	12524

hunt on them without a hunting license. 12525

(D) The chief of the division of wildlife may issue a small 12526  
game hunting license expiring three days from the effective date 12527  
of the license to a nonresident of the state, the fee for which 12528  
~~shall be~~ is thirty-nine dollars unless otherwise provided in rules 12529  
adopted under section 1533.09 of the Revised Code. No person shall 12530  
take or possess deer, wild turkeys, fur-bearing animals, ducks, 12531  
geese, brant, or any nongame animal while possessing only a small 12532  
game hunting license. A 12533

A small game hunting license or an apprentice nonresident 12534  
hunting license does not authorize the taking or possessing of 12535  
ducks, geese, or brant without having obtained, in addition to the 12536  
small game hunting license or the apprentice nonresident hunting 12537  
license, a wetlands habitat stamp as provided in section 1533.112 12538  
of the Revised Code. A small game hunting license or an apprentice 12539  
nonresident hunting license does not authorize the taking or 12540  
possessing of deer, wild turkeys, or fur-bearing animals. A 12541  
nonresident of the state who wishes to take or possess deer, wild 12542  
turkeys, or fur-bearing animals in this state shall procure, 12543  
respectively, a deer or wild turkey permit as provided in section 12544  
1533.11 of the Revised Code or a fur taker permit as provided in 12545  
section 1533.111 of the Revised Code in addition to a nonresident 12546  
hunting license, an apprentice nonresident hunting license, a 12547  
special youth hunting license, or an apprentice youth hunting 12548  
license, as applicable, as provided in this section. 12549

(E) No person shall procure or attempt to procure a hunting 12550  
license by fraud, deceit, misrepresentation, or any false 12551  
statement. 12552

(F)(1) This section does not authorize the taking and 12553  
possessing of deer or wild turkeys without first having obtained, 12554  
in addition to the hunting license required by this section, a 12555  
deer or wild turkey permit as provided in section 1533.11 of the 12556

Revised Code or the taking and possessing of ducks, geese, or 12557  
brant without first having obtained, in addition to the hunting 12558  
license required by this section, a wetlands habitat stamp as 12559  
provided in section 1533.112 of the Revised Code. 12560

(2) This section does not authorize the hunting or trapping 12561  
of fur-bearing animals without first having obtained, in addition 12562  
to a hunting license required by this section, a fur taker permit 12563  
as provided in section 1533.111 of the Revised Code. 12564

(G)(1) No hunting license shall be issued unless it is 12565  
accompanied by a written explanation of the law in section 1533.17 12566  
of the Revised Code and the penalty for its violation, including a 12567  
description of terms of imprisonment and fines that may be 12568  
imposed. 12569

(2) No hunting license, other than an apprentice hunting 12570  
license, shall be issued unless the applicant presents to the 12571  
agent authorized to issue the license a previously held hunting 12572  
license or evidence of having held such a license in content and 12573  
manner approved by the chief, a certificate of completion issued 12574  
upon completion of a hunter education and conservation course 12575  
approved by the chief, or evidence of equivalent training in 12576  
content and manner approved by the chief. A previously held 12577  
apprentice hunting license does not satisfy the requirement 12578  
concerning the presentation of a previously held hunting license 12579  
or evidence of it. 12580

(3) No person shall issue a hunting license, except an 12581  
apprentice hunting license, to any person who fails to present the 12582  
evidence required by this section. No person shall purchase or 12583  
obtain a hunting license, other than an apprentice hunting 12584  
license, without presenting to the issuing agent the evidence 12585  
required by this section. Issuance of a hunting license in 12586  
violation of the requirements of this section is an offense by 12587  
both the purchaser of the illegally obtained hunting license and 12588

the clerk or agent who issued the hunting license. Any hunting 12589  
license issued in violation of this section is void. 12590

(H) The chief, with approval of the wildlife council, shall 12591  
adopt rules prescribing a hunter education and conservation course 12592  
for first-time hunting license buyers, other than buyers of 12593  
apprentice hunting licenses, and for volunteer instructors. The 12594  
course shall consist of subjects including, but not limited to, 12595  
hunter safety and health, use of hunting implements, hunting 12596  
tradition and ethics, the hunter and conservation, the law in 12597  
section 1533.17 of the Revised Code along with the penalty for its 12598  
violation, including a description of terms of imprisonment and 12599  
fines that may be imposed, and other law relating to hunting. 12600  
Authorized personnel of the division or volunteer instructors 12601  
approved by the chief shall conduct such courses with such 12602  
frequency and at such locations throughout the state as to 12603  
reasonably meet the needs of license applicants. The chief shall 12604  
issue a certificate of completion to each person who successfully 12605  
completes the course and passes an examination prescribed by the 12606  
chief. 12607

**Sec. 1533.11.** (A)(1) Except as provided in this section or 12608  
section 1533.731 of the Revised Code, no person shall hunt deer on 12609  
lands of another without first obtaining an annual deer permit. 12610  
Except as provided in this section, no person shall hunt wild 12611  
turkeys on lands of another without first obtaining an annual wild 12612  
turkey permit. A deer or wild turkey permit is valid during the 12613  
hunting license year in which the permit is purchased. Except as 12614  
provided in rules adopted under section 1533.09 or division (B) of 12615  
~~that~~ section 1533.731 of the Revised Code, each applicant for a 12616  
deer or wild turkey permit shall pay an annual fee for each permit 12617  
in accordance with the following schedule: 12618  
Deer permit - resident \$23.00 12619

	<u>\$30.00</u>	
Deer permit - nonresident, <del>all ages</del>	\$74.00	12620
Youth deer permit - resident <u>and nonresident</u>	<del>\$11.50</del>	12621
	<u>\$15.00</u>	
Senior deer permit - resident	\$11.50	12622
Wild turkey permit - resident	<del>\$23.00</del>	12623
	<u>\$30.00</u>	
Wild turkey permit - nonresident, <del>all ages</del>	<del>\$28.00</del>	12624
	<u>\$37.00</u>	
Youth wild turkey permit - resident <u>and</u>	<del>\$11.50</del>	12625
<u>nonresident</u>	<u>\$15.00</u>	
Senior wild turkey permit - resident	\$11.50	12626
(2) As used in division (A)(1) of this section:		12627
(a) "Resident" means an individual who has resided in this		12628
state for not less than six months preceding the date of making		12629
application for a permit.		12630
(b) "Nonresident" means any individual who does not qualify		12631
as a resident.		12632
(c) "Youth" means an applicant who is under the age of		12633
eighteen years at the time of application for a permit.		12634
(d) "Senior" means an applicant who is sixty-six years of age		12635
or older at the time of application for a permit.		12636
(3) The money received shall be paid into the state treasury		12637
to the credit of the wildlife fund, created in section 1531.17 of		12638
the Revised Code, exclusively for the use of the division of		12639
wildlife in the acquisition and development of land for deer or		12640
wild turkey management, for investigating deer or wild turkey		12641
problems, and for the stocking, management, and protection of deer		12642
or wild turkey.		12643
(4) Every person, while hunting deer or wild turkey on lands		12644
of another, shall carry the person's deer or wild turkey permit		12645

and exhibit it to any enforcement officer so requesting. Failure 12646  
to so carry and exhibit such a permit constitutes an offense under 12647  
this section. 12648

(5) The chief of the division of wildlife shall adopt any 12649  
additional rules the chief considers necessary to carry out this 12650  
section and section 1533.10 of the Revised Code. 12651

(6) An owner who is a resident of this state or an owner who 12652  
is exempt from obtaining a hunting license under section 1533.10 12653  
of the Revised Code and the children of the owner of lands in this 12654  
state may hunt deer or wild turkey thereon without a deer or wild 12655  
turkey permit. If the owner of land in this state is a limited 12656  
liability company or a limited liability partnership that consists 12657  
of three or fewer individual members or partners, as applicable, 12658  
an individual member or partner who is a resident of this state 12659  
and the member's or partner's children of any age may hunt deer or 12660  
wild turkey on the land owned by the limited liability company or 12661  
limited liability partnership without a deer or wild turkey 12662  
permit. In addition, if the owner of land in this state is a trust 12663  
that has a total of three or fewer trustees and beneficiaries, an 12664  
individual who is a trustee or beneficiary and who is a resident 12665  
of this state and the individual's children of any age may hunt 12666  
deer or wild turkey on the land owned by the trust without a deer 12667  
or wild turkey permit. The tenant and children of the tenant may 12668  
hunt deer or wild turkey on lands where they reside without a deer 12669  
or wild turkey permit. 12670

(B) A deer or wild turkey permit is not transferable. No 12671  
person shall carry a deer or wild turkey permit issued in the name 12672  
of another person. 12673

(C) The wildlife refunds fund is hereby created in the state 12674  
treasury. The fund shall consist of money received from 12675  
application fees for deer permits that are not issued. Money in 12676  
the fund shall be used to make refunds of such application fees. 12677

(D) If the division establishes a system for the electronic submission of information regarding deer or wild turkey that are taken, the division shall allow the owner and the children of the owner of lands in this state to use the owner's name or address for purposes of submitting that information electronically via that system.

**Sec. 1533.111.** (A) Except as provided in this section or division (A)(2) of section 1533.12 of the Revised Code, no person shall hunt or trap fur-bearing animals on land of another without first obtaining some type of an annual fur taker permit. ~~Each applicant for a fur taker permit or an apprentice fur taker permit shall pay an annual fee of fourteen dollars for the permit, except as otherwise provided in this section or unless the rules adopted under division (B) of section 1533.12 of the Revised Code provide for issuance of a fur taker permit to the applicant free of charge. Except as provided in rules adopted under division (B)(2) of that section, each applicant who is a resident of this state and who at the time of application is sixty six years of age or older shall procure a special senior fur taker permit or an apprentice senior fur taker permit, the fee for which shall be one half of the regular permit fee. Each applicant under the age of eighteen years shall procure a special youth fur taker permit or an apprentice youth fur taker permit, the fee for which shall be one half of the regular fur taker permit fee. Each~~

(B)(1) Except as otherwise provided in rules adopted under section 1533.09 or division (B) of section 1533.12 of the Revised Code, each applicant for a fur taker permit or an apprentice fur taker permit shall pay an annual fee for each annual permit in accordance with the following schedule:

<u>Fur taker permit</u>	<u>\$14.00</u>	12707
<u>Apprentice fur taker permit</u>	<u>\$14.00</u>	12708

<u>Senior fur taker permit - resident only</u>	<u>\$7.00</u>	12709
<u>Apprentice senior fur taker permit - resident only</u>	<u>\$7.00</u>	12710
<u>Special youth fur taker permit</u>	<u>\$7.00</u>	12711
<u>Apprentice youth fur taker permit</u>	<u>\$7.00</u>	12712
<u>(2) As used in division (B)(1) of this section:</u>		12713
<u>(a) "Youth" means an applicant who is under the age of</u>		12714
<u>eighteen years at the time of application for a permit.</u>		12715
<u>(b) "Senior" means an applicant who is sixty-six years of age</u>		12716
<u>or older at the time of application for a permit.</u>		12717
<u>(C) Each</u> type of fur taker permit is valid during the hunting		12718
license year in which the permit is purchased. The money received		12719
shall be paid into the state treasury to the credit of the fund		12720
established in section 1533.15 of the Revised Code. Apprentice fur		12721
taker permits and apprentice youth fur taker permits are subject		12722
to the requirements established under section 1533.102 of the		12723
Revised Code and rules adopted pursuant to it.		12724
<u>(D)(1) No person shall issue a fur taker permit <del>shall be</del></u>		12725
<u>issued to an applicant</u> unless it is accompanied by a written		12726
explanation of the law in section 1533.17 of the Revised Code and		12727
the penalty for its violation, including a description of terms of		12728
imprisonment and fines that may be imposed.		12729
<u>(2) No person shall issue a fur taker permit, other than an</u>		12730
apprentice fur taker permit or an apprentice youth fur taker		12731
permit, <del>shall be issued to an applicant</del> unless the applicant		12732
presents to the agent authorized to issue a fur taker permit a		12733
previously held hunting license or trapping or fur taker permit or		12734
evidence of having held such a license or permit in content and		12735
manner approved by the chief of the division of wildlife, a		12736
certificate of completion issued upon completion of a trapper		12737
education course approved by the chief, or evidence of equivalent		12738

training in content and manner approved by the chief. A previously 12739  
held apprentice hunting license, apprentice fur taker permit, or 12740  
apprentice youth fur taker permit does not satisfy the requirement 12741  
concerning the presentation of a previously held hunting license 12742  
or fur taker permit or evidence of such a license or permit. 12743

(3) No person shall issue a fur taker permit, other than an 12744  
apprentice fur taker permit or an apprentice youth fur taker 12745  
permit, to any person who fails to present the evidence required 12746  
by this section. No person shall purchase or obtain a fur taker 12747  
permit, other than an apprentice fur taker permit or an apprentice 12748  
youth fur taker permit, without presenting to the issuing agent 12749  
the evidence required by this section. Issuance of a fur taker 12750  
permit in violation of the requirements of this section is an 12751  
offense by both the purchaser of the illegally obtained permit and 12752  
the clerk or agent who issued the permit. Any fur taker permit 12753  
issued in violation of this section is void. 12754

(E) The chief, with approval of the wildlife council, shall 12755  
adopt rules prescribing a trapper education course for first-time 12756  
fur taker permit buyers, other than buyers of apprentice fur taker 12757  
permits or apprentice youth fur taker permits, and for volunteer 12758  
instructors. The course shall consist of subjects that include, 12759  
but are not limited to, trapping techniques, animal habits and 12760  
identification, trapping tradition and ethics, the trapper and 12761  
conservation, the law in section 1533.17 of the Revised Code along 12762  
with the penalty for its violation, including a description of 12763  
terms of imprisonment and fines that may be imposed, and other law 12764  
relating to trapping. Authorized personnel of the division of 12765  
wildlife or volunteer instructors approved by the chief shall 12766  
conduct the courses with such frequency and at such locations 12767  
throughout the state as to reasonably meet the needs of permit 12768  
applicants. The chief shall issue a certificate of completion to 12769  
each person who successfully completes the course and passes an 12770

examination prescribed by the chief. 12771

(F) Every person, while hunting or trapping fur-bearing 12772  
animals on lands of another, shall carry the person's fur taker 12773  
permit with the person's signature written on the permit. Failure 12774  
to carry such a signed permit constitutes an offense under this 12775  
section. The chief shall adopt any additional rules the chief 12776  
considers necessary to carry out this section. 12777

(G) An owner who is a resident of this state or an owner who 12778  
is exempt from obtaining a hunting license under section 1533.10 12779  
of the Revised Code and the children of the owner of lands in this 12780  
state may hunt or trap fur-bearing animals thereon without a fur 12781  
taker permit. If the owner of land in this state is a limited 12782  
liability company or a limited liability partnership that consists 12783  
of three or fewer individual members or partners, as applicable, 12784  
an individual member or partner who is a resident of this state 12785  
and the member's or partner's children of any age may hunt or trap 12786  
fur-bearing animals on the land owned by the limited liability 12787  
company or limited liability partnership without a fur taker 12788  
permit. In addition, if the owner of land in this state is a trust 12789  
that has a total of three or fewer trustees and beneficiaries, an 12790  
individual who is a trustee or beneficiary and who is a resident 12791  
of this state and the individual's children of any age may hunt or 12792  
trap fur-bearing animals on the land owned by the trust without a 12793  
fur taker permit. The tenant and children of the tenant may hunt 12794  
or trap fur-bearing animals on lands where they reside without a 12795  
fur taker permit. 12796

(H) A fur taker permit is not transferable. No person shall 12797  
carry a fur taker permit issued in the name of another person. 12798

(I) A fur taker permit entitles a nonresident to take from 12799  
this state fur-bearing animals taken and possessed by the 12800  
nonresident as provided by law or division rule. 12801

Sec. 1533.112. Except as provided in this section or unless 12802  
otherwise provided by division rule, no person shall hunt ducks, 12803  
geese, or brant on the lands of another without first obtaining an 12804  
annual wetlands habitat stamp. The annual fee for the wetlands 12805  
habitat stamp ~~shall be~~ is fourteen dollars for each stamp unless 12806  
~~the otherwise provided in~~ rules adopted under section 1533.09 or 12807  
division (B) of section 1533.12 ~~provide for issuance of a wetlands~~ 12808  
~~habitat stamp to the applicant free of charge of the Revised Code.~~ 12809

Moneys received from the stamp fee shall be paid into the 12810  
state treasury to the credit of the wetlands habitat fund, which 12811  
is hereby established. Moneys shall be paid from the fund on the 12812  
order of the director of natural resources for the following 12813  
purposes: 12814

(A) Sixty per cent for projects that the division approves 12815  
for the acquisition, development, management, or preservation of 12816  
waterfowl areas within the state; 12817

(B) Forty per cent for contribution by the division to an 12818  
appropriate nonprofit organization for the acquisition, 12819  
development, management, or preservation of lands and waters 12820  
within the United States or Canada that provide or will provide 12821  
habitat for waterfowl with migration routes that cross this state. 12822

No moneys derived from the issuance of wetlands habitat 12823  
stamps shall be spent for purposes other than those specified by 12824  
this section. All investment earnings of the fund shall be 12825  
credited to the fund. 12826

Wetlands habitat stamps shall be furnished by and in a form 12827  
prescribed by the chief of the division of wildlife and issued by 12828  
clerks and other agents authorized to issue licenses and permits 12829  
under section 1533.13 of the Revised Code. The record of stamps 12830  
kept by the clerks and other agents shall be uniform throughout 12831  
the state, in such form or manner as the director prescribes, and 12832

open at all reasonable hours to the inspection of any person. 12833  
Unless otherwise provided by rule, each stamp shall remain in 12834  
force until midnight of the thirty-first day of August next 12835  
ensuing. Wetlands habitat stamps may be issued in any manner to 12836  
any person on any date, whether or not that date is within the 12837  
period in which they are effective. 12838

Every person to whom this section applies, while hunting 12839  
ducks, geese, or brant, shall carry an unexpired wetlands habitat 12840  
stamp that is validated by the person's signature written on the 12841  
stamp in ink and shall exhibit the stamp to any enforcement 12842  
officer so requesting. No person shall fail to carry and exhibit 12843  
the person's stamp. 12844

A wetlands habitat stamp is not transferable. 12845

The chief shall establish a procedure to obtain subject 12846  
matter to be printed on the wetlands habitat stamp and shall use, 12847  
dispose of, or distribute the subject matter as the chief 12848  
considers necessary. The chief also shall adopt rules necessary to 12849  
administer this section. 12850

This section does not apply to persons under sixteen years of 12851  
age nor to persons exempted from procuring a hunting license under 12852  
section 1533.10 or division (A)(2) of section 1533.12 of the 12853  
Revised Code. 12854

**Sec. 1533.32.** (A) Except as provided in this section or 12855  
division (A)(2) or (C) of section 1533.12 of the Revised Code or 12856  
as exempted at the discretion of the chief of the division of 12857  
wildlife, no person, including nonresidents, shall take or catch 12858  
any fish by angling in any of the waters in the state or engage in 12859  
fishing in those waters without a license. No person shall take or 12860  
catch frogs or turtles without a valid fishing license, except as 12861  
provided in this section. Persons fishing in privately owned 12862  
ponds, lakes, or reservoirs to or from which fish are not 12863

accustomed to migrate are exempt from the license requirements set 12864  
forth in this section. Persons fishing in privately owned ponds, 12865  
lakes, or reservoirs that are open to public fishing through an 12866  
agreement or lease with the division of wildlife shall comply with 12867  
the license requirements set forth in this section. 12868

~~(B)(1) The fee for an annual license shall be forty nine 12869  
dollars for a resident of a state that is not a party to an 12870  
agreement under section 1533.91 of the Revised Code. The fee for 12871  
an annual license shall be eighteen dollars for a resident of a 12872  
state that is a party to such an agreement. The fee for an annual 12873  
license for residents of this state shall be eighteen dollars 12874  
unless the rules adopted under division (B) of section 1533.12 of 12875  
the Revised Code provide for issuance of a resident fishing 12876  
license to the applicant free of charge. Except as provided in 12877  
rules adopted under division (B)(2) of that section, each 12878  
applicant who is a resident of this state and who at the time of 12879  
application is sixty six years of age or older shall procure a 12880  
special senior fishing license, the fee for which shall be 12881  
one half of the annual resident fishing license fee. 12882~~

~~(2) Except as otherwise provided in rules adopted under 12883  
section 1533.09 or division (B) of section 1533.12 of the Revised 12884  
Code, each applicant for a fishing license shall pay a fee for 12885  
each license in accordance with the following schedule: 12886~~

<del><u>Annual fishing license - resident</u></del>	<del><u>\$24.00</u></del>	12887
<del><u>Annual fishing license - nonresident that is not 12888 a resident of a reciprocal state</u></del>	<del><u>\$49.00</u></del>	
<del><u>Annual fishing license - nonresident that is a 12889 resident of a reciprocal state</u></del>	<del><u>\$24.00</u></del>	
<del><u>Annual senior fishing license - resident</u></del>	<del><u>\$9.00</u></del>	12890
<del><u>Three-day tourist fishing license - nonresident 12891 that is not a resident of a reciprocal state</u></del>	<del><u>\$24.00</u></del>	

<u>One-day fishing license</u>	<u>\$13.00</u>	12892
<u>(2) As used in division (B)(1) of this section:</u>		12893
<u>(a) "Reciprocal state" means a state that is a party to an agreement under section 1533.91 of the Revised Code.</u>		12894 12895
<u>(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a license.</u>		12896 12897
<u>(3) Any person under the age of sixteen years may take or catch frogs and turtles and take or catch fish by angling without a license.</u>		12898 12899 12900
<u>(C)(1) The chief of the division of wildlife may issue a tourist's license expiring three days from the effective date of the license to a resident of a state that is not a party to an agreement under section 1533.91 of the Revised Code. <del>The fee for a tourist's license shall be eighteen dollars.</del></u>		12901 12902 12903 12904 12905
<u>(2) The chief shall adopt rules under section 1531.10 of the Revised Code providing for the issuance of a one-day fishing license to a resident of this state or of any other state. <del>The fee for such a license shall be fifty five per cent of the amount established under this section for a tourist's license, rounded up to the nearest whole dollar.</del> A one-day fishing license shall allow the holder to take or catch fish by angling in the waters in the state, engage in fishing in those waters, or take or catch frogs or turtles in those waters for one day without obtaining an annual license or a tourist's license under this section. At the request of a holder of a one-day fishing license who wishes to obtain an annual license, a clerk or agent authorized to issue licenses under section 1533.13 of the Revised Code, not later than the last day on which the one-day license would be valid if it were an annual license, shall credit the amount of the fee paid for the one-day license toward the fee charged for the annual license if so authorized by the chief. The clerk or agent shall issue the</u>		12906 12907 12908 12909 12910 12911 12912 12913 12914 12915 12916 12917 12918 12919 12920 12921 12922

annual license upon presentation of the one-day license and 12923  
payment of a fee in an amount equal to the difference between the 12924  
fee for the annual license and the fee for the one-day license. 12925

(3) Unless otherwise provided by division rule, each annual 12926  
license shall begin on the date of issuance and expire a year from 12927  
the date of issuance. 12928

(4) Unless otherwise provided by division rule, each 12929  
multi-year license issued in accordance with section 1533.321 of 12930  
the Revised Code shall begin on the date of issuance and expire 12931  
three years, five years, or ten years from the date of issuance, 12932  
as applicable. 12933

(5) No person shall alter a fishing license or possess a 12934  
fishing license that has been altered. 12935

(6) No person shall procure or attempt to procure a fishing 12936  
license by fraud, deceit, misrepresentation, or any false 12937  
statement. 12938

(7) A resident of this state who owns land over, through, 12939  
upon, or along which any water flows or stands, except where the 12940  
land is in or borders on state parks or state-owned lakes, 12941  
together with the members of the immediate families of such 12942  
owners, may take frogs and turtles and may take or catch fish of 12943  
the kind permitted to be taken or caught therefrom without 12944  
procuring a license provided for in this section. This exemption 12945  
extends to tenants actually residing upon such lands and to the 12946  
members of the immediate families of the tenants. A resident of 12947  
any other state who owns land in this state over, through, upon, 12948  
or along which any water flows or stands, except where the land is 12949  
in or borders on state parks or state-owned lakes, and the spouse 12950  
and children living with the owner, may take frogs and turtles and 12951  
may take or catch fish of the kind permitted to be taken or caught 12952  
from that water without obtaining a license under this section, 12953

provided that the state of residence of the owner allows residents 12954  
of this state owning real property in that state, and the spouse 12955  
and children living with such a property owner, to take frogs and 12956  
turtles and take or catch fish without a license. If the owner of 12957  
such land in this state is a limited liability company or a 12958  
limited liability partnership that consists of three or fewer 12959  
individual members or partners, as applicable, an individual 12960  
member or partner who is a resident of this state and the member's 12961  
or partner's children of any age may take frogs and turtles and 12962  
may take or catch fish of the kind permitted to be taken or caught 12963  
therefrom without procuring a license provided for in this 12964  
section. In addition, if the owner of such land in this state is a 12965  
trust that has a total of three or fewer trustees and 12966  
beneficiaries, an individual who is a trustee or beneficiary and 12967  
who is a resident of this state and the individual's children of 12968  
any age may take frogs and turtles and may take or catch fish of 12969  
the kind permitted to be taken or caught therefrom without 12970  
procuring a license provided for in this section. Residents of 12971  
state or county institutions, charitable institutions, and 12972  
military homes in this state may take frogs and turtles without 12973  
procuring the required license, provided that a member of the 12974  
institution or home has an identification card, which shall be 12975  
carried on that person when fishing. 12976

(8) Every fisher required to be licensed, while fishing or 12977  
taking or attempting to take frogs or turtles, shall carry the 12978  
license and exhibit it to any person. Failure to so carry and 12979  
exhibit the license constitutes an offense under this section. 12980

**Sec. 1533.321.** (A) The chief of the division of wildlife may 12981  
issue any of the following: 12982

(1) Multi-year hunting or fishing licenses for three-, five-, 12983  
or ten-year terms to a resident of this state; 12984

(2) Lifetime hunting or fishing licenses to a resident of this state; 12985  
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(3) A package consisting of any combination of license, stamp, or permit that the chief is authorized to issue under this chapter. 12987  
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(B) The chief may adopt rules in accordance with section 1531.10 of the Revised Code governing multi-year hunting and fishing licenses, lifetime hunting and fishing licenses, and combination packages, including rules establishing fees for the combination packages. The chief shall ensure that the price for a combination package is not discounted by more than five per cent of the total fees for the licenses, permits, or stamps that a person would otherwise pay for those licenses, permits, or stamps if the person purchased them individually. 12990  
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(C)(1) The multi-year and lifetime license fund is hereby created in the state treasury. The fund shall consist of money received from application fees for multi-year and lifetime hunting and fishing licenses. 12999  
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(2) Each fiscal year, a prorated amount of the money from each multi-year and lifetime license fee shall be transferred from the multi-year and lifetime license fund to the fund into which the applicable single year license fee would otherwise be deposited. The prorated amount shall equal the total amount of the fee charged for the license divided by the number of years the license is valid. The chief shall adopt rules in accordance with section 1531.10 of the Revised Code for the administration of this division, including establishing a system that prorates lifetime license fees for deposit each year into the wildlife fund created in section 1531.17 of the Revised Code. 13003  
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(3) Each fiscal year, all previous year's investment earnings from the multi-year and lifetime license fund shall be transferred 13014  
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into the wildlife fund created in section 1531.17 of the Revised Code. 13016  
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(D)(1) Each Except as otherwise provided in rules adopted 13018  
under section 1533.09 of the Revised Code, each applicant for a 13019  
multi-year or lifetime fishing license who is a resident of this 13020  
state shall pay a fee for each license in accordance with the 13021  
following schedule: 13022

Senior 3-year fishing license	\$27.50	13023
Senior 5-year fishing license	\$45.75	13024
Senior lifetime fishing license	\$81.00	13025
3-year fishing license	\$52.00	13026
5-year fishing license	\$86.75	13027
10-year fishing license	\$173.50	13028
Lifetime fishing license	\$450.00	13029
Youth lifetime fishing license	\$414.00	13030

(2) As used in division (D)(1) of this section: 13031

(a) "Youth" means an applicant who is under the age of 13032  
sixteen years at the time of application for a permit license. 13033

(b) "Senior" means an applicant who is sixty-six years of age 13034  
or older at the time of application for a permit license. 13035

(E)(1) Each Except as otherwise provided in rules adopted 13036  
under section 1533.09 of the Revised Code, each applicant for a 13037  
multi-year or lifetime hunting license who is a resident of this 13038  
state shall pay a fee for each license in accordance with the 13039  
following schedule: 13040

Senior 3-year hunting license	\$27.50	13041
Senior 5-year hunting license	\$45.75	13042
Senior lifetime hunting license	\$81.00	13043
Youth 3-year hunting license	\$27.50	13044
Youth 5-year hunting license	\$45.75	13045
Youth 10-year hunting license	\$91.50	13046

Youth lifetime hunting license	\$414.00	13047
3-year hunting license	\$52.00	13048
5-year hunting license	\$86.75	13049
10-year hunting license	\$173.50	13050
Lifetime hunting license	\$450.00	13051

(2) As used in division (E)(1) of this section: 13052

(a) "Youth" means an applicant who is under the age of 13053  
eighteen years at the time of application for a ~~permit~~ license. 13054

(b) "Senior" means an applicant who is sixty-six years of age 13055  
or older at the time of application for a ~~permit~~ license. 13056

(F) If a person who is issued a multi-year hunting or fishing 13057  
license or lifetime hunting or fishing license in accordance with 13058  
division (A) of this section subsequently becomes a nonresident 13059  
after issuance of the license, the person's license remains valid 13060  
in this state during its term, regardless of residency status. 13061

**Sec. 1561.011.** ~~Except as provided in section 1561.24 of the~~ 13062  
~~Revised Code, nothing~~ Nothing in this chapter applies to 13063  
activities that are permitted and regulated under Chapter 1514. of 13064  
the Revised Code. 13065

**Sec. 1707.01.** As used in this chapter: 13066

(A) Whenever the context requires it, "division" or "division 13067  
of securities" may be read as "director of commerce" or as 13068  
"commissioner of securities." 13069

(B) "Security" means any certificate or instrument, or any 13070  
oral, written, or electronic agreement, understanding, or 13071  
opportunity, that represents title to or interest in, or is 13072  
secured by any lien or charge upon, the capital, assets, profits, 13073  
property, or credit of any person or of any public or governmental 13074  
body, subdivision, or agency. It includes shares of stock, 13075  
certificates for shares of stock, an uncertificated security, 13076

membership interests in limited liability companies, voting-trust 13077  
certificates, warrants and options to purchase securities, 13078  
subscription rights, interim receipts, interim certificates, 13079  
promissory notes, all forms of commercial paper, evidences of 13080  
indebtedness, bonds, debentures, land trust certificates, fee 13081  
certificates, leasehold certificates, syndicate certificates, 13082  
endowment certificates, interests in or under profit-sharing or 13083  
participation agreements, interests in or under oil, gas, or 13084  
mining leases, preorganization or reorganization subscriptions, 13085  
preorganization certificates, reorganization certificates, 13086  
interests in any trust or pretended trust, any investment 13087  
contract, any life settlement interest, any instrument evidencing 13088  
a promise or an agreement to pay money, warehouse receipts for 13089  
intoxicating liquor, and the currency of any government other than 13090  
those of the United States and Canada, but sections 1707.01 to 13091  
~~1707.45~~ 1707.50 of the Revised Code do not apply to the sale of 13092  
real estate. 13093

(C)(1) "Sale" has the full meaning of "sale" as applied by or 13094  
accepted in courts of law or equity, and includes every 13095  
disposition, or attempt to dispose, of a security or of an 13096  
interest in a security. "Sale" also includes a contract to sell, 13097  
an exchange, an attempt to sell, an option of sale, a solicitation 13098  
of a sale, a solicitation of an offer to buy, a subscription, or 13099  
an offer to sell, directly or indirectly, by agent, circular, 13100  
pamphlet, advertisement, or otherwise. 13101

(2) "Sell" means any act by which a sale is made. 13102

(3) The use of advertisements, circulars, or pamphlets in 13103  
connection with the sale of securities in this state exclusively 13104  
to the purchasers specified in division (D) of section 1707.03 of 13105  
the Revised Code is not a sale when the advertisements, circulars, 13106  
and pamphlets describing and offering those securities bear a 13107  
readily legible legend in substance as follows: "This offer is 13108

made on behalf of dealers licensed under sections 1707.01 to 131109  
~~1707.45~~ 1707.50 of the Revised Code, and is confined in this state 131110  
exclusively to institutional investors and licensed dealers." 131111

(4) The offering of securities by any person in conjunction 131112  
with a licensed dealer by use of advertisement, circular, or 131113  
pamphlet is not a sale if that person does not otherwise attempt 131114  
to sell securities in this state. 131115

(5) Any security given with, or as a bonus on account of, any 131116  
purchase of securities is conclusively presumed to constitute a 131117  
part of the subject of that purchase and has been "sold." 131118

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person 131119  
acting in a representative capacity, includes sale on behalf of 131120  
such party by an agent, including a licensed dealer or 131121  
salesperson. 131122

(D) "Person," except as otherwise provided in this chapter, 131123  
means a natural person, firm, partnership, limited partnership, 131124  
partnership association, syndicate, joint-stock company, 131125  
unincorporated association, trust or trustee except where the 131126  
trust was created or the trustee designated by law or judicial 131127  
authority or by a will, and a corporation or limited liability 131128  
company organized under the laws of any state, any foreign 131129  
government, or any political subdivision of a state or foreign 131130  
government. 131131

(E)(1) "Dealer," except as otherwise provided in this 131132  
chapter, means every person, other than a salesperson, who engages 131133  
or professes to engage, in this state, for either all or part of 131134  
the person's time, directly or indirectly, either in the business 131135  
of the sale of securities for the person's own account, or in the 131136  
business of the purchase or sale of securities for the account of 131137  
others in the reasonable expectation of receiving a commission, 131138  
fee, or other remuneration as a result of engaging in the purchase 131139

and sale of securities. "Dealer" does not mean any of the 13140  
following: 13141

(a) Any issuer, including any officer, director, employee, or 13142  
trustee of, or member or manager of, or partner in, or any general 13143  
partner of, any issuer, that sells, offers for sale, or does any 13144  
act in furtherance of the sale of a security that represents an 13145  
economic interest in that issuer, provided no commission, fee, or 13146  
other similar remuneration is paid to or received by the issuer 13147  
for the sale; 13148

(b) Any licensed attorney, public accountant, or firm of such 13149  
attorneys or accountants, whose activities are incidental to the 13150  
practice of the attorney's, accountant's, or firm's profession; 13151

(c) Any person that, for the account of others, engages in 13152  
the purchase or sale of securities that are issued and outstanding 13153  
before such purchase and sale, if a majority or more of the equity 13154  
interest of an issuer is sold in that transaction, and if, in the 13155  
case of a corporation, the securities sold in that transaction 13156  
represent a majority or more of the voting power of the 13157  
corporation in the election of directors; 13158

(d) Any person that brings an issuer together with a 13159  
potential investor and whose compensation is not directly or 13160  
indirectly based on the sale of any securities by the issuer to 13161  
the investor; 13162

(e) Any bank; 13163

(f) Any person that the division of securities by rule 13164  
exempts from the definition of "dealer" under division (E)(1) of 13165  
this section. 13166

(2) "Licensed dealer" means a dealer licensed under this 13167  
chapter. 13168

(F)(1) "Salesman" or "salesperson" means every natural 13169

person, other than a dealer, who is employed, authorized, or 13170  
appointed by a dealer to sell securities within this state. 13171

(2) The general partners of a partnership, and the executive 13172  
officers of a corporation or unincorporated association, licensed 13173  
as a dealer are not salespersons within the meaning of this 13174  
definition, nor are clerical or other employees of an issuer or 13175  
dealer that are employed for work to which the sale of securities 13176  
is secondary and incidental; but the division of securities may 13177  
require a license from any such partner, executive officer, or 13178  
employee if it determines that protection of the public 13179  
necessitates the licensing. 13180

(3) "Licensed salesperson" means a salesperson licensed under 13181  
this chapter. 13182

(G) "Issuer" means every person who has issued, proposes to 13183  
issue, or issues any security. 13184

(H) "Director" means each director or trustee of a 13185  
corporation, each trustee of a trust, each general partner of a 13186  
partnership, except a partnership association, each manager of a 13187  
partnership association, and any person vested with managerial or 13188  
directory power over an issuer not having a board of directors or 13189  
trustees. 13190

(I) "Incorporator" means any incorporator of a corporation 13191  
and any organizer of, or any person participating, other than in a 13192  
representative or professional capacity, in the organization of an 13193  
unincorporated issuer. 13194

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent 13195  
practices," or "fraudulent transactions" means anything recognized 13196  
on or after July 22, 1929, as such in courts of law or equity; any 13197  
device, scheme, or artifice to defraud or to obtain money or 13198  
property by means of any false pretense, representation, or 13199  
promise; any fictitious or pretended purchase or sale of 13200

securities; and any act, practice, transaction, or course of 13201  
business relating to the purchase or sale of securities that is 13202  
fraudulent or that has operated or would operate as a fraud upon 13203  
the seller or purchaser. 13204

(K) Except as otherwise specifically provided, whenever any 13205  
classification or computation is based upon "par value," as 13206  
applied to securities without par value, the average of the 13207  
aggregate consideration received or to be received by the issuer 13208  
for each class of those securities shall be used as the basis for 13209  
that classification or computation. 13210

(L)(1) "Intangible property" means patents, copyrights, 13211  
secret processes, formulas, services, good will, promotion and 13212  
organization fees and expenses, trademarks, trade brands, trade 13213  
names, licenses, franchises, any other assets treated as 13214  
intangible according to generally accepted accounting principles, 13215  
and securities, accounts receivable, or contract rights having no 13216  
readily determinable value. 13217

(2) "Tangible property" means all property other than 13218  
intangible property and includes securities, accounts receivable, 13219  
and contract rights, when the securities, accounts receivable, or 13220  
contract rights have a readily determinable value. 13221

(M) "Public utilities" means those utilities defined in 13222  
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 13223  
Code; in the case of a foreign corporation, it means those 13224  
utilities defined as public utilities by the laws of its domicile; 13225  
and in the case of any other foreign issuer, it means those 13226  
utilities defined as public utilities by the laws of the situs of 13227  
its principal place of business. The term always includes 13228  
railroads whether or not they are so defined as public utilities. 13229

(N) "State" means any state of the United States, any 13230  
territory or possession of the United States, the District of 13231

Columbia, and any province of Canada. 13232

(O) "Bank" means any bank, trust company, savings and loan 13233  
association, savings bank, or credit union that is incorporated or 13234  
organized under the laws of the United States, any state of the 13235  
United States, Canada, or any province of Canada and that is 13236  
subject to regulation or supervision by that country, state, or 13237  
province. 13238

(P) "Include," when used in a definition, does not exclude 13239  
other things or persons otherwise within the meaning of the term 13240  
defined. 13241

(Q)(1) "Registration by description" means that the 13242  
requirements of section 1707.08 of the Revised Code have been 13243  
complied with. 13244

(2) "Registration by qualification" means that the 13245  
requirements of sections 1707.09 and 1707.11 of the Revised Code 13246  
have been complied with. 13247

(3) "Registration by coordination" means that there has been 13248  
compliance with section 1707.091 of the Revised Code. Reference in 13249  
this chapter to registration by qualification also includes 13250  
registration by coordination unless the context otherwise 13251  
indicates. 13252

(R) "Intoxicating liquor" includes all liquids and compounds 13253  
that contain more than three and two-tenths per cent of alcohol by 13254  
weight and are fit for use for beverage purposes. 13255

(S) "Institutional investor" means any of the following, 13256  
whether acting for itself or for others in a fiduciary capacity: 13257

(1) A bank or international banking institution; 13258

(2) An insurance company; 13259

(3) A separate account of an insurance company; 13260

(4) An investment company as defined in the "Investment 13261

Company Act of 1940," 15 U.S.C. 80a-3;	13262
(5) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the division of securities as a dealer;	13263 13264 13265
(6) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars or its investment decisions are made by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	13266 13267 13268 13269 13270
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	13271 13272
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	13273 13274 13275
(c) An investment adviser registered under this chapter, a bank, or an insurance company.	13276 13277
(7) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	13278 13279 13280 13281 13282 13283 13284 13285
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	13286 13287
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	13288 13289 13290
(c) An investment adviser registered under this chapter, a	13291

bank, or an insurance company.	13292
(8) A trust, if it has total assets in excess of ten million dollars, its trustee is a bank, and its participants are exclusively plans of the types identified in division (S)(6) or (7) of this section, regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-directed plans;	13293 13294 13295 13296 13297 13298
(9) An organization described in section 501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, corporation, Massachusetts trust or similar business trust, limited liability company, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of ten million dollars;	13299 13300 13301 13302 13303 13304
(10) A small business investment company licensed by the small business administration under section 301(c) of the "Small Business Investment Act of 1958," 15 U.S.C. 681(c), with total assets in excess of ten million dollars;	13305 13306 13307 13308
(11) A private business development company as defined in section 202(a)(22) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(22), with total assets in excess of ten million dollars;	13309 13310 13311 13312
(12) A federal covered investment adviser acting for its own account;	13313 13314
(13) A "qualified institutional buyer" as defined in 17 C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);	13315 13316
(14) A "major U.S. institutional investor" as defined in 17 C.F.R. 240.15a-6(b)(4)(i);	13317 13318
(15) Any other person, other than an individual, of institutional character with total assets in excess of ten million dollars not organized for the specific purpose of evading this	13319 13320 13321

chapter;	13322
(16) Any other person specified by rule adopted or order issued under this chapter.	13323 13324
(T) A reference to a statute of the United States or to a rule, regulation, or form promulgated by the securities and exchange commission or by another federal agency means the statute, rule, regulation, or form as it exists at the time of the act, omission, event, or transaction to which it is applied under this chapter.	13325 13326 13327 13328 13329 13330
(U) "Securities and exchange commission" means the securities and exchange commission established by the Securities Exchange Act of 1934.	13331 13332 13333
(V)(1) "Control bid" means the purchase of or offer to purchase any equity security of a subject company from a resident of this state if either of the following applies:	13334 13335 13336
(a) After the purchase of that security, the offeror would be directly or indirectly the beneficial owner of more than ten per cent of any class of the issued and outstanding equity securities of the issuer.	13337 13338 13339 13340
(b) The offeror is the subject company, there is a pending control bid by a person other than the issuer, and the number of the issued and outstanding shares of the subject company would be reduced by more than ten per cent.	13341 13342 13343 13344
(2) For purposes of division (V)(1) of this section, "control bid" does not include any of the following:	13345 13346
(a) A bid made by a dealer for the dealer's own account in the ordinary course of business of buying and selling securities;	13347 13348
(b) An offer to acquire any equity security solely in exchange for any other security, or the acquisition of any equity security pursuant to an offer, for the sole account of the	13349 13350 13351

offeror, in good faith and not for the purpose of avoiding the 13352  
provisions of this chapter, and not involving any public offering 13353  
of the other security within the meaning of Section 4 of Title I 13354  
of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), 13355  
as amended; 13356

(c) Any other offer to acquire any equity security, or the 13357  
acquisition of any equity security pursuant to an offer, for the 13358  
sole account of the offeror, from not more than fifty persons, in 13359  
good faith and not for the purpose of avoiding the provisions of 13360  
this chapter. 13361

(W) "Offeror" means a person who makes, or in any way 13362  
participates or aids in making, a control bid and includes persons 13363  
acting jointly or in concert, or who intend to exercise jointly or 13364  
in concert any voting rights attached to the securities for which 13365  
the control bid is made and also includes any subject company 13366  
making a control bid for its own securities. 13367

(X)(1) "Investment adviser" means any person who, for 13368  
compensation, engages in the business of advising others, either 13369  
directly or through publications or writings, as to the value of 13370  
securities or as to the advisability of investing in, purchasing, 13371  
or selling securities, or who, for compensation and as a part of 13372  
regular business, issues or promulgates analyses or reports 13373  
concerning securities. 13374

(2) "Investment adviser" does not mean any of the following: 13375

(a) Any attorney, accountant, engineer, or teacher, whose 13376  
performance of investment advisory services described in division 13377  
(X)(1) of this section is solely incidental to the practice of the 13378  
attorney's, accountant's, engineer's, or teacher's profession; 13379

(b) A publisher of any bona fide newspaper, news magazine, or 13380  
business or financial publication of general and regular 13381  
circulation; 13382

(c) A person who acts solely as an investment adviser representative;	13383 13384
(d) A bank holding company, as defined in the "Bank Holding Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an investment company;	13385 13386 13387
(e) A bank, or any receiver, conservator, or other liquidating agent of a bank;	13388 13389
(f) Any licensed dealer or licensed salesperson whose performance of investment advisory services described in division (X)(1) of this section is solely incidental to the conduct of the dealer's or salesperson's business as a licensed dealer or licensed salesperson and who receives no special compensation for the services;	13390 13391 13392 13393 13394 13395
(g) Any person, the advice, analyses, or reports of which do not relate to securities other than securities that are direct obligations of, or obligations guaranteed as to principal or interest by, the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest, and that have been designated by the secretary of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c;	13396 13397 13398 13399 13400 13401 13402 13403
(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940.	13404 13405 13406 13407 13408 13409 13410 13411
(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief	13412 13413

investment officer; 13414

(j) Any other person that the division designates by rule, if 13415  
the division finds that the designation is necessary or 13416  
appropriate in the public interest or for the protection of 13417  
investors or clients and consistent with the purposes fairly 13418  
intended by the policy and provisions of this chapter. 13419

(Y)(1) "Subject company" means an issuer that satisfies both 13420  
of the following: 13421

(a) Its principal place of business or its principal 13422  
executive office is located in this state, or it owns or controls 13423  
assets located within this state that have a fair market value of 13424  
at least one million dollars. 13425

(b) More than ten per cent of its beneficial or record equity 13426  
security holders are resident in this state, more than ten per 13427  
cent of its equity securities are owned beneficially or of record 13428  
by residents in this state, or more than one thousand of its 13429  
beneficial or record equity security holders are resident in this 13430  
state. 13431

(2) The division of securities may adopt rules to establish 13432  
more specific application of the provisions set forth in division 13433  
(Y)(1) of this section. Notwithstanding the provisions set forth 13434  
in division (Y)(1) of this section and any rules adopted under 13435  
this division, the division, by rule or in an adjudicatory 13436  
proceeding, may make a determination that an issuer does not 13437  
constitute a "subject company" under division (Y)(1) of this 13438  
section if appropriate review of control bids involving the issuer 13439  
is to be made by any regulatory authority of another jurisdiction. 13440

(Z) "Beneficial owner" includes any person who directly or 13441  
indirectly through any contract, arrangement, understanding, or 13442  
relationship has or shares, or otherwise has or shares, the power 13443  
to vote or direct the voting of a security or the power to dispose 13444

of, or direct the disposition of, the security. "Beneficial ownership" includes the right, exercisable within sixty days, to acquire any security through the exercise of any option, warrant, or right, the conversion of any convertible security, or otherwise. Any security subject to any such option, warrant, right, or conversion privilege held by any person shall be deemed to be outstanding for the purpose of computing the percentage of outstanding securities of the class owned by that person, but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person. A person shall be deemed the beneficial owner of any security beneficially owned by any relative or spouse or relative of the spouse residing in the home of that person, any trust or estate in which that person owns ten per cent or more of the total beneficial interest or serves as trustee or executor, any corporation or entity in which that person owns ten per cent or more of the equity, and any affiliate or associate of that person.

(AA) "Offeree" means the beneficial or record owner of any security that an offeror acquires or offers to acquire in connection with a control bid.

(BB) "Equity security" means any share or similar security, or any security convertible into any such security, or carrying any warrant or right to subscribe to or purchase any such security, or any such warrant or right, or any other security that, for the protection of security holders, is treated as an equity security pursuant to rules of the division of securities.

(CC)(1) "Investment adviser representative" means a supervised person of an investment adviser, provided that the supervised person has more than five clients who are natural persons other than excepted persons defined in division (EE) of this section, and that more than ten per cent of the supervised person's clients are natural persons other than excepted persons

defined in division (EE) of this section. "Investment adviser  
representative" does not mean any of the following: 13477  
13478

(a) A supervised person that does not on a regular basis 13479  
solicit, meet with, or otherwise communicate with clients of the 13480  
investment adviser; 13481

(b) A supervised person that provides only investment 13482  
advisory services described in division (X)(1) of this section by 13483  
means of written materials or oral statements that do not purport 13484  
to meet the objectives or needs of specific individuals or 13485  
accounts; 13486

(c) Any other person that the division designates by rule, if 13487  
the division finds that the designation is necessary or 13488  
appropriate in the public interest or for the protection of 13489  
investors or clients and is consistent with the provisions fairly 13490  
intended by the policy and provisions of this chapter. 13491

(2) For the purpose of the calculation of clients in division 13492  
(CC)(1) of this section, a natural person and the following 13493  
persons are deemed a single client: Any minor child of the natural 13494  
person; any relative, spouse, or relative of the spouse of the 13495  
natural person who has the same principal residence as the natural 13496  
person; all accounts of which the natural person or the persons 13497  
referred to in division (CC)(2) of this section are the only 13498  
primary beneficiaries; and all trusts of which the natural person 13499  
or persons referred to in division (CC)(2) of this section are the 13500  
only primary beneficiaries. Persons who are not residents of the 13501  
United States need not be included in the calculation of clients 13502  
under division (CC)(1) of this section. 13503

(3) If subsequent to March 18, 1999, amendments are enacted 13504  
or adopted defining "investment adviser representative" for 13505  
purposes of the Investment Advisers Act of 1940 or additional 13506  
rules or regulations are promulgated by the securities and 13507

exchange commission regarding the definition of "investment  
adviser representative" for purposes of the Investment Advisers  
Act of 1940, the division of securities shall, by rule, adopt the  
substance of the amendments, rules, or regulations, unless the  
division finds that the amendments, rules, or regulations are not  
necessary for the protection of investors or in the public  
interest.

(DD) "Supervised person" means a natural person who is any of  
the following:

(1) A partner, officer, or director of an investment adviser,  
or other person occupying a similar status or performing similar  
functions with respect to an investment adviser;

(2) An employee of an investment adviser;

(3) A person who provides investment advisory services  
described in division (X)(1) of this section on behalf of the  
investment adviser and is subject to the supervision and control  
of the investment adviser.

(EE) "Excepted person" means a natural person to whom any of  
the following applies:

(1) Immediately after entering into the investment advisory  
contract with the investment adviser, the person has at least  
seven hundred fifty thousand dollars under the management of the  
investment adviser.

(2) The investment adviser reasonably believes either of the  
following at the time the investment advisory contract is entered  
into with the person:

(a) The person has a net worth, together with assets held  
jointly with a spouse, of more than one million five hundred  
thousand dollars.

(b) The person is a qualified purchaser as defined in

division (FF) of this section. 13538

(3) Immediately prior to entering into an investment advisory 13539  
contract with the investment adviser, the person is either of the 13540  
following: 13541

(a) An executive officer, director, trustee, general partner, 13542  
or person serving in a similar capacity, of the investment 13543  
adviser; 13544

(b) An employee of the investment adviser, other than an 13545  
employee performing solely clerical, secretarial, or 13546  
administrative functions or duties for the investment adviser, 13547  
which employee, in connection with the employee's regular 13548  
functions or duties, participates in the investment activities of 13549  
the investment adviser, provided that, for at least twelve months, 13550  
the employee has been performing such nonclerical, nonsecretarial, 13551  
or nonadministrative functions or duties for or on behalf of the 13552  
investment adviser or performing substantially similar functions 13553  
or duties for or on behalf of another company. 13554

If subsequent to March 18, 1999, amendments are enacted or 13555  
adopted defining "excepted person" for purposes of the Investment 13556  
Advisers Act of 1940 or additional rules or regulations are 13557  
promulgated by the securities and exchange commission regarding 13558  
the definition of "excepted person" for purposes of the Investment 13559  
Advisers Act of 1940, the division of securities shall, by rule, 13560  
adopt the substance of the amendments, rules, or regulations, 13561  
unless the division finds that the amendments, rules, or 13562  
regulations are not necessary for the protection of investors or 13563  
in the public interest. 13564

(FF)(1) "Qualified purchaser" means either of the following: 13565

(a) A natural person who owns not less than five million 13566  
dollars in investments as defined by rule by the division of 13567  
securities; 13568

(b) A natural person, acting for the person's own account or  
accounts of other qualified purchasers, who in the aggregate owns  
and invests on a discretionary basis, not less than twenty-five  
million dollars in investments as defined by rule by the division  
of securities.

(2) If subsequent to March 18, 1999, amendments are enacted  
or adopted defining "qualified purchaser" for purposes of the  
Investment Advisers Act of 1940 or additional rules or regulations  
are promulgated by the securities and exchange commission  
regarding the definition of "qualified purchaser" for purposes of  
the Investment Advisers Act of 1940, the division of securities  
shall, by rule, adopt the amendments, rules, or regulations,  
unless the division finds that the amendments, rules, or  
regulations are not necessary for the protection of investors or  
in the public interest.

(GG)(1) "Purchase" has the full meaning of "purchase" as  
applied by or accepted in courts of law or equity and includes  
every acquisition of, or attempt to acquire, a security or an  
interest in a security. "Purchase" also includes a contract to  
purchase, an exchange, an attempt to purchase, an option to  
purchase, a solicitation of a purchase, a solicitation of an offer  
to sell, a subscription, or an offer to purchase, directly or  
indirectly, by agent, circular, pamphlet, advertisement, or  
otherwise.

(2) "Purchase" means any act by which a purchase is made.

(3) Any security given with, or as a bonus on account of, any  
purchase of securities is conclusively presumed to constitute a  
part of the subject of that purchase.

(HH) "Life settlement interest" means the entire interest or  
any fractional interest in an insurance policy or certificate of  
insurance, or in an insurance benefit under such a policy or

certificate, that is the subject of a life settlement contract. 13600

For purposes of this division, "life settlement contract" 13601  
means an agreement for the purchase, sale, assignment, transfer, 13602  
devise, or bequest of any portion of the death benefit or 13603  
ownership of any life insurance policy or contract, in return for 13604  
consideration or any other thing of value that is less than the 13605  
expected death benefit of the life insurance policy or contract. 13606  
"Life settlement contract" includes a viatical settlement contract 13607  
as defined in section 3916.01 of the Revised Code, but does not 13608  
include any of the following: 13609

(1) A loan by an insurer under the terms of a life insurance 13610  
policy, including, but not limited to, a loan secured by the cash 13611  
value of the policy; 13612

(2) An agreement with a bank that takes an assignment of a 13613  
life insurance policy as collateral for a loan; 13614

(3) The provision of accelerated benefits as defined in 13615  
section 3915.21 of the Revised Code; 13616

(4) Any agreement between an insurer and a reinsurer; 13617

(5) An agreement by an individual to purchase an existing 13618  
life insurance policy or contract from the original owner of the 13619  
policy or contract, if the individual does not enter into more 13620  
than one life settlement contract per calendar year; 13621

(6) The initial purchase of an insurance policy or 13622  
certificate of insurance from its owner by a viatical settlement 13623  
provider, as defined in section 3916.01 of the Revised Code, that 13624  
is licensed under Chapter 3916. of the Revised Code. 13625

(II) "State retirement system" means the public employees 13626  
retirement system, Ohio police and fire pension fund, state 13627  
teachers retirement system, school employees retirement system, 13628  
and state highway patrol retirement system. 13629

(JJ) "State retirement system investment officer" means an individual employed by a state retirement system as a chief investment officer, assistant investment officer, or the person in charge of a class of assets or in a position that is substantially equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets.

(KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the administrator of workers' compensation as a chief investment officer or in a position that is substantially equivalent to a chief investment officer.

**Sec. 1707.03.** (A) As used in this section, "exempt" means that, except in the case of securities the right to buy, sell, or deal in which has been suspended or revoked under an existing order of the division of securities under section 1707.13 of the Revised Code or under a cease and desist order under division (G) of section 1707.23 of the Revised Code, transactions in securities may be carried on and completed without compliance with sections 1707.08 to 1707.11 of the Revised Code.

(B) A sale of securities made by or on behalf of a bona fide owner, neither the issuer nor a dealer, is exempt if the sale is made in good faith and not for the purpose of avoiding this chapter and is not made in the course of repeated and successive transactions of a similar character. Any sale of securities over a stock exchange that is lawfully conducted in this state and regularly open for public patronage and that has been established and operated for a period of at least five years prior to the sale at a commission not exceeding the commission regularly charged in such transactions also is exempt.

(C) The sale of securities by executors, administrators, receivers, trustees, or anyone acting in a fiduciary capacity is

exempt, where such relationship was created by law, by a will, or 13661  
by judicial authority, and where such sales are subject to 13662  
approval by, or are made in pursuance to authority granted by, any 13663  
court of competent jurisdiction or are otherwise authorized and 13664  
lawfully made by such fiduciary. 13665

(D) A sale to the issuer, to a dealer, or to an institutional 13666  
investor is exempt. 13667

(E) A sale in good faith, and not for the purpose of avoiding 13668  
this chapter, by a pledgee of a security pledged for a bona fide 13669  
debt is exempt. 13670

(F) The sale at public auction by a corporation of shares of 13671  
its stock because of delinquency in payment for the shares is 13672  
exempt. 13673

(G)(1) The giving of any conversion right with, or on account 13674  
of the purchase of, any security that is exempt, is the subject 13675  
matter of an exempt transaction, has been registered by 13676  
description, by coordination, or by qualification, or is the 13677  
subject matter of a transaction that has been registered by 13678  
description is exempt. 13679

(2) The giving of any subscription right, warrant, or option 13680  
to purchase a security or right to receive a security upon 13681  
exchange, which security is exempt at the time the right, warrant, 13682  
or option to purchase or right to receive is given, is the subject 13683  
matter of an exempt transaction, is registered by description, by 13684  
coordination, or by qualification, or is the subject matter of a 13685  
transaction that has been registered by description is exempt. 13686

(3) The giving of any subscription right or any warrant or 13687  
option to purchase a security, which right, warrant, or option 13688  
expressly provides that it shall not be exercisable except for a 13689  
security that at the time of the exercise is exempt, is the 13690  
subject matter of an exempt transaction, is registered by 13691

description, by coordination, or by qualification, or at such time 13692  
is the subject matter of a transaction that has been registered by 13693  
description is exempt. 13694

(H) The sale of notes, bonds, or other evidences of 13695  
indebtedness that are secured by a mortgage lien upon real estate, 13696  
leasehold estate other than oil, gas, or mining leasehold, or 13697  
tangible personal property, or which evidence of indebtedness is 13698  
due under or based upon a conditional-sale contract, if all such 13699  
notes, bonds, or other evidences of indebtedness are sold to a 13700  
single purchaser at a single sale, is exempt. 13701

(I) The delivery of securities by the issuer on the exercise 13702  
of conversion rights, the sale of securities by the issuer on 13703  
exercise of subscription rights or of warrants or options to 13704  
purchase securities, the delivery of voting-trust certificates for 13705  
securities deposited under a voting-trust agreement, the delivery 13706  
of deposited securities on surrender of voting-trust certificates, 13707  
and the delivery of final certificates on surrender of interim 13708  
certificates are exempt; but the sale of securities on exercise of 13709  
subscription rights, warrants, or options is not an exempt 13710  
transaction unless those rights, warrants, or options when granted 13711  
were the subject matter of an exempt transaction under division 13712  
(G) of this section or were registered by description, by 13713  
coordination, or by qualification. 13714

(J) The sale of securities by a bank, savings and loan 13715  
association, savings bank, or credit union organized under the 13716  
laws of the United States or of this state is exempt if at a 13717  
profit to that seller of not more than two per cent of the total 13718  
sale price of the securities. 13719

(K)(1) The distribution by a corporation of its securities to 13720  
its security holders as a share dividend or other distribution out 13721  
of earnings or surplus is exempt. 13722

(2) The exchange or distribution by the issuer of any of its securities or of the securities of any of the issuer's wholly owned subsidiaries exclusively with or to its existing security holders, if no commission or other remuneration is given directly or indirectly for soliciting the exchange, is exempt.

(3) The sale of preorganization subscriptions for shares of stock of a corporation prior to the incorporation of the corporation is exempt, when the sale is evidenced by a written agreement, no remuneration is given, or promised, directly or indirectly, for or in connection with the sale of those securities, and no consideration is received, directly or indirectly, by any person from the purchasers of those securities until registration by qualification, by coordination, or by description of those securities is made under this chapter.

(L) The issuance of securities in exchange for one or more bona fide outstanding securities, claims, or property interests, not including securities sold for a consideration payable in whole or in part in cash, under a plan of reorganization, recapitalization, or refinancing approved by a court pursuant to the Bankruptcy Act of the United States or to any other federal act giving any federal court jurisdiction over such plan of reorganization, or under a plan of reorganization approved by a court of competent jurisdiction of any state of the United States is exempt. As used in this division, "reorganization," "recapitalization," and "refinancing" have the same meanings as in section 1707.04 of the Revised Code.

(M) A sale by a licensed dealer, acting either as principal or as agent, of securities issued and outstanding before the sale is exempt, unless the sale is of one or more of the following:

(1) Securities constituting the whole or a part of an unsold allotment to or subscription by a dealer as an underwriter or other participant in the distribution of those securities by the

issuer, whether that distribution is direct or through an 13755  
underwriter, provided that, if the issuer is such by reason of 13756  
owning one-fourth or more of those securities, the dealer has 13757  
knowledge of this fact or reasonable cause to believe this fact; 13758

(2) Any class of shares issued by a corporation when the 13759  
number of beneficial owners of that class is less than 13760  
twenty-five, with the record owner of securities being deemed the 13761  
beneficial owner for this purpose, in the absence of actual 13762  
knowledge to the contrary; 13763

(3) Securities that within one year were purchased outside 13764  
this state or within one year were transported into this state, if 13765  
the dealer has knowledge or reasonable cause to believe, before 13766  
the sale of those securities, that within one year they were 13767  
purchased outside this state or within one year were transported 13768  
into this state; but such a sale of those securities is exempt if 13769  
any of the following occurs: 13770

(a) A recognized securities manual contains the names of the 13771  
issuer's officers and directors, a balance sheet of the issuer as 13772  
of a date within eighteen months, and a profit and loss statement 13773  
for either the fiscal year preceding that date or the most recent 13774  
year of operations; 13775

(b) Those securities, or securities of the same class, within 13776  
one year were registered or qualified under section 1707.09 or 13777  
1707.091 of the Revised Code, and that registration or 13778  
qualification is in full force and effect; 13779

(c) The sale is made by a licensed dealer on behalf of the 13780  
bona fide owner of those securities in accordance with division 13781  
(B) of this section; 13782

(d) Those securities were transported into Ohio in a 13783  
transaction of the type described in division (L), (K), or (I) of 13784  
this section, or in a transaction registered under division (A) of 13785

section 1707.06 of the Revised Code. 13786

(N) For the purpose of this division and division (M) of this 13787  
section, "underwriter" means any person who has purchased from an 13788  
issuer with a view to, or sells for an issuer in connection with, 13789  
the distribution of any security, or who participates directly or 13790  
indirectly in any such undertaking or in the underwriting thereof, 13791  
but "underwriter" does not include a person whose interest is 13792  
limited to a discount, commission, or profit from the underwriter 13793  
or from a dealer that is not in excess of the customary 13794  
distributors' or sellers' discount, commission, or profit; and 13795  
"issuer" includes any person or any group of persons acting in 13796  
concert in the sale of such securities, owning beneficially 13797  
one-fourth or more of the outstanding securities of the class 13798  
involved in the transactions in question, with the record owner of 13799  
securities being deemed the beneficial owner for this purpose, in 13800  
the absence of actual knowledge to the contrary. 13801

(O)(1) The sale of any equity security is exempt if all the 13802  
following conditions are satisfied: 13803

(a) The sale is by the issuer of the security. 13804

(b) The total number of purchasers in this state of all 13805  
securities issued or sold by the issuer in reliance upon this 13806  
exemption during the period of one year ending with the date of 13807  
the sale does not exceed ten. A sale of securities registered 13808  
under this chapter or sold pursuant to an exemption under this 13809  
chapter other than this exemption shall not be integrated with a 13810  
sale pursuant to this exemption in computing the number of 13811  
purchasers under this exemption. 13812

(c) No advertisement, article, notice, or other communication 13813  
published in any newspaper, magazine, or similar medium or 13814  
broadcast over television or radio is used in connection with the 13815  
sale, but the use of an offering circular or other communication 13816

delivered by the issuer to selected individuals does not destroy 13817  
this exemption. 13818

(d) The issuer reasonably believes after reasonable 13819  
investigation that the purchaser is purchasing for investment. 13820

(e) The aggregate commission, discount, and other 13821  
remuneration, excluding legal, accounting, and printing fees, paid 13822  
or given directly or indirectly does not exceed ten per cent of 13823  
the initial offering price. 13824

(f) Any such commission, discount, or other remuneration for 13825  
sales in this state is paid or given only to dealers or 13826  
salespersons registered pursuant to this chapter. 13827

(2) For the purposes of division (O)(1) of this section, each 13828  
of the following is deemed to be a single purchaser of a security: 13829  
husband and wife, a child and its parent or guardian when the 13830  
parent or guardian holds the security for the benefit of the 13831  
child, a corporation, a limited liability company, a partnership, 13832  
an association or other unincorporated entity, a joint-stock 13833  
company, or a trust, but only if the corporation, limited 13834  
liability company, partnership, association, entity, joint-stock 13835  
company, or trust was not formed for the purpose of purchasing the 13836  
security. 13837

(3) As used in division (O)(1) of this section, "equity 13838  
security" means any stock or similar security of a corporation or 13839  
any membership interest in a limited liability company; or any 13840  
security convertible, with or without consideration, into such a 13841  
security, or carrying any warrant or right to subscribe to or 13842  
purchase such a security; or any such warrant or right; or any 13843  
other security that the division considers necessary or 13844  
appropriate, by such rules as it may prescribe in the public 13845  
interest or for the protection of investors, to treat as an equity 13846  
security. 13847

(P) The sale of securities representing interests in or under profit-sharing or participation agreements relating to oil or gas wells located in this state, or representing interests in or under oil or gas leases of real estate situated in this state, is exempt if the securities are issued by an individual, partnership, limited partnership, partnership association, syndicate, pool, trust or trust fund, or other unincorporated association and if each of the following conditions is complied with:

(1) The beneficial owners of the securities do not, and will not after the sale, exceed five natural persons;

(2) The securities constitute or represent interests in not more than one oil or gas well;

(3) A certificate or other instrument in writing is furnished to each purchaser of the securities at or before the consummation of the sale, disclosing the maximum commission, compensation for services, cost of lease, and expenses with respect to the sale of such interests and with respect to the promotion, development, and management of the oil or gas well, and the total of that commission, compensation, costs, and expenses does not exceed twenty-five per cent of the aggregate interests in the oil or gas well, exclusive of any landowner's rental or royalty;

(4) The sale is made in good faith and not for the purpose of avoiding this chapter.

(Q) The sale of any security is exempt if all of the following conditions are satisfied:

(1) The provisions of section 5 of the Securities Act of 1933 do not apply to the sale by reason of an exemption under section 4 (2) of that act.

(2) The aggregate commission, discount, and other remuneration, excluding legal, accounting, and printing fees, paid or given directly or indirectly does not exceed ten per cent of

the initial offering price. 13879

(3) Any such commission, discount, or other remuneration for 13880  
sales in this state is paid or given only to dealers or 13881  
salespersons registered under this chapter. 13882

(4) The issuer or dealer files with the division of 13883  
securities, not later than sixty days after the sale, a report 13884  
setting forth the name and address of the issuer, the total amount 13885  
of the securities sold under this division, the number of persons 13886  
to whom the securities were sold, the price at which the 13887  
securities were sold, and the commissions or discounts paid or 13888  
given. 13889

(5) The issuer pays a filing fee of one hundred dollars for 13890  
the first filing and fifty dollars for every subsequent filing 13891  
during each calendar year. 13892

(R) A sale of a money order, travelers' check, or other 13893  
instrument for the transmission of money by a person qualified to 13894  
engage in such business under Chapter 1315. of the Revised Code is 13895  
exempt. 13896

(S) A sale by a licensed dealer of securities that are in the 13897  
process of registration under the Securities Act of 1933, unless 13898  
exempt under that act, and that are in the process of 13899  
registration, if registration is required under this chapter, is 13900  
exempt, provided that no sale of that nature shall be consummated 13901  
prior to the registration by description or qualification of the 13902  
securities. 13903

(T) The execution by a licensed dealer of orders for the 13904  
purchase of any security is exempt, provided that the dealer acts 13905  
only as agent for the purchaser, has made no solicitation of the 13906  
order to purchase the security, has no interest in the 13907  
distribution of the security, and delivers to the purchaser 13908  
written confirmation of the transaction that clearly itemizes the 13909

dealer's commission. "Solicitation," as used in this division, 13910  
means solicitation of the order for the specific security 13911  
purchased and does not include general solicitations or 13912  
advertisements of any kind. 13913

(U) The sale insofar as the security holders of a person are 13914  
concerned, where, pursuant to statutory provisions of the 13915  
jurisdiction under which that person is organized or pursuant to 13916  
provisions contained in its articles of incorporation, certificate 13917  
of incorporation, partnership agreement, declaration of trust, 13918  
trust indenture, or similar controlling instrument, there is 13919  
submitted to the security holders, for their vote or consent, (1) 13920  
a plan or agreement for a reclassification of securities of that 13921  
person that involves the substitution of a security of that person 13922  
for another security of that person, (2) a plan or agreement of 13923  
merger or consolidation or a similar plan or agreement of 13924  
acquisition in which the securities of that person held by the 13925  
security holders will become or be exchanged for securities of any 13926  
other person, or (3) a plan or agreement for a combination as 13927  
defined in division (Q) of section 1701.01 of the Revised Code or 13928  
a similar plan or agreement for the transfer of assets of that 13929  
person to another person in consideration of the issuance of 13930  
securities of any person, is exempt if, with respect to any of the 13931  
foregoing transactions, either of the following conditions is 13932  
satisfied: 13933

(a) The securities to be issued to the security holders are 13934  
effectively registered under sections 6 to 8 of the Securities Act 13935  
of 1933 and offered and sold in compliance with section 5 of that 13936  
act; 13937

(b) At least twenty days prior to the date on which a meeting 13938  
of the security holders is held or the earliest date on which 13939  
corporate action may be taken when no meeting is held, there is 13940  
submitted to the security holders, by that person, or by the 13941

person whose securities are to be issued in the transaction, 13942  
information substantially equivalent to the information that would 13943  
be required to be included in a proxy statement or information 13944  
statement prepared by or on behalf of the management of an issuer 13945  
subject to section 14(a) or 14(c) of the Securities Exchange Act 13946  
of 1934. 13947

(V) The sale of any security is exempt if the division by 13948  
rule finds that registration is not necessary or appropriate in 13949  
the public interest or for the protection of investors. 13950

(W) Any offer or sale of securities made in reliance on the 13951  
exemptions provided by Rule 505 of Regulation D made pursuant to 13952  
the Securities Act of 1933 and the conditions and definitions 13953  
provided by Rules 501 to 503 thereunder is exempt if the offer or 13954  
sale satisfies all of the following conditions: 13955

(1) No commission or other remuneration is given, directly or 13956  
indirectly, to any person for soliciting or selling to any person 13957  
in this state in reliance on the exemption under this division, 13958  
except to dealers licensed in this state. 13959

(2)(a) Unless the cause for disqualification is waived under 13960  
division (W)(2)(b) of this section, no exemption under this 13961  
section is available for the securities of an issuer unless the 13962  
issuer did not know and in the exercise of reasonable care could 13963  
not have known that any of the following applies to any of the 13964  
persons described in Rule 262(a) to (c) of Regulation A under the 13965  
Securities Act of 1933: 13966

(i) The person has filed an application for registration or 13967  
qualification that is the subject of an effective order entered 13968  
against the issuer, its officers, directors, general partners, 13969  
controlling persons or affiliates thereof, pursuant to the law of 13970  
any state within five years before the filing of a notice required 13971  
under division (W)(3) of this section denying effectiveness to, or 13972

suspending or revoking the effectiveness of, the registration statement. 13973  
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(ii) The person has been convicted of any offense in connection with the offer, sale, or purchase of any security or franchise, or any felony involving fraud or deceit, including, but not limited to, forgery, embezzlement, fraud, theft, or conspiracy to defraud. 13975  
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(iii) The person is subject to an effective administrative order or judgment that was entered by a state securities administrator within five years before the filing of a notice required under division (W)(3) of this section and that prohibits, denies, or revokes the use of any exemption from securities registration, prohibits the transaction of business by the person as a dealer, or is based on fraud, deceit, an untrue statement of a material fact, or an omission to state a material fact. 13980  
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(iv) The person is subject to any order, judgment, or decree of any court entered within five years before the filing of a notice required under division (W)(3) of this section, temporarily, preliminarily, or permanently restraining or enjoining the person from engaging in or continuing any conduct or practice in connection with the offer, sale, or purchase of any security, or the making of any false filing with any state. 13988  
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(b)(i) Any disqualification under this division involving a dealer may be waived if the dealer is or continues to be licensed in this state as a dealer after notifying the commissioner of the act or event causing disqualification. 13995  
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(ii) The commissioner may waive any disqualification under this paragraph upon a showing of good cause that it is not necessary under the circumstances that use of the exemption be denied. 13999  
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(3) Not later than five business days before the earlier of 14003

the date on which the first use of an offering document or the 14004  
first sale is made in this state in reliance on the exemption 14005  
under this division, there is filed with the commissioner a notice 14006  
comprised of offering material in compliance with the requirements 14007  
of Rule 502 of Regulation D under the Securities Act of 1933 and a 14008  
fee of one hundred dollars. Material amendments to the offering 14009  
document shall be filed with the commissioner not later than the 14010  
date of their first use in this state. 14011

(4) The aggregate commission, discount, and other 14012  
remuneration paid or given, directly or indirectly, does not 14013  
exceed twelve per cent of the initial offering price, excluding 14014  
legal, accounting, and printing fees. 14015

(X) Any offer or sale of securities made in reliance on the 14016  
exemption provided in Rule 506 of Regulation D under the 14017  
Securities Act of 1933, and in accordance with Rules 501 to 503 of 14018  
Regulation D under the Securities Act of 1933, is exempt provided 14019  
that all of the following apply: 14020

(1) The issuer makes a notice filing with the division on 14021  
form D of the securities and exchange commission within fifteen 14022  
days of the first sale in this state; 14023

(2) Any commission, discount, or other remuneration for sales 14024  
of securities in this state is paid or given only to dealers or 14025  
salespersons licensed under this chapter; 14026

(3) The issuer pays a filing fee of one hundred dollars to 14027  
the division; however, no filing fee shall be required to file 14028  
amendments to the form D of the securities and exchange 14029  
commission. 14030

(Y) The offer or sale of securities by an issuer is exempt 14031  
provided that all of the following apply: 14032

(1) The sale of securities is made only to persons who are, 14033  
or who the issuer reasonably believes are, accredited investors as 14034

defined in Rule 501 of Regulation D under the Securities Act of 14035  
1933. 14036

(2) The issuer reasonably believes that all purchasers are 14037  
purchasing for investment and not with a view to or for sale in 14038  
connection with a distribution of the security. Any resale of a 14039  
security sold in reliance on this exemption within twelve months 14040  
of sale shall be presumed to be with a view to distribution and 14041  
not for investment, except a resale to which any of the following 14042  
applies: 14043

(a) The resale is pursuant to a registration statement 14044  
effective under section 1707.09 or 1707.091 of the Revised Code. 14045

(b) The resale is to an accredited investor, as defined in 14046  
Rule 501 of Regulation D under the Securities Act of 1933. 14047

(c) The resale is to an institutional investor pursuant to 14048  
the exemptions under division (B) or (D) of this section. 14049

(3) The exemption under this division is not available to an 14050  
issuer that is in the development stage and that either has no 14051  
specific business plan or purpose or has indicated that its 14052  
business plan is to engage in a merger or acquisition with an 14053  
unidentified company or companies, or other entities or persons. 14054

(4) The exemption under this division is not available to an 14055  
issuer, if the issuer, any of the issuer's predecessors, any 14056  
affiliated issuer, any of the issuer's directors, officers, 14057  
general partners, or beneficial owners of ten per cent or more of 14058  
any class of its equity securities, any of the issuer's promoters 14059  
presently connected with the issuer in any capacity, any 14060  
underwriter of the securities to be offered, or any partner, 14061  
director, or officer of such underwriter: 14062

(a) Within the past five years, has filed a registration 14063  
statement that is the subject of a currently effective 14064  
registration stop order entered by any state securities 14065

administrator or the securities and exchange commission; 14066

(b) Within the past five years, has been convicted of any 14067  
criminal offense in connection with the offer, purchase, or sale 14068  
of any security, or involving fraud or deceit; 14069

(c) Is currently subject to any state or federal 14070  
administrative enforcement order or judgment, entered within the 14071  
past five years, finding fraud or deceit in connection with the 14072  
purchase or sale of any security; 14073

(d) Is currently subject to any order, judgment, or decree of 14074  
any court of competent jurisdiction, entered within the past five 14075  
years, that temporarily, preliminarily, or permanently restrains 14076  
or enjoins the party from engaging in or continuing to engage in 14077  
any conduct or practice involving fraud or deceit in connection 14078  
with the purchase or sale of any security. 14079

(5) Division (Y)(4) of this section is inapplicable if any of 14080  
the following applies: 14081

(a) The party subject to the disqualification is licensed or 14082  
registered to conduct securities business in the state in which 14083  
the order, judgment, or decree creating the disqualification was 14084  
entered against the party described in division (Y)(4) of this 14085  
section. 14086

(b) Before the first offer is made under this exemption, the 14087  
state securities administrator, or the court or regulatory 14088  
authority that entered the order, judgment, or decree, waives the 14089  
disqualification. 14090

(c) The issuer did not know and, in the exercise of 14091  
reasonable care based on reasonable investigation, could not have 14092  
known that a disqualification from the exemption existed under 14093  
division (Y)(4) of this section. 14094

(6) A general announcement of the proposed offering may be 14095

made by any means; however, the general announcement shall include 14096  
only the following information, unless additional information is 14097  
specifically permitted by the division by rule: 14098

(a) The name, address, and telephone number of the issuer of 14099  
the securities; 14100

(b) The name, a brief description, and price of any security 14101  
to be issued; 14102

(c) A brief description of the business of the issuer; 14103

(d) The type, number, and aggregate amount of securities 14104  
being offered; 14105

(e) The name, address, and telephone number of the person to 14106  
contact for additional information; and 14107

(f) A statement indicating all of the following: 14108

(i) Sales will only be made to accredited investors as 14109  
defined in Rule 501 of Regulation D under the Securities Act of 14110  
1933; 14111

(ii) No money or other consideration is being solicited or 14112  
will be accepted by way of this general announcement; 14113

(iii) The securities have not been registered with or 14114  
approved by any state securities administrator or the securities 14115  
and exchange commission and are being offered and sold pursuant to 14116  
an exemption from registration. 14117

(7) The issuer, in connection with an offer, may provide 14118  
information in addition to the general announcement described in 14119  
division (Y)(6) of this section, provided that either of the 14120  
following applies: 14121

(a) The information is delivered through an electronic 14122  
database that is restricted to persons that are accredited 14123  
investors as defined in Rule 501 of Regulation D under the 14124  
Securities Act of 1933. 14125

(b) The information is delivered after the issuer reasonably believes that the prospective purchaser is an accredited investor as defined in Rule 501 of Regulation D under the Securities Act of 1933.

(8) No telephone solicitation shall be done, unless prior to placing the telephone call, the issuer reasonably believes that the prospective purchaser to be solicited is an accredited investor as defined in Rule 501 of Regulation D under the Securities Act of 1933.

(9) Dissemination of the general announcement described in division (Y)(6) of this section to persons that are not accredited investors, as defined in Rule 501 of Regulation D under the Securities Act of 1933, does not disqualify the issuer from claiming an exemption under this division.

(10) The issuer shall file with the division notice of the offering of securities within fifteen days after notice of the offering is made or a general announcement is made in this state. The filing shall be on forms adopted by the division and shall include a copy of the general announcement, if one is made regarding the proposed offering, and copies of any offering materials, circulars, or prospectuses. A filing fee of one hundred dollars also shall be included.

(Z) The offer or sale of securities by an OhioInvests issuer under sections 1707.05 to 1707.058 of the Revised Code is exempt.

**Sec. 1707.04.** (A) The division of securities may consider and conduct hearings upon any plan of reorganization, recapitalization, or refinancing of a corporation organized under the laws of this state, or having its principal place of business within this state, when such plan is proposed by such corporation or by any of its shareholders or creditors and contains a proposal to issue securities in exchange for one or more bona fide

outstanding securities, claims, or property interests, or partly 14157  
in such exchange or partly for cash. The division may also approve 14158  
the terms of such issuance and exchange and the fairness of such 14159  
terms, after a hearing upon such fairness at which all persons to 14160  
whom it is proposed to issue securities in such exchange have the 14161  
right to appear, if application for such a hearing is made by such 14162  
corporation, by the holders of a majority in amount of its debts, 14163  
or by the holders of a majority in amount of any outstanding class 14164  
of securities issued by it. Notice in person or by mail of the 14165  
time and place of such hearing shall be given to all persons to 14166  
whom it is proposed to issue such securities, and evidence 14167  
satisfactory to the division that such notice has been given shall 14168  
be filed with the division. Securities issued in accordance with a 14169  
plan so approved by the division are exempt from sections 1707.01 14170  
to ~~1707.45~~ 1707.50 of the Revised Code, relating to registration 14171  
or qualification of securities or the registration of transactions 14172  
therein. 14173

(B) "Reorganization," "recapitalization," and "refinancing," 14174  
as used in this section, include the following: 14175

(1) A readjustment by modification of the terms of securities 14176  
by agreement; 14177

(2) A readjustment by the exchange of securities by the 14178  
issuer for others of its securities; 14179

(3) The exchange of securities by the issuer for securities 14180  
of another issuer; 14181

(4) The acquisition of assets of a person, directly or 14182  
indirectly, partly or wholly in consideration for securities 14183  
distributed or to be distributed as part of the same transaction, 14184  
directly or indirectly, to holders of securities issued by such 14185  
person or secured by assets of such person; 14186

(5) A merger or consolidation. 14187

(C) Upon filing an application with the division under this section, the applicant shall pay to the division a filing fee of one hundred dollars and shall deposit with the division such sum, not in excess of one thousand dollars, as the division requires for the purpose of defraying the costs of the hearing provided for in this section and of any investigation which the division may make in connection herewith.

**Sec. 1707.042.** (A) No person who makes or opposes a control bid to offerees in this state shall knowingly do any of the following:

(1) Make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;

(2) Engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any such offeree;

(3) Engage in any manipulative act or practice.

(B) Any person who makes or opposes a control bid to offerees in this state, or who realizes any profit which inures to and is recoverable by a corporation, formed in this state, pursuant to section 1707.043 of the Revised Code, is conclusively presumed to have designated the secretary of state as its agent for the service of process in any action or proceeding under this chapter. Upon receipt of any such process, together with an affidavit showing the last known address of the person who made or opposed the control bid or who realized such profit, the secretary of state shall forthwith give notice by telegraph of the fact of the service of process and forward a copy of such process to such address by certified mail, return receipt requested. This section does not affect any right to serve process in any other manner

permitted by law. 14219

(C) Any person who makes or opposes a control bid is subject 14220  
to the liabilities and penalties applicable to a seller, and an 14221  
offeree is entitled to the remedies applicable to a purchaser, as 14222  
set forth in sections 1707.41 to ~~1707.45~~ 1707.50 of the Revised 14223  
Code. 14224

(D) In case any provision or application of any provision of 14225  
this section is for any reason held to be illegal or invalid, such 14226  
illegality or invalidity shall not affect any legal and valid 14227  
provision or application of this section. 14228

Sec. 1707.05. As used in sections 1707.05 to 1707.058 of the 14229  
Revised Code: 14230

(A) "OhioInvests issuer" means an entity organized under the 14231  
laws of this state, other than a general partnership, that meets 14232  
all of the following requirements: 14233

(1) The entity satisfies the requirements of 17 C.F.R. 14234  
230.147A. 14235

(2) The entity meets at least one of the following 14236  
conditions: 14237

(a) The principal office of the entity is located in this 14238  
state. 14239

(b) As of the last day of the most recent semiannual fiscal 14240  
period of the entity, at least eighty per cent, as described under 14241  
17 C.F.R. 230.147A, of the entity's assets were located in this 14242  
state. 14243

(c)(i) The entity derived at least eighty per cent, or other 14244  
threshold permitted under 17 C.F.R. 230.147A, of the entity's 14245  
gross revenues from the operation of a business in this state 14246  
during the previous fiscal year, if the OhioInvests offering 14247  
begins during the first six months of the entity's fiscal year, or 14248

during the twelve months ending on the last day of the sixth month 14249  
of the entity's current fiscal year, if the OhioInvests offering 14250  
begins following the last day. 14251

(ii) Division (A)(2)(c)(i) of this section does not apply to 14252  
any entity whose gross revenue during the most recent period of 14253  
twelve months did not exceed five thousand dollars. 14254

(3) As to itself or any other person, the entity does not 14255  
attempt to limit any liability under, or avoid any prohibition in, 14256  
this chapter. 14257

(4) The entity is not any of the following: 14258

(a) Engaged in the business of investing, reinvesting, 14259  
owning, holding, or trading in securities, except that the entity 14260  
may hold securities of one class in an entity that is not itself 14261  
engaged in the business of investing, reinvesting, owning, 14262  
holding, or trading in securities; 14263

(b) Subject to the reporting requirement of 15 U.S.C. 78m and 14264  
78o(d); 14265

(c) Issuing fractional undivided interests in oil or gas 14266  
rights, or a similar interest in other mineral rights, or engaging 14267  
primarily in petroleum, gas, or hydraulic fracturing exploration, 14268  
production, mining, or other extractive industries; 14269

(d) Issuing life settlement interests; 14270

(e) Engaged as a substantial part of its business in the 14271  
purchase, sale, or development of commercial paper, notes, or 14272  
other indebtedness, financial instruments, securities, or real 14273  
property; purchasing, selling, or holding for investment 14274  
commercial paper, notes, or other indebtedness, financial 14275  
instruments, securities, or real property; or otherwise making 14276  
investments; 14277

(f) A commodity pool, equipment leasing program, or a real 14278

estate investment trust. 14279

(B) "OhioInvests offering" means an offer, or an offer and sale, of securities by an OhioInvests issuer that is exempt from registration under section 1707.051 of the Revised Code. 14280  
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(C) "OhioInvests portal" means a web site that is operated by a portal operator for the offer or sale of securities of an OhioInvests issuer and meets all of the following requirements: 14283  
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(1) When conducting an OhioInvests offering, it implements steps to limit web site access to residents of only this state in accordance with 17 C.F.R. 230.147A. 14286  
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(2) It does not allow an OhioInvests offering to be viewed by a prospective purchaser until both of the following occur: 14289  
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(a) The portal operator verifies, through its exercise of reasonable steps, such as using a third-party verification service or as otherwise approved by the division of securities, that the prospective purchaser is a resident of this state. 14291  
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(b) The prospective purchaser makes an affirmative acknowledgment, electronically through the portal, of the following: 14295  
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"I am an Ohio resident. 14298

The securities and investment opportunities listed on this web site involve high-risk, speculative business ventures. If I choose to invest in any securities or investment opportunity listed on this web site, I may lose all of my investment, and I can afford such a loss. 14299  
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The securities and investment opportunities listed on this web site have not been reviewed or approved by any state or federal securities commission or division or other regulatory authority, and no such person or authority has confirmed the accuracy or determined the adequacy of any disclosure made to 14304  
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prospective investors relating to any offering. 14309

If I choose to invest in any securities or investment 14310  
opportunity listed on this web site, I understand that the 14311  
securities I will acquire may be difficult to transfer or sell, 14312  
that there is no ready market for the sale of such securities, 14313  
that it may be difficult or impossible for me to sell or otherwise 14314  
dispose of this investment at any price, and that, accordingly, I 14315  
may be required to hold this investment indefinitely." 14316

(3) It does not contain the word "OhioInvests" in its 14317  
internet address. 14318

(D) "Portal operator" means an entity, including an issuer, 14319  
that is authorized to do business in this state, is licensed with 14320  
the division of securities under section 1707.054 of the Revised 14321  
Code or is a licensed dealer, and satisfies any other conditions 14322  
determined by the division. 14323

(E) "Executive management" includes executive officers, 14324  
directors, governors, and managers. 14325

**Sec. 1707.051.** Subject to section 1707.058 of the Revised 14326  
Code, the offer, sale, and issuance of securities is exempt from 14327  
the requirements of sections 1707.08 to 1707.11 of the Revised 14328  
Code if all of the following conditions are met: 14329

(A) The issuer is an OhioInvests issuer on the date that its 14330  
securities are first offered for sale in the offering and 14331  
continuously through the closing of the offering. 14332

(B) The offering meets the requirements of the federal 14333  
exemption for intrastate offerings in 17 C.F.R. 230.147A. 14334

(C) The offering expires not more than twelve months after 14335  
the offering commences. 14336

(D) In any twelve-month period, the issuer does not raise 14337  
more than five million dollars, either in cash or other 14338

consideration, in connection with one or more OhioInvests offerings. 14339  
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(E) The issuer uses at least eighty per cent of the net proceeds of the offering in connection with the operation of its business in this state. 14341  
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(F) No single purchaser purchases more than ten thousand dollars in the aggregate in a twelve-month period of securities in connection with OhioInvests offerings unless the purchaser is an accredited investor, as defined in Rule 501 of Regulation D under the Securities Act of 1933. An accredited investor may purchase from all OhioInvests offerings in a twelve-month period up to ten thousand dollars or such greater amount that does not exceed ten per cent of the accredited investor's annual income or net worth, whichever is less. 14344  
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(G) The sale of the securities is conducted exclusively through an OhioInvests portal. 14353  
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(H)(1) Subject to division (H)(2) of this section, an investor may cancel the investment commitment for any reason for a period of time specified in the issuer's offering materials, which period shall be at least five business days after the date of commitment. 14355  
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(2) During the forty-eight hours prior to the deadline identified in the issuer's offering materials, an investment commitment may not be canceled. 14360  
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(I) The issuer requires the portal operator to do all of the following: 14363  
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(1) Provide or make available to each prospective purchaser through the OhioInvests portal the following, as applicable: 14365  
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(a) A copy of the issuer's balance sheet and income statement for the issuer's most recent fiscal year, if the issuer was in 14367  
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existence for that period; 14369

(b) For offerings beginning more than ninety days after the issuer's most recent fiscal year end or if the issuer was not in existence the previous calendar year, a copy of the issuer's balance sheet as of a date not more than ninety days before the commencement of the offering for the issuer's most recently completed fiscal year, or such shorter portion the issuer was in existence during that period, and the year-to-date period, or inception-to-date period, if shorter, corresponding with the more recent balance sheet. 14370  
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(2) Make available to each prospective purchaser through the OhioInvests portal a printable or downloadable disclosure document that meets the requirements of section 1707.052 of the Revised Code; 14379  
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(3) Obtain from each prospective purchaser through the OhioInvests portal the certification described in section 1707.053 of the Revised Code, in either written or electronic form. 14383  
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(J) All of the following apply: 14386

(1) All payments for the purchase of securities are held in escrow until the aggregate capital deposited into escrow from all purchasers is equal to or greater than the stated minimum offering amount. 14387  
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(2) The escrow agent used is a bank, trust company, savings bank, savings association, or credit union authorized to do business in this state. 14391  
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(3) Prior to the execution of the escrow agreement between the issuer and the escrow agent, the escrow agent conducts a search of the issuer and its executive management, as provided to the escrow agent by the portal operator, against the specially designated nationals list maintained by the office of foreign assets control of the United States department of the treasury. 14394  
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(4) The escrow agent is only responsible to act at the direction of the party establishing the escrow account and does not have a duty or liability, contractual or otherwise, to an investor or other person except as set forth in the applicable escrow agreement or other contract.

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(5) If the minimum offering amount is not raised by the expiration date stipulated in the disclosure document provided to the purchasers, all purchasers will receive a return of all their subscription funds.

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(K) Not less than ten days before the beginning of an offering of securities in reliance on the exemption provided under this section, the issuer provides all of the following to the division of securities:

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(1) A notice of claim of exemption from registration, specifying that the issuer will be conducting an offering in reliance on the exemption provided under this section;

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(2) A copy of the disclosure document described in section 1707.052 of the Revised Code that will be provided to prospective purchasers in connection with the offering;

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(3) A filing fee of fifty dollars.

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(4) Any other information that the division requires from the issuer or portal for the protection of investors and to enable the division to determine that the sale of securities is entitled to an exemption.

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(L) The issuer and the portal operator engage in solicitation and advertising of the OhioInvests offering only if all of the following apply:

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(1) The advertisement contains disclaiming language that clearly states all of the following:

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(a) The advertisement is not the offer and is for

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<u>informational purposes only;</u>	14430
<u>(b) The offering is being made in reliance on the exemption provided under this section;</u>	14431
<u>(c) The offering is directed only to residents of this state;</u>	14432
<u>(d) All offers and sales are made through an OhioInvests portal.</u>	14433
<u>(2) In addition to the items listed in division (L)(1) of this section, the advertisement contains not more than the following:</u>	14434
<u>(a) The name and contact information of the issuer;</u>	14435
<u>(b) A brief description of the general type of business conducted by the issuer;</u>	14436
<u>(c) The minimum offering amount the issuer is attempting to raise through its offering;</u>	14437
<u>(d) A description of how the issuer will use the funds raised through the offering;</u>	14438
<u>(e) The duration that the offering will remain open;</u>	14439
<u>(f) The issuer's logo;</u>	14440
<u>(g) The OhioInvests portal through which the offering is being made.</u>	14441
<u>(3) The advertisement complies with all applicable state and federal laws.</u>	14442
<u>(M) Meets such other requirements as the division may, by rule, prescribe for the protection of investors and in the public interest.</u>	14443
<u>Sec. 1707.052. The disclosure document provided to each prospective purchaser through an OhioInvests portal shall contain all of the following:</u>	14444
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<u>(A) The following information regarding the OhioInvests issuer:</u>	14458
<u>(1) The type of entity it is;</u>	14459
<u>(2) The address and telephone number of its principal office;</u>	14460
<u>(3) Its formation history for the previous five years;</u>	14461
<u>(4) The identity of all persons owning more than ten per cent of any class of equity interest in the issuer;</u>	14462
<u>(5) The identity of its members, executive management, and any other persons occupying a similar status or performing similar functions in the name of and on behalf of the issuer, including their titles and their relevant experience;</u>	14463
<u>(6) The material facts of its business plan and capital structure;</u>	14464
<u>(7) Any material risks to the issuer and its business plan;</u>	14465
<u>(8) Its intended use of the offering proceeds, including any amounts to be paid, as compensation or otherwise, to an owner, member, person in executive management, or other person occupying a similar status or performing similar functions on behalf of the issuer.</u>	14466
<u>(B) The following information regarding the securities being offered:</u>	14467
<u>(1) The terms and conditions of the securities and a description of any outstanding securities of the issuer;</u>	14477
<u>(2) The minimum and maximum amount of securities being offered;</u>	14478
<u>(3) Either of the following:</u>	14479
<u>(a) The percentage economic ownership of the issuer represented by the offered securities, assuming the minimum and, if applicable, maximum number of securities being offered is sold;</u>	14480
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<u>(b) The valuation of the issuer implied by the price of the offered securities.</u>	14487
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<u>(4) The price per share, unit, or interest of the securities;</u>	14489
<u>(5) Any restrictions on transfer of the securities;</u>	14490
<u>(6) A statement that any future issuance of securities might dilute the value of the securities being offered;</u>	14491
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<u>(7) The date on which the offering will expire.</u>	14493
<u>(C) The identity of and consideration payable to a person who has been or will be retained by the issuer to assist the issuer in conducting the offering and sale of the securities, including a portal operator. This requirement does not apply to persons acting primarily as accountants or attorneys and employees whose primary job responsibilities involve operating the business of the issuer rather than assisting the issuer in raising capital.</u>	14494
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<u>(D) A description of any pending material litigation, legal proceedings, or regulatory action involving the issuer or any members, persons in executive management, or other persons occupying a similar status or performing similar functions in the name of and on behalf of the issuer;</u>	14501
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<u>(E) A copy of the escrow agreement between the escrow agent, the issuer, and, if applicable, the portal operator;</u>	14506
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<u>(F) A statement that the securities have not been registered under federal or state securities law and that the securities are subject to limitations on resale;</u>	14508
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<u>(G) A statement, printed in boldface type of the minimum size of ten points, as follows: "IN MAKING AN INVESTMENT DECISION, PURCHASERS MUST RELY ON THEIR OWN EXAMINATION OF THE ISSUER AND THE TERMS OF THE OFFERING, INCLUDING THE MERITS AND RISKS INVOLVED. THESE SECURITIES HAVE NOT BEEN RECOMMENDED BY ANY FEDERAL OR STATE SECURITIES COMMISSION OR DIVISION OR OTHER</u>	14511
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REGULATORY AUTHORITY. FURTHERMORE, THE FOREGOING AUTHORITIES HAVE 14517  
NOT CONFIRMED THE ACCURACY OR DETERMINED THE ADEQUACY OF THIS 14518  
DOCUMENT. ANY REPRESENTATION TO THE CONTRARY IS A CRIMINAL 14519  
OFFENSE. THESE SECURITIES ARE SUBJECT TO RESTRICTIONS ON 14520  
TRANSFERABILITY AND RESALE AND MAY NOT BE TRANSFERRED OR RESOLD 14521  
EXCEPT AS PERMITTED BY 17 C.F.R. 230.147A(e) AND THE APPLICABLE 14522  
STATE SECURITIES LAWS, PURSUANT TO REGISTRATION OR EXEMPTION 14523  
THEREFROM. PURCHASERS SHOULD BE AWARE THAT THEY WILL BE REQUIRED 14524  
TO BEAR THE FINANCIAL RISKS OF THIS INVESTMENT FOR AN INDEFINITE 14525  
PERIOD OF TIME." 14526

(H) All material information necessary in order to make the 14527  
statements made, in light of the circumstances under which they 14528  
were made, not misleading and such other information as the 14529  
division may require. 14530

Sec. 1707.053. The certification obtained by the portal 14531  
operator from each prospective purchaser through an OhioInvests 14532  
portal shall, at a minimum, state the following: 14533

"I UNDERSTAND AND ACKNOWLEDGE THAT: 14534

If I make an investment in an offering through this 14535  
OhioInvests portal, it is very likely that I am investing in a 14536  
high-risk, speculative business venture that could result in the 14537  
complete loss of my investment, and I need to be able to afford 14538  
such a loss. 14539

This offering has not been reviewed or approved by any state 14540  
or federal securities commission or division or other regulatory 14541  
authority and that no such person or authority has confirmed the 14542  
accuracy or determined the adequacy of any disclosure made to me 14543  
relating to this offering. 14544

If I make an investment in an offering through this 14545  
OhioInvests portal, it is very likely that the investment will be 14546

difficult to transfer or sell and, accordingly, I may be required 14547  
to hold the investment indefinitely. 14548

By entering into this transaction with the company, I am 14549  
affirmatively representing myself as being an Ohio resident at the 14550  
time that this contract is formed, and if this representation is 14551  
subsequently shown to be false, the contract is void." 14552

**Sec. 1707.054.** (A) No person other than a dealer licensed 14553  
under this chapter shall offer or sell securities pursuant to an 14554  
OhioInvests offering or otherwise act as a portal operator unless 14555  
the person is licensed as a portal operator by the division of 14556  
securities or is transacting business through a portal operator 14557  
licensed by the division. Application for a portal operator's 14558  
license shall be made in accordance with this section and by 14559  
filing with the division of securities the information, materials, 14560  
and forms specified in rules adopted by the division, along with 14561  
all of the following: 14562

(1) An application in the form prescribed by the division and 14563  
all applicable schedules and supplemental information; 14564

(2) A copy of the articles of incorporation or other 14565  
documents that indicate the entity's form of organization; 14566

(3) The filing fee as prescribed in section 1707.17 of the 14567  
Revised Code. 14568

(B) If the division approves the entity as a portal operator, 14569  
the division shall issue a license certificate to the entity. 14570

**Sec. 1707.055.** No portal operator that is not also a licensed 14571  
dealer shall do any of the following: 14572

(A) Offer investment advice or recommendations, or solicit 14573  
the purchase or sale of securities. For purposes of this division, 14574  
a portal operator shall not be considered to be offering 14575

investment advice or recommendations merely because it selects, or 14576  
may perform due diligence with respect to, issuers or offerings to 14577  
be listed or merely because it provides general investor 14578  
educational materials. 14579

(B) Provide transaction-based compensation for securities 14580  
sold under this chapter to employees, agents, or other persons 14581  
unless the employees, agents, or other persons are licensed under 14582  
this chapter and permitted to receive such compensation. 14583

(C) Charge a fee to the issuer for an offering of securities 14584  
on an OhioInvests portal unless the fee is one of the following: 14585

(1) A fixed amount for each offering; 14586

(2) A variable amount based on the length of time that the 14587  
securities are offered on the portal; 14588

(3) A combination of such fixed or variable amounts. 14589

(D) Hold, manage, possess, or otherwise handle purchaser 14590  
funds or securities, unless the portal operator is the issuer. 14591

(E) No portal operator shall allow its officers, directors, 14592  
or partners, or any person occupying similar status or performing 14593  
similar function, to have a financial interest in an OhioInvests 14594  
issuer using the services of the portal operator, or receive a 14595  
financial interest in the OhioInvests issuer as compensation for 14596  
services provided to, or for the benefit of, the OhioInvests 14597  
issuer, in connection with the offer and sale of its securities. 14598

**Sec. 1707.056.** (A) Each portal operator shall do all of the 14599  
following: 14600

(1) Provide the division of securities with read-only access 14601  
to the administrative sections of its OhioInvests portal; 14602

(2) Upon the written request of the division, furnish to the 14603  
division any of the records required to be maintained and 14604

preserved under section 1707.057 of the Revised Code. 14605

(3) Take reasonable efforts to verify that no purchaser exceeds the purchase limitations set forth in division (F) of section 1707.051 of the Revised Code. 14606  
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(B)(1) A portal operator shall not disclose, except to the division of securities, personal information without the written or electronic consent of the prospective purchaser or purchaser. For purposes of division (B) of this section, "personal information" means information provided to a portal operator by a prospective purchaser or purchaser that identifies, or can be used to identify, the prospective purchaser or purchaser. 14609  
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(2) Division (B)(1) of this section does not apply with respect to records required to be furnished to the division under division (A)(2) of this section, the disclosure of personal information to an OhioInvests issuer relating to its OhioInvests offering, or the disclosure of personal information to the extent required or authorized under other law. 14616  
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**Sec. 1707.057.** (A) Each portal operator shall maintain and preserve, for a period of at least five years from either the date of the closing or date of the termination of the securities offering, all of the following: 14622  
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(1) The name of each issuer whose securities have been listed on its OhioInvests portal and the full name, residential address, social security number, date of birth, and copy of a state-issued identification of all owners with greater than ten per cent voting equity in the issuer; 14626  
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(2) Copies of all offering materials that have been displayed on its OhioInvests portal; 14631  
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(3) The names and other personal information of each purchaser who has registered at its OhioInvests portal; 14633  
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<u>(4) Any agreements and contracts between the portal operator</u>	14635
<u>and an issuer;</u>	14636
<u>(5) Any information used to establish that a prospective</u>	14637
<u>purchaser or purchaser of securities through its OhioInvests</u>	14638
<u>portal is a resident of this state and that an issuer whose</u>	14639
<u>securities are listed on the portal has its principal office in</u>	14640
<u>this state;</u>	14641
<u>(6) Any other records the division requires by rule to be</u>	14642
<u>maintained and preserved.</u>	14643
<u>(B)(1) The records described in division (A) of this section</u>	14644
<u>shall be maintained and preserved in a manner, including by any</u>	14645
<u>electronic storage media, that does all of the following:</u>	14646
<u>(a) Permits the immediate location of any particular</u>	14647
<u>document;</u>	14648
<u>(b) Retains the documents exclusively in a nonrewriteable,</u>	14649
<u>nonerasable format;</u>	14650
<u>(c) Verifies automatically the quality and accuracy of the</u>	14651
<u>storage recording process;</u>	14652
<u>(d) Serializes the originals;</u>	14653
<u>(e) Allows indexes and records preserved to be downloaded to</u>	14654
<u>an acceptable medium.</u>	14655
<u>(2) If the records retention system commingles records</u>	14656
<u>required to be retained under this section with other records, the</u>	14657
<u>division of securities may review all of the commingled records.</u>	14658
<u>(C) Notwithstanding divisions (A) and (B) of this section,</u>	14659
<u>the failure of a portal operator that is not the issuer to comply</u>	14660
<u>with those divisions does not affect the OhioInvests issuers'</u>	14661
<u>exemption from registration under section 1707.051 of the Revised</u>	14662
<u>Code.</u>	14663

<u>Sec. 1707.058. (A) As used in this section, "affiliated</u>	14664
<u>party" means any of the following:</u>	14665
<u>(1) Any predecessor to the issuer;</u>	14666
<u>(2) Any affiliated issuer;</u>	14667
<u>(3) Any director, executive officer, other officer</u>	14668
<u>participating in the offering, general partner, or managing member</u>	14669
<u>of the issuer;</u>	14670
<u>(4) Any beneficial owner of twenty per cent or more of the</u>	14671
<u>issuer's outstanding voting equity securities, calculated on the</u>	14672
<u>basis of voting power;</u>	14673
<u>(5) Any promoter connected with the issuer in any capacity at</u>	14674
<u>the time of the sale;</u>	14675
<u>(6) Any investment manager of an issuer that is a pooled</u>	14676
<u>investment fund;</u>	14677
<u>(7) Any general partner or managing member of any investment</u>	14678
<u>manager participating in the offering;</u>	14679
<u>(8) Any director, executive officer, or other officer</u>	14680
<u>participating in the offering of any investment manager or general</u>	14681
<u>partner or managing member of the investment manager participating</u>	14682
<u>in the offering.</u>	14683
<u>(B) The exemption from registration provided under section</u>	14684
<u>1707.051 of the Revised Code is not available with respect to an</u>	14685
<u>offer, sale, and issuance of securities if the issuer of the</u>	14686
<u>securities or any affiliated party:</u>	14687
<u>(1) Has been convicted, within ten years before the offering</u>	14688
<u>of any felony or misdemeanor:</u>	14689
<u>(a) In connection with the purchase or sale of any security;</u>	14690
<u>(b) Involving the making of any false filing with the</u>	14691
<u>securities and exchange commission or a state securities</u>	14692

<u>commissioner; or</u>	14693
<u>(c) Arising out of the conduct of the business of an</u>	14694
<u>underwriter, broker, dealer, municipal securities dealer,</u>	14695
<u>investment adviser, or paid solicitor of purchasers of securities.</u>	14696
<u>(2) Is subject to any order, judgment, or decree of any court</u>	14697
<u>of competent jurisdiction, entered within five years before the</u>	14698
<u>sale, that, at the time of the sale, restrains or enjoins the</u>	14699
<u>person from engaging or continuing to engage in any conduct or</u>	14700
<u>practice:</u>	14701
<u>(a) In connection with the purchase or sale of any security;</u>	14702
<u>(b) Involving the making of any false filing with the</u>	14703
<u>securities and exchange commission or a state securities</u>	14704
<u>commissioner; or</u>	14705
<u>(c) Arising out of the conduct of the business of an</u>	14706
<u>underwriter, broker, dealer, municipal securities dealer,</u>	14707
<u>investment adviser, or paid solicitor of purchasers of securities.</u>	14708
<u>(3) Is subject to a final order of the securities and</u>	14709
<u>exchange commission; a state securities commission or an agency or</u>	14710
<u>officer of a state performing like functions; a state authority</u>	14711
<u>that supervises or examines banks, savings associations, or credit</u>	14712
<u>unions; a state insurance commission or an agency or officer of a</u>	14713
<u>state performing like functions; an appropriate federal banking</u>	14714
<u>agency; the United States commodity futures trading commission; or</u>	14715
<u>the national credit union administration that:</u>	14716
<u>(a) At the time of the offering, bars the person from</u>	14717
<u>associating with an entity regulated by the commission, authority,</u>	14718
<u>agency, or officer; engaging in the business of securities,</u>	14719
<u>insurance, or banking; or engaging in savings association or</u>	14720
<u>credit union activities; or</u>	14721
<u>(b) Constitutes a final order based on a violation of any law</u>	14722

or regulation that prohibits fraudulent, manipulative, or 14723  
deceptive conduct entered within ten years before the offering. 14724

(4) Is subject to an order of the securities and exchange 14725  
commission entered pursuant to 15 U.S.C. 78o(b), 78o-4(c), 14726  
80b-3(e), or 80b-3(f), or an order of a state securities 14727  
commission or an agency or officer of a state performing like 14728  
functions, that, at the time of the offering, does any of the 14729  
following: 14730

(a) Suspends or revokes the person's license or registration 14731  
as a broker, dealer, municipal securities dealer, or investment 14732  
adviser; 14733

(b) Places limitations on the activities, functions, or 14734  
operations of the person; 14735

(c) Bars the person from being associated with any entity or 14736  
from participating in the offering of any penny stock. 14737

(5) Is subject to any order of the securities exchange 14738  
commission, or an order of a state securities commission or an 14739  
agency or officer of a state performing like functions, entered 14740  
within ten years before the sale, that, at the time of the sale, 14741  
orders the person to cease and desist from committing or causing a 14742  
violation or future violation of any of the following: 14743

(a) Any scienter-based antifraud provision of the federal 14744  
securities laws, including, but not limited to, 15 U.S.C. 14745  
77q(a)(1), 78j(b), 78o(c)(1), and 80b-6(1), and 17 C.F.R. 14746  
240.10b-5 or any other regulation adopted thereunder; 14747

(b) 15 U.S.C. 77e, division (C)(1) of section 1707.44 of the 14748  
Revised Code, or any state securities law that requires the 14749  
registration of securities; 14750

(c) Any state securities law requiring state registration as 14751  
a broker dealer, investment adviser, agent, salesperson, 14752

investment adviser, or OhioInvests portal; 14753

(d) Any state securities law involving fraudulent, 14754  
manipulative, or deceptive conduct. 14755

(6) Is suspended or expelled from membership in, or suspended 14756  
or barred from association with a member of, a registered national 14757  
securities exchange or a registered national or affiliated 14758  
securities association for any act or omission to act constituting 14759  
conduct inconsistent with just and equitable principles of trade; 14760

(7) Has filed as a registrant or issuer, or was or was named 14761  
as an underwriter in, any registration statement or Regulation A 14762  
offering statement filed with the securities and exchange 14763  
commission or a state securities commissioner that, within five 14764  
years before the sale, was the subject of a refusal order, stop 14765  
order, or order suspending the Regulation A exemption; 14766

(8) Is, at the time of the sale, the subject of an 14767  
investigation or proceeding to determine whether a stop order or a 14768  
suspension order of the type described in division (B)(7) of this 14769  
section should be issued; 14770

(9) Is subject to a United States postal service false 14771  
representation order entered within five years before the 14772  
offering; 14773

(10) Is, at the time of the offering, subject to a temporary 14774  
restraining order or preliminary injunction with respect to 14775  
conduct alleged by the United States postal service to constitute 14776  
a scheme or device for obtaining money or property through the 14777  
mail by means of false representations. 14778

(C) Division (B) of this section does not apply: 14779

(1) With respect to any conviction, order, judgment, decree, 14780  
suspension, expulsion, or bar that occurred or was issued before 14781  
the effective date of this section; 14782

(2) Upon a showing of good cause and without prejudice to any other action by the securities and exchange commission or a state securities commissioner, if the division determines that it is not necessary under the circumstance that an exemption be denied; 14783  
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(3) If, before the relevant offering, the court of regulatory authority that entered the relevant order, judgment, or decree advises in writing that the disqualification under division (B) of this section should not arise as a consequence of the order, judgment, or decree, whether the advice is contained in the relevant judgment, order, or decree or separately to the securities and exchange commission or a state securities commissioner or their staff; or 14787  
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(4) If the issuer establishes to the division that it did not know and, in the exercise of reasonable care, could not have known that a disqualification existed under division (B) of this section. 14795  
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(D) For purposes of division (B) of this section, events relating to any affiliated issuer that occurred before the affiliation arose will not be considered disqualifying if the affiliated entity is not either of the following: 14799  
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(1) In control of the issuer; 14803

(2) Under common control with the issuer by a third party that was in control of the affiliated entity at the time of the events. 14804  
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**Sec. 1707.10.** Any securities required by sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of the Revised Code, to be registered by qualification before being sold in this state may be offered for sale and sold preliminary to and pending their full qualification, where the division of securities is satisfied that the issuer is solvent and of good business repute and that such 14807  
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preliminary offering will not deceive or tend to deceive the 14813  
public; but no such preliminary offering shall be made until the 14814  
division consents thereto in writing, and such consent shall be on 14815  
condition that within thirty days from the date thereof, or within 14816  
such further time as the division allows, there is filed in the 14817  
office of the division application under such sections for the 14818  
full qualification of said securities, or for a registration of 14819  
such securities by description if, within such time, such 14820  
securities become entitled to registration by description; and the 14821  
entire proceeds of the sale of such securities, without deduction 14822  
for commissions or other charges, shall be segregated or deposited 14823  
in escrow in such manner and for such time as the division 14824  
directs. 14825

No applicant which is an issuer not a resident of this state 14826  
shall be entitled to the benefit of this section unless there 14827  
shall also be on file with the division a consent to service as 14828  
provided in section 1707.11 of the Revised Code. 14829

At the time of filing the statement prescribed in this 14830  
section, the applicant shall pay to the division the filing fee 14831  
prescribed by section 1707.09 of the Revised Code; and upon 14832  
receipt of notice of the division's favorable action on the 14833  
application, the applicant shall pay to the division the 14834  
registration fee prescribed by such section for the qualification 14835  
of securities. 14836

If the dealer is unable to complete such qualification or 14837  
such registration by description, or if the division, acting upon 14838  
more complete information furnished or obtained from its 14839  
examination, does not finally register such security by 14840  
description or qualification, the issuer or dealer who has sold it 14841  
or offered it for sale shall withdraw the security from the market 14842  
and return or tender to purchasers of the security, within such 14843  
time as the division specifies, the amounts paid for it by them. 14844

Sec. 1707.13. The division of securities may suspend the 14845  
registration by description or by qualification of any securities, 14846  
or the right of any dealers or of the issuer, or of both, to buy, 14847  
sell, or deal in any particular security whether it is registered, 14848  
qualified, or exempt or even though transactions in it are 14849  
registered or exempt, if the division finds that the issuer has 14850  
violated sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of the 14851  
Revised Code, or any lawful order or requirement of the division, 14852  
has fraudulently conducted its business, or has been engaged in or 14853  
is engaged or about to engage in deceptive or fraudulent acts, 14854  
practices, or transactions; that such security is being disposed 14855  
of or purchased on grossly unfair terms, in such manner as to 14856  
deceive or defraud or as to tend to deceive or defraud purchasers 14857  
or sellers, or in disregard of the lawful rules and regulations of 14858  
the division applicable to such security or to transactions 14859  
therein; or, in the case of securities being sold under a 14860  
registration or qualification, that the issuer is insolvent. 14861  
Notice of such suspension shall be mailed by the division to the 14862  
issuer and to all licensed dealers concerned. Such notice shall 14863  
specify the particular security whose registration is being 14864  
suspended and shall set a date, not more than ten days later than 14865  
the date of the order of suspension, for a hearing on the 14866  
continuation or revocation of such suspension. For good cause the 14867  
division may continue such hearing on application of any 14868  
interested party. In conducting such hearing the division shall 14869  
have all the authority and powers set forth in section 1707.23 of 14870  
the Revised Code. Following such hearing the division shall either 14871  
confirm or revoke such suspension. No such suspension shall 14872  
invalidate any sale of securities made prior thereto; and the 14873  
rights of persons defrauded by any sale shall in no wise be 14874  
impaired. 14875

If the issuer of a security refuses to permit an examination 14876

to be made by the division of its books, records, and property, or 14877  
refuses to furnish the division any information which it may 14878  
lawfully require under sections 1707.01 to ~~1707.45~~ 1707.50, 14879  
inclusive, of the Revised Code, such refusal is a sufficient 14880  
ground for the division to suspend the registration by description 14881  
or by qualification of such security, or the right of any dealers 14882  
or of the issuer, or of both, to buy, sell, or deal in such 14883  
security. 14884

If any interested party desires an investigation at a place 14885  
other than the office of the division, such person may be required 14886  
by the division to advance sufficient funds to pay the actual 14887  
expenses of such investigation. 14888

Whenever the division determines, upon hearing, that any 14889  
application for qualification was made, or that any securities or 14890  
any transaction was registered by description, by a person who 14891  
knew that untrue statements were contained in such application or 14892  
description, the division may proceed under sections 1707.19, 14893  
1707.23, and 1707.44 of the Revised Code, or any of them, against 14894  
the person who filed such application or such registration by 14895  
description. 14896

**Sec. 1707.161.** (A) No person shall act as an investment 14897  
adviser representative, unless one of the following applies: 14898

(1) The person is licensed as an investment adviser 14899  
representative by the division of securities. 14900

(2) The person is a natural person who is licensed as an 14901  
investment adviser by the division, and does not act as an 14902  
investment adviser representative for another investment adviser; 14903  
however, a natural person who is licensed as an investment adviser 14904  
by the division may act as an investment adviser representative 14905  
for another investment adviser if the natural person also is 14906  
licensed by the division, or is properly excepted from licensure, 14907

as an investment adviser representative of the other investment 14908  
adviser. 14909

(3) The person is employed by or associated with an 14910  
investment adviser registered under section 203 of the "Investment 14911  
Advisers Act of 1940," 15 U.S.C. 80b-3, and does not have a place 14912  
of business in this state. 14913

(4) The person is employed by or associated with an 14914  
investment adviser that is excepted from licensure pursuant to 14915  
division (A)(3), (4), (5), or (6) of section 1707.141 of the 14916  
Revised Code or excepted from notice filing pursuant to division 14917  
(B)(3) of section 1707.141 of the Revised Code. 14918

(B)(1) No investment adviser representative required to be 14919  
licensed under this section shall act as an investment adviser 14920  
representative for more than two investment advisers. An 14921  
investment adviser representative that acts as an investment 14922  
adviser representative for two investment advisers shall do so 14923  
only after the occurrence of both of the following: 14924

(a) Being properly licensed, or properly excepted from 14925  
licensure under this section, as an investment adviser 14926  
representative for both investment advisers; 14927

(b) Complying with the requirements set forth in rules 14928  
adopted by the division regarding consent of both investment 14929  
advisers and notice. 14930

(2) Nothing in this section shall be construed to prohibit a 14931  
natural person from being licensed by the division as both an 14932  
investment adviser and an investment adviser representative. 14933

(3) Nothing in this section shall be construed to prohibit a 14934  
natural person from being licensed by the division as both a 14935  
salesperson and an investment adviser representative. 14936

(4) Nothing in this section shall be construed to prohibit a 14937

natural person from being licensed by the division as both a 14938  
dealer and an investment adviser representative. 14939

(C) An investment adviser representative's license issued 14940  
under this section shall not be effective during any period when 14941  
the investment adviser representative is not employed by or 14942  
associated with an investment adviser that is licensed by the 14943  
division or that is in compliance with the notice filing 14944  
requirements of division (B) of section 1707.141 of the Revised 14945  
Code. Notice of the commencement and termination of the employment 14946  
or association of an investment adviser representative licensed 14947  
under this section shall be given to the division within thirty 14948  
days after the commencement or termination by either of the 14949  
following: 14950

(1) The investment adviser, in the case of an investment 14951  
adviser representative licensed under this section and employed by 14952  
or associated with, or formerly employed by or associated with, an 14953  
investment adviser licensed under section 1707.141 of the Revised 14954  
Code; 14955

(2) The investment adviser representative, in the case of an 14956  
investment adviser representative licensed under this section and 14957  
employed by or associated with, or formerly employed by or 14958  
associated with, an investment adviser that is subject to the 14959  
notice filings requirements of division (B) of section 1707.141 of 14960  
the Revised Code. 14961

(D)(1) Application for an investment adviser representative 14962  
license shall be made in accordance with this section and by 14963  
filing with the division the information, materials, and forms 14964  
specified in rules adopted by the division. 14965

(2) The division shall by rule require an applicant to pass 14966  
an examination designated by the division or achieve a specified 14967  
professional designation. 14968

(3) Prior to issuing the investment adviser representative license, the division may require the applicant to reimburse the division for the actual expenses incurred in investigating the applicant. An itemized statement of any such expenses that the applicant is required to pay shall be furnished to the applicant by the division.

(E) If the division finds that the applicant is of good business repute, appears to be qualified to act as an investment adviser representative, and has complied with sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code and the rules adopted under those sections by the division, the division, upon payment of the fees prescribed by division (B) of section 1707.17 of the Revised Code, shall issue to the applicant a license authorizing the applicant to act as an investment adviser representative for the investment adviser, or investment advisers that are under common ownership or control, named in the application.

**Sec. 1707.17.** (A)(1) The license of every dealer in and salesperson of securities shall expire on the thirty-first day of December of each year, and may be renewed upon the filing with the division of securities of an application for renewal, and the payment of the fee prescribed in this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal of a dealer's or salesperson's license.

(2) The license of every investment adviser and investment adviser representative licensed under section 1707.141 or 1707.161 of the Revised Code shall expire on the thirty-first day of December of each year. The licenses may be renewed upon the filing with the division of an application for renewal, and the payment of the fee prescribed in division (B) of this section. The division shall give notice, without unreasonable delay, of its action on any application for renewal.

(3) An investment adviser required to make a notice filing 15000  
under division (B) of section 1707.141 of the Revised Code 15001  
annually shall file with the division the notice filing and the 15002  
fee prescribed in division (B) of this section, no later than the 15003  
thirty-first day of December of each year. 15004

(4) The license of every state retirement system investment 15005  
officer licensed under section 1707.163 of the Revised Code and 15006  
the license of a bureau of workers' compensation chief investment 15007  
officer issued under section 1707.165 of the Revised Code shall 15008  
expire on the thirtieth day of June of each year. The licenses may 15009  
be renewed on the filing with the division of an application for 15010  
renewal, and the payment of the fee prescribed in division (B) of 15011  
this section. The division shall give notice, without unreasonable 15012  
delay, of its action on any application for renewal. 15013

(5) The license of every portal operator licensed under 15014  
section 1707.054 of the Revised Code shall expire on the 15015  
thirty-first day of December of each year. The license may be 15016  
renewed upon the filing with the division an application for 15017  
renewal, and payment of the fee prescribed in division (B) of this 15018  
section. The division shall give notice, without unreasonable 15019  
delay, of its action on any application for renewal. 15020

(B)(1) The fee for each dealer's license, and for each annual 15021  
renewal thereof, shall be two hundred dollars. 15022

(2) The fee for each salesperson's license, and for each 15023  
annual renewal thereof, shall be sixty dollars. 15024

(3) The fee for each investment adviser's license, and for 15025  
each annual renewal thereof, shall be one hundred dollars. 15026

(4) The fee for each investment adviser notice filing 15027  
required by division (B) of section 1707.141 of the Revised Code 15028  
shall be one hundred dollars. 15029

(5) The fee for each investment adviser representative's 15030

license, and for each annual renewal thereof, shall be thirty-five 15031  
dollars. 15032

(6) The fee for each state retirement system investment 15033  
officer's license, and for each annual renewal thereof, shall be 15034  
fifty dollars. 15035

(7) The fee for a bureau of workers' compensation chief 15036  
investment officer's license, and for each annual renewal thereof, 15037  
shall be fifty dollars. 15038

(8) The fee for a portal operator license, and for each 15039  
annual renewal thereof, shall be one hundred dollars. 15040

(C) A dealer's, salesperson's, investment adviser's, 15041  
investment adviser representative's, bureau of workers' 15042  
compensation chief investment officer's, ~~or~~ state retirement 15043  
system investment officer's, or portal operator's license may be 15044  
issued at any time for the remainder of the calendar year. In that 15045  
event, the annual fee shall not be reduced. 15046

(D) The division may, by rule or order, waive, in whole or in 15047  
part, any of the fee requirements of this section for any person 15048  
or class of persons if, in the same calendar year, the person or 15049  
class of persons is required to pay an additional fee as a result 15050  
of changes in federal law and regulations implemented under Title 15051  
IV of the "Dodd-Frank Wall Street Reform and Consumer Protection 15052  
Act of 2010," 124 Stat. 1576 (2010), 15 U.S.C. 80b-3a(a), under 15053  
which a person or class of persons formerly subject to regulation 15054  
under the United States securities and exchange commission is 15055  
subject to state regulation under Chapter 1707. of the Revised 15056  
Code. 15057

**Sec. 1707.19.** (A) An original license, or a renewal thereof, 15058  
applied for by a dealer or salesperson of securities, or by an 15059  
investment adviser, investment adviser representative, bureau of 15060

workers' compensation chief investment officer, ~~or~~ state 15061  
retirement system investment officer, or portal operator as 15062  
defined in section 1707.05 of the Revised Code may be refused, and 15063  
any such license granted may be suspended and, after notice and 15064  
hearing in accordance with Chapter 119. of the Revised Code, may 15065  
be revoked, by the division of securities, if the division 15066  
determines that the applicant or the licensed dealer, salesperson, 15067  
investment adviser, investment adviser representative, bureau of 15068  
workers' compensation chief investment officer, or state 15069  
retirement system investment officer: 15070

(1) Is not of good business repute; 15071

(2) Is conducting an illegitimate or fraudulent business; 15072

(3) Is, in the case of a dealer ~~or~~, investment adviser, or 15073  
portal operator, insolvent; 15074

(4) Has knowingly violated any provision of sections 1707.01 15075  
to ~~1707.45~~ 1707.50 of the Revised Code, or any regulation or order 15076  
made thereunder; 15077

(5) Has knowingly made a false statement of a material fact 15078  
or an omission of a material fact in an application for a license, 15079  
in a description or application that has been filed, or in any 15080  
statement made to the division under such sections; 15081

(6) Has refused to comply with any lawful order or 15082  
requirement of the division under section 1707.23 of the Revised 15083  
Code; 15084

(7) Has been guilty of any fraudulent act in connection with 15085  
the sale of any securities or in connection with acting as an 15086  
investment adviser, investment adviser representative, bureau of 15087  
workers' compensation chief investment officer, ~~or~~ state 15088  
retirement system investment officer, or portal operator; 15089

(8) Conducts business in purchasing or selling securities at 15090

such variations from the existing market as in the light of all 15091  
the circumstances are unconscionable; 15092

(9) Conducts business in violation of such rules and 15093  
regulations as the division prescribes for the protection of 15094  
investors, clients, or prospective clients; 15095

(10)(a) Has failed to furnish to the division any information 15096  
with respect to the purchases or sales of securities within this 15097  
state that may be reasonably requested by the division as 15098  
pertinent to the protection of investors in this state. 15099

(b) Has failed to furnish to the division any information 15100  
with respect to acting as an investment adviser, investment 15101  
adviser representative, bureau of workers' compensation chief 15102  
investment officer, ~~or~~ state retirement system investment officer, 15103  
or portal operator within this state that may be reasonably 15104  
requested by the division. 15105

(B) For the protection of investors the division may 15106  
prescribe reasonable rules defining fraudulent, evasive, 15107  
deceptive, or grossly unfair practices or devices in the purchase 15108  
or sale of securities. 15109

(C) For the protection of investors, clients, or prospective 15110  
clients, the division may prescribe reasonable rules regarding the 15111  
acts and practices of an investment adviser or an investment 15112  
adviser representative. 15113

(D) For the protection of investors, the division may 15114  
prescribe reasonable rules regarding the acts and practices of a 15115  
portal operator. 15116

(E) Pending any investigation or hearing provided for in 15117  
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, the 15118  
division may order the suspension of any dealer's, salesperson's, 15119  
investment adviser's, investment adviser representative's, bureau 15120  
of workers' compensation chief investment officer's, ~~or~~ state 15121

retirement system investment officer's, or portal operator's 15122  
license by notifying the party concerned of such suspension and 15123  
the cause for it. If it is a salesperson whose license is 15124  
suspended, the division shall also notify the dealer employing the 15125  
salesperson. If it is an investment adviser representative whose 15126  
license is suspended, the division also shall notify the 15127  
investment adviser with whom the investment adviser representative 15128  
is employed or associated. If it is a state retirement system 15129  
investment officer whose license is suspended, the division shall 15130  
also notify the state retirement system with whom the state 15131  
retirement system investment officer is employed. If it is a 15132  
bureau of workers' compensation chief investment officer whose 15133  
license is suspended, the division shall also notify the bureau of 15134  
workers' compensation. 15135

~~(E)~~(F)(1) The suspension or revocation of the dealer's 15136  
license suspends the licenses of all the dealer's salespersons. 15137

(2) The suspension or revocation of the investment adviser's 15138  
license suspends the licenses of all the investment adviser's 15139  
investment adviser representatives. The suspension or revocation 15140  
of an investment adviser's registration under section 203 of the 15141  
"Investment Advisers Act of 1940," 15 U.S.C. 80b-3, suspends the 15142  
licenses of all the investment adviser's investment adviser 15143  
representatives. 15144

~~(F)~~(G) It is sufficient cause for refusal, revocation, or 15145  
suspension of the license in case of a partnership, partnership 15146  
association, corporation, or unincorporated association if any 15147  
general partner of the partnership, manager of the partnership 15148  
association, or executive officer of the corporation or 15149  
unincorporated association is not of good business repute or has 15150  
been guilty of any act or omission which would be cause for 15151  
refusing or revoking the license of an individual dealer, 15152  
salesperson, investment adviser, ~~or~~ investment adviser 15153

representative, or portal operator. 15154

**Sec. 1707.20.** (A)(1) The division of securities may adopt, 15155  
amend, and rescind such rules, forms, and orders as are necessary 15156  
to carry out sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15157  
Code, including rules and forms governing registration statements, 15158  
applications, and reports, and defining any terms, whether or not 15159  
used in sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, 15160  
insofar as the definitions are not inconsistent with these 15161  
sections. For the purpose of rules and forms, the division may 15162  
classify securities, persons, and matters within its jurisdiction, 15163  
and prescribe different requirements for different classes. 15164

(2) Notwithstanding sections 121.71 to 121.76 of the Revised 15165  
Code, the division may incorporate by reference into its rules any 15166  
statute enacted by the United States congress or any rule, 15167  
regulation, or form promulgated by the securities and exchange 15168  
commission, or by another federal agency, in a manner that also 15169  
incorporates all future amendments to the statute, rule, 15170  
regulation, or form. 15171

(B) No rule, form, or order may be made, amended, or 15172  
rescinded unless the division finds that the action is necessary 15173  
or appropriate in the public interest or for the protection of 15174  
investors, clients, prospective clients, state retirement systems, 15175  
or the workers' compensation system and consistent with the 15176  
purposes fairly intended by the policy and provisions of sections 15177  
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. In prescribing 15178  
rules and forms and in otherwise administering sections 1707.01 to 15179  
~~1707.45~~ 1707.50 of the Revised Code, the division may cooperate 15180  
with the securities administrators of the other states and the 15181  
securities and exchange commission with a view of effectuating the 15182  
policy of this section to achieve maximum uniformity in the form 15183  
and content of registration statements, applications, reports, and 15184

overall securities regulation wherever practicable. 15185

(C) The division may ~~by rule or order~~ prescribe: 15186

(1) The form and content of financial statements required 15187  
under sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code; 15188

(2) The circumstances under which consolidated financial 15189  
statements will be filed; 15190

(3) Whether any required financial statements shall be 15191  
~~certified~~ audited by independent ~~or~~ certified public accountants, 15192  
specifying by rule the criteria necessary to be granted a hardship 15193  
exemption from the audit requirement. All financial statements 15194  
shall be prepared in accordance with generally accepted accounting 15195  
~~practices~~ principles and comply with other requirements specified 15196  
by rule adopted or order issued under sections 1707.01 to 1707.50 15197  
of the Revised Code. 15198

(D) All rules and forms of the division shall be published; 15199  
and in addition to fulfilling the requirements of Chapter 119. of 15200  
the Revised Code, the division shall prescribe, and shall publish 15201  
and make available its rules regarding the sale of securities, the 15202  
administration of sections 1707.01 to ~~1707.45~~ 1707.50 of the 15203  
Revised Code, and the procedure and practice before the division. 15204

(E)(1) No provision of sections 1707.01 to ~~1707.45~~ 1707.50 of 15205  
the Revised Code imposing any liability applies to any act done or 15206  
omitted in good faith in conformity with any rule, form, or order 15207  
of the division of securities, notwithstanding that the rule, 15208  
form, or order may later be amended or rescinded or be determined 15209  
by judicial or other authority to be invalid for any reason, 15210  
except that the issuance of an order granting effectiveness to a 15211  
registration under section 1707.09 or 1707.091 of the Revised Code 15212  
for the purposes of this division shall not be deemed an order 15213  
other than as the establishment of the fact of registration. 15214

(2) No provision of sections 1707.01 to ~~1707.45~~ 1707.50 of 15215

the Revised Code imposing any liability, penalty, sanction, or 15216  
disqualification applies to any act done or omitted in good faith 15217  
in conformity with either of the following: 15218

(a) Any provision of sections 1707.01 to ~~1707.45~~ 1707.50 of 15219  
the Revised Code that incorporates by reference a federal statute, 15220  
rule, regulation, or form; 15221

(b) Any rule, form, or order of the division that 15222  
incorporates by reference a federal statute, rule, regulation, or 15223  
form. 15224

Division (E)(2) of this section applies notwithstanding that 15225  
the incorporation by reference, or any application of the 15226  
incorporated provision, is later determined by judicial or other 15227  
authority to be unconstitutional or invalid for any reason. 15228

**Sec. 1707.21.** In so far as any information required to be 15229  
filed with the division of securities under sections 1707.01 to 15230  
~~1707.45~~ 1707.50, inclusive, of the Revised Code, is contained in a 15231  
registration statement filed with the securities and exchange 15232  
commission of the United States and such registration statement is 15233  
in effect, such required information may, with the consent of the 15234  
division, be furnished by filing with the division a copy of such 15235  
registration statement together with an affidavit of an interested 15236  
party that it is in effect. 15237

**Sec. 1707.23.** Whenever it appears to the division of 15238  
securities, from its files, upon complaint, or otherwise, that any 15239  
person has engaged in, is engaged in, or is about to engage in any 15240  
practice declared to be illegal or prohibited by this chapter or 15241  
rules adopted under this chapter by the division, or defined as 15242  
fraudulent in this chapter or rules adopted under this chapter by 15243  
the division, or any other deceptive scheme or practice in 15244  
connection with the sale of securities, or acting as a dealer, a 15245

salesperson, an investment adviser, investment adviser 15246  
representative, bureau of workers' compensation chief investment 15247  
officer, ~~or~~ state retirement system investment officer, or portal 15248  
operator as defined in section 1707.05 of the Revised Code or when 15249  
the division believes it to be in the best interests of the public 15250  
and necessary for the protection of investors, the division may do 15251  
any of the following: 15252

(A) Require any person to file with it, on such forms as it 15253  
prescribes, an original or additional statement or report in 15254  
writing, under oath or otherwise, as to any facts or circumstances 15255  
concerning the issuance, sale, or offer for sale of securities 15256  
within this state by the person, as to the person's acts or 15257  
practices as a dealer, a salesperson, an investment adviser, 15258  
investment adviser representative, bureau of workers' compensation 15259  
chief investment officer, ~~or~~ state retirement system investment 15260  
officer, or portal operator within this state, and as to other 15261  
information as it deems material or relevant thereto; 15262

(B) Examine any investment adviser, investment adviser 15263  
representative, state retirement system investment officer, bureau 15264  
of workers' compensation chief investment officer, or any seller, 15265  
dealer, salesperson, or issuer of any securities, or any portal 15266  
operator, and any of their agents, employees, partners, officers, 15267  
directors, members, or shareholders, wherever located, under oath; 15268  
and examine and produce records, books, documents, accounts, and 15269  
papers as the division deems material or relevant to the inquiry; 15270

(C) Require the attendance of witnesses, and the production 15271  
of books, records, and papers, as are required either by the 15272  
division or by any party to a hearing before the division, and for 15273  
that purpose issue a subpoena for any witness, or a subpoena duces 15274  
tecum to compel the production of any books, records, or papers. 15275  
The subpoena shall be served by personal service or by certified 15276

mail, return receipt requested. If the subpoena is returned 15277  
because of inability to deliver, or if no return is received 15278  
within thirty days of the date of mailing, the subpoena may be 15279  
served by ordinary mail. If no return of ordinary mail is received 15280  
within thirty days after the date of mailing, service shall be 15281  
deemed to have been made. If the subpoena is returned because of 15282  
inability to deliver, the division may designate a person or 15283  
persons to effect either personal or residence service upon the 15284  
witness. The person designated to effect personal or residence 15285  
service under this division may be the sheriff of the county in 15286  
which the witness resides or may be found or any other duly 15287  
designated person. The fees and mileage of the person serving the 15288  
subpoena shall be the same as those allowed by the courts of 15289  
common pleas in criminal cases, and shall be paid from the funds 15290  
of the division. Fees and mileage for the witness shall be 15291  
determined under section 119.094 of the Revised Code, and shall be 15292  
paid from the funds of the division upon request of the witness 15293  
following the hearing. 15294

(D) Initiate criminal proceedings under section 1707.042 or 15295  
1707.44 of the Revised Code or rules adopted under those sections 15296  
by the division by laying before the prosecuting attorney of the 15297  
proper county any evidence of criminality which comes to its 15298  
knowledge; and in the event of the neglect or refusal of the 15299  
prosecuting attorney to prosecute such violations, or at the 15300  
request of the prosecuting attorney, the division shall submit the 15301  
evidence to the attorney general, who may proceed in the 15302  
prosecution with all the rights, privileges, and powers conferred 15303  
by law on prosecuting attorneys, including the power to appear 15304  
before grand juries and to interrogate witnesses before such grand 15305  
juries. 15306

(E) Require any dealers immediately to furnish to the 15307  
division copies of prospectuses, circulars, or advertisements 15308

respecting securities that they publish or generally distribute, 15309  
or require any investment advisers immediately to furnish to the 15310  
division copies of brochures, advertisements, publications, 15311  
analyses, reports, or other writings that they publish or 15312  
distribute; 15313

(F) Require any dealers to mail to the division, prior to 15314  
sale, notices of intention to sell, in respect to all securities 15315  
which are not exempt under section 1707.02 of the Revised Code, or 15316  
which are sold in transactions not exempt under section 1707.03 or 15317  
1707.04 of the Revised Code; 15318

(G) Issue and cause to be served by certified mail upon all 15319  
persons affected an order requiring the person or persons to cease 15320  
and desist from the acts or practices appearing to the division to 15321  
constitute violations of this chapter or rules adopted under this 15322  
chapter by the division. The order shall state specifically the 15323  
section or sections of this chapter or the rule or rules adopted 15324  
under this chapter by the division that appear to the division to 15325  
have been violated and the facts constituting the violation. If 15326  
after the issuance of the order it appears to the division that 15327  
any person or persons affected by the order have engaged in any 15328  
act or practice from which the person or persons shall have been 15329  
required, by the order, to cease and desist, the director of 15330  
commerce may apply to the court of common pleas of any county for, 15331  
and upon proof of the validity of the order of the division, the 15332  
delivery of the order to the person or persons affected, and of 15333  
the illegality and the continuation of the acts or practices that 15334  
are the subject of the order, the court may grant an injunction 15335  
implementing the order of the division. 15336

(H) Issue and initiate contempt proceedings in this state 15337  
regarding subpoenas and subpoenas duces tecum at the request of 15338  
the securities administrator of another state, if it appears to 15339  
the division that the activities for which the information is 15340

sought would violate this chapter if the activities had occurred 15341  
in this state. 15342

(I) The remedies provided by this section are cumulative and 15343  
concurrent with any other remedy provided in this chapter, and the 15344  
exercise of one remedy does not preclude or require the exercise 15345  
of any other remedy. 15346

**Sec. 1707.24.** In case any person fails to file any statement 15347  
or report, to obey any subpoena, to give testimony, to answer 15348  
questions, or to produce any books, records, or papers as required 15349  
by the division of securities under sections 1707.01 to ~~1707.45~~ 15350  
1707.50, inclusive, of the Revised Code, the court of common pleas 15351  
of any county in the state, upon application made to it by the 15352  
division and upon proof made to it by the division of such 15353  
failure, may make an order awarding process of subpoena or 15354  
subpoena duces tecum for such person to appear and testify before 15355  
the division, and may order any person to give testimony and 15356  
answer questions, and to produce books, records, or papers, as 15357  
required by the division. Upon the filing of such order in the 15358  
office of the clerk of the court of common pleas, said clerk, 15359  
under the seal of said court, shall issue process of subpoena for 15360  
such person to appear before the division at a time and place 15361  
named in such subpoena, and thereafter from day to day until the 15362  
examination of such person is completed. Such subpoena may contain 15363  
a direction that such witness bring with ~~him~~ the witness to such 15364  
examination any books, records, or papers mentioned in such 15365  
subpoena. Said clerk shall also issue, under the seal of said 15366  
court, such other orders, in reference to such examination, 15367  
appearance, and production of books, records, or papers, as said 15368  
court directs. If any person so summoned by subpoena fails to obey 15369  
such subpoena, to give testimony, to answer questions as required, 15370  
to produce any books, records, or papers so required, or to obey 15371  
an order of the court, the court, on motion supported by proof, 15372

may order an attachment for contempt to be issued against the 15373  
person charged with disobedience of any order or injunction issued 15374  
by such court under sections 1707.01 to ~~1707.45~~ 1707.50, 15375  
inclusive, of the Revised Code. If such person is brought before 15376  
the court by virtue of said attachment, and if upon a hearing such 15377  
disobedience appears, such court may order such offender to be 15378  
committed and kept in close custody. 15379

**Sec. 1707.25.** In case any person fails to file any statement 15380  
or report required by sections 1707.01 to ~~1707.45~~ 1707.50 of the 15381  
Revised Code, to obey any subpoena the issuance of which is 15382  
provided for in those sections, or to produce books, records, or 15383  
papers, give testimony, or answer questions, as required by those 15384  
sections, the director of commerce may apply to a court of common 15385  
pleas of any county for, and upon proof of such failure the court 15386  
may grant, an injunction restraining the acting as an investment 15387  
adviser, investment adviser representative, bureau of workers' 15388  
compensation chief investment officer, or state retirement system 15389  
investment officer, or the issuance, sale, or offer for sale of 15390  
any securities by the person or by its agents, employees, 15391  
partners, officers, directors, or shareholders, until such failure 15392  
has been remedied and other relief as the facts may warrant has 15393  
been had. Such injunctive relief is available in addition to the 15394  
other remedies provided for in sections 1707.01 to ~~1707.45~~ 1707.50 15395  
of the Revised Code. 15396

Where the person refusing to comply with such order of court 15397  
is an issuer of securities, the court may enjoin the sale by any 15398  
dealer of any securities of the issuer, and the division of 15399  
securities may revoke the qualification of the securities of the 15400  
issuer, or suspend or revoke the sale of any securities of the 15401  
issuer which have been registered by description, and such 15402  
securities shall not thereafter be sold by any dealer until the 15403  
order of the court or of the division is withdrawn. 15404

**Sec. 1707.26.** Whenever it appears to the division of 15405  
securities, upon complaint or otherwise, that any person has 15406  
engaged in, is engaging in, or is about to engage in, any 15407  
deceptive, fraudulent, or manipulative act, practice, or 15408  
transaction, in violation of sections 1707.01 to ~~1707.45~~ 1707.50 15409  
of the Revised Code, the director of commerce may apply to a court 15410  
of common pleas of any county in this state for, and upon proof of 15411  
any of such offenses such court shall grant an injunction 15412  
restraining such person and its agents, employees, partners, 15413  
officers, directors, and shareholders from continuing, engaging 15414  
in, or doing any acts in furtherance of, such acts, practices, or 15415  
transactions, and may order such other equitable relief as the 15416  
facts warrant. 15417

**Sec. 1707.261.** (A) If a court of common pleas grants an 15418  
injunction pursuant to section 1707.26 of the Revised Code, after 15419  
consultation with the attorney general the director of commerce 15420  
may request that court to order the defendant or defendants that 15421  
are subject to the injunction to make restitution or rescission to 15422  
any purchaser or holder of securities damaged by the defendant's 15423  
or defendants' violation of any provision of sections 1707.01 to 15424  
~~1707.45~~ 1707.50 of the Revised Code. 15425

(B) If the court of common pleas is satisfied with the 15426  
sufficiency of the director's request for restitution or 15427  
rescission under division (A) of this section and with the 15428  
sufficiency of the proof of a substantial violation of any 15429  
provision of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15430  
Code, or of the use of any act, practice, or transaction declared 15431  
to be illegal or prohibited or defined as fraudulent by those 15432  
sections or rules adopted under those sections by the division of 15433  
securities, to the material prejudice of a purchaser or holder of 15434  
securities, the court may order the defendant or defendants 15435

subject to the injunction to make restitution or rescission to any purchaser or holder of securities damaged by the defendant's or defendants' violation of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code.

(C) A court order granting restitution or rescission based upon a request made pursuant to division (A) of this section shall meet the requirements of division (B) of this section and may not be based solely upon a final order issued by the division of securities pursuant to Chapter 119. of the Revised Code or upon an action to enforce a final order issued by the division pursuant to that chapter. Notwithstanding the foregoing provision, a request for restitution or rescission pursuant to division (A) of this section may concern the same acts, practices, or transactions that were, or may later be, the subject of a division of securities action for a violation of any provision of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. If a request for restitution or rescission pursuant to division (A) of this section concerns the same acts, practices, or transactions that were the subject of a final order issued by the division of securities pursuant to Chapter 119. of the Revised Code, the court shall review the request in accordance with division (B) of this section, and the standard of review in section 119.12 of the Revised Code shall not apply to the request.

(D) No purchaser or holder of securities who is entitled to restitution or rescission under this section shall recover, pursuant to this section or any other proceeding, a total amount in excess of the person's purchase price for the securities sold in violation of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code.

(E)(1) If a court of common pleas grants an injunction pursuant to section 1707.26 of the Revised Code against any state retirement system investment officer, after consultation with the

attorney general, the director of commerce may request that court 15468  
to order the state retirement system investment officer or 15469  
officers that are subject to the injunction to make restitution to 15470  
the state retirement system damaged by the state retirement system 15471  
investment officer's or officers' violation of any provision of 15472  
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. 15473

(2) If the court of common pleas is satisfied with the 15474  
sufficiency of the director's request for restitution under 15475  
division (E)(1) of this section and with the sufficiency of the 15476  
proof of a substantial violation of any provision of sections 15477  
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, or of the use of 15478  
any act, practice, or transaction declared to be illegal or 15479  
prohibited or defined as fraudulent by those sections or rules 15480  
adopted under those sections by the division of securities, to the 15481  
material prejudice of a state retirement system, the court may 15482  
order the state retirement system investment officer or officers 15483  
subject to the injunction to make restitution to the state 15484  
retirement system damaged by the state retirement system 15485  
investment officer's or officers' violation of sections 1707.01 to 15486  
~~1707.45~~ 1707.50 of the Revised Code. A request for restitution 15487  
pursuant to division (E)(1) of this section may concern the same 15488  
acts, practices, or transactions that were, or may later be, the 15489  
subject of a division of securities action for a violation of any 15490  
provision of section 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15491  
Code. 15492

(F)(1) If a court of common pleas grants an injunction 15493  
pursuant to section 1707.26 of the Revised Code against a bureau 15494  
of workers' compensation chief investment officer, after 15495  
consultation with the attorney general, the director of commerce 15496  
may request that court to order the bureau of workers' 15497  
compensation chief investment officer who is subject to the 15498  
injunction to make restitution to the bureau of workers' 15499

compensation damaged by the bureau of workers' compensation chief 15500  
investment officer's violation of any provision of sections 15501  
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. 15502

(2) If the court of common pleas is satisfied with the 15503  
sufficiency of the director's request for restitution under 15504  
division (F)(1) of this section and with the sufficiency of the 15505  
proof of a substantial violation of any provision of sections 15506  
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, or of the use of 15507  
any act, practice, or transaction declared to be illegal or 15508  
prohibited or defined as fraudulent by those sections or rules 15509  
adopted under those sections by the division of securities, to the 15510  
material prejudice of the bureau of workers' compensation, the 15511  
court may order the bureau of workers' compensation chief 15512  
investment officer subject to the injunction to make restitution 15513  
to the bureau of workers' compensation damaged by the bureau of 15514  
workers' compensation chief investment officer's violation of 15515  
sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. A request 15516  
for restitution pursuant to division (F)(1) of this section may 15517  
concern the same acts, practices, or transactions that were, or 15518  
may later be, the subject of a division of securities action for a 15519  
violation of any provision of section 1707.01 to ~~1707.45~~ 1707.50 15520  
of the Revised Code. 15521

**Sec. 1707.27.** If the court of common pleas is satisfied with 15522  
the sufficiency of the application for a receivership, and of the 15523  
sufficiency of the proof of substantial violation of sections 15524  
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, or of the use of 15525  
any act, practice, or transaction declared to be illegal or 15526  
prohibited, or defined as fraudulent by those sections or rules 15527  
adopted under those sections by the division of securities, to the 15528  
material prejudice of a purchaser or holder of securities, or 15529  
client of an investment adviser or investment adviser 15530  
representative, the court may appoint a receiver, for any person 15531

so violating sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15532  
Code or rules adopted under those sections by the division, with 15533  
power to sue for, collect, receive, and take into the receiver's 15534  
possession all the books, records, and papers of the person and 15535  
all rights, credits, property, and choses in action acquired by 15536  
the person by means of any such act, practice, or transaction, and 15537  
also all property with which the property has been mingled, if the 15538  
property cannot be identified in kind because of the commingling, 15539  
and with power to sell, convey, and assign the property, and to 15540  
hold and dispose of the proceeds under the direction of the court 15541  
of common pleas. The court shall have jurisdiction of all 15542  
questions arising in the proceedings and may make orders and 15543  
decrees therein as justice and equity require. 15544

**Sec. 1707.28.** No prosecution or action by the division of 15545  
securities or the director of commerce for a violation of any 15546  
provision of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15547  
Code shall bar any prosecution or action by the division of 15548  
securities or the director of commerce, or be barred by any 15549  
prosecution or other action, for the violation of any other 15550  
provision of any of those sections or of any other statute; but 15551  
prosecutions and actions by the division of securities or the 15552  
director of commerce for a violation of any provision of sections 15553  
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code must be commenced 15554  
within five years after the commission of the alleged violation. 15555

**Sec. 1707.29.** In any prosecution brought under sections 15556  
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, except 15557  
prosecutions brought for violation of division (A) of section 15558  
1707.042 of the Revised Code, the accused shall be deemed to have 15559  
had knowledge of any matter of fact, where in the exercise of 15560  
reasonable diligence, ~~he~~ the accused should, prior to the alleged 15561  
commission of the offense in question, have secured such 15562

knowledge. 15563

**Sec. 1707.30.** In any prosecution, action, or proceeding based 15564  
upon sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of the 15565  
Revised Code, a certificate signed by the division of securities, 15566  
showing the filing of or the failure to file any statement, 15567  
description, or application required by such sections, shall 15568  
constitute prima-facie evidence of such filing or of such failure 15569  
to file, and shall be admissible in evidence in any action at law 15570  
or in equity to enforce sections 1707.01 to ~~1707.45~~ 1707.50, 15571  
inclusive, of the Revised Code, or to prosecute violations of such 15572  
sections. 15573

**Sec. 1707.31.** Copies of any statements and documents filed in 15574  
the office of the division of securities and of any records of the 15575  
division, if such copies are certified to by the division, shall 15576  
be admissible in any prosecution, action, or proceeding based upon 15577  
sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of the Revised 15578  
Code, to the same effect as the originals of such statements, 15579  
documents, or records would be. 15580

**Sec. 1707.32.** If an issuer of securities is incorporated or 15581  
organized to make any insurance named in Title XXXIX of the 15582  
Revised Code, the superintendent of insurance shall, for all the 15583  
purposes of sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of the 15584  
Revised Code, be substituted for the division of securities and 15585  
the issuer and the beneficial owners of shares thereof shall be 15586  
subject to section 3901.31 of the Revised Code. The superintendent 15587  
of insurance shall have over any company disposing or attempting 15588  
to dispose of any of its securities within this state the powers 15589  
of regulation, supervision, and examination conferred on ~~him~~ the 15590  
superintendent by law, with reference to companies licensed to 15591  
transact the business of insurance within this state. 15592

No person shall, for the purpose of organizing or promoting  
any insurance company, or of assisting in the sale of the  
securities of any insurance company after its organization,  
dispose or offer to dispose, within this state, of any such  
securities, unless the contract of subscription or disposal is in  
writing and contains a provision substantially in the following  
language:

No sum shall be used for commission, promotion, and  
organization expenses on account of any share of stock in this  
company in excess of ..... per cent of the amount actually  
paid upon separate subscriptions, and the remainder of such  
payment shall be invested as authorized by the law governing such  
company and shall be held by the organizers of such company before  
organization, and by its directors and officers after  
organization, as bailees for the subscriber, to be used only in  
the conduct of the business of such company after the company has  
been licensed and authorized for such business by proper  
authority.

In lieu of "in excess of ..... per cent of the amount  
actually paid upon separate subscriptions," the language of such  
contract may be, "..... dollars per share from every  
fully paid subscription"; and in lieu of "organizers" it may be  
"trustees" if such payments are to be held by trustees.

Funds and securities held by such organizers, trustees,  
directors, or officers, as bailees, shall be deposited with a bank  
or trust company of this state, or invested as provided in  
sections 3925.05 and 3925.08 of the Revised Code, until such  
company has been licensed to transact the business of insurance in  
this state.

The amount of such commission, promotion, and organization  
expenses shall in no case exceed fifteen per cent of the amount  
actually received upon the subscriptions; except that in the case

of joint-stock life insurance companies and joint-stock insurance 15625  
companies other than life, the amount of such commission, 15626  
promotion, and organization expenses shall in no case exceed ten 15627  
per cent of the amount actually received upon the subscriptions. 15628

**Sec. 1707.34.** (A) Sections 1707.01 to ~~1707.45~~ 1707.50 of the 15629  
Revised Code do not apply to the sale of warehouse receipts for 15630  
intoxicating liquor to distillers, to rectifiers, or to any person 15631  
engaged in the business of dealing in warehouse receipts. 15632

(B) Warehouse receipts for intoxicating liquor may be sold in 15633  
this state in accord with and upon compliance with sections 15634  
1707.01 to ~~1707.45~~ 1707.50 of the Revised Code. 15635

**Sec. 1707.35.** All securities which were "certificated" by the 15636  
division of securities before July 22, 1929, are, if the 15637  
"certification" remained unrevoked on such date, qualified for all 15638  
purposes under sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of 15639  
the Revised Code. 15640

All securities authorized to be sold by reason of the filing 15641  
of information relative thereto before July 22, 1929, shall for 15642  
all purposes be deemed registered by description under such 15643  
sections, but the division shall have the same power to require 15644  
further information with respect to the further sale of such 15645  
securities as with respect to the further sale of securities 15646  
registered by description or by qualification under sections 15647  
1707.01 to ~~1707.45~~ 1707.50, inclusive, of the Revised Code. 15648

**Sec. 1707.38.** The issuance or sale of any security in 15649  
violation of sections 1707.01 to ~~1707.45~~ 1707.50, inclusive, of 15650  
the Revised Code, does not invalidate such security; but the 15651  
rights of persons defrauded by any such issuance or sale shall not 15652  
be impaired. 15653

**Sec. 1707.39.** When any securities have been sold without 15654  
compliance with sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15655  
Code, or any former law in force at the time of such sale, any 15656  
interested person may apply in writing to the division of 15657  
securities for the qualification of such securities under such 15658  
sections. If it appears to the division that no person has been 15659  
defrauded, prejudiced, or damaged by such noncompliance or sale 15660  
and that no person will be defrauded, prejudiced, or damaged by 15661  
such qualification, the division may permit such securities to be 15662  
so qualified upon the payment of a fee of one hundred dollars plus 15663  
a fee of one-fifth of one per cent of the aggregate price at which 15664  
the securities have been sold in this state, which fee shall in no 15665  
case be less than one hundred dollars nor more than two thousand 15666  
dollars. In addition, the division may require the applicant to 15667  
advance sufficient funds to pay the actual expenses of an 15668  
examination or investigation by the division, whether to be 15669  
conducted in this state or outside this state. An itemized 15670  
statement of such expenses shall be furnished to the applicant. 15671

Such qualification shall estop the division from proceeding 15672  
under division (D) of section 1707.23 of the Revised Code against 15673  
anyone who has violated division (C)(1) of section 1707.44 of the 15674  
Revised Code for acts within the scope of the application, or from 15675  
proceeding with administrative action pursuant to section 1707.13 15676  
of the Revised Code. 15677

**Sec. 1707.391.** When any securities have been sold in reliance 15678  
upon division (Q), (W), (X), or (Y) of section 1707.03 of the 15679  
Revised Code, section 1707.08 of the Revised Code, or any other 15680  
section of this chapter that the division of securities may 15681  
specify by rule, but such reliance was improper because the 15682  
required filings were not timely or properly made due to excusable 15683  
neglect, upon the effective date of an application made to the 15684

division and payment of any applicable fee, if required and not 15685  
already paid, and upon payment of a penalty fee equal to the 15686  
greater of the fee or one hundred dollars, the sale of the 15687  
securities shall be deemed exempt, qualified, or registered, as 15688  
though timely and properly filed. The application shall become 15689  
effective upon the expiration of fourteen days after the date of 15690  
the filing in question if prior thereto the division did not give 15691  
notice to the applicant that the application was denied based on a 15692  
finding of lack of excusable neglect. The division shall promptly 15693  
adopt and promulgate rules establishing provisions defining 15694  
excusable neglect and otherwise establishing reasonable standards 15695  
for determining excusable neglect. 15696

The effectiveness of an application under this section does 15697  
not relieve anyone who has, other than for excusable neglect, 15698  
violated sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised Code, 15699  
or any previous law in force at the time of sale, from prosecution 15700  
thereunder. 15701

**Sec. 1707.40.** Except as provided in section 1707.261 of the 15702  
Revised Code, sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15703  
Code create no new civil liabilities, and do not limit or restrict 15704  
common law liabilities for deception or fraud other than as 15705  
specified in sections 1707.042, 1707.043, 1707.41, 1707.42, and 15706  
1707.43 of the Revised Code, and there is no civil liability for 15707  
noncompliance with orders, requirements, rules, or regulations 15708  
made by the division of securities under sections 1707.19, 15709  
1707.20, 1707.201, and 1707.23 of the Revised Code. 15710

**Sec. 1707.431.** For purposes of this section, the following 15711  
persons shall not be deemed to have effected, participated in, or 15712  
aided the seller in any way in making, a sale or contract of sale 15713  
in violation of sections 1707.01 to ~~1707.45~~ 1707.50 of the Revised 15714  
Code: 15715

(A) Any attorney, accountant, or engineer whose performance 15716  
is incidental to the practice of the person's profession; 15717

(B) Any person, other than an investment adviser, investment 15718  
adviser representative, bureau of workers' compensation chief 15719  
investment officer, or state retirement system investment officer, 15720  
who brings any issuer together with any potential investor, 15721  
without receiving, directly or indirectly, a commission, fee, or 15722  
other remuneration based on the sale of any securities by the 15723  
issuer to the investor. Remuneration received by the person solely 15724  
for the purpose of offsetting the reasonable out-of-pocket costs 15725  
incurred by the person shall not be deemed a commission, fee, or 15726  
other remuneration. 15727

Any person claiming exemption under this division for a 15728  
publicly advertised meeting shall file a notice with the division 15729  
of securities indicating an intent to cause or hold such a meeting 15730  
at least twenty-one days prior to the meeting. The division may, 15731  
upon receipt of such notice, issue an order denying the 15732  
availability of an exemption under this division not more than 15733  
fourteen days after receipt of the notice based on a finding that 15734  
the applicant is not entitled to the exemption. Notwithstanding 15735  
the notice described in this section, a failure to file the notice 15736  
does not create a presumption that a person was participating in 15737  
or aiding in the making of a sale or contract of sale in violation 15738  
of this chapter. 15739

(C) Any person whom the division exempts from this provision 15740  
by rule. 15741

**Sec. 1707.44.** (A)(1) No person shall engage in any act or 15742  
practice that violates division (A), (B), or (C) of section 15743  
1707.14 of the Revised Code, and no salesperson shall sell 15744  
securities in this state without being licensed pursuant to 15745  
section 1707.16 of the Revised Code. 15746

(2) No person shall engage in any act or practice that violates division (A) of section 1707.141 or section 1707.161 of the Revised Code.	15747 15748 15749
(3) No person shall engage in any act or practice that violates section 1707.162 of the Revised Code.	15750 15751
(4) No person shall engage in any act or practice that violates section 1707.164 of the Revised Code.	15752 15753
<u>(5) No person shall knowingly engage in any act or practice that violates division (A) of section 1707.054 or section 1707.055 of the Revised Code.</u>	15754 15755 15756
(B) No person shall knowingly make or cause to be made any false representation concerning a material and relevant fact, in any oral statement or in any prospectus, circular, description, application, or written statement, for any of the following purposes:	15757 15758 15759 15760 15761
(1) Registering securities or transactions, or exempting securities or transactions from registration, under this chapter;	15762 15763
(2) Securing the qualification of any securities under this chapter;	15764 15765
(3) Procuring the licensing of any dealer, salesperson, investment adviser, investment adviser representative, bureau of workers' compensation chief investment officer, <del>or</del> state retirement system investment officer, <u>or portal operator as defined in section 1707.05 of the Revised Code</u> under this chapter;	15766 15767 15768 15769 15770
(4) Selling any securities in this state;	15771
(5) Advising for compensation, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities;	15772 15773 15774
(6) Submitting a notice filing to the division under division (X) of section 1707.03 or section 1707.092 or 1707.141 of the	15775 15776

Revised Code. 15777

(C) No person shall knowingly sell, cause to be sold, offer 15778  
for sale, or cause to be offered for sale, any security which 15779  
comes under any of the following descriptions: 15780

(1) Is not exempt under section 1707.02 of the Revised Code, 15781  
nor the subject matter of one of the transactions exempted in 15782  
section 1707.03, 1707.04, or 1707.34 of the Revised Code, has not 15783  
been registered by coordination or qualification, and is not the 15784  
subject matter of a transaction that has been registered by 15785  
description; 15786

(2) The prescribed fees for registering by description, by 15787  
coordination, or by qualification have not been paid in respect to 15788  
such security; 15789

(3) The person has been notified by the division, or has 15790  
knowledge of the notice, that the right to buy, sell, or deal in 15791  
such security has been suspended or revoked, or that the 15792  
registration by description, by coordination, or by qualification 15793  
under which it may be sold has been suspended or revoked; 15794

(4) The offer or sale is accompanied by a statement that the 15795  
security offered or sold has been or is to be in any manner 15796  
indorsed by the division. 15797

(D) No person who is an officer, director, or trustee of, or 15798  
a dealer, or portal operator for, any issuer, and who knows such 15799  
issuer to be insolvent in that the liabilities of the issuer 15800  
exceed its assets, shall sell any securities of or for any such 15801  
issuer, without disclosing the fact of the insolvency to the 15802  
purchaser. 15803

(E) No person with intent to aid in the sale of any 15804  
securities on behalf of the issuer, shall knowingly make any 15805  
representation not authorized by such issuer or at material 15806  
variance with statements and documents filed with the division by 15807

such issuer. 15808

(F) No person, with intent to deceive, shall sell, cause to 15809  
be sold, offer for sale, or cause to be offered for sale, any 15810  
securities of an insolvent issuer, with knowledge that such issuer 15811  
is insolvent in that the liabilities of the issuer exceed its 15812  
assets, taken at their fair market value. 15813

(G) No person in purchasing or selling securities shall 15814  
knowingly engage in any act or practice that is, in this chapter, 15815  
declared illegal, defined as fraudulent, or prohibited. 15816

(H) No licensed dealer shall refuse to buy from, sell to, or 15817  
trade with any person because the person appears on a blacklist 15818  
issued by, or is being boycotted by, any foreign corporate or 15819  
governmental entity, nor sell any securities of or for any issuer 15820  
who is known in relation to the issuance or sale of the securities 15821  
to have engaged in such practices. 15822

(I) No dealer in securities, knowing that the dealer's 15823  
liabilities exceed the reasonable value of the dealer's assets, 15824  
shall accept money or securities, except in payment of or as 15825  
security for an existing debt, from a customer who is ignorant of 15826  
the dealer's insolvency, and thereby cause the customer to lose 15827  
any part of the customer's securities or the value of those 15828  
securities, by doing either of the following without the 15829  
customer's consent: 15830

(1) Pledging, selling, or otherwise disposing of such 15831  
securities, when the dealer has no lien on or any special property 15832  
in such securities; 15833

(2) Pledging such securities for more than the amount due, or 15834  
otherwise disposing of such securities for the dealer's own 15835  
benefit, when the dealer has a lien or indebtedness on such 15836  
securities. 15837

It is an affirmative defense to a charge under this division 15838

that, at the time the securities involved were pledged, sold, or 15839  
disposed of, the dealer had in the dealer's possession or control, 15840  
and available for delivery, securities of the same kinds and in 15841  
amounts sufficient to satisfy all customers entitled to the 15842  
securities, upon demand and tender of any amount due on the 15843  
securities. 15844

(J) No person, with purpose to deceive, shall make, issue, 15845  
publish, or cause to be made, issued, or published any statement 15846  
or advertisement as to the value of securities, or as to alleged 15847  
facts affecting the value of securities, or as to the financial 15848  
condition of any issuer of securities, when the person knows that 15849  
the statement or advertisement is false in any material respect. 15850

(K) No person, with purpose to deceive, shall make, record, 15851  
or publish or cause to be made, recorded, or published, a report 15852  
of any transaction in securities which is false in any material 15853  
respect. 15854

(L) No dealer shall engage in any act that violates the 15855  
provisions of section 15(c) or 15(g) of the "Securities Exchange 15856  
Act of 1934," 48 Stat. 881, 15 U.S.C.A. 78o(c) or (g), or any rule 15857  
or regulation promulgated by the securities and exchange 15858  
commission thereunder. 15859

(M)(1) No investment adviser or investment adviser 15860  
representative shall do any of the following: 15861

(a) Employ any device, scheme, or artifice to defraud any 15862  
person; 15863

(b) Engage in any act, practice, or course of business that 15864  
operates or would operate as a fraud or deceit upon any person; 15865

(c) In acting as principal for the investment adviser's or 15866  
investment adviser representative's own account, knowingly sell 15867  
any security to or purchase any security from a client, or in 15868  
acting as salesperson for a person other than such client, 15869

knowingly effect any sale or purchase of any security for the 15870  
account of such client, without disclosing to the client in 15871  
writing before the completion of the transaction the capacity in 15872  
which the investment adviser or investment adviser representative 15873  
is acting and obtaining the consent of the client to the 15874  
transaction. Division (M)(1)(c) of this section does not apply to 15875  
any investment adviser registered with the securities and exchange 15876  
commission under section 203 of the "Investment Advisers Act of 15877  
1940," 15 U.S.C. 80b-3, or to any transaction with a customer of a 15878  
licensed dealer or salesperson if the licensed dealer or 15879  
salesperson is not acting as an investment adviser or investment 15880  
adviser representative in relation to the transaction. 15881

(d) Engage in any act, practice, or course of business that 15882  
is fraudulent, deceptive, or manipulative. The division of 15883  
securities may adopt rules reasonably designed to prevent acts, 15884  
practices, or courses of business that are fraudulent, deceptive, 15885  
or manipulative. 15886

(2) No investment adviser or investment adviser 15887  
representative licensed or required to be licensed under this 15888  
chapter shall take or have custody of any securities or funds of 15889  
any person, except as provided in rules adopted by the division. 15890

(3) In the solicitation of clients or prospective clients, no 15891  
person shall make any untrue statement of a material fact or omit 15892  
to state a material fact necessary in order to make the statements 15893  
made not misleading in light of the circumstances under which the 15894  
statements were made. 15895

(N) No person knowingly shall influence, coerce, manipulate, 15896  
or mislead any person engaged in the preparation, compilation, 15897  
review, or audit of financial statements to be used in the 15898  
purchase or sale of securities for the purpose of rendering the 15899  
financial statements materially misleading. 15900

(O) No state retirement system investment officer shall do	15901
any of the following:	15902
(1) Employ any device, scheme, or artifice to defraud any	15903
state retirement system;	15904
(2) Engage in any act, practice, or course of business that	15905
operates or would operate as a fraud or deceit on any state	15906
retirement system;	15907
(3) Engage in any act, practice, or course of business that	15908
is fraudulent, deceptive, or manipulative. The division of	15909
securities may adopt rules reasonably designed to prevent such	15910
acts, practices, or courses of business as are fraudulent,	15911
deceptive, or manipulative;	15912
(4) Knowingly fail to comply with any policy adopted	15913
regarding the officer established pursuant to section 145.094,	15914
742.104, 3307.043, 3309.043, or 5505.065 of the Revised Code.	15915
(P) No bureau of workers' compensation chief investment	15916
officer shall do any of the following:	15917
(1) Employ any device, scheme, or artifice to defraud the	15918
workers' compensation system;	15919
(2) Engage in any act, practice, or course of business that	15920
operates or would operate as a fraud or deceit on the workers'	15921
compensation system;	15922
(3) Engage in any act, practice, or course of business that	15923
is fraudulent, deceptive, or manipulative. The division of	15924
securities may adopt rules reasonably designed to prevent such	15925
acts, practices, or courses of business as are fraudulent,	15926
deceptive, or manipulative;	15927
(4) Knowingly fail to comply with any policy adopted	15928
regarding the officer established pursuant to section 4123.441 of	15929
the Revised Code.	15930

<u>(O)(1) No portal operator shall knowingly do any of the</u>	15931
<u>following:</u>	15932
<u>(a) Employ any device, scheme, or artifice to defraud;</u>	15933
<u>(b) Engage in any act, practice, or course of business that</u>	15934
<u>operates as a fraud or deceit;</u>	15935
<u>(c) Engage in any act, practice, or course of business that</u>	15936
<u>is fraudulent, deceptive, or manipulative.</u>	15937
<u>(2) The division of securities may adopt rules reasonably</u>	15938
<u>designed to prevent such acts, practices, or courses of business</u>	15939
<u>that are fraudulent, deceptive, or manipulative.</u>	15940
<u>Sec. 1707.50. (A) As used in this section, "violation" means</u>	15941
<u>a violation of any provision of this chapter in connection with</u>	15942
<u>the sale of securities under sections 1707.05 to 1707.058 of the</u>	15943
<u>Revised Code where the filing is made pursuant to division (K) of</u>	15944
<u>section 1707.051 of the Revised Code and the securities are sold</u>	15945
<u>through an OhioInvests portal.</u>	15946
<u>(B)(1) If the division of securities finds, after notice and</u>	15947
<u>opportunity for a hearing in accordance with Chapter 119. of the</u>	15948
<u>Revised Code, that any person has committed a violation, the</u>	15949
<u>division may, in its discretion and in addition to or in lieu of</u>	15950
<u>any other remedy or sanction provided in this chapter, order the</u>	15951
<u>payment of an administrative penalty of up to one thousand dollars</u>	15952
<u>per violation, provided that the total penalty shall not exceed</u>	15953
<u>the total amount of the OhioInvests offering or offerings involved</u>	15954
<u>in the violation.</u>	15955
<u>(2) All administrative penalties collected by the division</u>	15956
<u>under division (B)(1) of this section shall be deposited into the</u>	15957
<u>state treasury to the credit of the division of securities</u>	15958
<u>investor education and enforcement expense fund created in section</u>	15959
<u>1707.37 of the Revised Code.</u>	15960

(C)(1) A purchaser may commence an individual or putative class action to seek recovery of the civil penalty provided for under division (C)(2) of this section for an alleged violation if all of the following requirements are met: 15961  
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(a) The purchaser or the purchaser's representative brings the action within two years after commission of the alleged violation or within two years after the purchaser discovered or should have discovered the ground for the violation, whichever is later. 15965  
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(b) Not later than ten days after the commencement of the action, the purchaser or purchaser's representative mails to the division, by certified mail, a file-stamped copy of the complaint that includes the case number assigned by the court. 15970  
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(c) Not later than ten days from a judgment becoming final and any subsequent appeals becoming final, the purchaser or purchaser's representative mails to the division, by certified mail, a file-stamped copy of the final judgment and appellate decisions. 15974  
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(2) The civil penalty provided for under this section shall be as follows: 15979  
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(a) One hundred dollars per violation, if at the time of the violation the total amount of money raised in the OhioInvests offering is less than twenty-five thousand dollars, provided that the total penalty shall not exceed the total amount of the OhioInvests offering or offerings involved in the violation. 15981  
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(b) Two hundred fifty dollars per violation, if at the time of the violation the total amount of money raised in the OhioInvests offering is twenty-five thousand dollars or more, provided that the total penalty shall not exceed the total amount of the OhioInvests offering or offerings involved in the violation. 15986  
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(3) In any civil action by a purchaser or purchaser's representative seeking recovery of a civil penalty under this section, a court may award a lesser amount than the amount specified in division (C)(2) of this section if, based on the facts and circumstances of the particular case, to do otherwise would result in an award that is unjust, arbitrary and oppressive, or confiscatory. 15992  
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(4) Civil penalties recovered by a purchaser or purchasers in accordance with this section shall be distributed as follows: 15999  
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(a) Twenty-five per cent to the state to be deposited into the state treasury to the credit of the general revenue fund and set aside for payment of debt service on outstanding bonds that are direct obligations of the state; 16001  
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(b) Seventy-five per cent to the purchaser, purchasers, or purchaser class. 16005  
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(5) Purchasers or purchaser classes that prevail in a civil action brought under this section shall be entitled to reasonable attorney's fees and costs in the action as determined by the court. 16007  
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(6) Nothing in division (C) of this section shall preclude a purchaser or purchaser's representative from also proceeding with a cause of action otherwise available under any other provision of this chapter or other theory of law. 16011  
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(D) No person shall knowingly engage in any act, practice, or course of business that would interfere with a purchaser's ability to bring an individual or putative class action pursuant to division (C) of this section. 16015  
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(E) Nothing in this section shall be construed to alter or limit the authority of the division under any other provision of this chapter, including but not limited to the ability of the division to investigate or prosecute any complaints or allegations 16019  
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under this chapter. Upon timely application, the division may 16023  
intervene as of right on behalf of the state in any private action 16024  
or appeal that is pending under this section. 16025

(F) The division may adopt rules in accordance with Chapter 16026  
119. of the Revised Code to implement the provisions of this 16027  
section. 16028

**Sec. 1707.99.** Whoever commits any act described in division 16029  
(A) of section 1707.042 or section 1707.44 of the Revised Code is 16030  
guilty of a violation of sections 1707.01 to ~~1707.45~~ 1707.50 of 16031  
the Revised Code and the following apply to the offender: 16032

(A) If the value of the funds or securities involved in the 16033  
offense or the loss to the victim is less than one thousand 16034  
dollars, the offender is guilty of a felony of the fifth degree, 16035  
and the court may impose upon the offender an additional fine of 16036  
not more than two thousand five hundred dollars. 16037

(B) If the value of the funds or securities involved in the 16038  
offense or the loss to the victim is one thousand dollars or more 16039  
but less than seven thousand five hundred dollars, the offender is 16040  
guilty of a felony of the fourth degree, and the court may impose 16041  
upon the offender an additional fine of not more than five 16042  
thousand dollars. 16043

(C) If the value of the funds or securities involved in the 16044  
offense or the loss to the victim is seven thousand five hundred 16045  
dollars or more but less than thirty-seven thousand five hundred 16046  
dollars, the offender is guilty of a felony of the third degree, 16047  
and the court may impose upon the offender an additional fine of 16048  
not more than ten thousand dollars. 16049

(D) If the value of the funds or securities involved in the 16050  
offense or the loss to the victim is thirty-seven thousand five 16051  
hundred dollars or more but less than one hundred fifty thousand 16052

dollars, the offender is guilty of a felony of the second degree, 16053  
and the court may impose upon the offender an additional fine of 16054  
not more than fifteen thousand dollars. 16055

(E) If the value of the funds or securities involved in the 16056  
offense or the loss to the victim is one hundred fifty thousand 16057  
dollars or more, the offender is guilty of a felony of the first 16058  
degree, and the court may impose upon the offender an additional 16059  
fine of not more than twenty thousand dollars. 16060

**Sec. 1711.52.** (A) The advisory council on amusement ride 16061  
safety shall do both of the following: 16062

~~(A)~~(1) Study any subject pertaining to amusement ride safety, 16063  
including administrative, engineering, and technical subjects, and 16064  
make findings and recommendations to the director of agriculture 16065  
in accordance with division (B) of this section; 16066

~~(B)~~(2) Prior to the adoption of any rules or amendments to 16067  
those rules under division (B) of section 1711.53 and division (B) 16068  
of section 1711.551 of the Revised Code, study the proposed rules 16069  
to be adopted by the director regarding amusement ride safety, 16070  
advise the director, and make findings and recommendations to the 16071  
director in accordance with division (B) of this section. 16072

~~(C) Not later than December 31, 2006, prepare and submit a 16073  
report to the governor, the speaker and the minority leader of the 16074  
house of representatives, the president and the minority leader of 16075  
the senate, and the director concerning the advisory council's 16076  
recommendations for alternative funding sources for the amusement 16077  
ride safety program established under this chapter.~~(B) Prior to 16078  
submitting any findings or recommendations, the advisory council 16079  
shall vote on whether to submit such findings or recommendations 16080  
to the director. The advisory council shall submit only those 16081  
findings and recommendations that receive a majority vote of the 16082  
advisory council. 16083

(C) The director shall make available to the advisory council 16084  
any information, reports, and studies requested by the advisory 16085  
council. 16086

**Sec. 1711.53.** (A)(1) No person shall operate an amusement 16087  
ride within the state without a permit issued by the director of 16088  
agriculture under division (A)(2) of this section. The owner of an 16089  
amusement ride, whether the ride is a temporary amusement ride or 16090  
a permanent amusement ride, who desires to operate the amusement 16091  
ride within the state shall, prior to the operation of the 16092  
amusement ride and annually thereafter, submit to the department 16093  
of agriculture an application for a permit, together with the 16094  
appropriate permit and inspection fee, on a form to be furnished 16095  
by the department. Prior to issuing any permit the department 16096  
shall, within thirty days after the date on which it receives the 16097  
application, inspect each amusement ride described in the 16098  
application. The owner of an amusement ride shall have the 16099  
amusement ride ready for inspection not later than two hours after 16100  
the time that is requested by the person for the inspection. 16101

(2) For each amusement ride found to comply with the rules 16102  
adopted by the director under division (B) of this section and 16103  
division (B) of section 1711.551 of the Revised Code, the director 16104  
shall issue an annual permit, provided that evidence of liability 16105  
insurance coverage for the amusement ride as required by section 16106  
1711.54 of the Revised Code is on file with the department. 16107

(3) The director shall issue with each permit a decal 16108  
indicating that the amusement ride has been issued the permit. The 16109  
owner of the amusement ride shall affix the decal on the ride at a 16110  
location where the decal is easily visible to the patrons of the 16111  
ride. A copy of the permit shall be kept on file at the same 16112  
address as the location of the amusement ride identified on the 16113  
permit, and shall be made available for inspection, upon 16114

reasonable demand, by any person. An owner may operate an 16115  
amusement ride prior to obtaining a permit, provided that the 16116  
operation is for the purpose of testing the amusement ride or 16117  
training amusement ride operators and other employees of the owner 16118  
and the amusement ride is not open to the public. 16119

(B) The director, in accordance with Chapter 119. of the 16120  
Revised Code, shall adopt rules providing for a schedule of fines, 16121  
with no fine exceeding five thousand dollars, for violations of 16122  
sections 1711.50 to 1711.57 of the Revised Code or any rules 16123  
adopted under this division and for the classification of 16124  
amusement rides and rules for the safe operation and inspection of 16125  
all amusement rides as are necessary for amusement ride safety and 16126  
for the protection of the general public. Rules adopted by the 16127  
director for the safe operation and inspection of amusement rides 16128  
shall be reasonable and based upon generally accepted engineering 16129  
standards and practices. In adopting rules under this section, the 16130  
director may adopt by reference, in whole or in part, the national 16131  
fire code or the national electrical code (NEC) prepared by the 16132  
national fire protection association, the standards of the 16133  
American society for testing and materials (ASTM) or the American 16134  
national standards institute (ANSI), or any other principles, 16135  
tests, or standards of nationally recognized technical or 16136  
scientific authorities. Insofar as is practicable and consistent 16137  
with sections 1711.50 to 1711.57 of the Revised Code, rules 16138  
adopted under this division shall be consistent with the rules of 16139  
other states. The department shall cause sections 1711.50 to 16140  
1711.57 of the Revised Code and the rules adopted in accordance 16141  
with this division and division (B) of section 1711.551 of the 16142  
Revised Code to be published in pamphlet form and a copy to be 16143  
furnished without charge to each owner of an amusement ride who 16144  
holds a current permit or is an applicant therefor. 16145

(C) With respect to an application for a permit for an 16146

amusement ride, an owner may apply to the director for a waiver or 16147  
modification of any rule adopted under division (B) of this 16148  
section if there are practical difficulties or unnecessary 16149  
hardships for the amusement ride to comply with the rules. Any 16150  
application shall set forth the reasons for the request. The 16151  
director, with the approval of the advisory council on amusement 16152  
ride safety, may waive or modify the application of a rule to any 16153  
amusement ride if the public safety is secure. Any authorization 16154  
by the director under this division shall be in writing and shall 16155  
set forth the conditions under which the waiver or modification is 16156  
authorized, and the department shall retain separate records of 16157  
all proceedings under this division. 16158

(D)(1) The director shall employ and provide for training of 16159  
a chief inspector and additional inspectors and employees as may 16160  
be necessary to administer and enforce sections 1711.50 to 1711.57 16161  
of the Revised Code. The director may appoint or contract with 16162  
other persons to perform inspections of amusement rides, provided 16163  
that the persons meet the qualifications for inspectors 16164  
established by rules adopted under division (B) of this section 16165  
and are not owners, or employees of owners, of any amusement ride 16166  
subject to inspection under sections 1711.50 to 1711.57 of the 16167  
Revised Code. No person shall inspect an amusement ride who, 16168  
within six months prior to the date of inspection, was an employee 16169  
of the owner of the ride. 16170

(2) Before the director contracts with other persons to 16171  
inspect amusement rides, the director shall seek the advice of the 16172  
advisory council on amusement ride safety on whether to contract 16173  
with those persons. The advice shall not be binding upon the 16174  
director. After having received the advice of the council, the 16175  
director may proceed to contract with inspectors in accordance 16176  
with the procedures specified in division (E)(2) of section 16177  
1711.11 of the Revised Code. 16178

(3) With the advice and consent of the advisory council on 16179  
amusement ride safety, the director may employ a special 16180  
consultant to conduct an independent investigation of an amusement 16181  
ride accident. This consultant need not be in the civil service of 16182  
the state, but shall have qualifications to conduct the 16183  
investigation acceptable to the council. 16184

(E)(1) Except as otherwise provided in division (E)(1) of 16185  
this section, the department shall charge the following amusement 16186  
ride fees: 16187

Permit	\$	<del>150</del>	16188
		<u>225</u>	
Annual inspection and reinspection per ride:			16189
Kiddie rides	\$	<del>100</del>	16190
		<u>150</u>	
Roller coaster	\$	<del>1,200</del>	16191
		<u>1,250</u>	
Aerial lifts or bungee jumping facilities	\$	<del>450</del>	16192
		<u>500</u>	
Go karts, per kart	\$	5	16193
			16194
Other rides	\$	<del>160</del>	16195
		<u>210</u>	
Midseason operational inspection per ride	\$	25	16196
Expedited inspection per ride	\$	100	16197
Failure to cancel scheduled inspection per ride	\$	100	16198
Failure to have amusement ride ready for inspection			16199
per ride	\$	100	16200

The go kart inspection fee is in addition to the inspection 16201  
fee for the go kart track. 16202

The director shall adopt rules in accordance with Chapter 16203  
119. of the Revised Code establishing an annual fee that is less 16204  
than one hundred ~~five~~ fifty-four dollars for an inspection and 16205

reinspection of an inflatable ride. In adopting the rules, the 16206  
director shall ensure that the fee reasonably reflects the costs 16207  
of inspection and reinspection of an inflatable ride. If the 16208  
director issues a permit for an inflatable ride for a time period 16209  
of less than one year, the director shall charge a prorated fee 16210  
for the permit equal to one-twelfth of the annual permit fee 16211  
multiplied by the number of full months for which the permit is 16212  
issued. 16213

The fees for an expedited inspection, failure to cancel a 16214  
scheduled inspection, and failure to have an amusement ride ready 16215  
for inspection do not apply to go karts. 16216

As used in division (E)(1) of this section, "expedited 16217  
inspection" means an inspection of an amusement ride by the 16218  
department not later than ten days after the owner of the 16219  
amusement ride files an application for a permit under this 16220  
section. 16221

(2) All fees and fines collected by the department under 16222  
sections 1711.50 to 1711.57 of the Revised Code shall be deposited 16223  
in the state treasury to the credit of the amusement ride 16224  
inspection fund, which is hereby created, and shall be used only 16225  
for the purpose of administering and enforcing sections 1711.11 16226  
and 1711.50 to 1711.57 of the Revised Code. 16227

(3) The owner of an amusement ride shall be required to pay a 16228  
reinspection fee only if the reinspection was conducted at the 16229  
owner's request under division (F) of this section, if the 16230  
reinspection is required by division (F) of this section because 16231  
of an accident, or if the reinspection is required by division (F) 16232  
of section 1711.55 of the Revised Code. If a reinspection is 16233  
conducted at the request of the chief officer of a fair, festival, 16234  
or event where the ride is operating, the reinspection fee shall 16235  
be charged to the fair, festival, or event. 16236

(4) The rules adopted under division (B) of this section shall define "roller coaster," "aerial lifts," "go karts," and "other rides" for purposes of determining the fees under division (E) of this section. The rules shall define "other rides" to include go kart tracks.

(F) A reinspection of an amusement ride shall take place if an accident occurs, if the owner of the ride or the chief officer of the fair, festival, or event where the ride is operating requests a reinspection, or if the reinspection is required by division (F) of section 1711.55 of the Revised Code.

(G) As a supplement to its annual inspection of a temporary amusement ride, the department may inspect the ride during each scheduled event, as listed in the schedule of events provided to the department by the owner pursuant to division (C) of section 1711.55 of the Revised Code, at which the ride is operated in this state. These supplemental inspections are in addition to any other inspection or reinspection of the ride as may be required under sections 1711.50 to 1711.57 of the Revised Code, and the owner of the temporary amusement ride is not required to pay an inspection or reinspection fee for this supplemental inspection. Nothing in this division shall be construed to prohibit the owner of a temporary amusement ride having a valid permit to operate in this state from operating the ride at a scheduled event before the department conducts a supplemental inspection.

(H) The department may annually conduct a midseason operational inspection of every amusement ride upon which it conducts an annual inspection pursuant to division (A) of this section. The midseason operational inspection is in addition to any other inspection or reinspection of the amusement ride as may be required pursuant to sections 1711.50 to 1711.57 of the Revised Code. The owner of an amusement ride shall submit to the department, at the time determined by the department, the

midseason operational inspection fee specified in division (E) of 16269  
this section. The director, in accordance with Chapter 119. of the 16270  
Revised Code, shall adopt rules specifying the time period during 16271  
which the department will conduct midseason operational 16272  
inspections. 16273

Sec. 1711.532. Not later than November 1, 2019, and annually 16274  
thereafter, the director of agriculture shall submit a detailed 16275  
financial report to the speaker of the house of representatives 16276  
and to the president of the senate that includes all of the 16277  
following information applicable to the twelve months immediately 16278  
preceding the report's submission: 16279

(A) The revenue from fees collected under section 1711.53 of 16280  
the Revised Code and any other revenue collected for the amusement 16281  
ride safety program; 16282

(B) Expenses relating to the operation of the department of 16283  
agriculture's amusement ride safety program established under 16284  
sections 1711.50 to 1711.57 of the Revised Code; 16285

(C) Any proposed changes to the fee schedule established 16286  
under section 1711.53 of the Revised Code that the director 16287  
determines are necessary for purposes of issuing amusement ride 16288  
permits and conducting amusement ride inspections and 16289  
reinspections; 16290

(D) The amount expended from any appropriations made for the 16291  
department of agriculture's amusement ride safety program; 16292

(E) Any additional revenue that the director determines is 16293  
necessary to meet the expenses of the amusement ride safety 16294  
program during the twelve months immediately following the 16295  
submission of the report; 16296

(F) Any other information that the director determines is 16297  
necessary to include in the report. 16298

Sec. 1713.032. On or after December 31, 2019, the chancellor 16299  
of higher education shall not grant or renew a certificate of 16300  
authorization under this chapter to a regionally accredited 16301  
private, nonprofit institution of higher education that was 16302  
created by the governors of several states. 16303

**Sec. 1724.02.** (A) In furtherance of the purposes set forth in 16304  
section 1724.01 of the Revised Code, a community improvement 16305  
corporation shall have the following powers: 16306

(1)(a) To borrow money for any of the purposes of the 16307  
community improvement corporation by means of loans, lines of 16308  
credit, or any other financial instruments or securities, 16309  
including the issuance of its bonds, debentures, notes, or other 16310  
evidences of indebtedness, whether secured or unsecured, and to 16311  
secure the same by mortgage, pledge, deed of trust, or other lien 16312  
on its property, franchises, rights, and privileges of every kind 16313  
and nature or any part thereof or interest therein; and 16314

(b) If the community improvement corporation is a county land 16315  
reutilization corporation, the corporation may request, by 16316  
resolution: 16317

(i) That the board of county commissioners of the county 16318  
served by the corporation pledge a specifically identified source 16319  
or sources of revenue pursuant to division (C) of section 307.78 16320  
of the Revised Code as security for such borrowing by the 16321  
corporation; and 16322

(ii)(I) If the land subject to reutilization is located 16323  
within an unincorporated area of the county, that the board of 16324  
county commissioners issue notes under section 307.082 of the 16325  
Revised Code for the purpose of constructing public infrastructure 16326  
improvements and take other actions as the board determines are in 16327  
the interest of the county and are authorized under sections 16328

5709.78 to 5709.81 of the Revised Code or bonds or notes under 16329  
section 5709.81 of the Revised Code for the refunding purposes set 16330  
forth in that section; or 16331

(II) If the land subject to reutilization is located within 16332  
the corporate boundaries of a municipal corporation, that the 16333  
municipal corporation issue bonds for the purpose of constructing 16334  
public infrastructure improvements and take such other actions as 16335  
the municipal corporation determines are in its interest and are 16336  
authorized under sections 5709.40 to 5709.43 of the Revised Code. 16337

(2) To make loans to any person, firm, partnership, 16338  
corporation, joint stock company, association, or trust, and to 16339  
establish and regulate the terms and conditions with respect to 16340  
any such loans; provided that an economic development corporation 16341  
shall not approve any application for a loan unless and until the 16342  
person applying for said loan shows that the person has applied 16343  
for the loan through ordinary banking or commercial channels and 16344  
that the loan has been refused by at least one bank or other 16345  
financial institution. Nothing in this division shall preclude a 16346  
county land reutilization corporation from making revolving loans 16347  
to community development corporations, private entities, or any 16348  
person for the purposes contained in the corporation's plan under 16349  
section 1724.10 of the Revised Code. 16350

(3) To purchase, receive, hold, manage, lease, 16351  
lease-purchase, or otherwise acquire and to sell, convey, 16352  
transfer, lease, sublease, or otherwise dispose of real and 16353  
personal property, together with such rights and privileges as may 16354  
be incidental and appurtenant thereto and the use thereof, 16355  
including but not restricted to, any real or personal property 16356  
acquired by the community improvement corporation from time to 16357  
time in the satisfaction of debts or enforcement of obligations, 16358  
and to enter into contracts with third parties, including the 16359  
federal government, the state, any political subdivision, or any 16360

other entity. A county land reutilization corporation shall not 16361  
acquire an interest in real property if such acquisition causes 16362  
the number of occupied real properties held by the corporation to 16363  
exceed the greater of either fifty properties or twenty-five per 16364  
cent of all real property held by the corporation for 16365  
reutilization, reclamation, or rehabilitation. For the purposes of 16366  
this division, "occupied real properties" includes all real 16367  
properties that are not unoccupied as that term is defined in 16368  
section 323.65 of the Revised Code. 16369

(4) To acquire the good will, business, rights, real and 16370  
personal property, and other assets, or any part thereof, or 16371  
interest therein, of any persons, firms, partnerships, 16372  
corporations, joint stock companies, associations, or trusts, and 16373  
to assume, undertake, or pay the obligations, debts, and 16374  
liabilities of any such person, firm, partnership, corporation, 16375  
joint stock company, association, or trust; to acquire, reclaim, 16376  
manage, or contract for the management of improved or unimproved 16377  
and underutilized real estate for the purpose of constructing 16378  
industrial plants, other business establishments, or housing 16379  
thereon, or causing the same to occur, for the purpose of 16380  
assembling and enhancing utilization of the real estate, or for 16381  
the purpose of disposing of such real estate to others in whole or 16382  
in part for the construction of industrial plants, other business 16383  
establishments, or housing; and to acquire, reclaim, manage, 16384  
contract for the management of, construct or reconstruct, alter, 16385  
repair, maintain, operate, sell, convey, transfer, lease, 16386  
sublease, or otherwise dispose of industrial plants, business 16387  
establishments, or housing. 16388

(5) To acquire, subscribe for, own, hold, sell, assign, 16389  
transfer, mortgage, pledge, or otherwise dispose of the stock, 16390  
shares, bonds, debentures, notes, or other securities and 16391  
evidences of interest in, or indebtedness of, any person, firm, 16392

corporation, joint stock company, association, or trust, and while 16393  
the owner or holder thereof, to exercise all the rights, powers, 16394  
and privileges of ownership, including the right to vote therein, 16395  
provided that no tax revenue, if any, received by a community 16396  
improvement corporation shall be used for such acquisition or 16397  
subscription. 16398

(6) To mortgage, pledge, or otherwise encumber any property 16399  
acquired pursuant to the powers contained in division (A)(3), (4), 16400  
or (5) of this section. 16401

(7) Nothing in this section shall limit the right of a 16402  
community improvement corporation to become a member of or a 16403  
stockholder in a corporation formed under Chapter 1726. of the 16404  
Revised Code. 16405

(8) To serve as an agent for grant applications and for the 16406  
administration of grants, or to make applications as principal for 16407  
grants for county land reutilization corporations. 16408

(9) To exercise the powers enumerated under Chapter 5722. of 16409  
the Revised Code on behalf of a county that organizes or contracts 16410  
with a county land reutilization corporation. 16411

(10) To engage in code enforcement and nuisance abatement, 16412  
including, but not limited to, cutting grass and weeds, boarding 16413  
up vacant or abandoned structures, and demolishing condemned 16414  
structures on properties that are subject to a delinquent tax or 16415  
assessment lien, or property for which a municipal corporation or 16416  
township has contracted with a county land reutilization 16417  
corporation to provide code enforcement or nuisance abatement 16418  
assistance. 16419

(11) To charge fees or exchange in-kind goods or services for 16420  
services rendered to political subdivisions and other persons or 16421  
entities for whom services are rendered. 16422

(12) To employ and provide compensation for an executive 16423

director who shall manage the operations of a county land reutilization corporation and employ others for the benefit of the corporation as approved and funded by the board of directors. No employee of the corporation is or shall be deemed to be an employee of the political subdivision for whose benefit the corporation is organized solely because the employee is employed by the corporation.

(13) To purchase tax certificates at auction, negotiated sale, or from a third party who purchased and is a holder of one or more tax certificates issued pursuant to sections 5721.30 to 5721.43 of the Revised Code.

(14) To be assigned a mortgage on real property from a mortgagee in lieu of acquiring such real property subject to a mortgage.

(15) To act as a portal operator for purposes of an OhioInvests offering under sections 1707.05 to 1707.058 of the Revised Code.

(16) To do all acts and things necessary or convenient to carry out the purposes of section 1724.01 of the Revised Code and the powers especially created for a community improvement corporation in Chapter 1724. of the Revised Code, including, but not limited to, contracting with the federal government, the state or any political subdivision, a board of county commissioners pursuant to section 307.07 of the Revised Code, a county auditor pursuant to section 319.10 of the Revised Code, a county treasurer pursuant to section 321.49 of the Revised Code, and any other party, whether nonprofit or for-profit. An employee of a board of county commissioners, county auditor, or county treasurer who, pursuant to a contract entered into in accordance with section 307.07, 319.10, or 321.49 of the Revised Code, provides services to a county land reutilization corporation shall remain an employee of the county during the provision of those services.

(B) The powers enumerated in this chapter shall not be construed to limit the general powers of a community improvement corporation. The powers granted under this chapter are in addition to those powers granted by any other chapter of the Revised Code, but, as to a county land reutilization corporation, shall be used only for the purposes enumerated under division (B)(2) of section 1724.01 of the Revised Code.

(C) Ownership of real property by an economic development corporation does not constitute public ownership unless the economic development corporation has applied for and been granted a tax exemption for the property under section 5709.08 of the Revised Code.

**Sec. 1739.05.** (A) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program may be established only if any of the following applies:

(1) The arrangement has and maintains a minimum enrollment of three hundred employees of two or more employers.

(2) The arrangement has and maintains a minimum enrollment of three hundred self-employed individuals.

(3) The arrangement has and maintains a minimum enrollment of three hundred employees or self-employed individuals in any combination of divisions (A)(1) and (2) of this section.

(B) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program shall comply with all laws applicable to self-funded programs in this state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 3901.491, 3902.01 to 3902.14, 3923.041, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38,

3923.581, 3923.602, 3923.63, 3923.80, 3923.84, 3923.85, 3923.851, 16486  
3923.86, 3923.87, 3923.89, 3923.90, 3924.031, 3924.032, and 16487  
3924.27 of the Revised Code. 16488

(C) A multiple employer welfare arrangement created pursuant 16489  
to sections 1739.01 to 1739.22 of the Revised Code shall solicit 16490  
enrollments only through agents or solicitors licensed pursuant to 16491  
Chapter 3905. of the Revised Code to sell or solicit sickness and 16492  
accident insurance. 16493

(D) A multiple employer welfare arrangement created pursuant 16494  
to sections 1739.01 to 1739.22 of the Revised Code shall provide 16495  
benefits only to individuals who are members, employees of 16496  
members, or the dependents of members or employees, or are 16497  
eligible for continuation of coverage under section 1751.53 or 16498  
3923.38 of the Revised Code or under Title X of the "Consolidated 16499  
Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 16500  
U.S.C.A. 1161, as amended. 16501

(E) A multiple employer welfare arrangement created pursuant 16502  
to sections 1739.01 to 1739.22 of the Revised Code is subject to, 16503  
and shall comply with, sections 3903.81 to 3903.93 of the Revised 16504  
Code in the same manner as other life or health insurers, as 16505  
defined in section 3903.81 of the Revised Code. 16506

**Sec. 1751.77.** As used in sections 1751.77 to 1751.87 of the 16507  
Revised Code, unless otherwise specifically provided or as 16508  
otherwise required pursuant to applicable federal law or 16509  
regulations: 16510

(A) "Adverse determination" means a determination by a health 16511  
insuring corporation or its designee utilization review 16512  
organization that an admission, availability of care, continued 16513  
stay, or other health care service has been reviewed and, based 16514  
upon the information provided, the health care service does not 16515  
meet the requirements for benefit payment under the health 16516

insuring corporation's policy, contract, or agreement, and 16517  
coverage is therefore denied, reduced, or terminated. 16518

(B) "Ambulatory review" means utilization review of health 16519  
care services performed or provided in an outpatient setting. 16520

(C) "Authorized person" means a parent, guardian, or other 16521  
person authorized to act on behalf of an enrollee with respect to 16522  
health care decisions. 16523

(D) "Case management" means a coordinated set of activities 16524  
conducted for individual patient management of serious, 16525  
complicated, protracted, or other specified health conditions. 16526

(E) "Certification" means a determination by a health 16527  
insuring corporation or its designee utilization review 16528  
organization that an admission, availability of care, continued 16529  
stay, or other health care service has been reviewed and, based 16530  
upon the information provided, the health care service satisfies 16531  
the requirements for benefit payment under the health insuring 16532  
corporation's policy, contract, or agreement. 16533

(F) "Clinical peer" means a physician when an evaluation is 16534  
to be made of the clinical appropriateness of health care services 16535  
provided by a physician. If an evaluation is to be made of the 16536  
clinical appropriateness of health care services provided by a 16537  
provider who is not a physician, "clinical peer" means either a 16538  
physician or a provider holding the same license as the provider 16539  
who provided the health care services. 16540

(G) "Clinical review criteria" means the written screening 16541  
procedures, decision abstracts, clinical protocols, and practice 16542  
guidelines used by a health insuring corporation to determine the 16543  
necessity and appropriateness of health care services. 16544

(H) "Concurrent review" means utilization review conducted 16545  
during a patient's hospital stay or course of treatment. 16546

(I) "Discharge planning" means the formal process for  
determining, prior to a patient's discharge from a health care  
facility, the coordination and management of the care that the  
patient is to receive following discharge from a health care  
facility.

(J) "Participating provider" means a provider or health care  
facility that, under a contract with a health insuring corporation  
or with its contractor or subcontractor, has agreed to provide  
health care services to enrollees with an expectation of receiving  
payment, other than coinsurance, copayments, or deductibles,  
directly or indirectly from the health insuring corporation.

(K) "Physician" means a provider who holds a ~~certificate~~  
license issued under Chapter 4731. of the Revised Code authorizing  
the practice of medicine and surgery or osteopathic medicine and  
surgery or a comparable license ~~or certificate~~ from another state.

(L) "Prospective review" means utilization review that is  
conducted prior to an admission or a course of treatment.

(M) "Retrospective review" means utilization review of  
medical necessity that is conducted after health care services  
have been provided to a patient. "Retrospective review" does not  
include the review of a claim that is limited to an evaluation of  
reimbursement levels, veracity of documentation, accuracy of  
coding, or adjudication of payment.

(N) "Second opinion" means an opportunity or requirement to  
obtain a clinical evaluation by a provider other than the provider  
originally making a recommendation for proposed health care  
services to assess the clinical necessity and appropriateness of  
the proposed health care services.

(O) "Utilization review" means a process used to monitor the  
use of, or evaluate the clinical necessity, appropriateness,  
efficacy, or efficiency of, health care services, procedures, or

settings. Areas of review may include ambulatory review, 16578  
prospective review, second opinion, certification, concurrent 16579  
review, case management, discharge planning, or retrospective 16580  
review. 16581

(P) "Utilization review organization" means an entity that 16582  
conducts utilization review, other than a health insuring 16583  
corporation performing a review of its own health care plans. 16584

Sec. 1751.92. Each health insuring corporation shall comply 16585  
with the requirements of section 3959.20 of the Revised Code as 16586  
they pertain to health plan issuers. 16587

As used in this section, "health plan issuer" has the same 16588  
meaning as in section 3922.01 of the Revised Code. 16589

**Sec. 1901.123.** (A)(1) Subject to reimbursement under division 16590  
(B) of this section, the treasurer of the county in which a 16591  
county-operated municipal court or other municipal court is 16592  
located shall pay the per diem compensation to which an acting 16593  
judge appointed pursuant to division (A)(2)(a), (B)(1), or (C)(1) 16594  
of section 1901.121 of the Revised Code is entitled pursuant to 16595  
division (A)(1) of section 1901.122 of the Revised Code. 16596

(2) Subject to reimbursement under division ~~(B)~~(C) of this 16597  
section, the ~~treasurer of the county in which a county-operated~~ 16598  
~~municipal court or other municipal court is located~~ supreme court 16599  
shall pay the per diem compensation to which an assigned judge 16600  
assigned pursuant to division (A)(1), (A)(2)(b), (B)(2), (C)(2), 16601  
or (D) of section 1901.121 of the Revised Code is entitled 16602  
pursuant to division (B) of section 1901.122 of the Revised Code. 16603

(B) The treasurer of a county that, pursuant to division 16604  
(A)(1) of this section, is required to pay any compensation to 16605  
which an acting judge ~~or assigned judge~~ is entitled under division 16606  
(A)(5) or (6) of section 141.04 of the Revised Code, shall submit 16607

to the administrative director of the supreme court quarterly 16608  
requests for reimbursements of the per diem amounts so paid. The 16609  
requests shall include verifications of the payment of those 16610  
amounts and an affidavit from the acting judge ~~or assigned judge~~ 16611  
stating the days and hours worked. The administrative director 16612  
shall cause reimbursements of those amounts to be issued to the 16613  
county if the administrative director verifies that those amounts 16614  
were, in fact, so paid. 16615

(C) The supreme court, pursuant to division (A)(2) of this 16616  
section, is required to pay any compensation to which an assigned 16617  
judge is entitled under division (A)(5) or (6) of section 141.04 16618  
of the Revised Code. Annually, on the first day of August, the 16619  
administrative director of the supreme court shall issue a billing 16620  
to the county treasurer of any county to which such a judge was 16621  
assigned to a municipal court for reimbursement of the county or 16622  
local portion of the compensation previously paid by the state for 16623  
the twelve-month period preceding the last day of June. The county 16624  
or local portion of the compensation shall be that part of each 16625  
per diem paid by the state which is proportional to the county or 16626  
local shares of the total compensation of a resident judge of such 16627  
court. The county treasurer shall forward the payment within 16628  
thirty days. After forwarding the payment, the county treasurer 16629  
shall seek reimbursement from the applicable local municipalities 16630  
as appropriate. 16631

**Sec. 1901.26.** (A) Subject to division (E) of this section, 16632  
costs in a municipal court shall be fixed and taxed as follows: 16633

(1)(a) The municipal court shall require an advance deposit 16634  
for the filing of any new civil action or proceeding when required 16635  
by division (C) of this section, subject to its waiver pursuant to 16636  
that division, and in all other cases, by rule, shall establish a 16637  
schedule of fees and costs to be taxed in any civil or criminal 16638

action or proceeding. 16639

(b)(i) The legislative authority of a municipal corporation 16640  
may by ordinance establish a schedule of fees to be taxed as costs 16641  
in any civil, criminal, or traffic action or proceeding in a 16642  
municipal court for the performance by officers or other employees 16643  
of the municipal corporation's police department or marshal's 16644  
office of any of the services specified in sections 311.17 and 16645  
509.15 of the Revised Code. No fee in the schedule shall be higher 16646  
than the fee specified in section 311.17 of the Revised Code for 16647  
the performance of the same service by the sheriff. If a fee 16648  
established in the schedule conflicts with a fee for the same 16649  
service established in another section of the Revised Code or a 16650  
rule of court, the fee established in the other section of the 16651  
Revised Code or the rule of court shall apply. 16652

(ii) When an officer or employee of a municipal police 16653  
department or marshal's office performs in a civil, criminal, or 16654  
traffic action or proceeding in a municipal court a service 16655  
specified in section 311.17 or 509.15 of the Revised Code for 16656  
which a taxable fee has been established under this or any other 16657  
section of the Revised Code, the applicable legal fees and any 16658  
other extraordinary expenses, including overtime, provided for the 16659  
service shall be taxed as costs in the case. The clerk of the 16660  
court shall pay those legal fees and other expenses, when 16661  
collected, into the general fund of the municipal corporation that 16662  
employs the officer or employee. 16663

(iii) If a bailiff of a municipal court performs in a civil, 16664  
criminal, or traffic action or proceeding in that court a service 16665  
specified in section 311.17 or 509.15 of the Revised Code for 16666  
which a taxable fee has been established under this section or any 16667  
other section of the Revised Code, the fee for the service is the 16668  
same and is taxable to the same extent as if the service had been 16669  
performed by an officer or employee of the police department or 16670

marshal's office of the municipal corporation in which the court 16671  
is located. The clerk of that court shall pay the fee, when 16672  
collected, into the general fund of the entity or entities that 16673  
fund the bailiff's salary, in the same prorated amount as the 16674  
salary is funded. 16675

(iv) Division (A)(1)(b) of this section does not authorize or 16676  
require any officer or employee of a police department or 16677  
marshal's office of a municipal corporation or any bailiff of a 16678  
municipal court to perform any service not otherwise authorized by 16679  
law. 16680

(2) The municipal court, by rule, may require an advance 16681  
deposit for the filing of any civil action or proceeding and 16682  
publication fees as provided in section 2701.09 of the Revised 16683  
Code. The court shall waive the requirement for advance deposit 16684  
for a party that the court determines qualifies as an indigent 16685  
litigant as set forth in section 2323.311 of the Revised Code. 16686

(3) When a jury trial is demanded in any civil action or 16687  
proceeding, the party making the demand may be required to make an 16688  
advance deposit as fixed by rule of court, unless the court 16689  
determines that the party qualifies as an indigent litigant as set 16690  
forth in section 2323.311 of the Revised Code. If a jury is 16691  
called, the fees of a jury shall be taxed as costs. 16692

(4) In any civil or criminal action or proceeding, each 16693  
witness shall receive twelve dollars for each full day's 16694  
attendance and six dollars for each half day's attendance. Each 16695  
witness in a municipal court that is not a county-operated 16696  
municipal court also shall receive fifty and one-half cents for 16697  
each mile necessarily traveled to and from the witness's place of 16698  
residence to the action or proceeding. 16699

(5) A reasonable charge for driving, towing, carting, 16700  
storing, keeping, and preserving motor vehicles and other personal 16701

property recovered or seized in any proceeding may be taxed as 16702  
part of the costs in a trial of the cause, in an amount that shall 16703  
be fixed by rule of court. 16704

(6) Chattel property seized under any writ or process issued 16705  
by the court shall be preserved pending final disposition for the 16706  
benefit of all persons interested and may be placed in storage 16707  
when necessary or proper for that preservation. The custodian of 16708  
any chattel property so stored shall not be required to part with 16709  
the possession of the property until a reasonable charge, to be 16710  
fixed by the court, is paid. 16711

(7) The municipal court, as it determines, may refund all 16712  
deposits and advance payments of fees and costs, including those 16713  
for jurors and summoning jurors, when they have been paid by the 16714  
losing party. 16715

(8) Charges for the publication of legal notices required by 16716  
statute or order of court may be taxed as part of the costs, as 16717  
provided by section 7.13 of the Revised Code. 16718

(B)(1)(a) The municipal court may determine that, for the 16719  
efficient operation of the court, additional funds are necessary 16720  
to acquire and pay for special projects of the court including, 16721  
but not limited to, the acquisition of additional facilities or 16722  
the rehabilitation of existing facilities, the acquisition of 16723  
equipment, the hiring and training of staff, community service 16724  
programs, mediation or dispute resolution services, the employment 16725  
of magistrates, the training and education of judges, acting 16726  
judges, and magistrates, and other related services. Upon that 16727  
determination, the court by rule may charge a fee, in addition to 16728  
all other court costs, on the filing of each criminal cause, civil 16729  
action or proceeding, or judgment by confession. 16730

(b) If the municipal court offers a special program or 16731  
service in cases of a specific type, the municipal court by rule 16732

may assess an additional charge in a case of that type, over and 16733  
above court costs, to cover the special program or service. The 16734  
municipal court shall adjust the special assessment periodically, 16735  
but not retroactively, so that the amount assessed in those cases 16736  
does not exceed the actual cost of providing the service or 16737  
program. 16738

(c) Any fee or charge assessed under division (B)(1)(a) or 16739  
(b) of this section on the filing of a civil action or proceeding 16740  
shall be waived if the court determines that the person on whom 16741  
the fee or charge is assessed qualifies as an indigent litigant as 16742  
set forth in section 2323.311 of the Revised Code. 16743

(d) All moneys collected under division (B) of this section 16744  
shall be paid to the county treasurer if the court is a 16745  
county-operated municipal court or to the city treasurer if the 16746  
court is not a county-operated municipal court for deposit into 16747  
either a general special projects fund or a fund established for a 16748  
specific special project. Moneys from a fund of that nature shall 16749  
be disbursed upon an order of the court in an amount no greater 16750  
than the actual cost to the court of a project. If a specific fund 16751  
is terminated because of the discontinuance of a program or 16752  
service established under division (B) of this section, the 16753  
municipal court may order that moneys remaining in the fund be 16754  
transferred to an account established under this division for a 16755  
similar purpose. 16756

(2) As used in division (B) of this section: 16757

(a) "Criminal cause" means a charge alleging the violation of 16758  
a statute or ordinance, or subsection of a statute or ordinance, 16759  
that requires a separate finding of fact or a separate plea before 16760  
disposition and of which the defendant may be found guilty, 16761  
whether filed as part of a multiple charge on a single summons, 16762  
citation, or complaint or as a separate charge on a single 16763  
summons, citation, or complaint. "Criminal cause" does not include 16764

separate violations of the same statute or ordinance, or 16765  
subsection of the same statute or ordinance, unless each charge is 16766  
filed on a separate summons, citation, or complaint. 16767

(b) "Civil action or proceeding" means any civil litigation 16768  
that must be determined by judgment entry. 16769

(C) The municipal court shall collect in all its divisions 16770  
except the small claims division the sum of twenty-six dollars as 16771  
additional filing fees in each new civil action or proceeding for 16772  
the charitable public purpose of providing financial assistance to 16773  
legal aid societies that operate within the state and to support 16774  
the office of the state public defender. The municipal court shall 16775  
collect in its small claims division the sum of eleven dollars as 16776  
additional filing fees in each new civil action or proceeding for 16777  
the charitable public purpose of providing financial assistance to 16778  
legal aid societies that operate within the state and to support 16779  
the office of the state public defender. This division does not 16780  
apply to any execution on a judgment, proceeding in aid of 16781  
execution, or other post-judgment proceeding arising out of a 16782  
civil action. The filing fees required to be collected under this 16783  
division shall be in addition to any other court costs imposed in 16784  
the action or proceeding and shall be collected at the time of the 16785  
filing of the action or proceeding. The court shall not waive the 16786  
payment of the additional filing fees in a new civil action or 16787  
proceeding unless the court waives the advanced payment of all 16788  
filing fees in the action or proceeding for the party that the 16789  
court determines is qualified as an indigent litigant as set forth 16790  
in section 2323.311 of the Revised Code. All such moneys collected 16791  
during a month except for an amount equal to up to one per cent of 16792  
those moneys retained to cover administrative costs shall be 16793  
transmitted on or before the twentieth day of the following month 16794  
by the clerk of the court to the treasurer of state in a manner 16795  
prescribed by the treasurer of state or by the Ohio ~~legal~~ 16796

~~assistance~~ access to justice foundation. The treasurer of state 16797  
shall deposit four per cent of the funds collected under this 16798  
division to the credit of the civil case filing fee fund 16799  
established under section 120.07 of the Revised Code and 16800  
ninety-six per cent of the funds collected under this division to 16801  
the credit of the legal aid fund established under section 120.52 16802  
of the Revised Code. 16803

The court may retain up to one per cent of the moneys it 16804  
collects under this division to cover administrative costs, 16805  
including the hiring of any additional personnel necessary to 16806  
implement this division. If the court fails to transmit to the 16807  
treasurer of state the moneys the court collects under this 16808  
division in a manner prescribed by the treasurer of state or by 16809  
the Ohio ~~legal assistance~~ access to justice foundation, the court 16810  
shall forfeit the moneys the court retains under this division to 16811  
cover administrative costs, including the hiring of any additional 16812  
personnel necessary to implement this division, and shall transmit 16813  
to the treasurer of state all moneys collected under this 16814  
division, including the forfeited amount retained for 16815  
administrative costs, for deposit in the legal aid fund. 16816

(D) In the Cleveland municipal court, reasonable charges for 16817  
investigating titles of real estate to be sold or disposed of 16818  
under any writ or process of the court may be taxed as part of the 16819  
costs. 16820

(E) Under the circumstances described in sections 2969.21 to 16821  
2969.27 of the Revised Code, the clerk of the municipal court 16822  
shall charge the fees and perform the other duties specified in 16823  
those sections. 16824

(F) As used in this section: 16825

(1) "Full day's attendance" means a day on which a witness is 16826  
required or requested to be present at an action or proceeding 16827

before and after twelve noon, regardless of whether the witness 16828  
actually testifies. 16829

(2) "Half day's attendance" means a day on which a witness is 16830  
required or requested to be present at an action or proceeding 16831  
either before or after twelve noon, but not both, regardless of 16832  
whether the witness actually testifies. 16833

**Sec. 1907.143.** (A)(1) Subject to reimbursement under division 16834  
(B) of this section, the treasurer of the county in which a county 16835  
court is located shall pay the per diem compensation to which an 16836  
acting judge appointed pursuant to division (A)(2)(b), (B)(1), or 16837  
(C)(1) of section 1907.141 of the Revised Code is entitled 16838  
pursuant to division (A) of section 1907.142 of the Revised Code. 16839  
16840

(2) Subject to reimbursement under division ~~(B)~~(C) of this 16841  
section, the ~~treasurer of the county in which a county court is~~ 16842  
~~located~~ supreme court shall pay the per diem compensation to which 16843  
an assigned judge assigned pursuant to division (A)(1), (A)(2)(b), 16844  
(B)(2), or (C)(2) of section 1907.141 of the Revised Code is 16845  
entitled pursuant to division (B) of section 1907.142 of the 16846  
Revised Code. 16847

(B) The treasurer of a county that, pursuant to division 16848  
(A)(1) of this section, is required to pay any compensation to 16849  
which an acting judge ~~or assigned judge~~ is entitled under division 16850  
(A)(5) or (6) of section 141.04 of the Revised Code, shall submit 16851  
to the administrative director of the supreme court quarterly 16852  
requests for reimbursements of the per diem amounts so paid. The 16853  
requests shall include verifications of the payment of those 16854  
amounts and an affidavit from the acting judge ~~or assigned judge~~ 16855  
stating the days and hours worked. The administrative director 16856  
shall cause reimbursements of those amounts to be issued to the 16857  
county if the administrative director verifies that those amounts 16858

were, in fact, so paid. 16859

(C) The supreme court, pursuant to division (A)(2) of this section, is required to pay any compensation to which an assigned judge is entitled under division (A)(5) or (6) of section 141.04 of the Revised Code. Annually, on the first day of August, the administrative director of the supreme court shall issue a billing to the county treasurer of any county to which such a judge was assigned to a county court for reimbursement of the county portion of the compensation previously paid by the state for the twelve-month period preceding the last day of June. The county portion of the compensation shall be that part of each per diem paid by the state which is proportional to the county shares of the total compensation of a resident judge of such court. The county treasurer shall forward the payment within thirty days. After forwarding the payment, the county treasurer shall seek reimbursement from the applicable local municipalities as appropriate. 16860  
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**Sec. 1907.24.** (A) Subject to division (C) of this section, a county court shall fix and tax fees and costs as follows: 16876  
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(1) The county court shall require an advance deposit for the filing of any new civil action or proceeding when required by division (C) of this section, subject to its waiver pursuant to that division, and, in all other cases, shall establish a schedule of fees and costs to be taxed in any civil or criminal action or proceeding. 16878  
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(2) The county court by rule may require an advance deposit for the filing of a civil action or proceeding and publication fees as provided in section 2701.09 of the Revised Code. The court shall waive an advance deposit requirement for a party that the court determines qualifies as an indigent litigant as set forth in section 2323.311 of the Revised Code. 16884  
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(3) When a party demands a jury trial in a civil action or proceeding, the county court may require the party to make an advance deposit as fixed by rule of court, unless the court determines that the party qualifies as an indigent litigant as set forth in section 2323.311 of the Revised Code. If a jury is called, the county court shall tax the fees of a jury as costs.

(4) In a civil or criminal action or proceeding, the county court shall fix the fees of witnesses in accordance with sections 2335.06 and 2335.08 of the Revised Code.

(5) A county court may tax as part of the costs in a trial of the cause, in an amount fixed by rule of court, a reasonable charge for driving, towing, carting, storing, keeping, and preserving motor vehicles and other personal property recovered or seized in a proceeding.

(6) The court shall preserve chattel property seized under a writ or process issued by the court pending final disposition for the benefit of all interested persons. The court may place the chattel property in storage when necessary or proper for its preservation. The custodian of chattel property so stored shall not be required to part with the possession of the property until a reasonable charge, to be fixed by the court, is paid.

(7) The county court, as it determines, may refund all deposits and advance payments of fees and costs, including those for jurors and summoning jurors, when they have been paid by the losing party.

(8) The court may tax as part of costs charges for the publication of legal notices required by statute or order of court, as provided by section 7.13 of the Revised Code.

(B)(1)(a) The county court may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court including,

but not limited to, the acquisition of additional facilities or 16921  
the rehabilitation of existing facilities, the acquisition of 16922  
equipment, the hiring and training of staff, community service 16923  
programs, mediation or dispute resolution services, the employment 16924  
of magistrates, the training and education of judges, acting 16925  
judges, and magistrates, and other related services. Upon that 16926  
determination, the court by rule may charge a fee, in addition to 16927  
all other court costs, on the filing of each criminal cause, civil 16928  
action or proceeding, or judgment by confession. 16929

(b) If the county court offers a special program or service 16930  
in cases of a specific type, the county court by rule may assess 16931  
an additional charge in a case of that type, over and above court 16932  
costs, to cover the special program or service. The county court 16933  
shall adjust the special assessment periodically, but not 16934  
retroactively, so that the amount assessed in those cases does not 16935  
exceed the actual cost of providing the service or program. 16936

(c) Any fee or charge assessed under division (B)(1)(a) or 16937  
(b) of this section on the filing of a civil action or proceeding 16938  
shall be waived if the court determines that the person on whom 16939  
the fee or charge is assessed qualifies as an indigent litigant as 16940  
set forth in section 2323.311 of the Revised Code. 16941

(d) All moneys collected under division (B) of this section 16942  
shall be paid to the county treasurer for deposit into either a 16943  
general special projects fund or a fund established for a specific 16944  
special project. Moneys from a fund of that nature shall be 16945  
disbursed upon an order of the court in an amount no greater than 16946  
the actual cost to the court of a project. If a specific fund is 16947  
terminated because of the discontinuance of a program or service 16948  
established under division (B) of this section, the county court 16949  
may order that moneys remaining in the fund be transferred to an 16950  
account established under this division for a similar purpose. 16951

(2) As used in division (B) of this section: 16952

(a) "Criminal cause" means a charge alleging the violation of a statute or ordinance, or subsection of a statute or ordinance, that requires a separate finding of fact or a separate plea before disposition and of which the defendant may be found guilty, whether filed as part of a multiple charge on a single summons, citation, or complaint or as a separate charge on a single summons, citation, or complaint. "Criminal cause" does not include separate violations of the same statute or ordinance, or subsection of the same statute or ordinance, unless each charge is filed on a separate summons, citation, or complaint.

(b) "Civil action or proceeding" means any civil litigation that must be determined by judgment entry.

(c) Subject to division (E) of this section, the county court shall collect in all its divisions except the small claims division the sum of twenty-six dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state and to support the office of the state public defender. Subject to division (E) of this section, the county court shall collect in its small claims division the sum of eleven dollars as additional filing fees in each new civil action or proceeding for the charitable public purpose of providing financial assistance to legal aid societies that operate within the state and to support the office of the state public defender. This division does not apply to any execution on a judgment, proceeding in aid of execution, or other post-judgment proceeding arising out of a civil action. The filing fees required to be collected under this division shall be in addition to any other court costs imposed in the action or proceeding and shall be collected at the time of the filing of the action or proceeding. The court shall not waive the payment of the additional filing fees in a new civil action or proceeding unless the court waives

the advanced payment of all filing fees in the action or 16985  
proceeding for the party that the court determines is qualified as 16986  
an indigent litigant as set forth in section 2323.311 of the 16987  
Revised Code. All such moneys collected during a month except for 16988  
an amount equal to up to one per cent of those moneys retained to 16989  
cover administrative costs shall be transmitted on or before the 16990  
twentieth day of the following month by the clerk of the court to 16991  
the treasurer of state in a manner prescribed by the treasurer of 16992  
state or by the Ohio ~~legal assistance~~ access to justice 16993  
foundation. The treasurer of state shall deposit four per cent of 16994  
the funds collected under this division to the credit of the civil 16995  
case filing fee fund established under section 120.07 of the 16996  
Revised Code and ninety-six per cent of the funds collected under 16997  
this division to the credit of the legal aid fund established 16998  
under section 120.52 of the Revised Code. 16999

The court may retain up to one per cent of the moneys it 17000  
collects under this division to cover administrative costs, 17001  
including the hiring of any additional personnel necessary to 17002  
implement this division. If the court fails to transmit to the 17003  
treasurer of state the moneys the court collects under this 17004  
division in a manner prescribed by the treasurer of state or by 17005  
the Ohio ~~legal assistance~~ access to justice foundation, the court 17006  
shall forfeit the moneys the court retains under this division to 17007  
cover administrative costs, including the hiring of any additional 17008  
personnel necessary to implement this division, and shall transmit 17009  
to the treasurer of state all moneys collected under this 17010  
division, including the forfeited amount retained for 17011  
administrative costs, for deposit in the legal aid fund. 17012

(D) The county court shall establish by rule a schedule of 17013  
fees for miscellaneous services performed by the county court or 17014  
any of its judges in accordance with law. If judges of the court 17015  
of common pleas perform similar services, the fees prescribed in 17016

the schedule shall not exceed the fees for those services 17017  
prescribed by the court of common pleas. 17018

(E) Under the circumstances described in sections 2969.21 to 17019  
2969.27 of the Revised Code, the clerk of the county court shall 17020  
charge the fees and perform the other duties specified in those 17021  
sections. 17022

**Sec. 2151.23.** (A) The juvenile court has exclusive original 17023  
jurisdiction under the Revised Code as follows: 17024

(1) Concerning any child who on or about the date specified 17025  
in the complaint, indictment, or information is alleged to have 17026  
violated section 2151.87 of the Revised Code or an order issued 17027  
under that section or to be a juvenile traffic offender or a 17028  
delinquent, unruly, abused, neglected, or dependent child and, 17029  
based on and in relation to the allegation pertaining to the 17030  
child, concerning the parent, guardian, or other person having 17031  
care of a child who is alleged to be an unruly child for being an 17032  
habitual truant or who is alleged to be a delinquent child for 17033  
violating a court order regarding the child's prior adjudication 17034  
as an unruly child for being an habitual truant; 17035

(2) Subject to divisions (G), (K), and (V) of section 2301.03 17036  
of the Revised Code, to determine the custody of any child not a 17037  
ward of another court of this state; 17038

(3) To hear and determine any application for a writ of 17039  
habeas corpus involving the custody of a child; 17040

(4) To exercise the powers and jurisdiction given the probate 17041  
division of the court of common pleas in Chapter 5122. of the 17042  
Revised Code, if the court has probable cause to believe that a 17043  
child otherwise within the jurisdiction of the court is a mentally 17044  
ill person subject to court order, as defined in section 5122.01 17045  
of the Revised Code; 17046

(5) To hear and determine all criminal cases charging adults with the violation of any section of this chapter;	17047 17048
(6) To hear and determine all criminal cases in which an adult is charged with a violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code, provided the charge is not included in an indictment that also charges the alleged adult offender with the commission of a felony arising out of the same actions that are the basis of the alleged violation of division (C) of section 2919.21, division (B)(1) of section 2919.22, section 2919.222, division (B) of section 2919.23, or section 2919.24 of the Revised Code;	17049 17050 17051 17052 17053 17054 17055 17056 17057 17058
(7) Under the interstate compact on juveniles in section 2151.56 of the Revised Code;	17059 17060
(8) Concerning any child who is to be taken into custody pursuant to section 2151.31 of the Revised Code, upon being notified of the intent to take the child into custody and the reasons for taking the child into custody;	17061 17062 17063 17064
(9) To hear and determine requests for the extension of temporary custody agreements, and requests for court approval of permanent custody agreements, that are filed pursuant to section 5103.15 of the Revised Code;	17065 17066 17067 17068
(10) To hear and determine applications for consent to marry pursuant to section 3101.04 of the Revised Code;	17069 17070
(11) Subject to divisions (G), (K), and (V) of section 2301.03 of the Revised Code, to hear and determine a request for an order for the support of any child if the request is not ancillary to an action for divorce, dissolution of marriage, annulment, or legal separation, a criminal or civil action involving an allegation of domestic violence, or an action for support brought under Chapter 3115. of the Revised Code;	17071 17072 17073 17074 17075 17076 17077

(12) Concerning an action commenced under section 121.38 of the Revised Code;	17078 17079
(13) To hear and determine violations of section 3321.38 of the Revised Code;	17080 17081
(14) To exercise jurisdiction and authority over the parent, guardian, or other person having care of a child alleged to be a delinquent child, unruly child, or juvenile traffic offender, based on and in relation to the allegation pertaining to the child;	17082 17083 17084 17085 17086
(15) To conduct the hearings, and to make the determinations, adjudications, and orders authorized or required under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code regarding a child who has been adjudicated a delinquent child and to refer the duties conferred upon the juvenile court judge under sections 2152.82 to 2152.86 and Chapter 2950. of the Revised Code to magistrates appointed by the juvenile court judge in accordance with Juvenile Rule 40;	17087 17088 17089 17090 17091 17092 17093 17094
(16) To hear and determine a petition for a protection order against a child under section 2151.34 or 3113.31 of the Revised Code and to enforce a protection order issued or a consent agreement approved under either section against a child until a date certain but not later than the date the child attains nineteen years of age;	17095 17096 17097 17098 17099 17100
<u>(17) Concerning emancipated young adults under sections 2151.45 to 2151.455 of the Revised Code.</u>	17101 17102
(B) Except as provided in divisions (G) and (I) of section 2301.03 of the Revised Code, the juvenile court has original jurisdiction under the Revised Code:	17103 17104 17105
(1) To hear and determine all cases of misdemeanors charging adults with any act or omission with respect to any child, which act or omission is a violation of any state law or any municipal	17106 17107 17108

ordinance;	17109
(2) To determine the paternity of any child alleged to have been born out of wedlock pursuant to sections 3111.01 to 3111.18 of the Revised Code;	17110 17111 17112
(3) Under the uniform interstate family support act in Chapter 3115. of the Revised Code;	17113 17114
(4) To hear and determine an application for an order for the support of any child, if the child is not a ward of another court of this state;	17115 17116 17117
(5) To hear and determine an action commenced under section 3111.28 of the Revised Code;	17118 17119
(6) To hear and determine a motion filed under section 3119.961 of the Revised Code;	17120 17121
(7) To receive filings under section 3109.74 of the Revised Code, and to hear and determine actions arising under sections 3109.51 to 3109.80 of the Revised Code.	17122 17123 17124
(8) To enforce an order for the return of a child made under the Hague Convention on the Civil Aspects of International Child Abduction pursuant to section 3127.32 of the Revised Code;	17125 17126 17127
(9) To grant any relief normally available under the laws of this state to enforce a child custody determination made by a court of another state and registered in accordance with section 3127.35 of the Revised Code.	17128 17129 17130 17131
(C) The juvenile court, except as to juvenile courts that are a separate division of the court of common pleas or a separate and independent juvenile court, has jurisdiction to hear, determine, and make a record of any action for divorce or legal separation that involves the custody or care of children and that is filed in the court of common pleas and certified by the court of common pleas with all the papers filed in the action to the juvenile	17132 17133 17134 17135 17136 17137 17138

court for trial, provided that no certification of that nature 17139  
shall be made to any juvenile court unless the consent of the 17140  
juvenile judge first is obtained. After a certification of that 17141  
nature is made and consent is obtained, the juvenile court shall 17142  
proceed as if the action originally had been begun in that court, 17143  
except as to awards for spousal support or support due and unpaid 17144  
at the time of certification, over which the juvenile court has no 17145  
jurisdiction. 17146

(D) The juvenile court, except as provided in divisions (G) 17147  
and (I) of section 2301.03 of the Revised Code, has jurisdiction 17148  
to hear and determine all matters as to custody and support of 17149  
children duly certified by the court of common pleas to the 17150  
juvenile court after a divorce decree has been granted, including 17151  
jurisdiction to modify the judgment and decree of the court of 17152  
common pleas as the same relate to the custody and support of 17153  
children. 17154

(E) The juvenile court, except as provided in divisions (G) 17155  
and (I) of section 2301.03 of the Revised Code, has jurisdiction 17156  
to hear and determine the case of any child certified to the court 17157  
by any court of competent jurisdiction if the child comes within 17158  
the jurisdiction of the juvenile court as defined by this section. 17159

(F)(1) The juvenile court shall exercise its jurisdiction in 17160  
child custody matters in accordance with sections 3109.04 and 17161  
3127.01 to 3127.53 of the Revised Code and, as applicable, 17162  
sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised 17163  
Code. 17164

(2) The juvenile court shall exercise its jurisdiction in 17165  
child support matters in accordance with section 3109.05 of the 17166  
Revised Code. 17167

(G) Any juvenile court that makes or modifies an order for 17168  
child support shall comply with Chapters 3119., 3121., 3123., and 17169

3125. of the Revised Code. If any person required to pay child support under an order made by a juvenile court on or after April 15, 1985, or modified on or after December 1, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.

(H) If a child who is charged with an act that would be an offense if committed by an adult was fourteen years of age or older and under eighteen years of age at the time of the alleged act and if the case is transferred for criminal prosecution pursuant to section 2152.12 of the Revised Code, except as provided in section 2152.121 of the Revised Code, the juvenile court does not have jurisdiction to hear or determine the case subsequent to the transfer. The court to which the case is transferred for criminal prosecution pursuant to that section has jurisdiction subsequent to the transfer to hear and determine the case in the same manner as if the case originally had been commenced in that court, subject to section 2152.121 of the Revised Code, including, but not limited to, jurisdiction to accept a plea of guilty or another plea authorized by Criminal Rule 11 or another section of the Revised Code and jurisdiction to accept a verdict and to enter a judgment of conviction pursuant to the Rules of Criminal Procedure against the child for the commission of the offense that was the basis of the transfer of the case for criminal prosecution, whether the conviction is for the same degree or a lesser degree of the offense charged, for the commission of a lesser-included offense, or for the commission of another offense that is different from the offense charged.

(I) If a person under eighteen years of age allegedly commits an act that would be a felony if committed by an adult and if the person is not taken into custody or apprehended for that act until after the person attains twenty-one years of age, the juvenile court does not have jurisdiction to hear or determine any portion of the case charging the person with committing that act. In those circumstances, divisions (A) and (B) of section 2152.12 of the Revised Code do not apply regarding the act, and the case charging the person with committing the act shall be a criminal prosecution commenced and heard in the appropriate court having jurisdiction of the offense as if the person had been eighteen years of age or older when the person committed the act. All proceedings pertaining to the act shall be within the jurisdiction of the court having jurisdiction of the offense, and that court has all the authority and duties in the case that it has in other criminal cases in that court.

(J) In exercising its exclusive original jurisdiction under division (A)(16) of this section with respect to any proceedings brought under section 2151.34 or 3113.31 of the Revised Code in which the respondent is a child, the juvenile court retains all dispositional powers consistent with existing rules of juvenile procedure and may also exercise its discretion to adjudicate proceedings as provided in sections 2151.34 and 3113.31 of the Revised Code, including the issuance of protection orders or the approval of consent agreements under those sections.

**Sec. 2151.353.** (A) If a child is adjudicated an abused, neglected, or dependent child, the court may make any of the following orders of disposition:

(1) Place the child in protective supervision;

(2) Commit the child to the temporary custody of any of the following:

(a) A public children services agency;	17233
(b) A private child placing agency;	17234
(c) Either parent;	17235
(d) A relative residing within or outside the state;	17236
(e) A probation officer for placement in a certified foster home;	17237 17238
(f) Any other person approved by the court.	17239
(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:	17240 17241 17242 17243 17244 17245 17246 17247 17248 17249
(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;	17250 17251 17252
(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or	17253 17254 17255 17256 17257 17258 17259 17260 17261 17262

an age and schooling certificate. Responsibility beyond the age of 17263  
majority shall terminate when the child ceases to continuously 17264  
pursue such an education, completes such an education, or is 17265  
excused from such an education under standards adopted by the 17266  
state board of education, whichever occurs first. 17267

(c) That the parents of the child have residual parental 17268  
rights, privileges, and responsibilities, including, but not 17269  
limited to, the privilege of reasonable visitation, consent to 17270  
adoption, the privilege to determine the child's religious 17271  
affiliation, and the responsibility for support; 17272

(d) That the person understands that the person must be 17273  
present in court for the dispositional hearing in order to affirm 17274  
the person's intention to become legal custodian, to affirm that 17275  
the person understands the effect of the custodianship before the 17276  
court, and to answer any questions that the court or any parties 17277  
to the case may have. 17278

(4) Commit the child to the permanent custody of a public 17279  
children services agency or private child placing agency, if the 17280  
court determines in accordance with division (E) of section 17281  
2151.414 of the Revised Code that the child cannot be placed with 17282  
one of the child's parents within a reasonable time or should not 17283  
be placed with either parent and determines in accordance with 17284  
division (D)(1) of section 2151.414 of the Revised Code that the 17285  
permanent commitment is in the best interest of the child. If the 17286  
court grants permanent custody under this division, the court, 17287  
upon the request of any party, shall file a written opinion 17288  
setting forth its findings of fact and conclusions of law in 17289  
relation to the proceeding. 17290

(5) Place the child in a planned permanent living arrangement 17291  
with a public children services agency or private child placing 17292  
agency, if a public children services agency or private child 17293  
placing agency requests the court to place the child in a planned 17294

permanent living arrangement and if the court finds, by clear and 17295  
convincing evidence, that a planned permanent living arrangement 17296  
is in the best interest of the child, that the child is sixteen 17297  
years of age or older, and that one of the following exists: 17298

(a) The child, because of physical, mental, or psychological 17299  
problems or needs, is unable to function in a family-like setting 17300  
and must remain in residential or institutional care now and for 17301  
the foreseeable future beyond the date of the dispositional 17302  
hearing held pursuant to section 2151.35 of the Revised Code. 17303

(b) The parents of the child have significant physical, 17304  
mental, or psychological problems and are unable to care for the 17305  
child because of those problems, adoption is not in the best 17306  
interest of the child, as determined in accordance with division 17307  
(D)(1) of section 2151.414 of the Revised Code, and the child 17308  
retains a significant and positive relationship with a parent or 17309  
relative. 17310

(c) The child has been counseled on the permanent placement 17311  
options available to the child, and is unwilling to accept or 17312  
unable to adapt to a permanent placement. 17313

(6) Order the removal from the child's home until further 17314  
order of the court of the person who committed abuse as described 17315  
in section 2151.031 of the Revised Code against the child, who 17316  
caused or allowed the child to suffer neglect as described in 17317  
section 2151.03 of the Revised Code, or who is the parent, 17318  
guardian, or custodian of a child who is adjudicated a dependent 17319  
child and order any person not to have contact with the child or 17320  
the child's siblings. 17321

(B)(1) When making a determination on whether to place a 17322  
child in a planned permanent living arrangement pursuant to 17323  
division (A)(5)(b) or (c) of this section, the court shall 17324  
consider all relevant information that has been presented to the 17325

court, including information gathered from the child, the child's guardian ad litem, and the public children services agency or private child placing agency.

(2) A child who is placed in a planned permanent living arrangement pursuant to division (A)(5)(b) or (c) of this section shall be placed in an independent living setting or in a family setting in which the caregiver has been provided by the agency that has custody of the child with a notice that addresses the following:

(a) The caregiver understands that the planned permanent living arrangement is intended to be permanent in nature and that the caregiver will provide a stable placement for the child through the child's emancipation or until the court releases the child from the custody of the agency, whichever occurs first.

(b) The caregiver is expected to actively participate in the youth's independent living case plan, attend agency team meetings and court hearings as appropriate, complete training, as provided in division (B) of section 5103.035 of the Revised Code, related to providing the child independent living services, and assist in the child's transition into adulthood.

(3) The department of job and family services shall develop a model notice to be provided by an agency that has custody of a child to a caregiver under division (B)(2) of this section. The agency may modify the model notice to apply to the needs of the agency.

(C) No order for permanent custody or temporary custody of a child or the placement of a child in a planned permanent living arrangement shall be made pursuant to this section unless the complaint alleging the abuse, neglect, or dependency contains a prayer requesting permanent custody, temporary custody, or the placement of the child in a planned permanent living arrangement

as desired, the summons served on the parents of the child 17357  
contains as is appropriate a full explanation that the granting of 17358  
an order for permanent custody permanently divests them of their 17359  
parental rights, a full explanation that an adjudication that the 17360  
child is an abused, neglected, or dependent child may result in an 17361  
order of temporary custody that will cause the removal of the 17362  
child from their legal custody until the court terminates the 17363  
order of temporary custody or permanently divests the parents of 17364  
their parental rights, or a full explanation that the granting of 17365  
an order for a planned permanent living arrangement will result in 17366  
the removal of the child from their legal custody if any of the 17367  
conditions listed in divisions (A)(5)(a) to (c) of this section 17368  
are found to exist, and the summons served on the parents contains 17369  
a full explanation of their right to be represented by counsel and 17370  
to have counsel appointed pursuant to Chapter 120. of the Revised 17371  
Code if they are indigent. 17372

If after making disposition as authorized by division (A)(2) 17373  
of this section, a motion is filed that requests permanent custody 17374  
of the child, the court may grant permanent custody of the child 17375  
to the movant in accordance with section 2151.414 of the Revised 17376  
Code. 17377

(D) If the court issues an order for protective supervision 17378  
pursuant to division (A)(1) of this section, the court may place 17379  
any reasonable restrictions upon the child, the child's parents, 17380  
guardian, or custodian, or any other person, including, but not 17381  
limited to, any of the following: 17382

(1) Order a party, within forty-eight hours after the 17383  
issuance of the order, to vacate the child's home indefinitely or 17384  
for a specified period of time; 17385

(2) Order a party, a parent of the child, or a physical 17386  
custodian of the child to prevent any particular person from 17387  
having contact with the child; 17388

(3) Issue an order restraining or otherwise controlling the 17389  
conduct of any person which conduct would not be in the best 17390  
interest of the child. 17391

(E) As part of its dispositional order, the court shall 17392  
journalize a case plan for the child. The journalized case plan 17393  
shall not be changed except as provided in section 2151.412 of the 17394  
Revised Code. 17395

(F)(1) The court shall retain jurisdiction over any child for 17396  
whom the court issues an order of disposition pursuant to division 17397  
(A) of this section or pursuant to section 2151.414 or 2151.415 of 17398  
the Revised Code until the child attains the age of eighteen years 17399  
if the child is not mentally retarded, developmentally disabled, 17400  
or physically impaired, the child attains the age of twenty-one 17401  
years if the child is mentally retarded, developmentally disabled, 17402  
or physically impaired, or the child is adopted and a final decree 17403  
of adoption is issued, except that the court may retain 17404  
jurisdiction over the child and continue any order of disposition 17405  
under division (A) of this section or under section 2151.414 or 17406  
2151.415 of the Revised Code for a specified period of time to 17407  
enable the child to graduate from high school or vocational 17408  
school. ~~The court shall retain jurisdiction over a person who~~ 17409  
~~meets the requirements described in division (A)(1) of section~~ 17410  
~~5101.1411 of the Revised Code and who is subject to a voluntary~~ 17411  
~~participation agreement that is in effect.~~ The court shall make an 17412  
entry continuing its jurisdiction under this division in the 17413  
journal. 17414

(2) Any public children services agency, any private child 17415  
placing agency, the department of job and family services, or any 17416  
party, other than any parent whose parental rights with respect to 17417  
the child have been terminated pursuant to an order issued under 17418  
division (A)(4) of this section, by filing a motion with the 17419  
court, may at any time request the court to modify or terminate 17420

any order of disposition issued pursuant to division (A) of this section or section 2151.414 or 2151.415 of the Revised Code. The court shall hold a hearing upon the motion as if the hearing were the original dispositional hearing and shall give all parties to the action and the guardian ad litem notice of the hearing pursuant to the Juvenile Rules. If applicable, the court shall comply with section 2151.42 of the Revised Code.

(G) Any temporary custody order issued pursuant to division (A) of this section shall terminate one year after the earlier of the date on which the complaint in the case was filed or the child was first placed into shelter care, except that, upon the filing of a motion pursuant to section 2151.415 of the Revised Code, the temporary custody order shall continue and not terminate until the court issues a dispositional order under that section. In resolving the motion, the court shall not order an existing temporary custody order to continue beyond two years after the date on which the complaint was filed or the child was first placed into shelter care, whichever date is earlier, regardless of whether any extensions have been previously ordered pursuant to division (D) of section 2151.415 of the Revised Code.

(H)(1) No later than one year after the earlier of the date the complaint in the case was filed or the child was first placed in shelter care, a party may ask the court to extend an order for protective supervision for six months or to terminate the order. A party requesting extension or termination of the order shall file a written request for the extension or termination with the court and give notice of the proposed extension or termination in writing before the end of the day after the day of filing it to all parties and the child's guardian ad litem. If a public children services agency or private child placing agency requests termination of the order, the agency shall file a written status report setting out the facts supporting termination of the order

at the time it files the request with the court. If no party 17453  
requests extension or termination of the order, the court shall 17454  
notify the parties that the court will extend the order for six 17455  
months or terminate it and that it may do so without a hearing 17456  
unless one of the parties requests a hearing. All parties and the 17457  
guardian ad litem shall have seven days from the date a notice is 17458  
sent pursuant to this division to object to and request a hearing 17459  
on the proposed extension or termination. 17460

(a) If it receives a timely request for a hearing, the court 17461  
shall schedule a hearing to be held no later than thirty days 17462  
after the request is received by the court. The court shall give 17463  
notice of the date, time, and location of the hearing to all 17464  
parties and the guardian ad litem. At the hearing, the court shall 17465  
determine whether extension or termination of the order is in the 17466  
child's best interest. If termination is in the child's best 17467  
interest, the court shall terminate the order. If extension is in 17468  
the child's best interest, the court shall extend the order for 17469  
six months. 17470

(b) If it does not receive a timely request for a hearing, 17471  
the court may extend the order for six months or terminate it 17472  
without a hearing and shall journalize the order of extension or 17473  
termination not later than fourteen days after receiving the 17474  
request for extension or termination or after the date the court 17475  
notifies the parties that it will extend or terminate the order. 17476  
If the court does not extend or terminate the order, it shall 17477  
schedule a hearing to be held no later than thirty days after the 17478  
expiration of the applicable fourteen-day time period and give 17479  
notice of the date, time, and location of the hearing to all 17480  
parties and the child's guardian ad litem. At the hearing, the 17481  
court shall determine whether extension or termination of the 17482  
order is in the child's best interest. If termination is in the 17483  
child's best interest, the court shall terminate the order. If 17484

extension is in the child's best interest, the court shall issue 17485  
an order extending the order for protective supervision six 17486  
months. 17487

(2) If the court grants an extension of the order for 17488  
protective supervision pursuant to division (H)(1) of this 17489  
section, a party may, prior to termination of the extension, file 17490  
with the court a request for an additional extension of six months 17491  
or for termination of the order. The court and the parties shall 17492  
comply with division (H)(1) of this section with respect to 17493  
extending or terminating the order. 17494

(3) If a court grants an extension pursuant to division 17495  
(H)(2) of this section, the court shall terminate the order for 17496  
protective supervision at the end of the extension. 17497

(I) The court shall not issue a dispositional order pursuant 17498  
to division (A) of this section that removes a child from the 17499  
child's home unless the court complies with section 2151.419 of 17500  
the Revised Code and includes in the dispositional order the 17501  
findings of fact required by that section. 17502

(J) If a motion or application for an order described in 17503  
division (A)(6) of this section is made, the court shall not issue 17504  
the order unless, prior to the issuance of the order, it provides 17505  
to the person all of the following: 17506

(1) Notice and a copy of the motion or application; 17507

(2) The grounds for the motion or application; 17508

(3) An opportunity to present evidence and witnesses at a 17509  
hearing regarding the motion or application; 17510

(4) An opportunity to be represented by counsel at the 17511  
hearing. 17512

(K) The jurisdiction of the court shall terminate one year 17513  
after the date of the award or, if the court takes any further 17514

action in the matter subsequent to the award, the date of the 17515  
latest further action subsequent to the award, if the court awards 17516  
legal custody of a child to either of the following: 17517

(1) A legal custodian who, at the time of the award of legal 17518  
custody, resides in a county of this state other than the county 17519  
in which the court is located; 17520

(2) A legal custodian who resides in the county in which the 17521  
court is located at the time of the award of legal custody, but 17522  
moves to a different county of this state prior to one year after 17523  
the date of the award or, if the court takes any further action in 17524  
the matter subsequent to the award, one year after the date of the 17525  
latest further action subsequent to the award. 17526

The court in the county in which the legal custodian resides 17527  
then shall have jurisdiction in the matter. 17528

**Sec. 2151.421.** (A)(1)(a) No person described in division 17529  
(A)(1)(b) of this section who is acting in an official or 17530  
professional capacity and knows, or has reasonable cause to 17531  
suspect based on facts that would cause a reasonable person in a 17532  
similar position to suspect, that a child under eighteen years of 17533  
age, or a person under twenty-one years of age with a 17534  
developmental disability or physical impairment, has suffered or 17535  
faces a threat of suffering any physical or mental wound, injury, 17536  
disability, or condition of a nature that reasonably indicates 17537  
abuse or neglect of the child shall fail to immediately report 17538  
that knowledge or reasonable cause to suspect to the entity or 17539  
persons specified in this division. Except as otherwise provided 17540  
in this division or section 5120.173 of the Revised Code, the 17541  
person making the report shall make it to the public children 17542  
services agency or a peace officer in the county in which the 17543  
child resides or in which the abuse or neglect is occurring or has 17544  
occurred. If the person making the report is a peace officer, the 17545

officer shall make it to the public children services agency in 17546  
the county in which the child resides or in which the abuse or 17547  
neglect is occurring or has occurred. In the circumstances 17548  
described in section 5120.173 of the Revised Code, the person 17549  
making the report shall make it to the entity specified in that 17550  
section. 17551

(b) Division (A)(1)(a) of this section applies to any person 17552  
who is an attorney; health care professional; practitioner of a 17553  
limited branch of medicine as specified in section 4731.15 of the 17554  
Revised Code; licensed school psychologist; independent marriage 17555  
and family therapist or marriage and family therapist; coroner; 17556  
administrator or employee of a child day-care center; 17557  
administrator or employee of a residential camp, child day camp, 17558  
or private, nonprofit therapeutic wilderness camp; administrator 17559  
or employee of a certified child care agency or other public or 17560  
private children services agency; school teacher; school employee; 17561  
school authority; peace officer; agent of a county humane society; 17562  
person, other than a cleric, rendering spiritual treatment through 17563  
prayer in accordance with the tenets of a well-recognized 17564  
religion; employee of a county department of job and family 17565  
services who is a professional and who works with children and 17566  
families; superintendent or regional administrator employed by the 17567  
department of youth services; superintendent, board member, or 17568  
employee of a county board of developmental disabilities; 17569  
investigative agent contracted with by a county board of 17570  
developmental disabilities; employee of the department of 17571  
developmental disabilities; employee of a facility or home that 17572  
provides respite care in accordance with section 5123.171 of the 17573  
Revised Code; employee of an entity that provides homemaker 17574  
services; foster caregiver; a person performing the duties of an 17575  
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 17576  
third party employed by a public children services agency to 17577

assist in providing child or family related services; court 17578  
appointed special advocate; or guardian ad litem. 17579

(c) If two or more health care professionals, after providing 17580  
health care services to a child, determine or suspect that the 17581  
child has been or is being abused or neglected, the health care 17582  
professionals may designate one of the health care professionals 17583  
to report the abuse or neglect. A single report made under this 17584  
division shall meet the reporting requirements of division (A)(1) 17585  
of this section. 17586

(2) Except as provided in division (A)(3) of this section, an 17587  
attorney or a physician is not required to make a report pursuant 17588  
to division (A)(1) of this section concerning any communication 17589  
the attorney or physician receives from a client or patient in an 17590  
attorney-client or physician-patient relationship, if, in 17591  
accordance with division (A) or (B) of section 2317.02 of the 17592  
Revised Code, the attorney or physician could not testify with 17593  
respect to that communication in a civil or criminal proceeding. 17594

(3) The client or patient in an attorney-client or 17595  
physician-patient relationship described in division (A)(2) of 17596  
this section is deemed to have waived any testimonial privilege 17597  
under division (A) or (B) of section 2317.02 of the Revised Code 17598  
with respect to any communication the attorney or physician 17599  
receives from the client or patient in that attorney-client or 17600  
physician-patient relationship, and the attorney or physician 17601  
shall make a report pursuant to division (A)(1) of this section 17602  
with respect to that communication, if all of the following apply: 17603

(a) The client or patient, at the time of the communication, 17604  
is a child under eighteen years of age or is a person under 17605  
twenty-one years of age with a developmental disability or 17606  
physical impairment. 17607

(b) The attorney or physician knows, or has reasonable cause 17608

to suspect based on facts that would cause a reasonable person in 17609  
similar position to suspect that the client or patient has 17610  
suffered or faces a threat of suffering any physical or mental 17611  
wound, injury, disability, or condition of a nature that 17612  
reasonably indicates abuse or neglect of the client or patient. 17613

(c) The abuse or neglect does not arise out of the client's 17614  
or patient's attempt to have an abortion without the notification 17615  
of her parents, guardian, or custodian in accordance with section 17616  
2151.85 of the Revised Code. 17617

(4)(a) No cleric and no person, other than a volunteer, 17618  
designated by any church, religious society, or faith acting as a 17619  
leader, official, or delegate on behalf of the church, religious 17620  
society, or faith who is acting in an official or professional 17621  
capacity, who knows, or has reasonable cause to believe based on 17622  
facts that would cause a reasonable person in a similar position 17623  
to believe, that a child under eighteen years of age, or a person 17624  
under twenty-one years of age with a developmental disability or 17625  
physical impairment, has suffered or faces a threat of suffering 17626  
any physical or mental wound, injury, disability, or condition of 17627  
a nature that reasonably indicates abuse or neglect of the child, 17628  
and who knows, or has reasonable cause to believe based on facts 17629  
that would cause a reasonable person in a similar position to 17630  
believe, that another cleric or another person, other than a 17631  
volunteer, designated by a church, religious society, or faith 17632  
acting as a leader, official, or delegate on behalf of the church, 17633  
religious society, or faith caused, or poses the threat of 17634  
causing, the wound, injury, disability, or condition that 17635  
reasonably indicates abuse or neglect shall fail to immediately 17636  
report that knowledge or reasonable cause to believe to the entity 17637  
or persons specified in this division. Except as provided in 17638  
section 5120.173 of the Revised Code, the person making the report 17639  
shall make it to the public children services agency or a peace 17640

officer in the county in which the child resides or in which the 17641  
abuse or neglect is occurring or has occurred. In the 17642  
circumstances described in section 5120.173 of the Revised Code, 17643  
the person making the report shall make it to the entity specified 17644  
in that section. 17645

(b) Except as provided in division (A)(4)(c) of this section, 17646  
a cleric is not required to make a report pursuant to division 17647  
(A)(4)(a) of this section concerning any communication the cleric 17648  
receives from a penitent in a cleric-penitent relationship, if, in 17649  
accordance with division (C) of section 2317.02 of the Revised 17650  
Code, the cleric could not testify with respect to that 17651  
communication in a civil or criminal proceeding. 17652

(c) The penitent in a cleric-penitent relationship described 17653  
in division (A)(4)(b) of this section is deemed to have waived any 17654  
testimonial privilege under division (C) of section 2317.02 of the 17655  
Revised Code with respect to any communication the cleric receives 17656  
from the penitent in that cleric-penitent relationship, and the 17657  
cleric shall make a report pursuant to division (A)(4)(a) of this 17658  
section with respect to that communication, if all of the 17659  
following apply: 17660

(i) The penitent, at the time of the communication, is a 17661  
child under eighteen years of age or is a person under twenty-one 17662  
years of age with a developmental disability or physical 17663  
impairment. 17664

(ii) The cleric knows, or has reasonable cause to believe 17665  
based on facts that would cause a reasonable person in a similar 17666  
position to believe, as a result of the communication or any 17667  
observations made during that communication, the penitent has 17668  
suffered or faces a threat of suffering any physical or mental 17669  
wound, injury, disability, or condition of a nature that 17670  
reasonably indicates abuse or neglect of the penitent. 17671

(iii) The abuse or neglect does not arise out of the 17672  
penitent's attempt to have an abortion performed upon a child 17673  
under eighteen years of age or upon a person under twenty-one 17674  
years of age with a developmental disability or physical 17675  
impairment without the notification of her parents, guardian, or 17676  
custodian in accordance with section 2151.85 of the Revised Code. 17677

(d) Divisions (A)(4)(a) and (c) of this section do not apply 17678  
in a cleric-penitent relationship when the disclosure of any 17679  
communication the cleric receives from the penitent is in 17680  
violation of the sacred trust. 17681

(e) As used in divisions (A)(1) and (4) of this section, 17682  
"cleric" and "sacred trust" have the same meanings as in section 17683  
2317.02 of the Revised Code. 17684

(B) Anyone who knows, or has reasonable cause to suspect 17685  
based on facts that would cause a reasonable person in similar 17686  
circumstances to suspect, that a child under eighteen years of 17687  
age, or a person under twenty-one years of age with a 17688  
developmental disability or physical impairment, has suffered or 17689  
faces a threat of suffering any physical or mental wound, injury, 17690  
disability, or other condition of a nature that reasonably 17691  
indicates abuse or neglect of the child may report or cause 17692  
reports to be made of that knowledge or reasonable cause to 17693  
suspect to the entity or persons specified in this division. 17694  
Except as provided in section 5120.173 of the Revised Code, a 17695  
person making a report or causing a report to be made under this 17696  
division shall make it or cause it to be made to the public 17697  
children services agency or to a peace officer. In the 17698  
circumstances described in section 5120.173 of the Revised Code, a 17699  
person making a report or causing a report to be made under this 17700  
division shall make it or cause it to be made to the entity 17701  
specified in that section. 17702

(C) Any report made pursuant to division (A) or (B) of this 17703

section shall be made forthwith either by telephone or in person 17704  
and shall be followed by a written report, if requested by the 17705  
receiving agency or officer. The written report shall contain: 17706

(1) The names and addresses of the child and the child's 17707  
parents or the person or persons having custody of the child, if 17708  
known; 17709

(2) The child's age and the nature and extent of the child's 17710  
injuries, abuse, or neglect that is known or reasonably suspected 17711  
or believed, as applicable, to have occurred or of the threat of 17712  
injury, abuse, or neglect that is known or reasonably suspected or 17713  
believed, as applicable, to exist, including any evidence of 17714  
previous injuries, abuse, or neglect; 17715

(3) Any other information, including, but not limited to, 17716  
results and reports of any medical examinations, tests, or 17717  
procedures performed under division (D) of this section, that 17718  
might be helpful in establishing the cause of the injury, abuse, 17719  
or neglect that is known or reasonably suspected or believed, as 17720  
applicable, to have occurred or of the threat of injury, abuse, or 17721  
neglect that is known or reasonably suspected or believed, as 17722  
applicable, to exist. 17723

(D)(1) Any person, who is required by division (A) of this 17724  
section to report child abuse or child neglect that is known or 17725  
reasonably suspected or believed to have occurred, may take or 17726  
cause to be taken color photographs of areas of trauma visible on 17727  
a child and, if medically necessary for the purpose of diagnosing 17728  
or treating injuries that are suspected to have occurred as a 17729  
result of child abuse or child neglect, perform or cause to be 17730  
performed radiological examinations and any other medical 17731  
examinations of, and tests or procedures on, the child. 17732

(2) The results and any available reports of examinations, 17733  
tests, or procedures made under division (D)(1) of this section 17734

shall be included in a report made pursuant to division (A) of 17735  
this section. Any additional reports of examinations, tests, or 17736  
procedures that become available shall be provided to the public 17737  
children services agency, upon request. 17738

(3) If a health care professional provides health care 17739  
services in a hospital, children's advocacy center, or emergency 17740  
medical facility to a child about whom a report has been made 17741  
under division (A) of this section, the health care professional 17742  
may take any steps that are reasonably necessary for the release 17743  
or discharge of the child to an appropriate environment. Before 17744  
the child's release or discharge, the health care professional may 17745  
obtain information, or consider information obtained, from other 17746  
entities or individuals that have knowledge about the child. 17747  
Nothing in division (D)(3) of this section shall be construed to 17748  
alter the responsibilities of any person under sections 2151.27 17749  
and 2151.31 of the Revised Code. 17750

(4) A health care professional may conduct medical 17751  
examinations, tests, or procedures on the siblings of a child 17752  
about whom a report has been made under division (A) of this 17753  
section and on other children who reside in the same home as the 17754  
child, if the professional determines that the examinations, 17755  
tests, or procedures are medically necessary to diagnose or treat 17756  
the siblings or other children in order to determine whether 17757  
reports under division (A) of this section are warranted with 17758  
respect to such siblings or other children. The results of the 17759  
examinations, tests, or procedures on the siblings and other 17760  
children may be included in a report made pursuant to division (A) 17761  
of this section. 17762

(5) Medical examinations, tests, or procedures conducted 17763  
under divisions (D)(1) and (4) of this section and decisions 17764  
regarding the release or discharge of a child under division 17765  
(D)(3) of this section do not constitute a law enforcement 17766

investigation or activity. 17767

(E)(1) When a peace officer receives a report made pursuant 17768  
to division (A) or (B) of this section, upon receipt of the 17769  
report, the peace officer who receives the report shall refer the 17770  
report to the appropriate public children services agency, unless 17771  
an arrest is made at the time of the report that results in the 17772  
appropriate public children services agency being contacted 17773  
concerning the possible abuse or neglect of a child or the 17774  
possible threat of abuse or neglect of a child. 17775

(2) When a public children services agency receives a report 17776  
pursuant to this division or division (A) or (B) of this section, 17777  
upon receipt of the report, the public children services agency 17778  
shall do both of the following: 17779

(a) Comply with section 2151.422 of the Revised Code; 17780

(b) If the county served by the agency is also served by a 17781  
children's advocacy center and the report alleges sexual abuse of 17782  
a child or another type of abuse of a child that is specified in 17783  
the memorandum of understanding that creates the center as being 17784  
within the center's jurisdiction, comply regarding the report with 17785  
the protocol and procedures for referrals and investigations, with 17786  
the coordinating activities, and with the authority or 17787  
responsibility for performing or providing functions, activities, 17788  
and services stipulated in the interagency agreement entered into 17789  
under section 2151.428 of the Revised Code relative to that 17790  
center. 17791

(F) No peace officer shall remove a child about whom a report 17792  
is made pursuant to this section from the child's parents, 17793  
stepparents, or guardian or any other persons having custody of 17794  
the child without consultation with the public children services 17795  
agency, unless, in the judgment of the officer, and, if the report 17796  
was made by physician, the physician, immediate removal is 17797

considered essential to protect the child from further abuse or 17798  
neglect. The agency that must be consulted shall be the agency 17799  
conducting the investigation of the report as determined pursuant 17800  
to section 2151.422 of the Revised Code. 17801

(G)(1) Except as provided in section 2151.422 of the Revised 17802  
Code or in an interagency agreement entered into under section 17803  
2151.428 of the Revised Code that applies to the particular 17804  
report, the public children services agency shall investigate, 17805  
within twenty-four hours, each report of child abuse or child 17806  
neglect that is known or reasonably suspected or believed to have 17807  
occurred and of a threat of child abuse or child neglect that is 17808  
known or reasonably suspected or believed to exist that is 17809  
referred to it under this section to determine the circumstances 17810  
surrounding the injuries, abuse, or neglect or the threat of 17811  
injury, abuse, or neglect, the cause of the injuries, abuse, 17812  
neglect, or threat, and the person or persons responsible. The 17813  
investigation shall be made in cooperation with the law 17814  
enforcement agency and in accordance with the memorandum of 17815  
understanding prepared under division (K) of this section. A 17816  
representative of the public children services agency shall, at 17817  
the time of initial contact with the person subject to the 17818  
investigation, inform the person of the specific complaints or 17819  
allegations made against the person. The information shall be 17820  
given in a manner that is consistent with division (I)(1) of this 17821  
section and protects the rights of the person making the report 17822  
under this section. 17823

A failure to make the investigation in accordance with the 17824  
memorandum is not grounds for, and shall not result in, the 17825  
dismissal of any charges or complaint arising from the report or 17826  
the suppression of any evidence obtained as a result of the report 17827  
and does not give, and shall not be construed as giving, any 17828  
rights or any grounds for appeal or post-conviction relief to any 17829

person. The public children services agency shall report each case 17830  
to the uniform statewide automated child welfare information 17831  
system that the department of job and family services shall 17832  
maintain in accordance with section 5101.13 of the Revised Code. 17833  
The public children services agency shall submit a report of its 17834  
investigation, in writing, to the law enforcement agency. 17835

(2) The public children services agency shall make any 17836  
recommendations to the county prosecuting attorney or city 17837  
director of law that it considers necessary to protect any 17838  
children that are brought to its attention. 17839

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 17840  
(I)(3) of this section, any person, health care professional, 17841  
hospital, institution, school, health department, or agency shall 17842  
be immune from any civil or criminal liability for injury, death, 17843  
or loss to person or property that otherwise might be incurred or 17844  
imposed as a result of any of the following: 17845

(i) Participating in the making of reports pursuant to 17846  
division (A) of this section or in the making of reports in good 17847  
faith, pursuant to division (B) of this section; 17848

(ii) Participating in medical examinations, tests, or 17849  
procedures under division (D) of this section; 17850

(iii) Providing information used in a report made pursuant to 17851  
division (A) of this section or providing information in good 17852  
faith used in a report made pursuant to division (B) of this 17853  
section; 17854

(iv) Participating in a judicial proceeding resulting from a 17855  
report made pursuant to division (A) of this section or 17856  
participating in good faith in a proceeding resulting from a 17857  
report made pursuant to division (B) of this section. 17858

(b) Immunity under division (H)(1)(a)(ii) of this section 17859  
shall not apply when a health care provider has deviated from the 17860

standard of care applicable to the provider's profession. 17861

(c) Notwithstanding section 4731.22 of the Revised Code, the 17862  
physician-patient privilege shall not be a ground for excluding 17863  
evidence regarding a child's injuries, abuse, or neglect, or the 17864  
cause of the injuries, abuse, or neglect in any judicial 17865  
proceeding resulting from a report submitted pursuant to this 17866  
section. 17867

(2) In any civil or criminal action or proceeding in which it 17868  
is alleged and proved that participation in the making of a report 17869  
under this section was not in good faith or participation in a 17870  
judicial proceeding resulting from a report made under this 17871  
section was not in good faith, the court shall award the 17872  
prevailing party reasonable attorney's fees and costs and, if a 17873  
civil action or proceeding is voluntarily dismissed, may award 17874  
reasonable attorney's fees and costs to the party against whom the 17875  
civil action or proceeding is brought. 17876

(I)(1) Except as provided in divisions (I)(4) and (O) of this 17877  
section, a report made under this section is confidential. The 17878  
information provided in a report made pursuant to this section and 17879  
the name of the person who made the report shall not be released 17880  
for use, and shall not be used, as evidence in any civil action or 17881  
proceeding brought against the person who made the report. Nothing 17882  
in this division shall preclude the use of reports of other 17883  
incidents of known or suspected abuse or neglect in a civil action 17884  
or proceeding brought pursuant to division (N) of this section 17885  
against a person who is alleged to have violated division (A)(1) 17886  
of this section, provided that any information in a report that 17887  
would identify the child who is the subject of the report or the 17888  
maker of the report, if the maker of the report is not the 17889  
defendant or an agent or employee of the defendant, has been 17890  
redacted. In a criminal proceeding, the report is admissible in 17891  
evidence in accordance with the Rules of Evidence and is subject 17892

to discovery in accordance with the Rules of Criminal Procedure. 17893

(2)(a) Except as provided in division (I)(2)(b) of this 17894  
section, no person shall permit or encourage the unauthorized 17895  
dissemination of the contents of any report made under this 17896  
section. 17897

(b) A health care professional that obtains the same 17898  
information contained in a report made under this section from a 17899  
source other than the report may disseminate the information, if 17900  
its dissemination is otherwise permitted by law. 17901

(3) A person who knowingly makes or causes another person to 17902  
make a false report under division (B) of this section that 17903  
alleges that any person has committed an act or omission that 17904  
resulted in a child being an abused child or a neglected child is 17905  
guilty of a violation of section 2921.14 of the Revised Code. 17906

(4) If a report is made pursuant to division (A) or (B) of 17907  
this section and the child who is the subject of the report dies 17908  
for any reason at any time after the report is made, but before 17909  
the child attains eighteen years of age, the public children 17910  
services agency or peace officer to which the report was made or 17911  
referred, on the request of the child fatality review board or the 17912  
director of health pursuant to guidelines established under 17913  
section 3701.70 of the Revised Code, shall submit a summary sheet 17914  
of information providing a summary of the report to the review 17915  
board of the county in which the deceased child resided at the 17916  
time of death or to the director. On the request of the review 17917  
board or director, the agency or peace officer may, at its 17918  
discretion, make the report available to the review board or 17919  
director. If the county served by the public children services 17920  
agency is also served by a children's advocacy center and the 17921  
report of alleged sexual abuse of a child or another type of abuse 17922  
of a child is specified in the memorandum of understanding that 17923  
creates the center as being within the center's jurisdiction, the 17924

agency or center shall perform the duties and functions specified 17925  
in this division in accordance with the interagency agreement 17926  
entered into under section 2151.428 of the Revised Code relative 17927  
to that advocacy center. 17928

(5) A public children services agency shall advise a person 17929  
alleged to have inflicted abuse or neglect on a child who is the 17930  
subject of a report made pursuant to this section, including a 17931  
report alleging sexual abuse of a child or another type of abuse 17932  
of a child referred to a children's advocacy center pursuant to an 17933  
interagency agreement entered into under section 2151.428 of the 17934  
Revised Code, in writing of the disposition of the investigation. 17935  
The agency shall not provide to the person any information that 17936  
identifies the person who made the report, statements of 17937  
witnesses, or police or other investigative reports. 17938

(J) Any report that is required by this section, other than a 17939  
report that is made to the state highway patrol as described in 17940  
section 5120.173 of the Revised Code, shall result in protective 17941  
services and emergency supportive services being made available by 17942  
the public children services agency on behalf of the children 17943  
about whom the report is made, in an effort to prevent further 17944  
neglect or abuse, to enhance their welfare, and, whenever 17945  
possible, to preserve the family unit intact. The agency required 17946  
to provide the services shall be the agency conducting the 17947  
investigation of the report pursuant to section 2151.422 of the 17948  
Revised Code. 17949

(K)(1) Each public children services agency shall prepare a 17950  
memorandum of understanding that is signed by all of the 17951  
following: 17952

(a) If there is only one juvenile judge in the county, the 17953  
juvenile judge of the county or the juvenile judge's 17954  
representative; 17955

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

(c) The county peace officer;

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

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

(f) The prosecuting attorney of the county;

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

(h) The county humane society;

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

(2) A memorandum of understanding shall set forth the normal operating procedure to be employed by all concerned officials in the execution of their respective responsibilities under this section and division (C) of section 2919.21, division (B)(1) of section 2919.22, division (B) of section 2919.23, and section 2919.24 of the Revised Code and shall have as two of its primary goals the elimination of all unnecessary interviews of children who are the subject of reports made pursuant to division (A) or (B) of this section and, when feasible, providing for only one interview of a child who is the subject of any report made pursuant to division (A) or (B) of this section. A failure to

follow the procedure set forth in the memorandum by the concerned 17986  
officials is not grounds for, and shall not result in, the 17987  
dismissal of any charges or complaint arising from any reported 17988  
case of abuse or neglect or the suppression of any evidence 17989  
obtained as a result of any reported child abuse or child neglect 17990  
and does not give, and shall not be construed as giving, any 17991  
rights or any grounds for appeal or post-conviction relief to any 17992  
person. 17993

(3) A memorandum of understanding shall include all of the 17994  
following: 17995

(a) The roles and responsibilities for handling emergency and 17996  
nonemergency cases of abuse and neglect; 17997

(b) Standards and procedures to be used in handling and 17998  
coordinating investigations of reported cases of child abuse and 17999  
reported cases of child neglect, methods to be used in 18000  
interviewing the child who is the subject of the report and who 18001  
allegedly was abused or neglected, and standards and procedures 18002  
addressing the categories of persons who may interview the child 18003  
who is the subject of the report and who allegedly was abused or 18004  
neglected. 18005

(4) If a public children services agency participated in the 18006  
execution of a memorandum of understanding under section 2151.426 18007  
of the Revised Code establishing a children's advocacy center, the 18008  
agency shall incorporate the contents of that memorandum in the 18009  
memorandum prepared pursuant to this section. 18010

(5) The clerk of the court of common pleas in the county may 18011  
sign the memorandum of understanding prepared under division 18012  
(K)(1) of this section. If the clerk signs the memorandum of 18013  
understanding, the clerk shall execute all relevant 18014  
responsibilities as required of officials specified in the 18015  
memorandum. 18016

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

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

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

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

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

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

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

When a peace officer or employee of a public children services agency receives a report pursuant to division (A) or (B) of this section the recipient of the report shall inform the person of the right to request the information described in division (L)(1) of this section. The recipient of the report shall include in the initial child abuse or child neglect report that the person making the report was so informed and, if provided at

the time of the making of the report, shall include the person's name, address, and telephone number in the report.

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

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

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

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

(M) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and

neglect. The department shall make recommendations to the attorney 18079  
general that the department determines are necessary to protect 18080  
children from child abuse and child neglect. 18081

(N) Whoever violates division (A) of this section is liable 18082  
for compensatory and exemplary damages to the child who would have 18083  
been the subject of the report that was not made. A person who 18084  
brings a civil action or proceeding pursuant to this division 18085  
against a person who is alleged to have violated division (A)(1) 18086  
of this section may use in the action or proceeding reports of 18087  
other incidents of known or suspected abuse or neglect, provided 18088  
that any information in a report that would identify the child who 18089  
is the subject of the report or the maker of the report, if the 18090  
maker is not the defendant or an agent or employee of the 18091  
defendant, has been redacted. 18092

(O)(1) As used in this division: 18093

(a) "Out-of-home care" includes a nonchartered nonpublic 18094  
school if the alleged child abuse or child neglect, or alleged 18095  
threat of child abuse or child neglect, described in a report 18096  
received by a public children services agency allegedly occurred 18097  
in or involved the nonchartered nonpublic school and the alleged 18098  
perpetrator named in the report holds a certificate, permit, or 18099  
license issued by the state board of education under section 18100  
3301.071 or Chapter 3319. of the Revised Code. 18101

(b) "Administrator, director, or other chief administrative 18102  
officer" means the superintendent of the school district if the 18103  
out-of-home care entity subject to a report made pursuant to this 18104  
section is a school operated by the district. 18105

(2) No later than the end of the day following the day on 18106  
which a public children services agency receives a report of 18107  
alleged child abuse or child neglect, or a report of an alleged 18108  
threat of child abuse or child neglect, that allegedly occurred in 18109

or involved an out-of-home care entity, the agency shall provide 18110  
written notice of the allegations contained in and the person 18111  
named as the alleged perpetrator in the report to the 18112  
administrator, director, or other chief administrative officer of 18113  
the out-of-home care entity that is the subject of the report 18114  
unless the administrator, director, or other chief administrative 18115  
officer is named as an alleged perpetrator in the report. If the 18116  
administrator, director, or other chief administrative officer of 18117  
an out-of-home care entity is named as an alleged perpetrator in a 18118  
report of alleged child abuse or child neglect, or a report of an 18119  
alleged threat of child abuse or child neglect, that allegedly 18120  
occurred in or involved the out-of-home care entity, the agency 18121  
shall provide the written notice to the owner or governing board 18122  
of the out-of-home care entity that is the subject of the report. 18123  
The agency shall not provide witness statements or police or other 18124  
investigative reports. 18125

(3) No later than three days after the day on which a public 18126  
children services agency that conducted the investigation as 18127  
determined pursuant to section 2151.422 of the Revised Code makes 18128  
a disposition of an investigation involving a report of alleged 18129  
child abuse or child neglect, or a report of an alleged threat of 18130  
child abuse or child neglect, that allegedly occurred in or 18131  
involved an out-of-home care entity, the agency shall send written 18132  
notice of the disposition of the investigation to the 18133  
administrator, director, or other chief administrative officer and 18134  
the owner or governing board of the out-of-home care entity. The 18135  
agency shall not provide witness statements or police or other 18136  
investigative reports. 18137

(P) As used in this section: 18138

(1) "Children's advocacy center" and "sexual abuse of a 18139  
child" have the same meanings as in section 2151.425 of the 18140  
Revised Code. 18141

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

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

**Sec. 2151.424.** (A) If a child has been placed in a certified foster home or is in the custody of, ~~or has been placed with, a relative of the child, other than a parent of the child~~ kinship caregiver as defined in section 5101.85 of the Revised Code, a court, prior to conducting any hearing pursuant to division (F)(2) or (3) of section 2151.412 or section 2151.28, 2151.33, 2151.35, 2151.414, 2151.415, 2151.416, or 2151.417 of the Revised Code with respect to the child, shall notify the foster caregiver or ~~relative~~ kinship caregiver of the date, time, and place of the hearing. At the hearing, the foster caregiver or ~~relative~~ kinship caregiver shall have the right to ~~present evidence~~ be heard.

(B) If a public children services agency or private child placing agency has permanent custody of a child and a petition to

adopt the child has been filed under Chapter 3107. of the Revised 18173  
Code, the agency, prior to conducting a review under section 18174  
2151.416 of the Revised Code, or a court, prior to conducting a 18175  
hearing under division (F)(2) or (3) of section 2151.412 or 18176  
section 2151.416 or 2151.417 of the Revised Code, shall notify the 18177  
prospective adoptive parent of the date, time, and place of the 18178  
review or hearing. At the review or hearing, the prospective 18179  
adoptive parent shall have the right to ~~present evidence~~ be heard. 18180

(C) The notice and the opportunity to ~~present evidence~~ be 18181  
heard do not make the foster caregiver, ~~relative kinship~~ 18182  
caregiver, or prospective adoptive parent a party in the action or 18183  
proceeding pursuant to which the review or hearing is conducted. 18184

Sec. 2151.45. As used in sections 2151.45 to 2151.455 of the 18185  
Revised Code, "emancipated young adult" and "representative" have 18186  
the same meanings as in section 5101.141 of the Revised Code. 18187

Sec. 2151.451. The juvenile court of the county in which an 18188  
emancipated young adult described under division (A)(1) of section 18189  
5101.1411 of the Revised Code resides shall have jurisdiction over 18190  
the emancipated young adult for purposes of sections 2151.45 to 18191  
2151.455 of the Revised Code. A juvenile court, on its own motion 18192  
or the motion of any party, may transfer a proceeding under those 18193  
sections to a juvenile court with jurisdiction as provided in this 18194  
section. 18195

Sec. 2151.452. A juvenile court shall do both of the 18196  
following regarding an emancipated young adult described under 18197  
division (A)(1) of section 5101.1411 of the Revised Code: 18198

(A) Not later than one hundred eighty days after the 18199  
voluntary participation agreement becomes effective, make a 18200  
determination as to whether the emancipated young adult's best 18201  
interest is served by continuing the care and placement with the 18202

department of job and family services or its representative. An 18203  
emancipated young adult shall not be eligible for continued care 18204  
and placement if the court finds it is not in the emancipated 18205  
young adult's best interest. 18206

(B) Not later than twelve months after the date that the 18207  
voluntary participation agreement is signed, and annually 18208  
thereafter, make a determination as to whether reasonable efforts 18209  
have been made to prepare the emancipated young adult for 18210  
independence. 18211

**Sec. 2151.453.** If any determination required under division 18212  
(B) of section 2151.452 of the Revised Code is not timely made, 18213  
the federal payments for foster care under division (A)(1) of 18214  
section 5101.1411 of the Revised Code for the emancipated young 18215  
adult shall be suspended. The payments shall resume upon a 18216  
subsequent determination that reasonable efforts have been made to 18217  
prepare the emancipated young adult for independence, but only if 18218  
both of the following apply: 18219

(A) The emancipated young adult complies with division (A)(1) 18220  
of section 5101.1411 of the Revised Code. 18221

(B) There has been a timely determination of best interest 18222  
under division (A) of section 2151.452 of the Revised Code. 18223

**Sec. 2151.454.** For purposes of a determination under section 18224  
2151.452 of the Revised Code, the department of job and family 18225  
services or its representative may file any documents and appear 18226  
before the court in relation to such filings. Nothing in this 18227  
section shall prohibit an emancipated young adult from obtaining 18228  
legal representation pursuant to section 2151.455 of the Revised 18229  
Code. 18230

**Sec. 2151.455.** (A) An emancipated young adult is entitled to 18231

representation by legal counsel at all stages of proceedings 18232  
conducted under section 2151.45 to 2151.455 of the Revised Code. 18233

(B) If, as an indigent person, the emancipated young adult is 18234  
unable to employ counsel, the emancipated young adult is entitled 18235  
to have counsel provided pursuant to Chapter 120. of the Revised 18236  
Code. 18237

(C) If an emancipated young adult appears without counsel, 18238  
the court shall determine whether the emancipated young adult 18239  
knows of the right to counsel, and to be provided with counsel, if 18240  
indigent. 18241

(D) The court may continue the case to enable an emancipated 18242  
young adult to obtain counsel, to be represented by the county 18243  
public defender or the joint county public defender, or to be 18244  
appointed counsel upon request pursuant to Chapter 120. of the 18245  
Revised Code. 18246

(E) Upon written request, prior to any hearing involving the 18247  
emancipated young adult, any report concerning an emancipated 18248  
young adult that is used in, or is pertinent to, a hearing, shall 18249  
for good cause shown be made available to any attorney 18250  
representing the emancipated young adult and to any attorney 18251  
representing any other party to the case. 18252

**Sec. 2151.86.** (A)(1) The appointing or hiring officer of any 18253  
entity that appoints or employs any person responsible for a 18254  
child's care in out-of-home care shall request the superintendent 18255  
of BCII to conduct a criminal records check with respect to any 18256  
person who is under final consideration for appointment or 18257  
employment as a person responsible for a child's care in 18258  
out-of-home care, ~~except that section 3319.39 of the Revised Code~~ 18259  
~~shall apply instead of this section if.~~ The request shall be made 18260  
at the time of initial application for appointment or employment 18261  
and every four years thereafter. If the out-of-home care entity is 18262

a public school, educational service center, or chartered 18263  
nonpublic school, then section 3319.39 of the Revised Code shall 18264  
apply instead. If the out-of-home care entity is a child day-care 18265  
center, type A family day-care home, type B family day-care home, 18266  
certified in-home aide, or child day camp, then section 5104.013 18267  
of the Revised Code shall apply instead. 18268

(2) At the times specified in this division, the 18269  
administrative director of an agency, or attorney, who arranges an 18270  
adoption for a prospective adoptive parent shall request the 18271  
superintendent of BCII to conduct a criminal records check with 18272  
respect to that prospective adoptive parent and a criminal records 18273  
check with respect to all persons eighteen years of age or older 18274  
who reside with the prospective adoptive parent. The 18275  
administrative director or attorney shall request a criminal 18276  
records check pursuant to this division at the time of the initial 18277  
home study, every four years after the initial home study at the 18278  
time of an update, and at the time that an adoptive home study is 18279  
completed as a new home study. 18280

(3) Before a recommending agency submits a recommendation to 18281  
the department of job and family services on whether the 18282  
department should issue a certificate to a foster home under 18283  
section 5103.03 of the Revised Code, and every four years 18284  
thereafter prior to a recertification under that section, the 18285  
administrative director of the agency shall request that the 18286  
superintendent of BCII conduct a criminal records check with 18287  
respect to the prospective foster caregiver and a criminal records 18288  
check with respect to all other persons eighteen years of age or 18289  
older who reside with the foster caregiver. 18290

~~(B)(1) If a person subject to a criminal records check under 18291  
division (A)(1) of this section does not present proof that the 18292  
person has been a resident of this state for the five-year period 18293  
immediately prior to the date upon which the criminal records 18294~~

~~check is requested or does not provide evidence that within that~~ 18295  
~~five year period the superintendent of BCII has requested~~ 18296  
~~information about the person from the federal bureau of~~ 18297  
~~investigation in a criminal records check, the appointing or~~ 18298  
~~hiring officer shall request that the superintendent of BCII~~ 18299  
~~obtain information from the federal bureau of investigation as a~~ 18300  
~~part of the criminal records check, including fingerprint based~~ 18301  
~~checks of national crime information databases as described in 42~~ 18302  
~~U.S.C. 671. If a person subject to a criminal records check under~~ 18303  
~~division (A)(1) of this section presents proof that the person has~~ 18304  
~~been a resident of this state for that five year period, the~~ 18305  
~~appointing or hiring officer or attorney may request that the~~ 18306  
~~superintendent of BCII include information from the federal bureau~~ 18307  
~~of investigation in the criminal records check, including~~ 18308  
~~fingerprint based checks of national crime information databases~~ 18309  
~~as described in 42 U.S.C. 671~~ When the appointing or hiring 18310  
officer requests, at the time of initial application for 18311  
appointment or employment, a criminal records check for a person 18312  
subject to division (A)(1) of this section, the officer shall 18313  
request that the superintendent of BCII obtain information from 18314  
the federal bureau of investigation as part of the criminal 18315  
records check, including fingerprint-based checks of national 18316  
crime information databases as described in 42 U.S.C. 671, for the 18317  
person subject to the criminal records check. In all other cases 18318  
in which the appointing or hiring officer requests a criminal 18319  
records check for a person pursuant to division (A)(1) of this 18320  
section, the officer may request that the superintendent of BCII 18321  
obtain information from the federal bureau of investigation as 18322  
part of the criminal records check, including fingerprint-based 18323  
checks of national crime information databases as described in 42 18324  
U.S.C. 671, for the person subject to the criminal records check. 18325

When the administrative director of an agency, or attorney, 18326  
who arranges an adoption for a prospective parent requests, at the 18327

time of the initial home study, a criminal records check for a 18328  
person pursuant to division (A)(2) of this section, the 18329  
administrative director or attorney shall request that the 18330  
superintendent of BCII obtain information from the federal bureau 18331  
of investigation as part of the criminal records check, including 18332  
fingerprint-based checks of national crime information databases 18333  
as described in 42 U.S.C. 671, for the person subject to the 18334  
criminal records check. In all other cases in which the 18335  
administrative director of an agency, or attorney, who arranges an 18336  
adoption for a prospective parent requests a criminal records 18337  
check for a person pursuant to division (A)(2) of this section, 18338  
the administrative director or attorney may request that the 18339  
superintendent of BCII include information from the federal bureau 18340  
of investigation in the criminal records check, including 18341  
fingerprint-based checks of national crime information databases 18342  
as described in 42 U.S.C. 671. 18343

When the administrative director of a recommending agency 18344  
requests, before submitting a recommendation to the department of 18345  
job and family services on whether the department should issue a 18346  
certificate to a foster home under section 5103.03 of the Revised 18347  
Code, a criminal records check for a person pursuant to division 18348  
(A)(3) of this section, the administrative director shall request 18349  
that the superintendent of BCII obtain information from the 18350  
federal bureau of investigation as part of a criminal records 18351  
check, including fingerprint-based checks of national crime 18352  
information databases as described in 42 U.S.C. 671, for the 18353  
person subject to the criminal records check. In all other cases 18354  
in which the administrative director of a recommending agency 18355  
requests a criminal records check for a person pursuant to 18356  
division (A)(3) of this section, the administrative director may 18357  
request that the superintendent of BCII include information from 18358  
the federal bureau of investigation in the criminal records check, 18359  
including fingerprint-based checks of national crime information 18360

databases as described in 42 U.S.C. 671. 18361

Prior to a hearing on a final decree of adoption or 18362  
interlocutory order of adoption by a probate court, the 18363  
administrative director of an agency, or an attorney, who arranges 18364  
an adoption for a prospective parent shall provide to the clerk of 18365  
the probate court either of the following: 18366

(a) Any information received pursuant to a request made under 18367  
this division from the superintendent of BCII or the federal 18368  
bureau of investigation as part of the criminal records check, 18369  
including fingerprint-based checks of national crime information 18370  
databases as described in 42 U.S.C. 671, for the person subject to 18371  
the criminal records check; 18372

(b) Written notification that the person subject to a 18373  
criminal records check pursuant to this division failed upon 18374  
request to provide the information necessary to complete the form 18375  
or failed to provide impressions of the person's fingerprints as 18376  
required under division (B)(2) of this section. 18377

(2) An appointing or hiring officer, administrative director, 18378  
or attorney required by division (A) of this section to request a 18379  
criminal records check shall provide to each person subject to a 18380  
criminal records check a copy of the form prescribed pursuant to 18381  
division (C)(1) of section 109.572 of the Revised Code and a 18382  
standard impression sheet to obtain fingerprint impressions 18383  
prescribed pursuant to division (C)(2) of section 109.572 of the 18384  
Revised Code, obtain the completed form and impression sheet from 18385  
the person, and forward the completed form and impression sheet to 18386  
the superintendent of BCII at the time the criminal records check 18387  
is requested. 18388

Any person subject to a criminal records check who receives 18389  
pursuant to this division a copy of the form prescribed pursuant 18390  
to division (C)(1) of section 109.572 of the Revised Code and a 18391

copy of an impression sheet prescribed pursuant to division (C)(2) 18392  
of that section and who is requested to complete the form and 18393  
provide a set of fingerprint impressions shall complete the form 18394  
or provide all the information necessary to complete the form and 18395  
shall provide the impression sheet with the impressions of the 18396  
person's fingerprints. If a person subject to a criminal records 18397  
check, upon request, fails to provide the information necessary to 18398  
complete the form or fails to provide impressions of the person's 18399  
fingerprints, the appointing or hiring officer shall not appoint 18400  
or employ the person as a person responsible for a child's care in 18401  
out-of-home care, a probate court may not issue a final decree of 18402  
adoption or an interlocutory order of adoption making the person 18403  
an adoptive parent, and the department of job and family services 18404  
shall not issue a certificate authorizing the prospective foster 18405  
caregiver to operate a foster home. 18406

(C)(1) No appointing or hiring officer shall appoint or 18407  
employ a person as a person responsible for a child's care in 18408  
out-of-home care, the department of job and family services shall 18409  
not issue a certificate under section 5103.03 of the Revised Code 18410  
authorizing a prospective foster caregiver to operate a foster 18411  
home, and no probate court shall issue a final decree of adoption 18412  
or an interlocutory order of adoption making a person an adoptive 18413  
parent if the person or, in the case of a prospective foster 18414  
caregiver or prospective adoptive parent, any person eighteen 18415  
years of age or older who resides with the prospective foster 18416  
caregiver or prospective adoptive parent previously has been 18417  
convicted of or pleaded guilty to any of the violations described 18418  
in division (A)(4) of section 109.572 of the Revised Code, unless 18419  
the person meets rehabilitation standards established in rules 18420  
adopted under division (F) of this section. 18421

~~(2) The appointing or hiring officer may appoint or employ a 18422  
person as a person responsible for a child's care in out of home 18423~~

~~care conditionally until the criminal records check required by 18424  
this section is completed and the officer receives the results of 18425  
the criminal records check. If the results of the criminal records 18426  
check indicate that, pursuant to division (C)(1) of this section, 18427  
the person subject to the criminal records check does not qualify 18428  
for appointment or employment, the officer shall release the 18429  
person from appointment or employment. 18430~~

~~(3) Prior to certification or recertification under section 18431  
5103.03 of the Revised Code, the prospective foster caregiver 18432  
subject to a criminal records check under division (A)(3) of this 18433  
section shall notify the recommending agency of the revocation of 18434  
any foster home license, certificate, or other similar 18435  
authorization in another state occurring within the five years 18436  
prior to the date of application to become a foster caregiver in 18437  
this state. The failure of a prospective foster caregiver to 18438  
notify the recommending agency of any revocation of that type in 18439  
another state that occurred within that five-year period shall be 18440  
grounds for denial of the person's foster home application or the 18441  
revocation of the person's foster home certification, whichever is 18442  
applicable. If a person has had a revocation in another state 18443  
within the five years prior to the date of the application, the 18444  
department of job and family services shall not issue a foster 18445  
home certificate to the prospective foster caregiver. 18446~~

~~(D) The appointing or hiring officer, administrative 18447  
director, or attorney shall pay to the bureau of criminal 18448  
identification and investigation the fee prescribed pursuant to 18449  
division (C)(3) of section 109.572 of the Revised Code for each 18450  
criminal records check conducted in accordance with that section 18451  
upon a request pursuant to division (A) of this section. The 18452  
officer, director, or attorney may charge the person subject to 18453  
the criminal records check a fee for the costs the officer, 18454  
director, or attorney incurs in obtaining the criminal records 18455~~

check. A fee charged under this division shall not exceed the 18456  
amount of fees the officer, director, or attorney pays for the 18457  
criminal records check. If a fee is charged under this division, 18458  
the officer, director, or attorney shall notify the person who is 18459  
the applicant at the time of the person's initial application for 18460  
appointment or employment, an adoption to be arranged, or a 18461  
certificate to operate a foster home of the amount of the fee and 18462  
that, unless the fee is paid, the person who is the applicant will 18463  
not be considered for appointment or employment or as an adoptive 18464  
parent or foster caregiver. 18465

(E) The report of any criminal records check conducted by the 18466  
bureau of criminal identification and investigation in accordance 18467  
with section 109.572 of the Revised Code and pursuant to a request 18468  
made under division (A) of this section is not a public record for 18469  
the purposes of section 149.43 of the Revised Code and shall not 18470  
be made available to any person other than the following: 18471

(1) The person who is the subject of the criminal records 18472  
check or the person's representative; 18473

(2) The appointing or hiring officer, administrative 18474  
director, or attorney requesting the criminal records check or the 18475  
officer's, director's, or attorney's representative; 18476

(3) The department of job and family services, a county 18477  
department of job and family services, or a public children 18478  
services agency; 18479

(4) Any court, hearing officer, or other necessary individual 18480  
involved in a case dealing with the denial of employment, a final 18481  
decree of adoption or interlocutory order of adoption, or a foster 18482  
home certificate. 18483

(F) The director of job and family services shall adopt rules 18484  
in accordance with Chapter 119. of the Revised Code to implement 18485  
this section. The rules shall include rehabilitation standards a 18486

person who has been convicted of or pleaded guilty to an offense 18487  
listed in division (A)(4) of section 109.572 of the Revised Code 18488  
must meet for an appointing or hiring officer to appoint or employ 18489  
the person as a person responsible for a child's care in 18490  
out-of-home care, a probate court to issue a final decree of 18491  
adoption or interlocutory order of adoption making the person an 18492  
adoptive parent, or the department to issue a certificate 18493  
authorizing the prospective foster caregiver to operate a foster 18494  
home or not revoke a foster home certificate for a violation 18495  
specified in section 5103.0328 of the Revised Code. 18496

(G) An appointing or hiring officer, administrative director, 18497  
or attorney required by division (A) of this section to request a 18498  
criminal records check shall inform each person who is the 18499  
applicant, at the time of the person's initial application for 18500  
appointment or employment, an adoption to be arranged, or a foster 18501  
home certificate, that the person subject to the criminal records 18502  
check is required to provide a set of impressions of the person's 18503  
fingerprints and that a criminal records check is required to be 18504  
conducted and satisfactorily completed in accordance with section 18505  
109.572 of the Revised Code. 18506

(H) As used in this section: 18507

(1) "Children's hospital" means any of the following: 18508

(a) A hospital registered under section 3701.07 of the 18509  
Revised Code that provides general pediatric medical and surgical 18510  
care, and in which at least seventy-five per cent of annual 18511  
inpatient discharges for the preceding two calendar years were 18512  
individuals less than eighteen years of age; 18513

(b) A distinct portion of a hospital registered under section 18514  
3701.07 of the Revised Code that provides general pediatric 18515  
medical and surgical care, has a total of at least one hundred 18516  
fifty registered pediatric special care and pediatric acute care 18517

beds, and in which at least seventy-five per cent of annual 18518  
inpatient discharges for the preceding two calendar years were 18519  
individuals less than eighteen years of age; 18520

(c) A distinct portion of a hospital, if the hospital is 18521  
registered under section 3701.07 of the Revised Code as a 18522  
children's hospital and the children's hospital meets all the 18523  
requirements of division (H)(1)(a) of this section. 18524

(2) "Criminal records check" has the same meaning as in 18525  
section 109.572 of the Revised Code. 18526

(3) "Person responsible for a child's care in out-of-home 18527  
care" has the same meaning as in section 2151.011 of the Revised 18528  
Code, except that it does not include a prospective employee of 18529  
the department of youth services or a person responsible for a 18530  
child's care in a hospital or medical clinic other than a 18531  
children's hospital. 18532

(4) "Person subject to a criminal records check" means the 18533  
following: 18534

(a) A person who is under final consideration for appointment 18535  
or employment as a person responsible for a child's care in 18536  
out-of-home care; 18537

(b) A prospective or current adoptive parent; 18538

(c) A prospective or current foster caregiver; 18539

(d) A person eighteen years old or older who resides with a 18540  
prospective or current foster caregiver or a prospective or 18541  
current adoptive parent. 18542

(5) "Recommending agency" means a public children services 18543  
agency, private child placing agency, or private noncustodial 18544  
agency to which the department of job and family services has 18545  
delegated a duty to inspect and approve foster homes. 18546

(6) "Superintendent of BCII" means the superintendent of the 18547

bureau of criminal identification and investigation. 18548

**Sec. 2303.201.** (A)(1) The court of common pleas of any county 18549  
may determine that for the efficient operation of the court 18550  
additional funds are required to computerize the court, to make 18551  
available computerized legal research services, or to do both. 18552  
Upon making a determination that additional funds are required for 18553  
either or both of those purposes, the court shall authorize and 18554  
direct the clerk of the court of common pleas to charge one 18555  
additional fee, not to exceed six dollars, on the filing of each 18556  
cause of action or appeal under divisions (A), (Q), and (U) of 18557  
section 2303.20 of the Revised Code. 18558

(2) All fees collected under division (A)(1) of this section 18559  
shall be paid to the county treasurer. The treasurer shall place 18560  
the funds from the fees in a separate fund to be disbursed either 18561  
upon an order of the court, subject to an appropriation by the 18562  
board of county commissioners, or upon an order of the court, 18563  
subject to the court making an annual report available to the 18564  
public listing the use of all such funds, in an amount not greater 18565  
than the actual cost to the court of procuring and maintaining 18566  
computerization of the court, computerized legal research 18567  
services, or both. 18568

(3) If the court determines that the funds in the fund 18569  
described in division (A)(2) of this section are more than 18570  
sufficient to satisfy the purpose for which the additional fee 18571  
described in division (A)(1) of this section was imposed, the 18572  
court may declare a surplus in the fund and, subject to an 18573  
appropriation by the board of county commissioners, expend those 18574  
surplus funds, or upon an order of the court, subject to the court 18575  
making an annual report available to the public listing the use of 18576  
all such funds, expend those surplus funds, for other appropriate 18577  
technological expenses of the court. 18578

(B)(1) The court of common pleas of any county may determine 18579  
that, for the efficient operation of the court, additional funds 18580  
are required to make technological advances in or to computerize 18581  
the office of the clerk of the court of common pleas and, upon 18582  
that determination, authorize and direct the clerk of the court of 18583  
common pleas to charge an additional fee, not to exceed twenty 18584  
dollars, on the filing of each cause of action or appeal, on the 18585  
filing, docketing, and endorsing of each certificate of judgment, 18586  
or on the docketing and indexing of each aid in execution or 18587  
petition to vacate, revive, or modify a judgment under divisions 18588  
(A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code 18589  
and not to exceed one dollar each for the services described in 18590  
divisions (B), (C), (D), (F), (H), and (L) of section 2303.20 of 18591  
the Revised Code. Subject to division (B)(2) of this section, all 18592  
moneys collected under division (B)(1) of this section shall be 18593  
paid to the county treasurer to be disbursed, upon an order of the 18594  
court of common pleas and subject to appropriation by the board of 18595  
county commissioners, in an amount no greater than the actual cost 18596  
to the court of procuring and maintaining technology and computer 18597  
systems for the office of the clerk of the court of common pleas. 18598

(2) If the court of common pleas of a county makes the 18599  
determination described in division (B)(1) of this section, the 18600  
board of county commissioners of that county may issue one or more 18601  
general obligation bonds for the purpose of procuring and 18602  
maintaining the technology and computer systems for the office of 18603  
the clerk of the court of common pleas. In addition to the 18604  
purposes stated in division (B)(1) of this section for which the 18605  
moneys collected under that division may be expended, the moneys 18606  
additionally may be expended to pay debt charges on and financing 18607  
costs related to any general obligation bonds issued pursuant to 18608  
division (B)(2) of this section as they become due. General 18609  
obligation bonds issued pursuant to division (B)(2) of this 18610  
section are Chapter 133. securities. 18611

(C) The court of common pleas shall collect the sum of 18612  
twenty-six dollars as additional filing fees in each new civil 18613  
action or proceeding for the charitable public purpose of 18614  
providing financial assistance to legal aid societies that operate 18615  
within the state and to support the office of the state public 18616  
defender. This division does not apply to a juvenile division of a 18617  
court of common pleas, except that an additional filing fee of 18618  
fifteen dollars shall apply to custody, visitation, and parentage 18619  
actions; to a probate division of a court of common pleas, except 18620  
that the additional filing fees shall apply to name change, 18621  
guardianship, adoption, and decedents' estate proceedings; or to 18622  
an execution on a judgment, proceeding in aid of execution, or 18623  
other post-judgment proceeding arising out of a civil action. The 18624  
filing fees required to be collected under this division shall be 18625  
in addition to any other filing fees imposed in the action or 18626  
proceeding and shall be collected at the time of the filing of the 18627  
action or proceeding. The court shall not waive the payment of the 18628  
additional filing fees in a new civil action or proceeding unless 18629  
the court waives the advanced payment of all filing fees in the 18630  
action or proceeding. All such moneys collected during a month 18631  
except for an amount equal to up to one per cent of those moneys 18632  
retained to cover administrative costs shall be transmitted on or 18633  
before the twentieth day of the following month by the clerk of 18634  
the court to the treasurer of state in a manner prescribed by the 18635  
treasurer of state or by the Ohio ~~legal assistance~~ access to 18636  
justice foundation. The treasurer of state shall deposit four per 18637  
cent of the funds collected under this division to the credit of 18638  
the civil case filing fee fund established under section 120.07 of 18639  
the Revised Code and ninety-six per cent of the funds collected 18640  
under this division to the credit of the legal aid fund 18641  
established under section 120.52 of the Revised Code. 18642

The court may retain up to one per cent of the moneys it 18643  
collects under this division to cover administrative costs, 18644

including the hiring of any additional personnel necessary to 18645  
implement this division. If the court fails to transmit to the 18646  
treasurer of state the moneys the court collects under this 18647  
division in a manner prescribed by the treasurer of state or by 18648  
the Ohio ~~legal assistance~~ access to justice foundation, the court 18649  
shall forfeit the moneys the court retains under this division to 18650  
cover administrative costs, including the hiring of any additional 18651  
personnel necessary to implement this division, and shall transmit 18652  
to the treasurer of state all moneys collected under this 18653  
division, including the forfeited amount retained for 18654  
administrative costs, for deposit in the legal aid fund. 18655

(D) On and after the thirtieth day after December 9, 1994, 18656  
the court of common pleas shall collect the sum of thirty-two 18657  
dollars as additional filing fees in each new action or proceeding 18658  
for annulment, divorce, or dissolution of marriage for the purpose 18659  
of funding shelters for victims of domestic violence pursuant to 18660  
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 18661  
required to be collected under this division shall be in addition 18662  
to any other filing fees imposed in the action or proceeding and 18663  
shall be collected at the time of the filing of the action or 18664  
proceeding. The court shall not waive the payment of the 18665  
additional filing fees in a new action or proceeding for 18666  
annulment, divorce, or dissolution of marriage unless the court 18667  
waives the advanced payment of all filing fees in the action or 18668  
proceeding. On or before the twentieth day of each month, all 18669  
moneys collected during the immediately preceding month pursuant 18670  
to this division shall be deposited by the clerk of the court into 18671  
the county treasury in the special fund used for deposit of 18672  
additional marriage license fees as described in section 3113.34 18673  
of the Revised Code. Upon their deposit into the fund, the moneys 18674  
shall be retained in the fund and expended only as described in 18675  
section 3113.34 of the Revised Code. 18676

(E)(1) The court of common pleas may determine that, for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court, including, but not limited to, the acquisition of additional facilities or the rehabilitation of existing facilities, the acquisition of equipment, the hiring and training of staff, community service programs, mediation or dispute resolution services, the employment of magistrates, the training and education of judges, acting judges, and magistrates, and other related services. Upon that determination, the court by rule may charge a fee, in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

If the court of common pleas offers or requires a special program or additional services in cases of a specific type, the court by rule may assess an additional charge in a case of that type, over and above court costs, to cover the special program or service. The court shall adjust the special assessment periodically, but not retroactively, so that the amount assessed in those cases does not exceed the actual cost of providing the service or program.

All moneys collected under division (E) of this section shall be paid to the county treasurer for deposit into either a general special projects fund or a fund established for a specific special project. Moneys from a fund of that nature shall be disbursed upon an order of the court, subject to an appropriation by the board of county commissioners, in an amount no greater than the actual cost to the court of a project. If a specific fund is terminated because of the discontinuance of a program or service established under division (E) of this section, the court may order, subject to an appropriation by the board of county commissioners, that moneys remaining in the fund be transferred to an account established under this division for a similar purpose.

(2) As used in division (E) of this section: 18709

(a) "Criminal cause" means a charge alleging the violation of 18710  
a statute or ordinance, or subsection of a statute or ordinance, 18711  
that requires a separate finding of fact or a separate plea before 18712  
disposition and of which the defendant may be found guilty, 18713  
whether filed as part of a multiple charge on a single summons, 18714  
citation, or complaint or as a separate charge on a single 18715  
summons, citation, or complaint. "Criminal cause" does not include 18716  
separate violations of the same statute or ordinance, or 18717  
subsection of the same statute or ordinance, unless each charge is 18718  
filed on a separate summons, citation, or complaint. 18719

(b) "Civil action or proceeding" means any civil litigation 18720  
that must be determined by judgment entry. 18721

Sec. 2305.011. (A) As used in this section: 18722

(1) "Nature" means the phenomena of the physical world 18723  
collectively, including plants, animals, the landscape, other 18724  
features and products of the earth, the natural environment or 18725  
wilderness, and generally areas that are not human or human 18726  
creations, have not been substantially altered by humans, or that 18727  
persist despite human intervention. 18728

(2) "Ecosystem" means a complex community of living organisms 18729  
in conjunction with their physical environments, all interacting 18730  
and linked together as a system through nutrient cycles and energy 18731  
flows in a particular unit of space. 18732

(B) Nature or any ecosystem does not have standing to 18733  
participate in or bring an action in any court of common pleas. 18734

(C)(1) No person, on behalf of or representing nature or an 18735  
ecosystem, shall bring an action in any court of common pleas. 18736

(2) No person shall bring an action in any court of common 18737  
pleas against a person who is acting on behalf of or representing 18738

nature or an ecosystem. 18739

(3) No person, on behalf of or representing nature or an ecosystem, shall intervene in any manner, such as by filing a counterclaim, cross-claim, or third-party complaint, in any action brought in any court of common pleas. 18740  
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(D) Nothing in this section shall be construed to prevent the state or any of its agencies from enforcing the laws pertaining to environmental pollution, conservation, wild animals, or other natural communities or ecosystems. 18744  
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**Sec. 2305.231.** (A) As used in this section: 18748

(1) "Dentist" means a person who is licensed under Chapter 4715. of the Revised Code to practice dentistry. 18749  
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(2) "Physician" means a person ~~who holds a certificate issued by the state medical board~~ authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 18751  
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(3) "Registered nurse" means a nurse who is licensed as a registered nurse under Chapter 4723. of the Revised Code. 18755  
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(4) "Therapeutic recreation" means adoptive recreation services to persons with illnesses or disabling conditions in order to do any of the following: 18757  
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(a) Restore, remediate, or rehabilitate; 18760

(b) Improve functioning and independence; 18761

(c) Reduce or eliminate the effects of illness or disability. 18762

(B) No physician who volunteers the physician's services as a team physician or team podiatrist to a school's athletics program, no dentist who volunteers the dentist's services as a team dentist to a school's athletics program, and no registered nurse who volunteers the registered nurse's services as a team nurse to a 18763  
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school's athletics program is liable in damages in a civil action 18768  
for administering emergency medical care, emergency dental care, 18769  
other emergency professional care, or first aid treatment to a 18770  
participant in an athletic event involving the school, at the 18771  
scene of the event or while the participant is being transported 18772  
to a hospital, physician's or dentist's office, or other medical 18773  
or dental facility, or for acts performed in administering the 18774  
care or treatment, unless the acts of the physician, dentist, or 18775  
registered nurse constitute willful or wanton misconduct. 18776

(C)(1) No physician who volunteers the physician's services 18777  
as a camp physician at a camp that specializes in therapeutic 18778  
recreation, and no registered nurse who volunteers the registered 18779  
nurse's services at such a camp, is liable in damages in a civil 18780  
action for either of the following: 18781

(a) Administering medical care, or emergency professional 18782  
care, or first aid treatment to a participant in the camp or while 18783  
the participant is being transported to a hospital, physician's or 18784  
dentist's office, or other medical or dental facility; 18785

(b) Acts performed in administering that care or treatment. 18786

(2) Division (C)(1) of this section does not apply if the 18787  
acts of the physician or registered nurse constitute willful or 18788  
wanton misconduct. 18789

(D) This section does not apply if the administration of 18790  
emergency medical care, emergency dental care, other emergency 18791  
professional care, or first aid treatment is rendered for 18792  
remuneration, or with the expectation of remuneration, from the 18793  
recipient of the care or treatment or from someone on the 18794  
recipient's behalf. 18795

**Sec. 2305.41.** As used in sections 2305.41 to 2305.49 of the 18796  
Revised Code: 18797

(A) "Disabled condition" means the condition of being unconscious, semiconscious, incoherent, or otherwise incapacitated to communicate. 18798  
18799  
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(B) "Disabled person" means a person in a disabled condition. 18801

(C) "Emergency symbol" means the caduceus inscribed within a six-barred cross used by the American medical association to denote emergency information. 18802  
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(D) "Identifying device" means an identifying bracelet, necklace, metal tag, or similar device bearing the emergency symbol and the information needed in an emergency. 18805  
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(E) "Identification card" means any card containing the holder's name, type of medical condition, physician's name, and other medical information. "Identification card" does not include any license or permit issued pursuant to Chapter 4507. of the Revised Code. 18808  
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(F) "Medical practitioner" means an individual ~~who holds a current valid certificate issued~~ authorized under Chapter 4731. of the Revised Code ~~authorizing the to~~ practice of medicine and surgery or osteopathic medicine and surgery. 18813  
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(G) "Paramedic" has the meaning given in section 4765.01 of the Revised Code. 18817  
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**Sec. 2317.54.** No hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program shall be held liable for a physician's failure to obtain an informed consent from the physician's patient prior to a surgical or medical procedure or course of procedures, unless the physician is an employee of the hospital, home health agency, ambulatory surgical facility, or provider of a hospice care program or pediatric respite care program. 18819  
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Written consent to a surgical or medical procedure or course 18828  
of procedures shall, to the extent that it fulfills all the 18829  
requirements in divisions (A), (B), and (C) of this section, be 18830  
presumed to be valid and effective, in the absence of proof by a 18831  
preponderance of the evidence that the person who sought such 18832  
consent was not acting in good faith, or that the execution of the 18833  
consent was induced by fraudulent misrepresentation of material 18834  
facts, or that the person executing the consent was not able to 18835  
communicate effectively in spoken and written English or any other 18836  
language in which the consent is written. Except as herein 18837  
provided, no evidence shall be admissible to impeach, modify, or 18838  
limit the authorization for performance of the procedure or 18839  
procedures set forth in such written consent. 18840

(A) The consent sets forth in general terms the nature and 18841  
purpose of the procedure or procedures, and what the procedures 18842  
are expected to accomplish, together with the reasonably known 18843  
risks, and, except in emergency situations, sets forth the names 18844  
of the physicians who shall perform the intended surgical 18845  
procedures. 18846

(B) The person making the consent acknowledges that such 18847  
disclosure of information has been made and that all questions 18848  
asked about the procedure or procedures have been answered in a 18849  
satisfactory manner. 18850

(C) The consent is signed by the patient for whom the 18851  
procedure is to be performed, or, if the patient for any reason 18852  
including, but not limited to, competence, minority, or the fact 18853  
that, at the latest time that the consent is needed, the patient 18854  
is under the influence of alcohol, hallucinogens, or drugs, lacks 18855  
legal capacity to consent, by a person who has legal authority to 18856  
consent on behalf of such patient in such circumstances, including 18857  
either of the following: 18858

(1) The parent, whether the parent is an adult or a minor, of 18859

the parent's minor child; 18860

(2) An adult whom the parent of the minor child has given 18861  
written authorization to consent to a surgical or medical 18862  
procedure or course of procedures for the parent's minor child. 18863

Any use of a consent form that fulfills the requirements 18864  
stated in divisions (A), (B), and (C) of this section has no 18865  
effect on the common law rights and liabilities, including the 18866  
right of a physician to obtain the oral or implied consent of a 18867  
patient to a medical procedure, that may exist as between 18868  
physicians and patients on July 28, 1975. 18869

As used in this section the term "hospital" has the same 18870  
meaning as in section 2305.113 of the Revised Code; "home health 18871  
agency" has the same meaning as in section 5101.61 of the Revised 18872  
Code; "ambulatory surgical facility" has the same meaning as in 18873  
~~division (A) of~~ section 3702.30 of the Revised Code; and "hospice 18874  
care program" and "pediatric respite care program" have the same 18875  
meanings as in section 3712.01 of the Revised Code. The provisions 18876  
of this division apply to hospitals, doctors of medicine, doctors 18877  
of osteopathic medicine, and doctors of podiatric medicine. 18878

**Sec. 2323.52.** (A) As used in this section: 18879

(1) "Conduct" has the same meaning as in section 2323.51 of 18880  
the Revised Code. 18881

(2) "Vexatious conduct" means conduct of a party in a civil 18882  
action that satisfies any of the following: 18883

(a) The conduct obviously serves merely to harass or 18884  
maliciously injure another party to the civil action. 18885

(b) The conduct is not warranted under existing law and 18886  
cannot be supported by a good faith argument for an extension, 18887  
modification, or reversal of existing law. 18888

(c) The conduct is imposed solely for delay. 18889

(3) "Vexatious litigator" means any person who has 18890  
habitually, persistently, and without reasonable grounds engaged 18891  
in vexatious conduct in a civil action or actions, whether in the 18892  
court of claims or in a court of appeals, court of common pleas, 18893  
municipal court, or county court, whether the person or another 18894  
person instituted the civil action or actions, and whether the 18895  
vexatious conduct was against the same party or against different 18896  
parties in the civil action or actions. "Vexatious litigator" does 18897  
not include a person who is authorized to practice law in the 18898  
courts of this state under the Ohio Supreme Court Rules for the 18899  
Government of the Bar of Ohio unless that person is representing 18900  
or has represented self pro se in the civil action or actions. For 18901  
the purposes of division (A)(3) of this section, "civil action" 18902  
includes a proceeding under section 2743.75 of the Revised Code. 18903

(B) A person, the office of the attorney general, or a 18904  
prosecuting attorney, city director of law, village solicitor, or 18905  
similar chief legal officer of a municipal corporation who has 18906  
defended against habitual and persistent vexatious conduct in the 18907  
court of claims or in a court of appeals, court of common pleas, 18908  
municipal court, or county court may commence a civil action in a 18909  
court of common pleas with jurisdiction over the person who 18910  
allegedly engaged in the habitual and persistent vexatious conduct 18911  
to have that person declared a vexatious litigator. The person, 18912  
office of the attorney general, prosecuting attorney, city 18913  
director of law, village solicitor, or similar chief legal officer 18914  
of a municipal corporation may commence this civil action while 18915  
the civil action or actions in which the habitual and persistent 18916  
vexatious conduct occurred are still pending or within one year 18917  
after the termination of the civil action or actions in which the 18918  
habitual and persistent vexatious conduct occurred. 18919

(C) A civil action to have a person declared a vexatious 18920  
litigator shall proceed as any other civil action, and the Ohio 18921

Rules of Civil Procedure apply to the action. 18922

(D)(1) If the person alleged to be a vexatious litigator is 18923  
found to be a vexatious litigator, subject to division (D)(2) of 18924  
this section, the court of common pleas may enter an order 18925  
prohibiting the vexatious litigator from doing one or more of the 18926  
following without first obtaining the leave of that court to 18927  
proceed: 18928

(a) Instituting legal proceedings in the court of claims or 18929  
in a court of common pleas, municipal court, or county court; 18930

(b) Continuing any legal proceedings that the vexatious 18931  
litigator had instituted in any of the courts specified in 18932  
division (D)(1)(a) of this section prior to the entry of the 18933  
order; 18934

(c) Making any application, other than an application for 18935  
leave to proceed under division (F)(1) of this section, in any 18936  
legal proceedings instituted by the vexatious litigator or another 18937  
person in any of the courts specified in division (D)(1)(a) of 18938  
this section. 18939

(2) If the court of common pleas finds a person who is 18940  
authorized to practice law in the courts of this state under the 18941  
Ohio Supreme Court Rules for the Government of the Bar of Ohio to 18942  
be a vexatious litigator and enters an order described in division 18943  
(D)(1) of this section in connection with that finding, the order 18944  
shall apply to the person only insofar as the person would seek to 18945  
institute proceedings described in division (D)(1)(a) of this 18946  
section on a pro se basis, continue proceedings described in 18947  
division (D)(1)(b) of this section on a pro se basis, or make an 18948  
application described in division (D)(1)(c) of this section on a 18949  
pro se basis. The order shall not apply to the person insofar as 18950  
the person represents one or more other persons in the person's 18951  
capacity as a licensed and registered attorney in a civil or 18952

criminal action or proceeding or other matter in a court of common 18953  
pleas, municipal court, or county court or in the court of claims. 18954  
Division (D)(2) of this section does not affect any remedy that is 18955  
available to a court or an adversely affected party under section 18956  
2323.51 or another section of the Revised Code, under Civil Rule 18957  
11 or another provision of the Ohio Rules of Civil Procedure, or 18958  
under the common law of this state as a result of frivolous 18959  
conduct or other inappropriate conduct by an attorney who 18960  
represents one or more clients in connection with a civil or 18961  
criminal action or proceeding or other matter in a court of common 18962  
pleas, municipal court, or county court or in the court of claims. 18963

(3) A person who is subject to an order entered pursuant to 18964  
division (D)(1) of this section may not institute legal 18965  
proceedings in a court of appeals, continue any legal proceedings 18966  
that the vexatious litigator had instituted in a court of appeals 18967  
prior to entry of the order, or make any application, other than 18968  
the application for leave to proceed allowed by division (F)(2) of 18969  
this section, in any legal proceedings instituted by the vexatious 18970  
litigator or another person in a court of appeals without first 18971  
obtaining leave of the court of appeals to proceed pursuant to 18972  
division (F)(2) of this section. 18973

(E) An order that is entered under division (D)(1) of this 18974  
section shall remain in force indefinitely unless the order 18975  
provides for its expiration after a specified period of time. 18976

(F)(1) A court of common pleas that entered an order under 18977  
division (D)(1) of this section shall not grant a person found to 18978  
be a vexatious litigator leave for the institution or continuance 18979  
of, or the making of an application in, legal proceedings in the 18980  
court of claims or in a court of common pleas, municipal court, or 18981  
county court unless the court of common pleas that entered that 18982  
order is satisfied that the proceedings or application are not an 18983  
abuse of process of the court in question and that there are 18984

reasonable grounds for the proceedings or application. If a person 18985  
who has been found to be a vexatious litigator under this section 18986  
requests the court of common pleas that entered an order under 18987  
division (D)(1) of this section to grant the person leave to 18988  
proceed as described in division (F)(1) of this section, the 18989  
period of time commencing with the filing with that court of an 18990  
application for the issuance of an order granting leave to proceed 18991  
and ending with the issuance of an order of that nature shall not 18992  
be computed as a part of an applicable period of limitations 18993  
within which the legal proceedings or application involved 18994  
generally must be instituted or made. 18995

(2) A person who is subject to an order entered pursuant to 18996  
division (D)(1) of this section and who seeks to institute or 18997  
continue any legal proceedings in a court of appeals or to make an 18998  
application, other than an application for leave to proceed under 18999  
division (F)(2) of this section, in any legal proceedings in a 19000  
court of appeals shall file an application for leave to proceed in 19001  
the court of appeals in which the legal proceedings would be 19002  
instituted or are pending. The court of appeals shall not grant a 19003  
person found to be a vexatious litigator leave for the institution 19004  
or continuance of, or the making of an application in, legal 19005  
proceedings in the court of appeals unless the court of appeals is 19006  
satisfied that the proceedings or application are not an abuse of 19007  
process of the court and that there are reasonable grounds for the 19008  
proceedings or application. If a person who has been found to be a 19009  
vexatious litigator under this section requests the court of 19010  
appeals to grant the person leave to proceed as described in 19011  
division (F)(2) of this section, the period of time commencing 19012  
with the filing with the court of an application for the issuance 19013  
of an order granting leave to proceed and ending with the issuance 19014  
of an order of that nature shall not be computed as a part of an 19015  
applicable period of limitations within which the legal 19016  
proceedings or application involved generally must be instituted 19017

or made. 19018

(G) During the period of time that the order entered under 19019  
division (D)(1) of this section is in force, no appeal by the 19020  
person who is the subject of that order shall lie from a decision 19021  
of the court of common pleas or court of appeals under division 19022  
(F) of this section that denies that person leave for the 19023  
institution or continuance of, or the making of an application in, 19024  
legal proceedings in the court of claims or in a court of appeals, 19025  
court of common pleas, municipal court, or county court. 19026

(H) The clerk of the court of common pleas that enters an 19027  
order under division (D)(1) of this section shall send a certified 19028  
copy of the order to the supreme court for publication in a manner 19029  
that the supreme court determines is appropriate and that will 19030  
facilitate the clerk of the court of claims and a clerk of a court 19031  
of appeals, court of common pleas, municipal court, or county 19032  
court in refusing to accept pleadings or other papers submitted 19033  
for filing by persons who have been found to be a vexatious 19034  
litigator under this section and who have failed to obtain leave 19035  
to proceed under this section. 19036

(I) Whenever it appears by suggestion of the parties or 19037  
otherwise that a person found to be a vexatious litigator under 19038  
this section has instituted, continued, or made an application in 19039  
legal proceedings without obtaining leave to proceed from the 19040  
appropriate court of common pleas or court of appeals to do so 19041  
under division (F) of this section, the court in which the legal 19042  
proceedings are pending shall dismiss the proceedings or 19043  
application of the vexatious litigator. 19044

(J) A person who is subject to an order entered pursuant to 19045  
division (D)(1) of this section shall not be permitted to request 19046  
public records under section 149.43 of the Revised Code without 19047  
first receiving both leave to proceed from the court of common 19048  
pleas as described in this section and an accompanying order from 19049

the court that specifies with particularity what public records 19050  
the person may request. Until the requirements set forth in this 19051  
division are satisfied and evidence of satisfaction is presented 19052  
to the public office or person responsible for public records, the 19053  
public office or person responsible for public records is under no 19054  
duty to respond to a public records request submitted by a person 19055  
who is subject to an order entered pursuant to division (D)(1) of 19056  
this section. 19057

**Sec. 2925.01.** As used in this chapter: 19058

(A) "Administer," "controlled substance," "controlled 19059  
substance analog," "dispense," "distribute," "hypodermic," 19060  
"manufacturer," "official written order," "person," "pharmacist," 19061  
"pharmacy," "sale," "schedule I," "schedule II," "schedule III," 19062  
"schedule IV," "schedule V," and "wholesaler" have the same 19063  
meanings as in section 3719.01 of the Revised Code. 19064

(B) "Drug dependent person" and "drug of abuse" have the same 19065  
meanings as in section 3719.011 of the Revised Code. 19066

(C) "Drug," "dangerous drug," "licensed health professional 19067  
authorized to prescribe drugs," and "prescription" have the same 19068  
meanings as in section 4729.01 of the Revised Code. 19069

(D) "Bulk amount" of a controlled substance means any of the 19070  
following: 19071

(1) For any compound, mixture, preparation, or substance 19072  
included in schedule I, schedule II, or schedule III, with the 19073  
exception of any controlled substance analog, marihuana, cocaine, 19074  
L.S.D., heroin, any fentanyl-related compound, a d hashish and 19075  
except as provided in division (D)(2), (5), or (6) of this 19076  
section, whichever of the following is applicable: 19077

(a) An amount equal to or exceeding ten grams or twenty-five 19078  
unit doses of a compound, mixture, preparation, or substance that 19079

is or contains any amount of a schedule I opiate or opium 19080  
derivative; 19081

(b) An amount equal to or exceeding ten grams of a compound, 19082  
mixture, preparation, or substance that is or contains any amount 19083  
of raw or gum opium; 19084

(c) An amount equal to or exceeding thirty grams or ten unit 19085  
doses of a compound, mixture, preparation, or substance that is or 19086  
contains any amount of a schedule I hallucinogen other than 19087  
tetrahydrocannabinol or lysergic acid amide, or a schedule I 19088  
stimulant or depressant; 19089

(d) An amount equal to or exceeding twenty grams or five 19090  
times the maximum daily dose in the usual dose range specified in 19091  
a standard pharmaceutical reference manual of a compound, mixture, 19092  
preparation, or substance that is or contains any amount of a 19093  
schedule II opiate or opium derivative; 19094

(e) An amount equal to or exceeding five grams or ten unit 19095  
doses of a compound, mixture, preparation, or substance that is or 19096  
contains any amount of phencyclidine; 19097

(f) An amount equal to or exceeding one hundred twenty grams 19098  
or thirty times the maximum daily dose in the usual dose range 19099  
specified in a standard pharmaceutical reference manual of a 19100  
compound, mixture, preparation, or substance that is or contains 19101  
any amount of a schedule II stimulant that is in a final dosage 19102  
form manufactured by a person authorized by the "Federal Food, 19103  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 19104  
amended, and the federal drug abuse control laws, as defined in 19105  
section 3719.01 of the Revised Code, that is or contains any 19106  
amount of a schedule II depressant substance or a schedule II 19107  
hallucinogenic substance; 19108

(g) An amount equal to or exceeding three grams of a 19109  
compound, mixture, preparation, or substance that is or contains 19110

any amount of a schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act and the federal drug abuse control laws.

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

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

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

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

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

purposes of the violation is the amount specified in division 19142  
(D)(1), (2), (3), (4), or (5) of this section for the other 19143  
schedule III, IV, or V controlled substance that is combined with 19144  
the fentanyl-related compound. 19145

(E) "Unit dose" means an amount or unit of a compound, 19146  
mixture, or preparation containing a controlled substance that is 19147  
separately identifiable and in a form that indicates that it is 19148  
the amount or unit by which the controlled substance is separately 19149  
administered to or taken by an individual. 19150

(F) "Cultivate" includes planting, watering, fertilizing, or 19151  
tilling. 19152

(G) "Drug abuse offense" means any of the following: 19153

(1) A violation of division (A) of section 2913.02 that 19154  
constitutes theft of drugs, or a violation of section 2925.02, 19155  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 19156  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 19157  
2925.37 of the Revised Code; 19158

(2) A violation of an existing or former law of this or any 19159  
other state or of the United States that is substantially 19160  
equivalent to any section listed in division (G)(1) of this 19161  
section; 19162

(3) An offense under an existing or former law of this or any 19163  
other state, or of the United States, of which planting, 19164  
cultivating, harvesting, processing, making, manufacturing, 19165  
producing, shipping, transporting, delivering, acquiring, 19166  
possessing, storing, distributing, dispensing, selling, inducing 19167  
another to use, administering to another, using, or otherwise 19168  
dealing with a controlled substance is an element; 19169

(4) A conspiracy to commit, attempt to commit, or complicity 19170  
in committing or attempting to commit any offense under division 19171  
(G)(1), (2), or (3) of this section. 19172

(H) "Felony drug abuse offense" means any drug abuse offense	19173
that would constitute a felony under the laws of this state, any	19174
other state, or the United States.	19175
(I) "Harmful intoxicant" does not include beer or	19176
intoxicating liquor but means any of the following:	19177
(1) Any compound, mixture, preparation, or substance the gas,	19178
fumes, or vapor of which when inhaled can induce intoxication,	19179
excitement, giddiness, irrational behavior, depression,	19180
stupefaction, paralysis, unconsciousness, asphyxiation, or other	19181
harmful physiological effects, and includes, but is not limited	19182
to, any of the following:	19183
(a) Any volatile organic solvent, plastic cement, model	19184
cement, fingernail polish remover, lacquer thinner, cleaning	19185
fluid, gasoline, or other preparation containing a volatile	19186
organic solvent;	19187
(b) Any aerosol propellant;	19188
(c) Any fluorocarbon refrigerant;	19189
(d) Any anesthetic gas.	19190
(2) Gamma Butyrolactone;	19191
(3) 1,4 Butanediol.	19192
(J) "Manufacture" means to plant, cultivate, harvest,	19193
process, make, prepare, or otherwise engage in any part of the	19194
production of a drug, by propagation, extraction, chemical	19195
synthesis, or compounding, or any combination of the same, and	19196
includes packaging, repackaging, labeling, and other activities	19197
incident to production.	19198
(K) "Possess" or "possession" means having control over a	19199
thing or substance, but may not be inferred solely from mere	19200
access to the thing or substance through ownership or occupation	19201
of the premises upon which the thing or substance is found.	19202

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

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

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

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

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

(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;

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

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

(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school

building, or within one thousand feet of the boundaries of any 19233  
school premises, regardless of whether the offender knows the 19234  
offense is being committed on school premises, in a school 19235  
building, or within one thousand feet of the boundaries of any 19236  
school premises. 19237

(Q) "School" means any school operated by a board of 19238  
education, any community school established under Chapter 3314. of 19239  
the Revised Code, or any nonpublic school for which the state 19240  
board of education prescribes minimum standards under section 19241  
3301.07 of the Revised Code, whether or not any instruction, 19242  
extracurricular activities, or training provided by the school is 19243  
being conducted at the time a criminal offense is committed. 19244

(R) "School premises" means either of the following: 19245

(1) The parcel of real property on which any school is 19246  
situated, whether or not any instruction, extracurricular 19247  
activities, or training provided by the school is being conducted 19248  
on the premises at the time a criminal offense is committed; 19249

(2) Any other parcel of real property that is owned or leased 19250  
by a board of education of a school, the governing authority of a 19251  
community school established under Chapter 3314. of the Revised 19252  
Code, or the governing body of a nonpublic school for which the 19253  
state board of education prescribes minimum standards under 19254  
section 3301.07 of the Revised Code and on which some of the 19255  
instruction, extracurricular activities, or training of the school 19256  
is conducted, whether or not any instruction, extracurricular 19257  
activities, or training provided by the school is being conducted 19258  
on the parcel of real property at the time a criminal offense is 19259  
committed. 19260

(S) "School building" means any building in which any of the 19261  
instruction, extracurricular activities, or training provided by a 19262  
school is conducted, whether or not any instruction, 19263

extracurricular activities, or training provided by the school is 19264  
being conducted in the school building at the time a criminal 19265  
offense is committed. 19266

(T) "Disciplinary counsel" means the disciplinary counsel 19267  
appointed by the board of commissioners on grievances and 19268  
discipline of the supreme court under the Rules for the Government 19269  
of the Bar of Ohio. 19270

(U) "Certified grievance committee" means a duly constituted 19271  
and organized committee of the Ohio state bar association or of 19272  
one or more local bar associations of the state of Ohio that 19273  
complies with the criteria set forth in Rule V, section 6 of the 19274  
Rules for the Government of the Bar of Ohio. 19275

(V) "Professional license" means any license, permit, 19276  
certificate, registration, qualification, admission, temporary 19277  
license, temporary permit, temporary certificate, or temporary 19278  
registration that is described in divisions (W)(1) to (37) of this 19279  
section and that qualifies a person as a professionally licensed 19280  
person. 19281

(W) "Professionally licensed person" means any of the 19282  
following: 19283

(1) A person who has received a certificate or temporary 19284  
certificate as a certified public accountant or who has registered 19285  
as a public accountant under Chapter 4701. of the Revised Code and 19286  
who holds an Ohio permit issued under that chapter; 19287

(2) A person who holds a certificate of qualification to 19288  
practice architecture issued or renewed and registered under 19289  
Chapter 4703. of the Revised Code; 19290

(3) A person who is registered as a landscape architect under 19291  
Chapter 4703. of the Revised Code or who holds a permit as a 19292  
landscape architect issued under that chapter; 19293

(4) A person licensed under Chapter 4707. of the Revised Code;	19294 19295
(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	19296 19297 19298
(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	19299 19300 19301
(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	19302 19303 19304 19305 19306 19307 19308 19309 19310 19311
(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	19312 19313 19314 19315 19316
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	19317 19318 19319 19320
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	19321 19322 19323 19324

(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	19325 19326 19327
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	19328 19329
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	19330 19331
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	19332 19333 19334 19335
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	19336 19337 19338 19339 19340
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	19341 19342
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	19343 19344 19345 19346 19347
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	19348 19349
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	19350 19351
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	19352 19353
(21) A person licensed to act as a real estate broker or real	19354

estate salesperson under Chapter 4735. of the Revised Code;	19355
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	19356 19357
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	19358 19359
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	19360 19361
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	19362 19363
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	19364 19365 19366 19367
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	19368 19369 19370
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	19371 19372 19373
(29) A person licensed <del>and registered</del> to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	19374 19375 19376
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	19377 19378 19379
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	19380 19381
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family	19382 19383 19384

therapist, or marriage and family therapist, or registered as a	19385
social work assistant under Chapter 4757. of the Revised Code;	19386
(33) A person issued a license to practice dietetics under	19387
Chapter 4759. of the Revised Code;	19388
(34) A person who has been issued a license or limited permit	19389
to practice respiratory therapy under Chapter 4761. of the Revised	19390
Code;	19391
(35) A person who has been issued a real estate appraiser	19392
certificate under Chapter 4763. of the Revised Code;	19393
(36) A person who has been issued a home inspector license	19394
under Chapter 4764. of the Revised Code;	19395
(37) A person who has been admitted to the bar by order of	19396
the supreme court in compliance with its prescribed and published	19397
rules.	19398
(X) "Cocaine" means any of the following:	19399
(1) A cocaine salt, isomer, or derivative, a salt of a	19400
cocaine isomer or derivative, or the base form of cocaine;	19401
(2) Coca leaves or a salt, compound, derivative, or	19402
preparation of coca leaves, including ecgonine, a salt, isomer, or	19403
derivative of ecgonine, or a salt of an isomer or derivative of	19404
ecgonine;	19405
(3) A salt, compound, derivative, or preparation of a	19406
substance identified in division (X)(1) or (2) of this section	19407
that is chemically equivalent to or identical with any of those	19408
substances, except that the substances shall not include	19409
decocainized coca leaves or extraction of coca leaves if the	19410
extractions do not contain cocaine or ecgonine.	19411
(Y) "L.S.D." means lysergic acid diethylamide.	19412
(Z) "Hashish" means the resin or a preparation of the resin	19413
contained in marihuana, whether in solid form or in a liquid	19414

concentrate, liquid extract, or liquid distillate form. 19415

(AA) "Marihuana" has the same meaning as in section 3719.01 19416  
of the Revised Code, except that it does not include hashish. 19417

(BB) An offense is "committed in the vicinity of a juvenile" 19418  
if the offender commits the offense within one hundred feet of a 19419  
juvenile or within the view of a juvenile, regardless of whether 19420  
the offender knows the age of the juvenile, whether the offender 19421  
knows the offense is being committed within one hundred feet of or 19422  
within view of the juvenile, or whether the juvenile actually 19423  
views the commission of the offense. 19424

(CC) "Presumption for a prison term" or "presumption that a 19425  
prison term shall be imposed" means a presumption, as described in 19426  
division (D) of section 2929.13 of the Revised Code, that a prison 19427  
term is a necessary sanction for a felony in order to comply with 19428  
the purposes and principles of sentencing under section 2929.11 of 19429  
the Revised Code. 19430

(DD) "Major drug offender" has the same meaning as in section 19431  
2929.01 of the Revised Code. 19432

(EE) "Minor drug possession offense" means either of the 19433  
following: 19434

(1) A violation of section 2925.11 of the Revised Code as it 19435  
existed prior to July 1, 1996; 19436

(2) A violation of section 2925.11 of the Revised Code as it 19437  
exists on and after July 1, 1996, that is a misdemeanor or a 19438  
felony of the fifth degree. 19439

(FF) "Mandatory prison term" has the same meaning as in 19440  
section 2929.01 of the Revised Code. 19441

(GG) "Adulterate" means to cause a drug to be adulterated as 19442  
described in section 3715.63 of the Revised Code. 19443

(HH) "Public premises" means any hotel, restaurant, tavern, 19444

store, arena, hall, or other place of public accommodation,	19445
business, amusement, or resort.	19446
(II) "Methamphetamine" means methamphetamine, any salt,	19447
isomer, or salt of an isomer of methamphetamine, or any compound,	19448
mixture, preparation, or substance containing methamphetamine or	19449
any salt, isomer, or salt of an isomer of methamphetamine.	19450
(JJ) "Deception" has the same meaning as in section 2913.01	19451
of the Revised Code.	19452
(KK) "Fentanyl-related compound" means any of the following:	19453
(1) Fentanyl;	19454
(2) Alpha-methylfentanyl	19455
(N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide;	19456
1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	19457
(3) Alpha-methylthiofentanyl	19458
(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	19459
(4) Beta-hydroxyfentanyl	19460
(N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide);	19461
(5) Beta-hydroxy-3-methylfentanyl (other name:	19462
N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-	19463
phenylpropanamide);	19464
(6) 3-methylfentanyl	19465
(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	19466
(7) 3-methylthiofentanyl	19467
(N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	19468
(8) Para-fluorofentanyl	19469
(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide;	19470
(9) Thiofentanyl	19471
(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide;	19472
(10) Alfentanil;	19473

(11) Carfentanil;	19474
(12) Remifentanil;	19475
(13) Sufentanil;	19476
(14) Acetyl-alpha-methylfentanyl	19477
(N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide);	19478
and	19479
(15) Any compound that meets all of the following fentanyl	19480
pharmacophore requirements to bind at the mu receptor, as	19481
identified by a report from an established forensic laboratory,	19482
including acetylfentanyl, furanylfentanyl, valerylfentanyl,	19483
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl,	19484
para-fluorobutyrylfentanyl, acrylfentanyl, and	19485
ortho-fluorofentanyl:	19486
(a) A chemical scaffold consisting of both of the following:	19487
(i) A five, six, or seven member ring structure containing a	19488
nitrogen, whether or not further substituted;	19489
(ii) An attached nitrogen to the ring, whether or not that	19490
nitrogen is enclosed in a ring structure, including an attached	19491
aromatic ring or other lipophilic group to that nitrogen.	19492
(b) A polar functional group attached to the chemical	19493
scaffold, including but not limited to a hydroxyl, ketone, amide,	19494
or ester;	19495
(c) An alkyl or aryl substitution off the ring nitrogen of	19496
the chemical scaffold; and	19497
(d) The compound has not been approved for medical use by the	19498
United States food and drug administration.	19499
(LL) "First degree felony mandatory prison term" means one of	19500
the definite prison terms prescribed in division (A)(1)(b) of	19501
section 2929.14 of the Revised Code for a felony of the first	19502
degree, except that if the violation for which sentence is being	19503

imposed is committed on or after the effective date of this 19504  
amendment, it means one of the minimum prison terms prescribed in 19505  
division (A)(1)(a) of that section for a felony of the first 19506  
degree. 19507

(MM) "Second degree felony mandatory prison term" means one 19508  
of the definite prison terms prescribed in division (A)(2)(b) of 19509  
section 2929.14 of the Revised Code for a felony of the second 19510  
degree, except that if the violation for which sentence is being 19511  
imposed is committed on or after the effective date of this 19512  
amendment, it means one of the minimum prison terms prescribed in 19513  
division (A)(2)(a) of that section for a felony of the second 19514  
degree. 19515

(NN) "Maximum first degree felony mandatory prison term" 19516  
means the maximum definite prison term prescribed in division 19517  
(A)(1)(b) of section 2929.14 of the Revised Code for a felony of 19518  
the first degree, except that if the violation for which sentence 19519  
is being imposed is committed on or after the effective date of 19520  
this amendment, it means the longest minimum prison term 19521  
prescribed in division (A)(1)(a) of that section for a felony of 19522  
the first degree. 19523

(OO) "Maximum second degree felony mandatory prison term" 19524  
means the maximum definite prison term prescribed in division 19525  
(A)(2)(b) of section 2929.14 of the Revised Code for a felony of 19526  
the second degree, except that if the violation for which sentence 19527  
is being imposed is committed on or after the effective date of 19528  
this amendment, it means the longest minimum prison term 19529  
prescribed in division (A)(2)(a) of that section for a felony of 19530  
the second degree. 19531

**Sec. 2927.02.** (A) As used in this section and sections 19532  
2927.021 and 2927.022 of the Revised Code: 19533

(1) "Age verification" means a service provided by an 19534

independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a commercially available database, or aggregate of databases, that regularly are used by government and businesses for the purpose of age and identity verification to personal information provided during an internet sale or other remote method of sale to establish that the purchaser is ~~eighteen~~ twenty-one years of age or older.

(2)(a) "Alternative nicotine product" means, subject to division (A)(2)(b) of this section, an electronic ~~cigarette smoking device, vapor product,~~ or any other product or device that consists of or contains nicotine that can be ingested into the body by any means, including, but not limited to, chewing, smoking, absorbing, dissolving, or inhaling.

(b) "Alternative nicotine product" does not include any of the following:

(i) Any cigarette or other tobacco product;

(ii) Any product that is a "drug" as that term is defined in 21 U.S.C. 321(g)(1);

(iii) Any product that is a "device" as that term is defined in 21 U.S.C. 321(h);

(iv) Any product that is a "combination product" as described in 21 U.S.C. 353(g).

~~(3) "Child" has the same meaning as in section 2151.011 of the Revised Code.~~

~~(4)~~ "Cigarette" includes clove cigarettes and hand-rolled cigarettes.

~~(5)~~(4) "Distribute" means to furnish, give, or provide

cigarettes, other tobacco products, alternative nicotine products, 19565  
or papers used to roll cigarettes to the ultimate consumer of the 19566  
cigarettes, other tobacco products, alternative nicotine products, 19567  
or papers used to roll cigarettes. 19568

~~(6)(a)(5)~~ "Electronic cigarette smoking device" means, 19569  
~~subject to division (A)(6)(b) of this section, any electronic~~ 19570  
~~product or device that produces a vapor that delivers~~ any device 19571  
that can be used to deliver aerosolized or vaporized nicotine or 19572  
any other substance to the person inhaling from the device ~~to~~ 19573  
~~simulate smoking and that is likely to be offered to or purchased~~ 19574  
~~by consumers as~~ including an electronic cigarette, electronic 19575  
cigar, electronic cigarillo hookah, vaping pen, or electronic 19576  
pipe. "Electronic smoking device" includes any component, part, or 19577  
accessory of such a device, whether or not sold separately, and 19578  
includes any substance intended to be aerosolized or vaporized 19579  
during the use of the device. "Electronic smoking device" does not 19580  
include any product that is a drug, device, or combination 19581  
product, as those terms are defined or described in 21 U.S.C. 321 19582  
and 353(g). 19583

~~(b) "Electronic cigarette" does not include any item,~~ 19584  
~~product, or device described in divisions (A)(2)(b)(i) to (iv) of~~ 19585  
~~this section.~~ 19586

~~(7)(6)~~ "Proof of age" means a driver's license, a commercial 19587  
driver's license, a military identification card, a passport, or 19588  
an identification card issued under sections 4507.50 to 4507.52 of 19589  
the Revised Code that shows that a person is eighteen years of age 19590  
or older. 19591

~~(8)(7)~~ "Tobacco product" means any product that is made or 19592  
derived from tobacco or that contains any form of nicotine, if it 19593  
is intended for human consumption or is likely to be consumed, 19594  
whether smoked, heated, chewed, absorbed, dissolved, inhaled, or 19595  
ingested by any other means, including, but not limited to, a 19596

cigarette, a cigar, pipe tobacco, chewing tobacco, ~~or~~ snuff, or 19597  
snus. "Tobacco product" also means any component or accessory used 19598  
in the consumption of a tobacco product, such as filters, rolling 19599  
papers, pipes, blunt or hemp wraps, and liquids used in electronic 19600  
smoking devices, whether or not they contain nicotine. "Tobacco 19601  
product" does not include any product that is a drug, device, or 19602  
combination product, as those terms are defined or described in 21 19603  
U.S.C. 321 and 353(g). 19604

~~(9)~~(8) "Vapor product" means a product, other than a 19605  
cigarette or other tobacco product as defined in Chapter 5743. of 19606  
the Revised Code, that contains or is made or derived from 19607  
nicotine and that is intended and marketed for human consumption, 19608  
including by smoking, inhaling, snorting, or sniffing. "Vapor 19609  
product" includes any component, part, or additive that is 19610  
intended for use in an electronic smoking device, a mechanical 19611  
heating element, battery, or electronic circuit and is used to 19612  
deliver the product. "Vapor product" does not include any product 19613  
that is a drug, device, or combination product, as those terms are 19614  
defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" 19615  
includes any product containing nicotine, regardless of 19616  
concentration. 19617

(9) "Vending machine" has the same meaning as "coin machine" 19618  
in section 2913.01 of the Revised Code. 19619

(B) No manufacturer, producer, distributor, wholesaler, or 19620  
retailer of cigarettes, other tobacco products, alternative 19621  
nicotine products, or papers used to roll cigarettes, no agent, 19622  
employee, or representative of a manufacturer, producer, 19623  
distributor, wholesaler, or retailer of cigarettes, other tobacco 19624  
products, alternative nicotine products, or papers used to roll 19625  
cigarettes, and no other person shall do any of the following: 19626

(1) Give, sell, or otherwise distribute cigarettes, other 19627  
tobacco products, alternative nicotine products, or papers used to 19628

roll cigarettes to any ~~child~~ person under twenty-one years of age; 19629

(2) Give away, sell, or distribute cigarettes, other tobacco 19630  
products, alternative nicotine products, or papers used to roll 19631  
cigarettes in any place that does not have posted in a conspicuous 19632  
place a legibly printed sign in letters at least one-half inch 19633  
high stating that giving, selling, or otherwise distributing 19634  
cigarettes, other tobacco products, alternative nicotine products, 19635  
or papers used to roll cigarettes to a person under ~~eighteen~~ 19636  
twenty-one years of age is prohibited by law; 19637

(3) Knowingly furnish any false information regarding the 19638  
name, age, or other identification of any ~~child~~ person under 19639  
twenty-one years of age with purpose to obtain cigarettes, other 19640  
tobacco products, alternative nicotine products, or papers used to 19641  
roll cigarettes for that ~~child~~ person; 19642

(4) Manufacture, sell, or distribute in this state any pack 19643  
or other container of cigarettes containing fewer than twenty 19644  
cigarettes or any package of roll-your-own tobacco containing less 19645  
than six-tenths of one ounce of tobacco; 19646

(5) Sell cigarettes or alternative nicotine products in a 19647  
smaller quantity than that placed in the pack or other container 19648  
by the manufacturer; 19649

(6) Give, sell, or otherwise distribute alternative nicotine 19650  
products, papers used to roll cigarettes, or tobacco products 19651  
other than cigarettes over the internet or through another remote 19652  
method without age verification. 19653

(C) No person shall sell or offer to sell cigarettes, other 19654  
tobacco products, or alternative nicotine products by or from a 19655  
vending machine, except in the following locations: 19656

(1) An area within a factory, business, office, or other 19657  
place not open to the general public; 19658

(2) An area to which ~~children~~ persons under twenty-one years of age are not generally permitted access; 19659  
19660

(3) Any other place not identified in division (C)(1) or (2) of this section, upon all of the following conditions: 19661  
19662

(a) The vending machine is located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person, so that all cigarettes, other tobacco product, and alternative nicotine product purchases from the vending machine will be readily observed by the person who owns or operates the place or an employee of that person. For the purpose of this section, a vending machine located in any unmonitored area, including an unmonitored coatroom, restroom, hallway, or outer waiting area, shall not be considered located within the immediate vicinity, plain view, and control of the person who owns or operates the place, or an employee of that person. 19663  
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(b) The vending machine is inaccessible to the public when the place is closed. 19675  
19676

(c) A clearly visible notice is posted in the area where the vending machine is located that states the following in letters that are legibly printed and at least one-half inch high: 19677  
19678  
19679

"It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products." 19680  
19681

(D) The following are affirmative defenses to a charge under division (B)(1) of this section: 19682  
19683

(1) The ~~child~~ person under twenty-one years of age was accompanied by a parent, spouse who is ~~eighteen~~ twenty-one years of age or older, or legal guardian of the ~~child~~ person under twenty-one years of age. 19684  
19685  
19686  
19687

(2) The person who gave, sold, or distributed cigarettes, 19688

other tobacco products, alternative nicotine products, or papers 19689  
used to roll cigarettes to a ~~child~~ person under twenty-one years 19690  
of age under division (B)(1) of this section is a parent, spouse 19691  
who is ~~eighteen~~ twenty-one years of age or older, or legal 19692  
guardian of the ~~child~~ person under twenty-one years of age. 19693

(E) It is not a violation of division (B)(1) or (2) of this 19694  
section for a person to give or otherwise distribute to a ~~child~~ 19695  
person under twenty-one years of age cigarettes, other tobacco 19696  
products, alternative nicotine products, or papers used to roll 19697  
cigarettes while the ~~child~~ person under twenty-one years of age is 19698  
participating in a research protocol if all of the following 19699  
apply: 19700

(1) The parent, guardian, or legal custodian of the ~~child~~ 19701  
person under twenty-one years of age has consented in writing to 19702  
the ~~child~~ person under twenty-one years of age participating in 19703  
the research protocol. 19704

(2) An institutional human subjects protection review board, 19705  
or an equivalent entity, has approved the research protocol. 19706

(3) The ~~child~~ person under twenty-one years of age is 19707  
participating in the research protocol at the facility or location 19708  
specified in the research protocol. 19709

(F)(1) Whoever violates division (B)(1), (2), (4), (5), or 19710  
(6) or (C) of this section is guilty of illegal distribution of 19711  
cigarettes, other tobacco products, or alternative nicotine 19712  
products. Except as otherwise provided in this division, illegal 19713  
distribution of cigarettes, other tobacco products, or alternative 19714  
nicotine products is a misdemeanor of the fourth degree. If the 19715  
offender previously has been convicted of a violation of division 19716  
(B)(1), (2), (4), (5), or (6) or (C) of this section, illegal 19717  
distribution of cigarettes, other tobacco products, or alternative 19718  
nicotine products is a misdemeanor of the third degree. 19719

(2) Whoever violates division (B)(3) of this section is 19720  
guilty of permitting ~~children~~ a person under twenty-one years of 19721  
age to use cigarettes, other tobacco products, or alternative 19722  
nicotine products. Except as otherwise provided in this division, 19723  
permitting ~~children~~ a person under twenty-one years of age to use 19724  
cigarettes, other tobacco products, or alternative nicotine 19725  
products is a misdemeanor of the fourth degree. If the offender 19726  
previously has been convicted of a violation of division (B)(3) of 19727  
this section, permitting ~~children~~ a person under twenty-one years 19728  
of age to use cigarettes, other tobacco products, or alternative 19729  
nicotine products is a misdemeanor of the third degree. 19730

(G) Any cigarettes, other tobacco products, alternative 19731  
nicotine products, or papers used to roll cigarettes that are 19732  
given, sold, or otherwise distributed to a ~~child~~ person under 19733  
twenty-one years of age in violation of this section and that are 19734  
used, possessed, purchased, or received by a ~~child~~ person under 19735  
twenty-one years of age in violation of section 2151.87 of the 19736  
Revised Code are subject to seizure and forfeiture as contraband 19737  
under Chapter 2981. of the Revised Code. 19738

**Sec. 2927.022.** (A) A seller or an agent or employee of a 19739  
seller may not be found guilty of a charge of a violation of 19740  
section 2927.02 of the Revised Code in which the age of the 19741  
purchaser or other recipient of cigarettes, other tobacco 19742  
products, or alternative nicotine products is an element of the 19743  
alleged violation, if the seller, agent, or employee raises and 19744  
proves as an affirmative defense that all of the following 19745  
occurred: 19746

(1) A card holder attempting to purchase or receive 19747  
cigarettes, other tobacco products, or alternative nicotine 19748  
products presented a driver's or commercial driver's license or an 19749  
identification card. 19750

(2) A transaction scan of the driver's or commercial driver's license or identification card that the card holder presented indicated that the license or card was valid.

(3) The cigarettes, other tobacco products, or alternative nicotine products were sold, given away, or otherwise distributed to the card holder in reasonable reliance upon the identification presented and the completed transaction scan.

(B) In determining whether a seller or an agent or employee of a seller has proven the affirmative defense provided by division (A) of this section, the trier of fact in the action for the alleged violation of section 2927.02 of the Revised Code shall consider any written policy that the seller has adopted and implemented and that is intended to prevent violations of section 2927.02 of the Revised Code. For purposes of division (A)(3) of this section, the trier of fact shall consider that reasonable reliance upon the identification presented and the completed transaction scan may require a seller or an agent or employee of a seller to exercise reasonable diligence to determine, and that the use of a transaction scan device does not excuse a seller or an agent or employee of a seller from exercising reasonable diligence to determine, the following:

(1) Whether a person to whom the seller or agent or employee of a seller sells, gives away, or otherwise distributes cigarettes, other tobacco products, or alternative nicotine products is ~~eighteen~~ twenty-one years of age or older;

(2) Whether the description and picture appearing on the driver's or commercial driver's license or identification card presented by a card holder is that of the card holder.

(C) In any criminal action in which the affirmative defense provided by division (A) of this section is raised, the registrar of motor vehicles or a deputy registrar who issued an

identification card under sections 4507.50 to 4507.52 of the 19782  
Revised Code shall be permitted to submit certified copies of the 19783  
records of that issuance in lieu of the testimony of the personnel 19784  
of or contractors with the bureau of motor vehicles in the action. 19785

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 19786  
(G) of this section and unless a specific sanction is required to 19787  
be imposed or is precluded from being imposed pursuant to law, a 19788  
court that imposes a sentence upon an offender for a felony may 19789  
impose any sanction or combination of sanctions on the offender 19790  
that are provided in sections 2929.14 to 2929.18 of the Revised 19791  
Code. 19792

If the offender is eligible to be sentenced to community 19793  
control sanctions, the court shall consider the appropriateness of 19794  
imposing a financial sanction pursuant to section 2929.18 of the 19795  
Revised Code or a sanction of community service pursuant to 19796  
section 2929.17 of the Revised Code as the sole sanction for the 19797  
offense. Except as otherwise provided in this division, if the 19798  
court is required to impose a mandatory prison term for the 19799  
offense for which sentence is being imposed, the court also shall 19800  
impose any financial sanction pursuant to section 2929.18 of the 19801  
Revised Code that is required for the offense and may impose any 19802  
other financial sanction pursuant to that section but may not 19803  
impose any additional sanction or combination of sanctions under 19804  
section 2929.16 or 2929.17 of the Revised Code. 19805

If the offender is being sentenced for a fourth degree felony 19806  
OVI offense or for a third degree felony OVI offense, in addition 19807  
to the mandatory term of local incarceration or the mandatory 19808  
prison term required for the offense by division (G)(1) or (2) of 19809  
this section, the court shall impose upon the offender a mandatory 19810  
fine in accordance with division (B)(3) of section 2929.18 of the 19811  
Revised Code and may impose whichever of the following is 19812

applicable: 19813

(1) For a fourth degree felony OVI offense for which sentence 19814  
is imposed under division (G)(1) of this section, an additional 19815  
community control sanction or combination of community control 19816  
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 19817  
the court imposes upon the offender a community control sanction 19818  
and the offender violates any condition of the community control 19819  
sanction, the court may take any action prescribed in division (B) 19820  
of section 2929.15 of the Revised Code relative to the offender, 19821  
including imposing a prison term on the offender pursuant to that 19822  
division. 19823

(2) For a third or fourth degree felony OVI offense for which 19824  
sentence is imposed under division (G)(2) of this section, an 19825  
additional prison term as described in division (B)(4) of section 19826  
2929.14 of the Revised Code or a community control sanction as 19827  
described in division (G)(2) of this section. 19828

(B)(1)(a) Except as provided in division (B)(1)(b) of this 19829  
section, if an offender is convicted of or pleads guilty to a 19830  
felony of the fourth or fifth degree that is not an offense of 19831  
violence or that is a qualifying assault offense, the court shall 19832  
sentence the offender to a community control sanction or 19833  
combination of community control sanctions if all of the following 19834  
apply: 19835

(i) The offender previously has not been convicted of or 19836  
pleaded guilty to a felony offense. 19837

(ii) The most serious charge against the offender at the time 19838  
of sentencing is a felony of the fourth or fifth degree. 19839

~~(iii) If the court made a request of the department of 19840  
rehabilitation and correction pursuant to division (B)(1)(c) of 19841  
this section, the department, within the forty five day period 19842  
specified in that division, provided the court with the names of, 19843~~

~~contact information for, and program details of one or more~~ 19844  
~~community control sanctions that are available for persons~~ 19845  
~~sentenced by the court.~~ 19846

~~(iv)~~ The offender previously has not been convicted of or 19847  
pleaded guilty to a misdemeanor offense of violence that the 19848  
offender committed within two years prior to the offense for which 19849  
sentence is being imposed. 19850

(b) The court has discretion to impose a prison term upon an 19851  
offender who is convicted of or pleads guilty to a felony of the 19852  
fourth or fifth degree that is not an offense of violence or that 19853  
is a qualifying assault offense if any of the following apply: 19854

(i) The offender committed the offense while having a firearm 19855  
on or about the offender's person or under the offender's control. 19856

(ii) If the offense is a qualifying assault offense, the 19857  
offender caused serious physical harm to another person while 19858  
committing the offense, and, if the offense is not a qualifying 19859  
assault offense, the offender caused physical harm to another 19860  
person while committing the offense. 19861

(iii) The offender violated a term of the conditions of bond 19862  
as set by the court. 19863

~~(iv) The court made a request of the department of~~ 19864  
~~rehabilitation and correction pursuant to division (B)(1)(c) of~~ 19865  
~~this section, and the department, within the forty five day period~~ 19866  
~~specified in that division, did not provide the court with the~~ 19867  
~~name of, contact information for, and program details of any~~ 19868  
~~community control sanction that is available for persons sentenced~~ 19869  
~~by the court.~~ 19870

~~(v)~~ The offense is a sex offense that is a fourth or fifth 19871  
degree felony violation of any provision of Chapter 2907. of the 19872  
Revised Code. 19873

~~(vi)~~(v) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon. 19874  
19875  
19876

~~(vii)~~(vi) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person. 19877  
19878  
19879  
19880

~~(viii)~~(vii) The offender held a public office or position of trust, and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others. 19881  
19882  
19883  
19884  
19885  
19886

~~(ix)~~(viii) The offender committed the offense for hire or as part of an organized criminal activity. 19887  
19888

~~(x)~~(ix) The offender at the time of the offense was serving, or the offender previously had served, a prison term. 19889  
19890

~~(xi)~~(x) The offender committed the offense while under a community control sanction, while on probation, or while released from custody on a bond or personal recognizance. 19891  
19892  
19893

~~(c) If a court that is sentencing an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense believes that no community control sanctions are available for its use that, if imposed on the offender, will adequately fulfill the overriding principles and purposes of sentencing, the court shall contact the department of rehabilitation and correction and ask the department to provide the court with the names of, contact information for, and program details of one or more community control sanctions that are available for persons sentenced by the court. Not later than~~ 19894  
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~~forty five days after receipt of a request from a court under this 19905  
division, the department shall provide the court with the names 19906  
of, contact information for, and program details of one or more 19907  
community control sanctions that are available for persons 19908  
sentenced by the court, if any. Upon making a request under this 19909  
division that relates to a particular offender, a court shall 19910  
defer sentencing of that offender until it receives from the 19911  
department the names of, contact information for, and program 19912  
details of one or more community control sanctions that are 19913  
available for persons sentenced by the court or for forty five 19914  
days, whichever is the earlier. 19915~~

~~If the department provides the court with the names of, 19916  
contact information for, and program details of one or more 19917  
community control sanctions that are available for persons 19918  
sentenced by the court within the forty five day period specified 19919  
in this division, the court shall impose upon the offender a 19920  
community control sanction under division (B)(1)(a) of this 19921  
section, except that the court may impose a prison term under 19922  
division (B)(1)(b) of this section if a factor described in 19923  
division (B)(1)(b)(i) or (ii) of this section applies. If the 19924  
department does not provide the court with the names of, contact 19925  
information for, and program details of one or more community 19926  
control sanctions that are available for persons sentenced by the 19927  
court within the forty five day period specified in this division, 19928  
the court may impose upon the offender a prison term under 19929  
division (B)(1)(b)(iv) of this section. 19930~~

~~(d) A sentencing court may impose an additional penalty under 19931  
division (B) of section 2929.15 of the Revised Code upon an 19932  
offender sentenced to a community control sanction under division 19933  
(B)(1)(a) of this section if the offender violates the conditions 19934  
of the community control sanction, violates a law, or leaves the 19935  
state without the permission of the court or the offender's 19936~~

probation officer. 19937

(2) If division (B)(1) of this section does not apply, except 19938  
as provided in division (E), (F), or (G) of this section, in 19939  
determining whether to impose a prison term as a sanction for a 19940  
felony of the fourth or fifth degree, the sentencing court shall 19941  
comply with the purposes and principles of sentencing under 19942  
section 2929.11 of the Revised Code and with section 2929.12 of 19943  
the Revised Code. 19944

(C) Except as provided in division (D), (E), (F), or (G) of 19945  
this section, in determining whether to impose a prison term as a 19946  
sanction for a felony of the third degree or a felony drug offense 19947  
that is a violation of a provision of Chapter 2925. of the Revised 19948  
Code and that is specified as being subject to this division for 19949  
purposes of sentencing, the sentencing court shall comply with the 19950  
purposes and principles of sentencing under section 2929.11 of the 19951  
Revised Code and with section 2929.12 of the Revised Code. 19952

(D)(1) Except as provided in division (E) or (F) of this 19953  
section, for a felony of the first or second degree, for a felony 19954  
drug offense that is a violation of any provision of Chapter 19955  
2925., 3719., or 4729. of the Revised Code for which a presumption 19956  
in favor of a prison term is specified as being applicable, and 19957  
for a violation of division (A)(4) or (B) of section 2907.05 of 19958  
the Revised Code for which a presumption in favor of a prison term 19959  
is specified as being applicable, it is presumed that a prison 19960  
term is necessary in order to comply with the purposes and 19961  
principles of sentencing under section 2929.11 of the Revised 19962  
Code. Division (D)(2) of this section does not apply to a 19963  
presumption established under this division for a violation of 19964  
division (A)(4) of section 2907.05 of the Revised Code. 19965

(2) Notwithstanding the presumption established under 19966  
division (D)(1) of this section for the offenses listed in that 19967  
division other than a violation of division (A)(4) or (B) of 19968

section 2907.05 of the Revised Code, the sentencing court may 19969  
impose a community control sanction or a combination of community 19970  
control sanctions instead of a prison term on an offender for a 19971  
felony of the first or second degree or for a felony drug offense 19972  
that is a violation of any provision of Chapter 2925., 3719., or 19973  
4729. of the Revised Code for which a presumption in favor of a 19974  
prison term is specified as being applicable if it makes both of 19975  
the following findings: 19976

(a) A community control sanction or a combination of 19977  
community control sanctions would adequately punish the offender 19978  
and protect the public from future crime, because the applicable 19979  
factors under section 2929.12 of the Revised Code indicating a 19980  
lesser likelihood of recidivism outweigh the applicable factors 19981  
under that section indicating a greater likelihood of recidivism. 19982

(b) A community control sanction or a combination of 19983  
community control sanctions would not demean the seriousness of 19984  
the offense, because one or more factors under section 2929.12 of 19985  
the Revised Code that indicate that the offender's conduct was 19986  
less serious than conduct normally constituting the offense are 19987  
applicable, and they outweigh the applicable factors under that 19988  
section that indicate that the offender's conduct was more serious 19989  
than conduct normally constituting the offense. 19990

(E)(1) Except as provided in division (F) of this section, 19991  
for any drug offense that is a violation of any provision of 19992  
Chapter 2925. of the Revised Code and that is a felony of the 19993  
third, fourth, or fifth degree, the applicability of a presumption 19994  
under division (D) of this section in favor of a prison term or of 19995  
division (B) or (C) of this section in determining whether to 19996  
impose a prison term for the offense shall be determined as 19997  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 19998  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 19999  
Revised Code, whichever is applicable regarding the violation. 20000

(2) If an offender who was convicted of or pleaded guilty to a felony violates the conditions of a community control sanction imposed for the offense solely by reason of producing positive results on a drug test or by acting pursuant to division (B)(2)(b) of section 2925.11 of the Revised Code with respect to a minor drug possession offense, the court, as punishment for the violation of the sanction, shall not order that the offender be imprisoned unless the court determines on the record either of the following:

(a) The offender had been ordered as a sanction for the felony to participate in a drug treatment program, in a drug education program, or in narcotics anonymous or a similar program, and the offender continued to use illegal drugs after a reasonable period of participation in the program.

(b) The imprisonment of the offender for the violation is consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code.

(3) A court that sentences an offender for a drug abuse offense that is a felony of the third, fourth, or fifth degree may require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes addiction services and recovery supports included in a community-based continuum of care established under section 340.032 of the Revised Code. If the court imposes addiction services and recovery supports as a community control sanction, the court shall direct the level and type of addiction services and recovery supports after considering the assessment and recommendation of community addiction services providers.

(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, divisions (C) to (I) of section 2967.19, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

(1) Aggravated murder when death is not imposed or murder;

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division (A)(1)(b) of section 2907.02 of the Revised Code and would be sentenced under section 2971.03 of the Revised Code;

(3) Gross sexual imposition or sexual battery, if the victim is less than thirteen years of age and if any of the following applies:

(a) Regarding gross sexual imposition, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and the victim of the previous offense was less than thirteen years of age;

(b) Regarding gross sexual imposition, the offense was committed on or after August 3, 2006, and evidence other than the testimony of the victim was admitted in the case corroborating the violation.

(c) Regarding sexual battery, either of the following

applies: 20064

(i) The offense was committed prior to August 3, 2006, the 20065  
offender previously was convicted of or pleaded guilty to rape, 20066  
the former offense of felonious sexual penetration, or sexual 20067  
battery, and the victim of the previous offense was less than 20068  
thirteen years of age. 20069

(ii) The offense was committed on or after August 3, 2006. 20070

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 20071  
2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, or 2923.132 20072  
of the Revised Code if the section requires the imposition of a 20073  
prison term; 20074

(5) A first, second, or third degree felony drug offense for 20075  
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 20076  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 20077  
4729.99 of the Revised Code, whichever is applicable regarding the 20078  
violation, requires the imposition of a mandatory prison term; 20079

(6) Any offense that is a first or second degree felony and 20080  
that is not set forth in division (F)(1), (2), (3), or (4) of this 20081  
section, if the offender previously was convicted of or pleaded 20082  
guilty to aggravated murder, murder, any first or second degree 20083  
felony, or an offense under an existing or former law of this 20084  
state, another state, or the United States that is or was 20085  
substantially equivalent to one of those offenses; 20086

(7) Any offense that is a third degree felony and either is a 20087  
violation of section 2903.04 of the Revised Code or an attempt to 20088  
commit a felony of the second degree that is an offense of 20089  
violence and involved an attempt to cause serious physical harm to 20090  
a person or that resulted in serious physical harm to a person if 20091  
the offender previously was convicted of or pleaded guilty to any 20092  
of the following offenses: 20093

(a) Aggravated murder, murder, involuntary manslaughter, 20094

rape, felonious sexual penetration as it existed under section 20095  
2907.12 of the Revised Code prior to September 3, 1996, a felony 20096  
of the first or second degree that resulted in the death of a 20097  
person or in physical harm to a person, or complicity in or an 20098  
attempt to commit any of those offenses; 20099

(b) An offense under an existing or former law of this state, 20100  
another state, or the United States that is or was substantially 20101  
equivalent to an offense listed in division (F)(7)(a) of this 20102  
section that resulted in the death of a person or in physical harm 20103  
to a person. 20104

(8) Any offense, other than a violation of section 2923.12 of 20105  
the Revised Code, that is a felony, if the offender had a firearm 20106  
on or about the offender's person or under the offender's control 20107  
while committing the felony, with respect to a portion of the 20108  
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 20109  
of the Revised Code for having the firearm; 20110

(9) Any offense of violence that is a felony, if the offender 20111  
wore or carried body armor while committing the felony offense of 20112  
violence, with respect to the portion of the sentence imposed 20113  
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 20114  
Code for wearing or carrying the body armor; 20115

(10) Corrupt activity in violation of section 2923.32 of the 20116  
Revised Code when the most serious offense in the pattern of 20117  
corrupt activity that is the basis of the offense is a felony of 20118  
the first degree; 20119

(11) Any violent sex offense or designated homicide, assault, 20120  
or kidnapping offense if, in relation to that offense, the 20121  
offender is adjudicated a sexually violent predator; 20122

(12) A violation of division (A)(1) or (2) of section 2921.36 20123  
of the Revised Code, or a violation of division (C) of that 20124  
section involving an item listed in division (A)(1) or (2) of that 20125

section, if the offender is an officer or employee of the 20126  
department of rehabilitation and correction; 20127

(13) A violation of division (A)(1) or (2) of section 2903.06 20128  
of the Revised Code if the victim of the offense is a peace 20129  
officer, as defined in section 2935.01 of the Revised Code, or an 20130  
investigator of the bureau of criminal identification and 20131  
investigation, as defined in section 2903.11 of the Revised Code, 20132  
with respect to the portion of the sentence imposed pursuant to 20133  
division (B)(5) of section 2929.14 of the Revised Code; 20134

(14) A violation of division (A)(1) or (2) of section 2903.06 20135  
of the Revised Code if the offender has been convicted of or 20136  
pleaded guilty to three or more violations of division (A) or (B) 20137  
of section 4511.19 of the Revised Code or an equivalent offense, 20138  
as defined in section 2941.1415 of the Revised Code, or three or 20139  
more violations of any combination of those divisions and 20140  
offenses, with respect to the portion of the sentence imposed 20141  
pursuant to division (B)(6) of section 2929.14 of the Revised 20142  
Code; 20143

(15) Kidnapping, in the circumstances specified in section 20144  
2971.03 of the Revised Code and when no other provision of 20145  
division (F) of this section applies; 20146

(16) Kidnapping, abduction, compelling prostitution, 20147  
promoting prostitution, engaging in a pattern of corrupt activity, 20148  
a violation of division (A)(1) or (2) of section 2907.323 of the 20149  
Revised Code that involves a minor, or endangering children in 20150  
violation of division (B)(1), (2), (3), (4), or (5) of section 20151  
2919.22 of the Revised Code, if the offender is convicted of or 20152  
pleads guilty to a specification as described in section 2941.1422 20153  
of the Revised Code that was included in the indictment, count in 20154  
the indictment, or information charging the offense; 20155

(17) A felony violation of division (A) or (B) of section 20156

2919.25 of the Revised Code if division (D)(3), (4), or (5) of 20157  
that section, and division (D)(6) of that section, require the 20158  
imposition of a prison term; 20159

(18) A felony violation of section 2903.11, 2903.12, or 20160  
2903.13 of the Revised Code, if the victim of the offense was a 20161  
woman that the offender knew was pregnant at the time of the 20162  
violation, with respect to a portion of the sentence imposed 20163  
pursuant to division (B)(8) of section 2929.14 of the Revised 20164  
Code; 20165

(19)(a) Any violent felony offense if the offender is a 20166  
violent career criminal and had a firearm on or about the 20167  
offender's person or under the offender's control during the 20168  
commission of the violent felony offense and displayed or 20169  
brandished the firearm, indicated that the offender possessed a 20170  
firearm, or used the firearm to facilitate the offense, with 20171  
respect to the portion of the sentence imposed under division (K) 20172  
of section 2929.14 of the Revised Code. 20173

(b) As used in division (F)(19)(a) of this section, "violent 20174  
career criminal" and "violent felony offense" have the same 20175  
meanings as in section 2923.132 of the Revised Code; 20176

(20) Any violation of division (A)(1) of section 2903.11 of 20177  
the Revised Code if the offender used an accelerant in committing 20178  
the violation and the serious physical harm to another or 20179  
another's unborn caused by the violation resulted in a permanent, 20180  
serious disfigurement or permanent, substantial incapacity or any 20181  
violation of division (A)(2) of that section if the offender used 20182  
an accelerant in committing the violation, the violation caused 20183  
physical harm to another or another's unborn, and the physical 20184  
harm resulted in a permanent, serious disfigurement or permanent, 20185  
substantial incapacity, with respect to a portion of the sentence 20186  
imposed pursuant to division (B)(9) of section 2929.14 of the 20187  
Revised Code. The provisions of this division and of division 20188

(D)(2) of section 2903.11, divisions (B)(9) and (C)(6) of section 2929.14, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

(21) Any violation of division (A) of section 2903.11 of the Revised Code if the victim of the offense suffered permanent disabling harm as a result of the offense and the victim was under ten years of age at the time of the offense, with respect to a portion of the sentence imposed pursuant to division (B)(10) of section 2929.14 of the Revised Code.

(22) A felony violation of section 2925.03, 2925.05, or 2925.11 of the Revised Code, if the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound and the offender is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, with respect to the portion of the sentence imposed under division (B)(11) of section 2929.14 of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following:

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G)(1)(d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any

other provision of the Revised Code. The court that imposes a 20221  
mandatory term of local incarceration under this division shall 20222  
specify whether the term is to be served in a jail, a 20223  
community-based correctional facility, a halfway house, or an 20224  
alternative residential facility, and the offender shall serve the 20225  
term in the type of facility specified by the court. A mandatory 20226  
term of local incarceration imposed under division (G)(1) of this 20227  
section is not subject to any other Revised Code provision that 20228  
pertains to a prison term except as provided in division (A)(1) of 20229  
this section. 20230

(2) If the offender is being sentenced for a third degree 20231  
felony OVI offense, or if the offender is being sentenced for a 20232  
fourth degree felony OVI offense and the court does not impose a 20233  
mandatory term of local incarceration under division (G)(1) of 20234  
this section, the court shall impose upon the offender a mandatory 20235  
prison term of one, two, three, four, or five years if the 20236  
offender also is convicted of or also pleads guilty to a 20237  
specification of the type described in section 2941.1413 of the 20238  
Revised Code or shall impose upon the offender a mandatory prison 20239  
term of sixty days or one hundred twenty days as specified in 20240  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 20241  
if the offender has not been convicted of and has not pleaded 20242  
guilty to a specification of that type. Subject to divisions (C) 20243  
to (I) of section 2967.19 of the Revised Code, the court shall not 20244  
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 20245  
any other provision of the Revised Code. The offender shall serve 20246  
the one-, two-, three-, four-, or five-year mandatory prison term 20247  
consecutively to and prior to the prison term imposed for the 20248  
underlying offense and consecutively to any other mandatory prison 20249  
term imposed in relation to the offense. In no case shall an 20250  
offender who once has been sentenced to a mandatory term of local 20251  
incarceration pursuant to division (G)(1) of this section for a 20252  
fourth degree felony OVI offense be sentenced to another mandatory 20253

term of local incarceration under that division for any violation 20254  
of division (A) of section 4511.19 of the Revised Code. In 20255  
addition to the mandatory prison term described in division (G)(2) 20256  
of this section, the court may sentence the offender to a 20257  
community control sanction under section 2929.16 or 2929.17 of the 20258  
Revised Code, but the offender shall serve the prison term prior 20259  
to serving the community control sanction. The department of 20260  
rehabilitation and correction may place an offender sentenced to a 20261  
mandatory prison term under this division in an intensive program 20262  
prison established pursuant to section 5120.033 of the Revised 20263  
Code if the department gave the sentencing judge prior notice of 20264  
its intent to place the offender in an intensive program prison 20265  
established under that section and if the judge did not notify the 20266  
department that the judge disapproved the placement. Upon the 20267  
establishment of the initial intensive program prison pursuant to 20268  
section 5120.033 of the Revised Code that is privately operated 20269  
and managed by a contractor pursuant to a contract entered into 20270  
under section 9.06 of the Revised Code, both of the following 20271  
apply: 20272

(a) The department of rehabilitation and correction shall 20273  
make a reasonable effort to ensure that a sufficient number of 20274  
offenders sentenced to a mandatory prison term under this division 20275  
are placed in the privately operated and managed prison so that 20276  
the privately operated and managed prison has full occupancy. 20277

(b) Unless the privately operated and managed prison has full 20278  
occupancy, the department of rehabilitation and correction shall 20279  
not place any offender sentenced to a mandatory prison term under 20280  
this division in any intensive program prison established pursuant 20281  
to section 5120.033 of the Revised Code other than the privately 20282  
operated and managed prison. 20283

(H) If an offender is being sentenced for a sexually oriented 20284  
offense or child-victim oriented offense that is a felony 20285

committed on or after January 1, 1997, the judge shall require the 20286  
offender to submit to a DNA specimen collection procedure pursuant 20287  
to section 2901.07 of the Revised Code. 20288

(I) If an offender is being sentenced for a sexually oriented 20289  
offense or a child-victim oriented offense committed on or after 20290  
January 1, 1997, the judge shall include in the sentence a summary 20291  
of the offender's duties imposed under sections 2950.04, 2950.041, 20292  
2950.05, and 2950.06 of the Revised Code and the duration of the 20293  
duties. The judge shall inform the offender, at the time of 20294  
sentencing, of those duties and of their duration. If required 20295  
under division (A)(2) of section 2950.03 of the Revised Code, the 20296  
judge shall perform the duties specified in that section, or, if 20297  
required under division (A)(6) of section 2950.03 of the Revised 20298  
Code, the judge shall perform the duties specified in that 20299  
division. 20300

(J)(1) Except as provided in division (J)(2) of this section, 20301  
when considering sentencing factors under this section in relation 20302  
to an offender who is convicted of or pleads guilty to an attempt 20303  
to commit an offense in violation of section 2923.02 of the 20304  
Revised Code, the sentencing court shall consider the factors 20305  
applicable to the felony category of the violation of section 20306  
2923.02 of the Revised Code instead of the factors applicable to 20307  
the felony category of the offense attempted. 20308

(2) When considering sentencing factors under this section in 20309  
relation to an offender who is convicted of or pleads guilty to an 20310  
attempt to commit a drug abuse offense for which the penalty is 20311  
determined by the amount or number of unit doses of the controlled 20312  
substance involved in the drug abuse offense, the sentencing court 20313  
shall consider the factors applicable to the felony category that 20314  
the drug abuse offense attempted would be if that drug abuse 20315  
offense had been committed and had involved an amount or number of 20316  
unit doses of the controlled substance that is within the next 20317

lower range of controlled substance amounts than was involved in 20318  
the attempt. 20319

(K) As used in this section: 20320

(1) "Community addiction services provider" has the same 20321  
meaning as in section 5119.01 of the Revised Code. 20322

(2) "Drug abuse offense" has the same meaning as in section 20323  
2925.01 of the Revised Code. 20324

(3) "Minor drug possession offense" has the same meaning as 20325  
in section 2925.11 of the Revised Code. 20326

(4) "Qualifying assault offense" means a violation of section 20327  
2903.13 of the Revised Code for which the penalty provision in 20328  
division (C)(8)(b) or (C)(9)(b) of that section applies. 20329

(L) At the time of sentencing an offender for any sexually 20330  
oriented offense, if the offender is a tier III sex 20331  
offender/child-victim offender relative to that offense and the 20332  
offender does not serve a prison term or jail term, the court may 20333  
require that the offender be monitored by means of a global 20334  
positioning device. If the court requires such monitoring, the 20335  
cost of monitoring shall be borne by the offender. If the offender 20336  
is indigent, the cost of compliance shall be paid by the crime 20337  
victims reparations fund. 20338

**Sec. 2929.15.** (A)(1) If in sentencing an offender for a 20339  
felony the court is not required to impose a prison term, a 20340  
mandatory prison term, or a term of life imprisonment upon the 20341  
offender, the court may directly impose a sentence that consists 20342  
of one or more community control sanctions authorized pursuant to 20343  
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 20344  
court is sentencing an offender for a fourth degree felony OVI 20345  
offense under division (G)(1) of section 2929.13 of the Revised 20346  
Code, in addition to the mandatory term of local incarceration 20347

imposed under that division and the mandatory fine required by 20348  
division (B)(3) of section 2929.18 of the Revised Code, the court 20349  
may impose upon the offender a community control sanction or 20350  
combination of community control sanctions in accordance with 20351  
sections 2929.16 and 2929.17 of the Revised Code. If the court is 20352  
sentencing an offender for a third or fourth degree felony OVI 20353  
offense under division (G)(2) of section 2929.13 of the Revised 20354  
Code, in addition to the mandatory prison term or mandatory prison 20355  
term and additional prison term imposed under that division, the 20356  
court also may impose upon the offender a community control 20357  
sanction or combination of community control sanctions under 20358  
section 2929.16 or 2929.17 of the Revised Code, but the offender 20359  
shall serve all of the prison terms so imposed prior to serving 20360  
the community control sanction. 20361

The duration of all community control sanctions imposed upon 20362  
an offender under this division shall not exceed five years. If 20363  
the offender absconds or otherwise leaves the jurisdiction of the 20364  
court in which the offender resides without obtaining permission 20365  
from the court or the offender's probation officer to leave the 20366  
jurisdiction of the court, or if the offender is confined in any 20367  
institution for the commission of any offense while under a 20368  
community control sanction, the period of the community control 20369  
sanction ceases to run until the offender is brought before the 20370  
court for its further action. If the court sentences the offender 20371  
to one or more nonresidential sanctions under section 2929.17 of 20372  
the Revised Code, the court shall impose as a condition of the 20373  
nonresidential sanctions that, during the period of the sanctions, 20374  
the offender must abide by the law and must not leave the state 20375  
without the permission of the court or the offender's probation 20376  
officer. The court may impose any other conditions of release 20377  
under a community control sanction that the court considers 20378  
appropriate, including, but not limited to, requiring that the 20379

offender not ingest or be injected with a drug of abuse and submit 20380  
to random drug testing as provided in division (D) of this section 20381  
to determine whether the offender ingested or was injected with a 20382  
drug of abuse and requiring that the results of the drug test 20383  
indicate that the offender did not ingest or was not injected with 20384  
a drug of abuse. 20385

(2)(a) If a court sentences an offender to any community 20386  
control sanction or combination of community control sanctions 20387  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 20388  
Revised Code, the court shall place the offender under the general 20389  
control and supervision of a department of probation in the county 20390  
that serves the court for purposes of reporting to the court a 20391  
violation of any condition of the sanctions, any condition of 20392  
release under a community control sanction imposed by the court, a 20393  
violation of law, or the departure of the offender from this state 20394  
without the permission of the court or the offender's probation 20395  
officer. Alternatively, if the offender resides in another county 20396  
and a county department of probation has been established in that 20397  
county or that county is served by a multicounty probation 20398  
department established under section 2301.27 of the Revised Code, 20399  
the court may request the court of common pleas of that county to 20400  
receive the offender into the general control and supervision of 20401  
that county or multicounty department of probation for purposes of 20402  
reporting to the court a violation of any condition of the 20403  
sanctions, any condition of release under a community control 20404  
sanction imposed by the court, a violation of law, or the 20405  
departure of the offender from this state without the permission 20406  
of the court or the offender's probation officer, subject to the 20407  
jurisdiction of the trial judge over and with respect to the 20408  
person of the offender, and to the rules governing that department 20409  
of probation. 20410

If there is no department of probation in the county that 20411

serves the court, the court shall place the offender, regardless 20412  
of the offender's county of residence, under the general control 20413  
and supervision of the adult parole authority if the court has 20414  
entered into an agreement with the authority as described in 20415  
division (B) of section 2301.32 of the Revised Code or under an 20416  
entity authorized under division (B) of section 2301.27 of the 20417  
Revised Code to provide probation and supervisory services to 20418  
counties for purposes of reporting to the court a violation of any 20419  
of the sanctions, any condition of release under a community 20420  
control sanction imposed by the court, a violation of law, or the 20421  
departure of the offender from this state without the permission 20422  
of the court or the offender's probation officer. 20423

(b) If the court imposing sentence upon an offender sentences 20424  
the offender to any community control sanction or combination of 20425  
community control sanctions authorized pursuant to section 20426  
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 20427  
offender violates any condition of the sanctions, any condition of 20428  
release under a community control sanction imposed by the court, 20429  
violates any law, or departs the state without the permission of 20430  
the court or the offender's probation officer, the public or 20431  
private person or entity that operates or administers the sanction 20432  
or the program or activity that comprises the sanction shall 20433  
report the violation or departure directly to the sentencing 20434  
court, or shall report the violation or departure to the county or 20435  
multicounty department of probation with general control and 20436  
supervision over the offender under division (A)(2)(a) of this 20437  
section or the officer of that department who supervises the 20438  
offender, or, if there is no such department with general control 20439  
and supervision over the offender under that division, to the 20440  
adult parole authority if the court has entered into an agreement 20441  
with the authority as described in division (B) of section 2301.32 20442  
of the Revised Code, or an entity authorized under division (B) of 20443  
section 2301.27 of the Revised Code to provide probation and 20444

supervisory services to the county. If the public or private 20445  
person or entity that operates or administers the sanction or the 20446  
program or activity that comprises the sanction reports the 20447  
violation or departure to the county or multicounty department of 20448  
probation, the adult parole authority, or any other entity 20449  
providing probation and supervisory services to the county, the 20450  
department's, authority's, or other entity's officers may treat 20451  
the offender as if the offender were on probation and in violation 20452  
of the probation, and shall report the violation of the condition 20453  
of the sanction, any condition of release under a community 20454  
control sanction imposed by the court, the violation of law, or 20455  
the departure from the state without the required permission to 20456  
the sentencing court. 20457

(3) If an offender who is eligible for community control 20458  
sanctions under this section admits to being drug addicted or the 20459  
court has reason to believe that the offender is drug addicted, 20460  
and if the offense for which the offender is being sentenced was 20461  
related to the addiction, the court may require that the offender 20462  
be assessed by a properly credentialed professional within a 20463  
specified period of time and shall require the professional to 20464  
file a written assessment of the offender with the court. If a 20465  
court imposes treatment and recovery support services as a 20466  
community control sanction, the court shall direct the level and 20467  
type of treatment and recovery support services after 20468  
consideration of the written assessment, if available at the time 20469  
of sentencing, and recommendations of the professional and other 20470  
treatment and recovery support services providers. 20471

(4) If an assessment completed pursuant to division (A)(3) of 20472  
this section indicates that the offender is addicted to drugs or 20473  
alcohol, the court may include in any community control sanction 20474  
imposed for a violation of section 2925.02, 2925.03, 2925.04, 20475  
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 20476

2925.37 of the Revised Code a requirement that the offender 20477  
participate in alcohol and drug addiction services and recovery 20478  
supports certified under section 5119.36 of the Revised Code or 20479  
offered by a properly credentialed community addiction services 20480  
provider. 20481

(B)(1) If the conditions of a community control sanction are 20482  
violated or if the offender violates a law or leaves the state 20483  
without the permission of the court or the offender's probation 20484  
officer, the sentencing court may impose upon the violator one or 20485  
more of the following penalties: 20486

(a) A longer time under the same sanction if the total time 20487  
under the sanctions does not exceed the five-year limit specified 20488  
in division (A) of this section; 20489

(b) A more restrictive sanction under section 2929.16, 20490  
2929.17, or 2929.18 of the Revised Code, including but not limited 20491  
to, a new term in a community-based correctional facility, halfway 20492  
house, or jail pursuant to division (A)(6) of section 2929.16 of 20493  
the Revised Code; 20494

(c) A prison term on the offender pursuant to section 2929.14 20495  
of the Revised Code and division (B)(3) of this section, provided 20496  
that a prison term imposed under this division is subject to the 20497  
following limitations, as applicable: 20498

(i) If the prison term is imposed for any technical violation 20499  
of the conditions of a community control sanction imposed for a 20500  
felony of the fifth degree or for any violation of law committed 20501  
while under a community control sanction imposed for such a felony 20502  
that consists of a new criminal offense and that is not a felony, 20503  
the prison term shall not exceed ninety days. 20504

(ii) If the prison term is imposed for any technical 20505  
violation of the conditions of a community control sanction 20506  
imposed for a felony of the fourth degree that is not an offense 20507

of violence and is not a sexually oriented offense or for any 20508  
violation of law committed while under a community control 20509  
sanction imposed for such a felony that consists of a new criminal 20510  
offense and that is not a felony, the prison term shall not exceed 20511  
one hundred eighty days. 20512

(2) If an offender was acting pursuant to division (B)(2)(b) 20513  
of section 2925.11 of the Revised Code and in so doing violated 20514  
the conditions of a community control sanction based on a minor 20515  
drug possession offense, as defined in section 2925.11 of the 20516  
Revised Code, the sentencing court may consider the offender's 20517  
conduct in seeking or obtaining medical assistance for another in 20518  
good faith or for self or may consider the offender being the 20519  
subject of another person seeking or obtaining medical assistance 20520  
in accordance with that division as a mitigating factor before 20521  
imposing any of the penalties described in division (B)(1) of this 20522  
section. 20523

(3) The prison term, if any, imposed upon a violator pursuant 20524  
to this division and division (B)(1) of this section shall be 20525  
within the range of prison terms described in this division and 20526  
shall not exceed the prison term specified in the notice provided 20527  
to the offender at the sentencing hearing pursuant to division 20528  
(B)(2) of section 2929.19 of the Revised Code. The court may 20529  
reduce the longer period of time that the offender is required to 20530  
spend under the longer sanction, the more restrictive sanction, or 20531  
a prison term imposed pursuant to division (B)(1) of this section 20532  
by the time the offender successfully spent under the sanction 20533  
that was initially imposed. Except as otherwise specified in this 20534  
division, the prison term imposed under this division and division 20535  
(B)(1) of this section shall be within the range of prison terms 20536  
available as a definite term for the offense for which the 20537  
sanction that was violated was imposed. If the offense for which 20538  
the sanction that was violated was imposed is a felony of the 20539

first or second degree committed on or after ~~the effective date of~~ 20540  
~~this amendment~~ March 22, 2019, the prison term so imposed under 20541  
this division shall be within the range of prison terms available 20542  
as a minimum term for the offense under division (A)(1)(a) or 20543  
(2)(a) of section 2929.14 of the Revised Code. 20544

(C) If an offender, for a significant period of time, 20545  
fulfills the conditions of a sanction imposed pursuant to section 20546  
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 20547  
manner, the court may reduce the period of time under the sanction 20548  
or impose a less restrictive sanction, but the court shall not 20549  
permit the offender to violate any law or permit the offender to 20550  
leave the state without the permission of the court or the 20551  
offender's probation officer. 20552

(D)(1) If a court under division (A)(1) of this section 20553  
imposes a condition of release under a community control sanction 20554  
that requires the offender to submit to random drug testing, the 20555  
department of probation, the adult parole authority, or any other 20556  
entity that has general control and supervision of the offender 20557  
under division (A)(2)(a) of this section may cause the offender to 20558  
submit to random drug testing performed by a laboratory or entity 20559  
that has entered into a contract with any of the governmental 20560  
entities or officers authorized to enter into a contract with that 20561  
laboratory or entity under section 341.26, 753.33, or 5120.63 of 20562  
the Revised Code. 20563

(2) If no laboratory or entity described in division (D)(1) 20564  
of this section has entered into a contract as specified in that 20565  
division, the department of probation, the adult parole authority, 20566  
or any other entity that has general control and supervision of 20567  
the offender under division (A)(2)(a) of this section shall cause 20568  
the offender to submit to random drug testing performed by a 20569  
reputable public laboratory to determine whether the individual 20570  
who is the subject of the drug test ingested or was injected with 20571

a drug of abuse. 20572

(3) A laboratory or entity that has entered into a contract 20573  
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 20574  
shall perform the random drug tests under division (D)(1) of this 20575  
section in accordance with the applicable standards that are 20576  
included in the terms of that contract. A public laboratory shall 20577  
perform the random drug tests under division (D)(2) of this 20578  
section in accordance with the standards set forth in the policies 20579  
and procedures established by the department of rehabilitation and 20580  
correction pursuant to section 5120.63 of the Revised Code. An 20581  
offender who is required under division (A)(1) of this section to 20582  
submit to random drug testing as a condition of release under a 20583  
community control sanction and whose test results indicate that 20584  
the offender ingested or was injected with a drug of abuse shall 20585  
pay the fee for the drug test if the department of probation, the 20586  
adult parole authority, or any other entity that has general 20587  
control and supervision of the offender requires payment of a fee. 20588  
A laboratory or entity that performs the random drug testing on an 20589  
offender under division (D)(1) or (2) of this section shall 20590  
transmit the results of the drug test to the appropriate 20591  
department of probation, the adult parole authority, or any other 20592  
entity that has general control and supervision of the offender 20593  
under division (A)(2)(a) of this section. 20594

**Sec. 2929.34.** (A) A person who is convicted of or pleads 20595  
guilty to aggravated murder, murder, or an offense punishable by 20596  
life imprisonment and who is sentenced to a term of life 20597  
imprisonment or a prison term pursuant to that conviction shall 20598  
serve that term in an institution under the control of the 20599  
department of rehabilitation and correction. 20600

(B)(1) A person who is convicted of or pleads guilty to a 20601  
felony other than aggravated murder, murder, or an offense 20602

punishable by life imprisonment and who is sentenced to a term of 20603  
imprisonment or a prison term pursuant to that conviction shall 20604  
serve that term as follows: 20605

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of 20606  
this section, in an institution under the control of the 20607  
department of rehabilitation and correction if the term is a 20608  
prison term or as otherwise determined by the sentencing court 20609  
pursuant to section 2929.16 of the Revised Code if the term is not 20610  
a prison term; 20611

(b) In a facility of a type described in division (G)(1) of 20612  
section 2929.13 of the Revised Code, if the offender is sentenced 20613  
pursuant to that division. 20614

(2) If the term is a prison term, the person may be 20615  
imprisoned in a jail that is not a minimum security jail pursuant 20616  
to agreement under section 5120.161 of the Revised Code between 20617  
the department of rehabilitation and correction and the local 20618  
authority that operates the jail. 20619

(3)(a) As used in divisions (B)(3)(a) to (d) of this section: 20620

~~(i) "Target county" means Franklin county, Cuyahoga county, 20621  
Hamilton county, Summit county, Montgomery county, Lucas county, 20622  
Butler county, Stark county, Lorain county, and Mahoning county. 20623~~

~~(ii) "Voluntary, "voluntary county" means any county in which 20624  
the board of county commissioners of the county and the 20625  
administrative judge of the general division of the court of 20626  
common pleas of the county enter into an agreement of the type 20627  
described in division (B)(3)(b) of this section and in which the 20628  
agreement has not been terminated as described in that division. 20629~~

(b) In any voluntary county ~~other than a target county~~, the 20630  
board of county commissioners of the county and the administrative 20631  
judge of the general division of the court of common pleas of the 20632  
county may agree to having the county participate in the 20633

procedures regarding local and state confinement established under 20634  
division (B)(3)(c) of this section. A board of county 20635  
commissioners and an administrative judge of a court of common 20636  
pleas that enter into an agreement of the type described in this 20637  
division may terminate the agreement, but a termination under this 20638  
division shall take effect only at the end of the state fiscal 20639  
biennium in which the termination decision is made. 20640

(c) Except as provided in division (B)(3)(d) of this section, 20641  
on and after July 1, 2018, no person sentenced by the court of 20642  
common pleas of a ~~target county or of a~~ voluntary county to a 20643  
prison term ~~that is twelve months or less~~ for a felony of the 20644  
fifth degree shall serve the term in an institution under the 20645  
control of the department of rehabilitation and correction. The 20646  
person shall instead serve the sentence as a term of confinement 20647  
in a facility of a type described in division (C) or (D) of this 20648  
section. Nothing in this division relieves the state of its 20649  
obligation to pay for the cost of confinement of the person in a 20650  
community-based correctional facility under division (D) of this 20651  
section. 20652

(d) Division (B)(3)(c) of this section does not apply to any 20653  
person to whom any of the following apply: 20654

(i) The felony of the fifth degree was an offense of 20655  
violence, as defined in section 2901.01 of the Revised Code, a sex 20656  
offense under Chapter 2907. of the Revised Code, a violation of 20657  
section 2925.03 of the Revised Code, or any offense for which a 20658  
mandatory prison term is required. 20659

(ii) The person previously has been convicted of or pleaded 20660  
guilty to any felony offense of violence, as defined in section 20661  
2901.01 of the Revised Code, unless the felony of the fifth degree 20662  
for which the person is being sentenced is a violation of division 20663  
(I)(1) of section 2903.43 of the Revised Code. 20664

(iii) The person previously has been convicted of or pleaded guilty to any felony sex offense under Chapter 2907. of the Revised Code. 20665  
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(iv) The person's sentence is required to be served concurrently to any other sentence imposed upon the person for a felony that is required to be served in an institution under the control of the department of rehabilitation and correction. 20668  
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(C) A person who is convicted of or pleads guilty to one or more misdemeanors and who is sentenced to a jail term or term of imprisonment pursuant to the conviction or convictions shall serve that term in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse; in a community alternative sentencing center or district community alternative sentencing center when authorized by section 307.932 of the Revised Code; or, if the misdemeanor or misdemeanors are not offenses of violence, in a minimum security jail. 20672  
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(D) Nothing in this section prohibits the commitment, referral, or sentencing of a person who is convicted of or pleads guilty to a felony to a community-based correctional facility. 20681  
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**Sec. 2941.51.** (A) Counsel appointed to a case or selected by an indigent person under division (E) of section 120.16 or division (E) of section 120.26 of the Revised Code, or otherwise appointed by the court, except for counsel appointed by the court to provide legal representation for a person charged with a violation of an ordinance of a municipal corporation, shall be paid for their services by the county the compensation and expenses that the trial court approves. Each request for payment shall include a financial disclosure form completed by the indigent person on a form prescribed by the state public defender. Compensation and expenses shall not exceed the amounts fixed by the board of county commissioners pursuant to division (B) of this 20684  
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section. 20696

(B) The board of county commissioners shall establish a 20697  
schedule of fees by case or on an hourly basis to be paid by the 20698  
county for legal services provided by appointed counsel. Prior to 20699  
establishing such schedule, the board shall request the bar 20700  
association or associations of the county to submit a proposed 20701  
schedule for cases other than capital cases. The schedule 20702  
submitted shall be subject to the review, amendment, and approval 20703  
of the board of county commissioners, except with respect to 20704  
capital cases. With respect to capital cases, the schedule shall 20705  
provide for fees by case or on an hourly basis to be paid to 20706  
counsel in the amount or at the rate set by the capital case 20707  
attorney fee council pursuant to division (D) of section 120.33 of 20708  
the Revised Code, and the board of county commissioners shall 20709  
approve that amount or rate. 20710

With respect to capital cases, counsel shall be paid 20711  
compensation and expenses in accordance with the amount or at the 20712  
rate set by the capital case attorney fee council pursuant to 20713  
division (D) of section 120.33 of the Revised Code. 20714

(C) In a case where counsel have been appointed to conduct an 20715  
appeal under Chapter 120. of the Revised Code, such compensation 20716  
shall be fixed by the court of appeals or the supreme court, as 20717  
provided in divisions (A) and (B) of this section. 20718

(D) The fees and expenses approved by the court under this 20719  
section shall not be taxed as part of the costs and shall be paid 20720  
by the county. However, if the person represented has, or 20721  
reasonably may be expected to have, the means to meet some part of 20722  
the cost of the services rendered to the person, the person shall 20723  
pay the county an amount that the person reasonably can be 20724  
expected to pay. Pursuant to section 120.04 of the Revised Code, 20725  
the county shall pay to the state public defender a percentage of 20726  
the payment received from the person in an amount proportionate to 20727

the percentage of the costs of the person's case that were paid to 20728  
the county by the state public defender pursuant to this section. 20729  
The money paid to the state public defender shall be credited to 20730  
the client payment fund created pursuant to division (B)(5) of 20731  
section 120.04 of the Revised Code. 20732

(E) The county auditor shall draw a warrant on the county 20733  
treasurer for the payment of such counsel in the amount fixed by 20734  
the court, plus the expenses that the court fixes and certifies to 20735  
the auditor. The county auditor shall report periodically, but not 20736  
less than annually, to the board of county commissioners and to 20737  
the Ohio public defender commission the amounts paid out pursuant 20738  
to the approval of the court under this section, separately 20739  
stating costs and expenses that are reimbursable under section 20740  
120.35 of the Revised Code. The board, after review and approval 20741  
of the auditor's report, may then certify it to the state public 20742  
defender for reimbursement. The request for reimbursement shall be 20743  
accompanied by a financial disclosure form completed by each 20744  
indigent person for whom counsel was provided on a form prescribed 20745  
by the state public defender. The state public defender shall 20746  
review the report and, in accordance with the standards, 20747  
guidelines, and maximums established pursuant to divisions (B)(7) 20748  
and (8) of section 120.04 of the Revised Code, pay ~~fifty per cent~~ 20749  
~~of up to~~ the total cost, other than costs and expenses that are 20750  
reimbursable under section 120.35 of the Revised Code, if any, of 20751  
paying appointed counsel in each county and pay ~~fifty per cent of~~ 20752  
costs and expenses that are reimbursable under section 120.35 of 20753  
the Revised Code, if any, to the board. 20754

(F) If any county system for paying appointed counsel fails 20755  
to maintain the standards for the conduct of the system 20756  
established by the rules of the Ohio public defender commission 20757  
pursuant to divisions (B) and (C) of section 120.03 of the Revised 20758  
Code or the standards established by the state public defender 20759

pursuant to division (B)(7) of section 120.04 of the Revised Code, 20760  
the commission shall notify the board of county commissioners of 20761  
the county that the county system for paying appointed counsel has 20762  
failed to comply with its rules. Unless the board corrects the 20763  
conduct of its appointed counsel system to comply with the rules 20764  
within ninety days after the date of the notice, the state public 20765  
defender may deny all or part of the county's reimbursement from 20766  
the state provided for in this section. 20767

**Sec. 2950.08.** (A) Subject to division (B) of this section, 20768  
the statements, information, photographs, fingerprints, and 20769  
material required by sections 2950.04, 2950.041, 2950.05, and 20770  
2950.06 of the Revised Code and provided by a person who 20771  
registers, who provides notice of a change of residence, school, 20772  
institution of higher education, or place of employment address 20773  
and registers the new residence, school, institution of higher 20774  
education, or place of employment address, or who provides 20775  
verification of a current residence, school, institution of higher 20776  
education, or place of employment address pursuant to those 20777  
sections and that are in the possession of the bureau of criminal 20778  
identification and investigation and the information in the 20779  
possession of the bureau that was received by the bureau pursuant 20780  
to section 2950.14 of the Revised Code shall not be open to 20781  
inspection by the public or by any person other than the following 20782  
persons: 20783

(1) A regularly employed peace officer or other law 20784  
enforcement officer; 20785

(2) An authorized employee of the bureau of criminal 20786  
identification and investigation for the purpose of providing 20787  
information to a board, administrator, or person pursuant to 20788  
division (F) or (G) of section 109.57 of the Revised Code; 20789

(3) The registrar of motor vehicles, or an employee of the 20790

registrar of motor vehicles, for the purpose of verifying and 20791  
updating any of the information so provided, upon the request of 20792  
the bureau of criminal identification and investigation; 20793

(4) The director of job and family services, or an employee 20794  
of the director, for the purpose of complying with division (D) of 20795  
section 5104.013 of the Revised Code. 20796

(B) Division (A) of this section does not apply to any 20797  
information that is contained in the internet sex offender and 20798  
child-victim offender database established by the attorney general 20799  
under division (A)(11) of section 2950.13 of the Revised Code 20800  
regarding offenders and that is disseminated as described in that 20801  
division. 20802

Sec. 3107.035. (A) At the time of the initial home study, and 20803  
every two years thereafter, if the home study is updated, and 20804  
until it becomes part of a final decree of adoption or an 20805  
interlocutory order of adoption, the agency or attorney that 20806  
arranges an adoption for the prospective adoptive parent shall 20807  
conduct a search of the United States department of justice 20808  
national sex offender public web site regarding the prospective 20809  
adoptive parent and all persons eighteen years of age or older who 20810  
reside with the prospective adoptive parent. 20811

(B) A petition for adoption may be denied based solely on the 20812  
results of the search of the national sex offender public web 20813  
site. 20814

(C) The director of job and family services shall adopt rules 20815  
in accordance with Chapter 119. of the Revised Code necessary for 20816  
the implementation and execution of this section. 20817

**Sec. 3107.14.** (A) The petitioner and the person sought to be 20818  
adopted shall appear at the hearing on the petition, unless the 20819  
presence of either is excused by the court for good cause shown. 20820

(B) The court may continue the hearing from time to time to 20821  
permit further observation, investigation, or consideration of any 20822  
facts or circumstances affecting the granting of the petition, and 20823  
may examine the petitioners separate and apart from each other. 20824

(C) If, at the conclusion of the hearing, the court finds 20825  
that the required consents have been obtained or excused and that 20826  
the adoption is in the best interest of the person sought to be 20827  
adopted as supported by the evidence, it may issue, subject to 20828  
division (C)(1)~~(a)~~ of section 2151.86, section 3107.064, and 20829  
division (E) of section 3107.09 of the Revised Code, and any other 20830  
limitations specified in this chapter, a final decree of adoption 20831  
or an interlocutory order of adoption, which by its own terms 20832  
automatically becomes a final decree of adoption on a date 20833  
specified in the order, which, except as provided in division (B) 20834  
of section 3107.13 of the Revised Code, shall not be less than six 20835  
months or more than one year from the date the person to be 20836  
adopted is placed in the petitioner's home, unless sooner vacated 20837  
by the court for good cause shown. In determining whether the 20838  
adoption is in the best interest of the person sought to be 20839  
adopted, the court shall not consider the age of the petitioner if 20840  
the petitioner is old enough to adopt as provided by section 20841  
3107.03 of the Revised Code. 20842

In an interlocutory order of adoption, the court shall 20843  
provide for observation, investigation, and a further report on 20844  
the adoptive home during the interlocutory period. 20845

(D) If the requirements for a decree under division (C) of 20846  
this section have not been satisfied or the court vacates an 20847  
interlocutory order of adoption, or if the court finds that a 20848  
person sought to be adopted was placed in the home of the 20849  
petitioner in violation of law, the court shall dismiss the 20850  
petition and may determine the agency or person to have temporary 20851  
or permanent custody of the person, which may include the agency 20852

or person that had custody prior to the filing of the petition or 20853  
the petitioner, if the court finds it is in the best interest of 20854  
the person as supported by the evidence, or if the person is a 20855  
minor, the court may certify the case to the juvenile court of the 20856  
county where the minor is then residing for appropriate action and 20857  
disposition. 20858

(E) The issuance of a final decree or interlocutory order of 20859  
adoption for an adult adoption under division (A)(4) of section 20860  
3107.02 of the Revised Code shall not disqualify that adult for 20861  
services under section 2151.82 or 2151.83 of the Revised Code. 20862

**Sec. 3119.023.** (A) At least once every four years, the 20863  
department of job and family services shall review the basic child 20864  
support schedule issued by the department pursuant to section 20865  
3119.021 of the Revised Code to determine whether child support 20866  
orders issued in accordance with that schedule and the worksheets 20867  
created under rules adopted under section 3119.022 of the Revised 20868  
Code adequately provide for the needs of children who are subject 20869  
to the child support orders. ~~The department may consider the 20870  
adequacy and appropriateness of the current schedule, whether 20871  
there are substantial and permanent changes in household 20872  
consumption and savings patterns, particularly those resulting in 20873  
substantial and permanent changes in the per cent of total 20874  
household expenditures on children, and whether there have been 20875  
substantial and permanent changes to the federal and state income 20876  
tax code other than inflationary adjustments to such things as the 20877  
exemption amount and income tax brackets, and other factors when 20878  
conducting its review.~~ The review is in addition to, and 20879  
independent of, any schedule update completed as set forth in 20880  
section 3119.021 of the Revised Code. The department shall prepare 20881  
a report of its review and include recommendations for statutory 20882  
changes, and submit a copy of the report to both houses of the 20883  
general assembly. 20884

<u>(B) Each review shall include all of the following:</u>	20885
<u>(1) Consideration of all of the following:</u>	20886
<u>(a) Economic data on the cost of raising children:</u>	20887
<u>(b) Labor market data, such as unemployment rates, employment rates, hours worked, and earnings, by occupation and skill level for the state and local job markets;</u>	20888 20889 20890
<u>(c) The impact of guidelines policies and amounts on custodial and noncustodial parents who have family incomes below two hundred per cent of the federal poverty level;</u>	20891 20892 20893
<u>(d) Factors that influence employment rates among noncustodial parents and compliance with child support orders.</u>	20894 20895
<u>(2) Analysis of all of the following, to be used to ensure that deviations from the basic child support schedule are limited and that support amounts are appropriate based on criteria established under division (G) of section 3119.05 of the Revised Code:</u>	20896 20897 20898 20899 20900
<u>(a) Case data on the application of and deviations from the basic child support schedule, as gathered through sampling or other methods;</u>	20901 20902 20903
<u>(b) Rates of default, child support orders with imputed income, and orders determined using low-income adjustments such as a self-support reserve or another method as determined by the state;</u>	20904 20905 20906 20907
<u>(c) A comparison of payments on child support orders by case characteristics, including whether the order was entered by default, based on imputed income, or determined using the low-income adjustment, as described in division (B)(2)(b) of this section.</u>	20908 20909 20910 20911 20912
<u>(3) Meaningful opportunity for public input, including input from low-income custodial and noncustodial parents and their</u>	20913 20914

representatives. 20915

(C) For each review, the department shall establish a child support guideline advisory council to assist the department in the completion of its reviews and reports. Each council shall be composed of: 20916  
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(1) Obligors; 20920

(2) Obligees; 20921

(3) Judges of courts of common pleas who have jurisdiction over domestic relations and juvenile court cases that involve the determination of child support; 20922  
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(4) Attorneys whose practice includes a significant number of domestic relations or juvenile court cases that involve the determination of child support; 20925  
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(5) Representatives of child support enforcement agencies; 20928

(6) Other persons interested in the welfare of children; 20929

(7) Three members of the senate appointed by the president of the senate, not more than two of whom are members of the same political party; and 20930  
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(8) Three members of the house of representatives appointed by the speaker of the house, not more than two of whom are members of the same political party. 20933  
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~~(C)~~(D) The department shall consider input from the council prior to the completion of any report under this section. The department shall submit its report on or before the first day of March of every fourth year after 2015. 20936  
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~~(D)~~(E) The department shall publish on the internet and make accessible to the public all of the following: 20940  
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(1) All reports of the council; 20942

(2) The membership of the council; 20943

<u>(3) The effective date of new or modified guidelines adopted</u>	20944
<u>after the review;</u>	20945
<u>(4) The date of the next review.</u>	20946
<u>(F)</u> The advisory council shall cease to exist at the time	20947
that the department submits its review to the general assembly	20948
under this section.	20949
<del>(E)</del> <u>(G)</u> Any expenses incurred by an advisory council shall be	20950
paid by the department.	20951
<b>Sec. 3119.05.</b> When a court computes the amount of child	20952
support required to be paid under a court child support order or a	20953
child support enforcement agency computes the amount of child	20954
support to be paid pursuant to an administrative child support	20955
order, all of the following apply:	20956
(A) The parents' current and past income and personal	20957
earnings shall be verified by electronic means or with suitable	20958
documents, including, but not limited to, paystubs, employer	20959
statements, receipts and expense vouchers related to	20960
self-generated income, tax returns, and all supporting	20961
documentation and schedules for the tax returns.	20962
(B) The annual amount of any court-ordered spousal support	20963
actually paid, excluding any ordered payment on arrears, shall be	20964
deducted from the annual income of that parent to the extent that	20965
payment of that court-ordered spousal support is verified by	20966
supporting documentation.	20967
(C) The court or agency shall adjust the amount of child	20968
support paid by a parent to give credit for children not included	20969
in the current calculation. When calculating the adjusted amount,	20970
the court or agency shall use the schedule and do the following:	20971
(1) Determine the amount of child support that each parent	20972
would be ordered to pay for all children for whom the parent has	20973

the legal duty to support, according to each parent's annual 20974  
income. If the number of children subject to the order is greater 20975  
than six, multiply the amount for three children in accordance 20976  
with division (C)(4) of this section to determine the amount of 20977  
child support. 20978

(2) Compute a child support credit amount for each parent's 20979  
children who are not subject to this order by dividing the amount 20980  
determined in division (C)(1) of this section by the total number 20981  
of children whom the parent is obligated to support and 20982  
multiplying that number by the number of the parent's children who 20983  
are not subject to this order. 20984

(3) Determine the adjusted income of the parents by 20985  
subtracting the credit for minor children not subject to this 20986  
order computed under division (C)(2) of this section, from the 20987  
annual income of each parent for the children each has a duty to 20988  
support that are not subject to this order. 20989

(4) If the number of children is greater than six, multiply 20990  
the amount for three children by: 20991

(a) 1.440 for seven children; 20992

(b) 1.540 for eight children; 20993

(c) 1.638 for nine children; 20994

(d) 1.734 for ten children; 20995

(e) 1.827 for eleven children; 20996

(f) 1.919 for twelve children; 20997

(g) 2.008 for thirteen children; 20998

(h) 2.096 for fourteen children; 20999

(i) 2.182 for more than fourteen children. 21000

(D) When the court or agency calculates the annual income of 21001  
a parent, it shall include the lesser of the following as income 21002

from overtime and bonuses: 21003

(1) The yearly average of all overtime, commissions, and 21004  
bonuses received during the three years immediately prior to the 21005  
time when the person's child support obligation is being computed; 21006

(2) The total overtime, commissions, and bonuses received 21007  
during the year immediately prior to the time when the person's 21008  
child support obligation is being computed. 21009

(E) When the court or agency calculates the annual income of 21010  
a parent, it shall not include any income earned by the spouse of 21011  
that parent. 21012

(F) The court shall issue a separate medical support order 21013  
for extraordinary medical expenses, including orthodontia, dental, 21014  
optical, and psychological services. 21015

If the court makes an order for payment of private education, 21016  
and other appropriate expenses, it shall do so by issuing a 21017  
separate order. 21018

The court may consider these expenses in adjusting a child 21019  
support order. 21020

(G) When a court or agency calculates the amount of child 21021  
support to be paid pursuant to a court child support order or an 21022  
administrative child support order, the following shall apply: 21023

(1) The court or agency shall apply the basic child support 21024  
schedule to the parents' combined annual incomes and to each 21025  
parent's individual income. 21026

(2) If the combined annual income of both parents or the 21027  
individual annual income of a parent is an amount that is between 21028  
two amounts set forth in the first column of the schedule, the 21029  
court or agency may use the basic child support obligation that 21030  
corresponds to the higher of the two amounts in the first column 21031  
of the schedule, use the basic child support obligation that 21032

corresponds to the lower of the two amounts in the first column of 21033  
the schedule, or calculate a basic child support obligation that 21034  
is between those two amounts and corresponds proportionally to the 21035  
parents' actual combined annual income or the individual parent's 21036  
annual income. 21037

(3) If the annual individual income of either or both of the 21038  
parents is within the self-sufficiency reserve in the basic child 21039  
support schedule, the court or agency shall do both of the 21040  
following: 21041

(a) Calculate the basic child support obligation for the 21042  
parents using the schedule amount applicable to the combined 21043  
annual income and the schedule amount applicable to the income in 21044  
the self-sufficiency reserve; 21045

(b) Determine the lesser of the following amounts to be the 21046  
applicable basic child support obligation: 21047

(i) The amount that results from using the combined annual 21048  
income of the parents not in the self-sufficiency reserve of the 21049  
schedule; or 21050

(ii) The amount that results from using the individual 21051  
parent's income within the self-sufficiency reserve of the 21052  
schedule. 21053

(H) When the court or agency calculates annual income, the 21054  
court or agency, when appropriate, may average income over a 21055  
reasonable period of years. 21056

(I) Unless it would be unjust or inappropriate and therefore 21057  
not in the best interests of the child, a court or agency shall 21058  
not determine a parent to be voluntarily unemployed or 21059  
underemployed and shall not impute income to that parent if any of 21060  
the following conditions exist: 21061

(1) The parent is receiving recurring monetary income from 21062

means-tested public assistance benefits, including cash assistance 21063  
payments under the Ohio works first program established under 21064  
Chapter 5107. of the Revised Code, general assistance under former 21065  
Chapter 5113. of the Revised Code, supplemental security income, 21066  
or means-tested veterans' benefits; 21067

(2) The parent is approved for social security disability 21068  
insurance benefits because of a mental or physical disability, or 21069  
the court or agency determines that the parent is unable to work 21070  
based on medical documentation that includes a physician's 21071  
diagnosis and a physician's opinion regarding the parent's mental 21072  
or physical disability and inability to work. 21073

(3) The parent has proven that the parent has made continuous 21074  
and diligent efforts without success to find and accept 21075  
employment, including temporary employment, part-time employment, 21076  
or employment at less than the parent's previous salary or wage. 21077

(4) The parent is complying with court-ordered family 21078  
reunification efforts in a child abuse, neglect, or dependency 21079  
proceeding, to the extent that compliance with those efforts 21080  
limits the parent's ability to earn income. 21081

(5) The parent is ~~incarcerated or~~ institutionalized for a 21082  
period of twelve months or more with no other available income or 21083  
~~assets, unless the parent is incarcerated for an offense relating~~ 21084  
~~to the abuse or neglect of a child who is the subject of the~~ 21085  
~~support order or an offense under Title XXIX of the Revised Code~~ 21086  
~~against the obligee or a child who is the subject of the support~~ 21087  
~~order.~~ 21088

(J) When a court or agency calculates the income of a parent, 21089  
it shall not determine a parent to be voluntarily unemployed or 21090  
underemployed and shall not impute income to that parent if the 21091  
parent is incarcerated. 21092

(K) When a court or agency requires a parent to pay an amount 21093

for that parent's failure to support a child for a period of time 21094  
prior to the date the court modifies or issues a court child 21095  
support order or an agency modifies or issues an administrative 21096  
child support order for the current support of the child, the 21097  
court or agency shall calculate that amount using the basic child 21098  
support schedule, worksheets, and child support laws in effect, 21099  
and the incomes of the parents as they existed, for that prior 21100  
period of time. 21101

~~(K)~~(L) A court or agency may disregard a parent's additional 21102  
income from overtime or additional employment when the court or 21103  
agency finds that the additional income was generated primarily to 21104  
support a new or additional family member or members, or under 21105  
other appropriate circumstances. 21106

~~(L)~~(M) If both parents involved in the immediate child 21107  
support determination have a prior order for support relative to a 21108  
minor child or children born to both parents, the court or agency 21109  
shall collect information about the existing order or orders and 21110  
consider those together with the current calculation for support 21111  
to ensure that the total of all orders for all children of the 21112  
parties does not exceed the amount that would have been ordered if 21113  
all children were addressed in a single judicial or administrative 21114  
proceeding. 21115

~~(M)~~(N) A support obligation of a parent with annual income 21116  
subject to the self-sufficiency reserve of the basic child support 21117  
schedule shall not exceed the support obligation that would result 21118  
from application of the schedule without the reserve. 21119

~~(N)~~(O) Any non-means tested benefit received by the child or 21120  
children subject to the order resulting from the claims of either 21121  
parent shall be deducted from that parent's annual child support 21122  
obligation after all other adjustments have been made. If that 21123  
non-means tested benefit exceeds the child support obligation of 21124  
the parent from whose claim the benefit is realized, the child 21125

support obligation for that parent shall be zero. 21126

~~(O)~~(P) As part of the child support calculation, the parents 21127  
shall be ordered to share the costs of child care. Subject to the 21128  
limitations in this division, a child support obligor shall pay an 21129  
amount equal to the obligor's income share of the child care cost 21130  
incurred for the child or children subject to the order. 21131

(1) The child care cost used in the calculation: 21132

(a) Shall be for the child determined to be necessary to 21133  
allow a parent to work, or for activities related to employment 21134  
training; 21135

(b) Shall be verifiable by credible evidence as determined by 21136  
a court or child support enforcement agency; 21137

(c) Shall exclude any reimbursed or subsidized child care 21138  
cost, including any state or federal tax credit for child care 21139  
available to the parent or caretaker, whether or not claimed; 21140

(d) Shall not exceed the maximum state-wide average cost 21141  
estimate ~~issued by the department of job and family services,~~ 21142  
~~using the data collected and reported as required in section~~ 21143  
~~5104.04 of the Revised Code~~ determined in accordance with 45 21144  
C.F.R. 98.45. 21145

(2) When the annual income of the obligor is subject to the 21146  
self-sufficiency reserve of the basic support schedule, the share 21147  
of the child care cost paid by the obligor shall be equal to the 21148  
lower of the obligor's income share of the child care cost, or 21149  
fifty per cent of the child care cost. 21150

(O) As used in this section, a parent is considered 21151  
"incarcerated" if the parent is confined under a sentence imposed 21152  
for an offense or serving a term of imprisonment, jail, or local 21153  
incarceration, or other term under a sentence imposed by a 21154  
government entity authorized to order such confinement. 21155

Sec. 3119.23. The court may consider any of the following	21156
factors in determining whether to grant a deviation pursuant to	21157
section 3119.22 of the Revised Code:	21158
(A) Special and unusual needs of the child or children,	21159
including needs arising from the physical or psychological	21160
condition of the child or children;	21161
(B) Other court-ordered payments;	21162
(C) Extended parenting time or extraordinary costs associated	21163
with parenting time, including extraordinary travel expenses when	21164
exchanging the child or children for parenting time;	21165
(D) The financial resources and the earning ability of the	21166
child or children;	21167
(E) The relative financial resources, including the disparity	21168
in income between parties or households, other assets, and the	21169
needs of each parent;	21170
(F) The obligee's income, if the obligee's annual income is	21171
equal to or less than one hundred per cent of the federal poverty	21172
level;	21173
(G) Benefits that either parent receives from remarriage or	21174
sharing living expenses with another person;	21175
(H) The amount of federal, state, and local taxes actually	21176
paid or estimated to be paid by a parent or both of the parents;	21177
(I) Significant in-kind contributions from a parent,	21178
including, but not limited to, direct payment for lessons, sports	21179
equipment, schooling, or clothing;	21180
(J) Extraordinary work-related expenses incurred by either	21181
parent;	21182
(K) The standard of living and circumstances of each parent	21183
and the standard of living the child would have enjoyed had the	21184

marriage continued or had the parents been married;	21185
(L) The educational opportunities that would have been available to the child had the circumstances requiring a child support order not arisen;	21186 21187 21188
(M) The responsibility of each parent for the support of others, including support of a child or children with disabilities who are not subject to the support order;	21189 21190 21191
(N) Post-secondary educational expenses paid for by a parent for the parent's own child or children, regardless of whether the child or children are emancipated;	21192 21193 21194
(O) Costs incurred or reasonably anticipated to be incurred by the parents in compliance with court-ordered reunification efforts in child abuse, neglect, or dependency cases;	21195 21196 21197
(P) Extraordinary child care costs required for the child or children that exceed the maximum state-wide average cost estimate <del>provided as described</del> in division <del>(O)</del> (P)(1)(d) of section 3119.05 of the Revised Code, including extraordinary costs associated with caring for a child or children with specialized physical, psychological, or educational needs;	21198 21199 21200 21201 21202 21203
(Q) Any other relevant factor.	21204
If the court grants a deviation based on division (Q) of this section, it shall specifically state in the order the facts that are the basis for the deviation.	21205 21206 21207
<b>Sec. 3119.27.</b> (A) A court that issues or modifies a court support order, or an administrative agency that issues or modifies an administrative child support order, shall impose on the obligor under the support order a processing charge in the amount of two per cent of the support payment to be collected under a support order. No court or agency may call the charge a poundage fee.	21208 21209 21210 21211 21212 21213
(B) In each child support case that is a Title IV-D case, the	21214

department of job and family services shall annually claim 21215  
~~twenty-five~~ thirty-five dollars from the processing charge 21216  
described in division (A) of this section for federal reporting 21217  
purposes if the obligee has never received assistance under Title 21218  
IV-A and the department has collected at least five hundred fifty 21219  
dollars of child support for the obligee. The director of job and 21220  
family services shall adopt rules under Chapter 119. of the 21221  
Revised Code to implement this division, and the department shall 21222  
implement this division not later than March 31, 2008. 21223

(C) As used in this section: 21224

(1) "Annual" means the period as defined in regulations 21225  
issued by the United States secretary of health and human services 21226  
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 21227

(2) "Title IV-A" has the same meaning as in section 5107.02 21228  
of the Revised Code. 21229

(3) "Title IV-D case" has the same meaning as in section 21230  
3125.01 of the Revised Code. 21231

**Sec. 3119.29.** As used in this section and sections 3119.30 to 21232  
3119.56 of the Revised Code: 21233

(A) ~~"Family coverage" means the health insurance plan that~~ 21234  
~~provides coverage for the children who are the subject of a child~~ 21235  
~~support order.~~ 21236

~~(B)~~ "Health care coverage" means such medical support that 21237  
includes ~~coverage under~~ a health insurance coverage or a public 21238  
health care plan, payment of costs of premiums, copayments, and 21239  
deductibles, or payment for medical expenses incurred on behalf of 21240  
the child. 21241

~~(C)~~(B) "Health insurance coverage" means accessible private 21242  
health insurance that provides primary care services within thirty 21243  
miles from the residence of the child subject to the child support 21244

order. 21245

~~(D)~~(C) "Health plan administrator" means any entity 21246  
authorized under Title XXXIX of the Revised Code to engage in the 21247  
business of insurance in this state, any health insuring 21248  
corporation, any legal entity that is self-insured and provides 21249  
benefits to its employees or members, and the administrator of any 21250  
such entity or corporation. 21251

~~(E)~~(D) "National medical support notice" means a form 21252  
required by the "Child Support Performance and Incentive Act of 21253  
1998," P.L. 105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as 21254  
amended, and jointly developed and promulgated by the secretary of 21255  
health and human services and the secretary of labor in federal 21256  
regulations adopted under that act as modified by the department 21257  
of job and family services under section 3119.291 of the Revised 21258  
Code. 21259

~~(F)~~(E) "Person required to provide health insurance coverage" 21260  
means the obligor, obligee, or both, required by the court under a 21261  
court child support order or by the child support enforcement 21262  
agency under an administrative child support order to provide 21263  
health insurance coverage pursuant to section 3119.30 of the 21264  
Revised Code. 21265

~~(G)~~(F) "Reasonable cost" means that the cost of ~~private~~ 21266  
health insurance coverage to the person required to provide health 21267  
insurance coverage for the children who are the subject of the 21268  
child support order does not exceed an amount equal to five per 21269  
cent of the annual income of that person. ~~For purposes of this~~ 21270  
~~division, the cost of health insurance is an amount equal to the~~ 21271  
~~difference in cost between self only and family coverage.~~ 21272

~~However, if the United States secretary of health and human~~ 21273  
~~services issues a regulation that redefines "reasonable cost" or a~~ 21274  
~~similar term or phrase, or clarifies the elements of cost used~~ 21275

~~when determining reasonable cost relating to the provision of 21276  
health care for children in a child support order, and if those 21277  
changes are substantively different than the definitions and terms 21278  
used in this section, those terms shall have the meaning as 21279  
defined by the United States secretary of health and human 21280  
services. 21281~~

**Sec. 3119.30.** (A) In any action or proceeding in which a 21282  
child support order is issued or modified, the court, with respect 21283  
to court child support orders, and the child support enforcement 21284  
agency, with respect to administrative child support orders, shall 21285  
determine the person or persons responsible for the health care 21286  
coverage of the children subject to the child support order and 21287  
shall include provisions for the health care coverage of the 21288  
children in the child support order. The order shall specify that 21289  
the obligor and obligee are both liable for the health care 21290  
expenses for the children who are not covered by private health 21291  
insurance according to a formula established by each court, with 21292  
respect to a court child support order, or each child support 21293  
enforcement agency, with respect to an administrative child 21294  
support order. 21295

(B) The child support obligee is rebuttably presumed to be 21296  
the appropriate parent to provide health insurance coverage for 21297  
the children subject to the child support order. The order shall 21298  
specify that the obligee must provide the health insurance 21299  
coverage unless rebutted pursuant to division (B)(1) of this 21300  
section. 21301

(1) The court or child support enforcement agency may 21302  
consider the following factors to rebut the presumption when 21303  
determining if the child support obligor is the appropriate parent 21304  
to provide health insurance coverage: 21305

(a) The obligor already has health insurance coverage for the 21306

child that is reasonable in cost; 21307

(b) The obligor already has health insurance coverage in 21308  
place for the child that is not reasonable in cost, but the 21309  
obligor wishes to be named the health insurance obligor and 21310  
provide coverage under division (A)(2)(a) of section 3119.302 of 21311  
the Revised Code; 21312

(c) The obligor can obtain health insurance coverage for the 21313  
child that is reasonable in cost through an employer or other 21314  
source. For employer-based coverage, the court or child support 21315  
enforcement agency shall consider the length of time the obligor 21316  
has worked with the employer and the stability of the insurance. 21317

(d) The obligee is a non-parent individual or agency that has 21318  
no duty to provide medical support. 21319

(2) If ~~private~~ health insurance coverage for the children is 21320  
not available at a reasonable cost to the obligor or the obligee 21321  
at the time the court or agency issues the order, the order shall 21322  
include a requirement that the obligee obtain ~~private~~ health 21323  
~~insurance~~ care coverage for the children not later than thirty 21324  
days after it becomes available to the obligee at a reasonable 21325  
cost, and to inform the child support enforcement agency when 21326  
~~private~~ health ~~insurance~~ care coverage for the children has been 21327  
obtained. 21328

(3) If ~~private~~ health insurance coverage becomes available to 21329  
the obligor at a reasonable cost, the obligor shall inform the 21330  
child support enforcement agency and may seek a modification of 21331  
health ~~insurance~~ care coverage from the court with respect to a 21332  
court child support order, or from the agency with respect to an 21333  
administrative support order. 21334

(C) When a child support order is issued or modified, the 21335  
order shall include a cash medical support amount consistent with 21336  
division (B) of section 3119.302 of the Revised Code for each 21337

child subject to the order. The cash medical support amount shall 21338  
be ordered based on the number of children subject to the order 21339  
and split between the parties using the parents' income share. 21340

(D) Any cash medical support paid pursuant to division (C) of 21341  
this section shall be paid through the department of job and 21342  
family services by the obligor to either the obligee if the 21343  
children are not medicaid recipients, or to the department of 21344  
medicaid when a medicaid assignment is in effect for any child 21345  
under the support order. 21346

(E) The cost of providing health insurance coverage for a 21347  
child subject to an order shall be defrayed by a credit against 21348  
that parent's annual income when calculating support as required 21349  
under section 3119.02 of the Revised Code using the basic child 21350  
support schedule and applicable worksheet. The credit shall be 21351  
equal to the total actual out-of-pocket cost for health insurance 21352  
premiums for the coverage. Any credit given will be less any 21353  
subsidy, including a premium tax credit or cost-sharing reduction 21354  
received by the parent providing coverage. 21355

(F) Both parents may be ordered to provide health care 21356  
coverage and pay cash medical support if the obligee is a 21357  
nonparent individual or agency that has no duty to provide medical 21358  
support. 21359

**Sec. 3119.302.** (A) When the court, with respect to a court 21360  
child support order, or the child support enforcement agency, with 21361  
respect to an administrative child support order, determines the 21362  
person or persons responsible for the health care coverage of the 21363  
children subject to the order pursuant to section 3119.30 of the 21364  
Revised Code, all of the following apply: 21365

(1) The court or agency shall consider any ~~private~~ health 21366  
insurance coverage in which the obligor, obligee, or children, are 21367  
enrolled at the time the court or agency issues the order. 21368

(2) If the cost of ~~private~~ health insurance coverage to 21369  
either parent exceeds a reasonable cost, that parent shall not be 21370  
ordered to provide ~~private~~ health insurance coverage for the child 21371  
except as follows: 21372

(a) When the parent requests to obtain or maintain the 21373  
~~private~~ health insurance coverage that exceeds a reasonable cost; 21374

(b) When the court determines that it is in the best interest 21375  
of the children for a parent to obtain and maintain ~~private~~ health 21376  
insurance coverage that exceeds a reasonable cost and the cost 21377  
will not impose an undue financial burden on either parent. If the 21378  
court makes such a determination, the court must include the facts 21379  
and circumstances of the determination in the child support order. 21380

(3) If ~~private~~ health insurance coverage is available at a 21381  
reasonable cost to either parent through a group policy, contract, 21382  
or plan, and the court determines that it is not in the best 21383  
interest of the children to utilize the available ~~private~~ health 21384  
insurance coverage, the court shall state the facts and 21385  
circumstances of the determination in the child support order. 21386

(4) Notwithstanding division ~~(C)~~(B) of section 3119.29 of the 21387  
Revised Code, the court or agency may do either of the following: 21388

(a) Permit primary care services to be farther than thirty 21389  
miles if residents in part or all of the immediate geographic area 21390  
customarily travel farther distances ; 21391

(b) Require primary care services be accessible by public 21392  
transportation if public transportation is the obligee's only 21393  
source of transportation. 21394

If the court or agency makes either accessibility 21395  
determination, it shall include this accessibility determination 21396  
in the child support order. 21397

(B) The director of job and family services shall 21398

periodically update the amount of the cash medical support 21399  
obligation to be paid pursuant to division (C) of section 3119.30 21400  
of the Revised Code. The updates shall be made in consideration of 21401  
the medical expenditure panel survey, conducted by the United 21402  
States department of health and human services for health care 21403  
research and quality. The amount shall be based on the most recent 21404  
survey year data available and shall be calculated by multiplying 21405  
the total amount expended for health services for children by the 21406  
percentage that is out-of-pocket divided by the number of 21407  
individuals less than eighteen years of age that have any private 21408  
insurance. 21409

**Sec. 3119.31.** In any action or proceeding in which a court or 21410  
child support enforcement agency is determining the person 21411  
responsible for the health care coverage of the children who are 21412  
or will be the subject of a child support order, each party shall 21413  
provide to the court or child support enforcement agency a list of 21414  
any group health insurance policies, contracts, or plans available 21415  
to the party and the cost ~~for self only and family of~~ of coverage 21416  
under the available policies, contracts, or plans. 21417

**Sec. 3119.32.** A child support order shall contain all of the 21418  
following: 21419

(A)(1) If the obligor, obligee, or both obligor and obligee, 21420  
are required under section 3119.30 of the Revised Code to provide 21421  
~~private health insurance~~ care coverage for the children, a 21422  
requirement that whoever is required to provide ~~private health~~ 21423  
~~insurance~~ care coverage provide to the other, not later than 21424  
thirty days after the issuance of the order, information regarding 21425  
the benefits, limitations, and exclusions of the coverage, copies 21426  
of any ~~insurance~~ forms necessary to receive reimbursement, 21427  
payment, or other benefits under the coverage, and a copy of any 21428  
necessary ~~insurance cards~~ proof of coverage; 21429

(2) If the obligor, obligee, or both obligor and obligee, are required under section 3119.30 of the Revised Code to provide ~~private~~ health ~~insurance~~ care coverage for the children, a requirement that whoever is required to provide ~~private~~ health ~~insurance~~ care coverage provide to the child support enforcement agency, not later than thirty days after the issuance of the order, documentation that verifies that coverage is being provided as ordered.

(B) A statement setting forth the name and address of the individual who is to be reimbursed for medical expenses.

(C) A requirement that a person required to provide ~~private~~ health ~~insurance~~ care coverage for the children designate the children as covered dependents under any ~~private~~ health ~~insurance~~ care coverage policy, contract, or plan ~~for which the person contracts~~.

(D) A requirement that the obligor, the obligee, or both of them under a formula established by the court, with respect to a court child support order, or the child support enforcement agency, with respect to an administrative child support order, pay extraordinary medical expenses for the children.

(E) A notice that the employer of the person required to obtain ~~private~~ health ~~insurance~~ care coverage through that employer is required to release to the other parent, any person subject to an order issued under section 3109.19 of the Revised Code, or the child support enforcement agency on written request any necessary information on the ~~private~~ health ~~insurance~~ care coverage, including the name and address of the health plan administrator and any policy, contract, or plan number, and to otherwise comply with this section and any order or notice issued under this section.

(F) A statement setting forth the full name and date of birth

of each child who is the subject of the child support order. 21461

(G) A notice that states the following: "If the person 21462  
required to obtain ~~private~~ health care ~~insurance~~ coverage for the 21463  
children subject to this child support order obtains new 21464  
employment, the agency shall comply with the requirements of 21465  
section 3119.34 of the Revised Code, which may result in the 21466  
issuance of a notice requiring the new employer to take whatever 21467  
action is necessary to enroll the children in private health care 21468  
insurance coverage provided by the new employer, when insurance is 21469  
not being provided by any other source." 21470

**Sec. 3125.25.** The director of job and family services shall 21471  
adopt rules under Chapter 119. of the Revised Code governing the 21472  
operation of support enforcement by child support enforcement 21473  
agencies. The rules shall include, but shall not be limited to, 21474  
the following: 21475

(A) Provisions relating to plans of cooperation between the 21476  
agencies and boards of county commissioners entered into under 21477  
section 3125.12 of the Revised Code; 21478

(B) Provisions for the compromise and waiver of child support 21479  
arrearages owed to the state and federal government, consistent 21480  
with Title IV-D of the "Social Security Act," 88 Stat. 2351 21481  
(1975), 42 U.S.C. 651 et seq., as amended; 21482

(C) Requirements for public hearings by the agencies; 21483

(D) Provisions for appeals of agency decisions under 21484  
procedures established by the director; 21485

(E) Provisions requiring the investigation and documentation 21486  
of the factual basis for establishment and modification of support 21487  
obligations in accordance with Title IV-D of the "Social Security 21488  
Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et seq., and any 21489  
regulations promulgated by the United States department of health 21490

<u>and human services;</u>	21491
<u>(F) Provisions establishing criteria for child support</u>	21492
<u>enforcement agencies to initiate an action under section 2705.031</u>	21493
<u>of the Revised Code in any case administered under Title IV-D of</u>	21494
<u>the "Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651 et</u>	21495
<u>seq.</u>	21496
<b>Sec. 3301.07.</b> The state board of education shall exercise	21497
under the acts of the general assembly general supervision of the	21498
system of public education in the state. In addition to the powers	21499
otherwise imposed on the state board under the provisions of law,	21500
the board shall have the powers described in this section.	21501
(A) The state board shall exercise policy forming, planning,	21502
and evaluative functions for the public schools of the state	21503
except as otherwise provided by law.	21504
(B)(1) The state board shall exercise leadership in the	21505
improvement of public education in this state, and administer the	21506
educational policies of this state relating to public schools, and	21507
relating to instruction and instructional material, building and	21508
equipment, transportation of pupils, administrative	21509
responsibilities of school officials and personnel, and finance	21510
and organization of school districts, educational service centers,	21511
and territory. Consultative and advisory services in such matters	21512
shall be provided by the board to school districts and educational	21513
service centers of this state.	21514
(2) The state board also shall develop a standard of	21515
financial reporting which shall be used by each school district	21516
board of education and each governing board of an educational	21517
service center, each governing authority of a community school	21518
established under Chapter 3314., each governing body of a STEM	21519
school established under Chapter 3328., and each board of trustees	21520
of a college-preparatory boarding school established under Chapter	21521

3328. of the Revised Code to make its financial information and 21522  
annual budgets for each school building under its control 21523  
available to the public in a format understandable by the average 21524  
citizen. The format shall show, both at the district and at the 21525  
school building level, revenue by source; expenditures for 21526  
salaries, wages, and benefits of employees, showing such amounts 21527  
separately for classroom teachers, other employees required to 21528  
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 21529  
the Revised Code, and all other employees; expenditures other than 21530  
for personnel, by category, including utilities, textbooks and 21531  
other educational materials, equipment, permanent improvements, 21532  
pupil transportation, extracurricular athletics, and other 21533  
extracurricular activities; and per pupil expenditures. The format 21534  
shall also include information on total revenue and expenditures, 21535  
per pupil revenue, and expenditures for both classroom and 21536  
nonclassroom purposes, as defined by the standards adopted under 21537  
section 3302.20 of the Revised Code in the aggregate and for each 21538  
subgroup of students, as defined by section 3317.40 of the Revised 21539  
Code, that receives services provided for by state or federal 21540  
funding. 21541

(3) Each school district board, governing authority, 21542  
governing body, or board of trustees, or its respective designee, 21543  
shall annually report, to the department of education, all 21544  
financial information required by the standards for financial 21545  
reporting, as prescribed by division (B)(2) of this section and 21546  
adopted by the state board. The department shall make all reports 21547  
submitted pursuant to this division available in such a way that 21548  
allows for comparison between financial information included in 21549  
these reports and financial information included in reports 21550  
produced prior to July 1, 2013. The department shall post these 21551  
reports in a prominent location on its web site and shall notify 21552  
each school when reports are made available. 21553

(C) The state board shall administer and supervise the 21554  
allocation and distribution of all state and federal funds for 21555  
public school education under the provisions of law, and may 21556  
prescribe such systems of accounting as are necessary and proper 21557  
to this function. It may require county auditors and treasurers, 21558  
boards of education, educational service center governing boards, 21559  
treasurers of such boards, teachers, and other school officers and 21560  
employees, or other public officers or employees, to file with it 21561  
such reports as it may prescribe relating to such funds, or to the 21562  
management and condition of such funds. 21563

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 21564  
XLVII, and LI of the Revised Code a reference is made to standards 21565  
prescribed under this section or division (D) of this section, 21566  
that reference shall be construed to refer to the standards 21567  
prescribed under division (D)(2) of this section, unless the 21568  
context specifically indicates a different meaning or intent. 21569

(2) The state board shall formulate and prescribe minimum 21570  
standards to be applied to all elementary and secondary schools in 21571  
this state for the purpose of providing children access to a 21572  
general education of high quality according to the learning needs 21573  
of each individual, including students with disabilities, 21574  
economically disadvantaged students, ~~limited English proficient~~ 21575  
~~students~~ learners, and students identified as gifted. Such 21576  
standards shall provide adequately for: the licensing of teachers, 21577  
administrators, and other professional personnel and their 21578  
assignment according to training and qualifications; efficient and 21579  
effective instructional materials and equipment, including library 21580  
facilities; the proper organization, administration, and 21581  
supervision of each school, including regulations for preparing 21582  
all necessary records and reports and the preparation of a 21583  
statement of policies and objectives for each school; the 21584  
provision of safe buildings, grounds, health and sanitary 21585

facilities and services; admission of pupils, and such 21586  
requirements for their promotion from grade to grade as will 21587  
assure that they are capable and prepared for the level of study 21588  
to which they are certified; requirements for graduation; and such 21589  
other factors as the board finds necessary. 21590

The state board shall base any standards governing the 21591  
promotion of students or requirements for graduation on the 21592  
ability of students, at any grade level, to earn credits or 21593  
advance upon demonstration of mastery of knowledge and skills 21594  
through competency-based learning models. Credits of grade level 21595  
advancement shall not require a minimum number of days or hours in 21596  
a classroom. 21597

The state board shall base any standards governing the 21598  
assignment of staff on ensuring each school has a sufficient 21599  
number of teachers to ensure a student has an appropriate level of 21600  
interaction to meet each student's personal learning goals. 21601

In the formulation and administration of such standards for 21602  
nonpublic schools the board shall also consider the particular 21603  
needs, methods and objectives of those schools, provided they do 21604  
not conflict with the provision of a general education of a high 21605  
quality and provided that regular procedures shall be followed for 21606  
promotion from grade to grade of pupils who have met the 21607  
educational requirements prescribed. 21608

(3) In addition to the minimum standards required by division 21609  
(D)(2) of this section, the state board may formulate and 21610  
prescribe the following additional minimum operating standards for 21611  
school districts: 21612

(a) Standards for the effective and efficient organization, 21613  
administration, and supervision of each school district with a 21614  
commitment to high expectations for every student based on the 21615  
learning needs of each individual, including students with 21616

disabilities, economically disadvantaged students, ~~limited English~~ 21617  
~~proficient students~~ learners, and students identified as gifted, 21618  
and commitment to closing the achievement gap without suppressing 21619  
the achievement levels of higher achieving students so that all 21620  
students achieve core knowledge and skills in accordance with the 21621  
statewide academic standards adopted under section 3301.079 of the 21622  
Revised Code; 21623

(b) Standards for the establishment of business advisory 21624  
councils under section 3313.82 of the Revised Code; 21625

(c) Standards for school district buildings that may require 21626  
the effective and efficient organization, administration, and 21627  
supervision of each school district building with a commitment to 21628  
high expectations for every student based on the learning needs of 21629  
each individual, including students with disabilities, 21630  
economically disadvantaged students, ~~limited English proficient~~ 21631  
~~students~~ learners, and students identified as gifted, and 21632  
commitment to closing the achievement gap without suppressing the 21633  
achievement levels of higher achieving students so that all 21634  
students achieve core knowledge and skills in accordance with the 21635  
statewide academic standards adopted under section 3301.079 of the 21636  
Revised Code. 21637

(E) The state board may require as part of the health 21638  
curriculum information developed under section 2108.34 of the 21639  
Revised Code promoting the donation of anatomical gifts pursuant 21640  
to Chapter 2108. of the Revised Code and may provide the 21641  
information to high schools, educational service centers, and 21642  
joint vocational school district boards of education; 21643

(F) The state board shall prepare and submit annually to the 21644  
governor and the general assembly a report on the status, needs, 21645  
and major problems of the public schools of the state, with 21646  
recommendations for necessary legislative action and a ten-year 21647  
projection of the state's public and nonpublic school enrollment, 21648

by year and by grade level. 21649

(G) The state board shall prepare and submit to the director 21650  
of budget and management the biennial budgetary requests of the 21651  
state board of education, for its agencies and for the public 21652  
schools of the state. 21653

(H) The state board shall cooperate with federal, state, and 21654  
local agencies concerned with the health and welfare of children 21655  
and youth of the state. 21656

(I) The state board shall require such reports from school 21657  
districts and educational service centers, school officers, and 21658  
employees as are necessary and desirable. The superintendents and 21659  
treasurers of school districts and educational service centers 21660  
shall certify as to the accuracy of all reports required by law or 21661  
state board or state department of education rules to be submitted 21662  
by the district or educational service center and which contain 21663  
information necessary for calculation of state funding. Any 21664  
superintendent who knowingly falsifies such report shall be 21665  
subject to license revocation pursuant to section 3319.31 of the 21666  
Revised Code. 21667

(J) In accordance with Chapter 119. of the Revised Code, the 21668  
state board shall adopt procedures, standards, and guidelines for 21669  
the education of children with disabilities pursuant to Chapter 21670  
3323. of the Revised Code, including procedures, standards, and 21671  
guidelines governing programs and services operated by county 21672  
boards of developmental disabilities pursuant to section 3323.09 21673  
of the Revised Code. 21674

(K) For the purpose of encouraging the development of special 21675  
programs of education for academically gifted children, the state 21676  
board shall employ competent persons to analyze and publish data, 21677  
promote research, advise and counsel with boards of education, and 21678  
encourage the training of teachers in the special instruction of 21679

gifted children. The board may provide financial assistance out of 21680  
any funds appropriated for this purpose to boards of education and 21681  
educational service center governing boards for developing and 21682  
conducting programs of education for academically gifted children. 21683

(L) The state board shall require that all public schools 21684  
emphasize and encourage, within existing units of study, the 21685  
teaching of energy and resource conservation as recommended to 21686  
each district board of education by leading business persons 21687  
involved in energy production and conservation, beginning in the 21688  
primary grades. 21689

(M) The state board shall formulate and prescribe minimum 21690  
standards requiring the use of phonics as a technique in the 21691  
teaching of reading in grades kindergarten through three. In 21692  
addition, the state board shall provide in-service training 21693  
programs for teachers on the use of phonics as a technique in the 21694  
teaching of reading in grades kindergarten through three. 21695

(N) The state board may adopt rules necessary for carrying 21696  
out any function imposed on it by law, and may provide rules as 21697  
are necessary for its government and the government of its 21698  
employees, and may delegate to the superintendent of public 21699  
instruction the management and administration of any function 21700  
imposed on it by law. It may provide for the appointment of board 21701  
members to serve on temporary committees established by the board 21702  
for such purposes as are necessary. Permanent or standing 21703  
committees shall not be created. 21704

(O) Upon application from the board of education of a school 21705  
district, the superintendent of public instruction may issue a 21706  
waiver exempting the district from compliance with the standards 21707  
adopted under divisions (B)(2) and (D) of this section, as they 21708  
relate to the operation of a school operated by the district. The 21709  
state board shall adopt standards for the approval or disapproval 21710  
of waivers under this division. The state superintendent shall 21711

consider every application for a waiver, and shall determine 21712  
whether to grant or deny a waiver in accordance with the state 21713  
board's standards. For each waiver granted, the state 21714  
superintendent shall specify the period of time during which the 21715  
waiver is in effect, which shall not exceed five years. A district 21716  
board may apply to renew a waiver. 21717

**Sec. 3301.0710.** The state board of education shall adopt 21718  
rules establishing a statewide program to assess student 21719  
achievement. The state board shall ensure that all assessments 21720  
administered under the program are aligned with the academic 21721  
standards and model curricula adopted by the state board and are 21722  
created with input from Ohio parents, Ohio classroom teachers, 21723  
Ohio school administrators, and other Ohio school personnel 21724  
pursuant to section 3301.079 of the Revised Code. 21725

The assessment program shall be designed to ensure that 21726  
students who receive a high school diploma demonstrate at least 21727  
high school levels of achievement in English language arts, 21728  
mathematics, science, and social studies. 21729

(A)(1) The state board shall prescribe all of the following: 21730

(a) Two statewide achievement assessments, one each designed 21731  
to measure the level of English language arts and mathematics 21732  
skill expected at the end of third grade; 21733

(b) Two statewide achievement assessments, one each designed 21734  
to measure the level of English language arts and mathematics 21735  
skill expected at the end of fourth grade; 21736

(c) Three statewide achievement assessments, one each 21737  
designed to measure the level of English language arts, 21738  
mathematics, and science skill expected at the end of fifth grade; 21739

(d) Two statewide achievement assessments, one each designed 21740  
to measure the level of English language arts and mathematics 21741

skill expected at the end of sixth grade;	21742
(e) Two statewide achievement assessments, one each designed to measure the level of English language arts and mathematics skill expected at the end of seventh grade;	21743 21744 21745
(f) Three statewide achievement assessments, one each designed to measure the level of English language arts, mathematics, and science skill expected at the end of eighth grade.	21746 21747 21748 21749
(2) The state board shall determine and designate at least five ranges of scores on each of the achievement assessments described in divisions (A)(1) and (B)(1) of this section. Each range of scores shall be deemed to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:	21750 21751 21752 21753 21754 21755
(a) An advanced level of skill;	21756
(b) An accelerated level of skill;	21757
(c) A proficient level of skill;	21758
(d) A basic level of skill;	21759
(e) A limited level of skill.	21760
(3) For the purpose of implementing division (A) of section 3313.608 of the Revised Code, the state board shall determine and designate a level of achievement, not lower than the level designated in division (A)(2)(e) of this section, on the third grade English language arts assessment for a student to be promoted to the fourth grade. The state board shall review and adjust upward the level of achievement designated under this division each year the test is administered until the level is set equal to the level designated in division (A)(2)(c) of this section.	21761 21762 21763 21764 21765 21766 21767 21768 21769 21770
(4) Each school district or school shall teach and assess	21771

social studies in at least the fourth and sixth grades. Any 21772  
assessment in such area shall be determined by the district or 21773  
school and may be formative or summative in nature. The results of 21774  
such assessment shall not be reported to the department of 21775  
education. 21776

(B)(1) The assessments prescribed under division (B)(1) of 21777  
this section shall collectively be known as the Ohio graduation 21778  
tests. The state board shall prescribe five statewide high school 21779  
achievement assessments, one each designed to measure the level of 21780  
reading, writing, mathematics, science, and social studies skill 21781  
expected at the end of tenth grade. The state board shall 21782  
designate a score in at least the range designated under division 21783  
(A)(2)(c) of this section on each such assessment that shall be 21784  
deemed to be a passing score on the assessment as a condition 21785  
toward granting high school diplomas under sections 3313.61, 21786  
3313.611, 3313.612, and 3325.08 of the Revised Code until the 21787  
assessment system prescribed by section 3301.0712 of the Revised 21788  
Code is implemented in accordance with division (B)(2) of this 21789  
section. 21790

(2) The state board shall prescribe an assessment system in 21791  
accordance with section 3301.0712 of the Revised Code that shall 21792  
replace the Ohio graduation tests beginning with students who 21793  
enter the ninth grade for the first time on or after July 1, 2014. 21794

(3) The state board may enter into a reciprocal agreement 21795  
with the appropriate body or agency of any other state that has 21796  
similar statewide achievement assessment requirements for 21797  
receiving high school diplomas, under which any student who has 21798  
met an achievement assessment requirement of one state is 21799  
recognized as having met the similar requirement of the other 21800  
state for purposes of receiving a high school diploma. For 21801  
purposes of this section and sections 3301.0711 and 3313.61 of the 21802  
Revised Code, any student enrolled in any public high school in 21803

this state who has met an achievement assessment requirement 21804  
specified in a reciprocal agreement entered into under this 21805  
division shall be deemed to have attained at least the applicable 21806  
score designated under this division on each assessment required 21807  
by division (B)(1) or (2) of this section that is specified in the 21808  
agreement. 21809

(C) The superintendent of public instruction shall designate 21810  
dates and times for the administration of the assessments 21811  
prescribed by divisions (A) and (B) of this section. 21812

In prescribing administration dates pursuant to this 21813  
division, the superintendent shall designate the dates in such a 21814  
way as to allow a reasonable length of time between the 21815  
administration of assessments prescribed under this section and 21816  
any administration of the national assessment of educational 21817  
progress given to students in the same grade level pursuant to 21818  
section 3301.27 of the Revised Code or federal law. 21819

(D) The state board shall prescribe a practice version of 21820  
each Ohio graduation test described in division (B)(1) of this 21821  
section that is of comparable length to the actual test. 21822

(E) Any committee established by the department of education 21823  
for the purpose of making recommendations to the state board 21824  
regarding the state board's designation of scores on the 21825  
assessments described by this section shall inform the state board 21826  
of the probable percentage of students who would score in each of 21827  
the ranges established under division (A)(2) of this section on 21828  
the assessments if the committee's recommendations are adopted by 21829  
the state board. To the extent possible, these percentages shall 21830  
be disaggregated by gender, major racial and ethnic groups, 21831  
~~limited English proficient students~~ learners, economically 21832  
disadvantaged students, students with disabilities, and migrant 21833  
students. 21834

**Sec. 3301.0711.** (A) The department of education shall: 21835

(1) Annually furnish to, grade, and score all assessments 21836  
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 21837  
the Revised Code to be administered by city, local, exempted 21838  
village, and joint vocational school districts, except that each 21839  
district shall score any assessment administered pursuant to 21840  
division (B)(10) of this section. Each assessment so furnished 21841  
shall include the data verification code of the student to whom 21842  
the assessment will be administered, as assigned pursuant to 21843  
division (D)(2) of section 3301.0714 of the Revised Code. In 21844  
furnishing the practice versions of Ohio graduation tests 21845  
prescribed by division (D) of section 3301.0710 of the Revised 21846  
Code, the department shall make the tests available on its web 21847  
site for reproduction by districts. In awarding contracts for 21848  
grading assessments, the department shall give preference to 21849  
Ohio-based entities employing Ohio residents. 21850

(2) Adopt rules for the ethical use of assessments and 21851  
prescribing the manner in which the assessments prescribed by 21852  
section 3301.0710 of the Revised Code shall be administered to 21853  
students. 21854

(B) Except as provided in divisions (C) and (J) of this 21855  
section, the board of education of each city, local, and exempted 21856  
village school district shall, in accordance with rules adopted 21857  
under division (A) of this section: 21858

(1) Administer the English language arts assessments 21859  
prescribed under division (A)(1)(a) of section 3301.0710 of the 21860  
Revised Code twice annually to all students in the third grade who 21861  
have not attained the score designated for that assessment under 21862  
division (A)(2)(c) of section 3301.0710 of the Revised Code. 21863

(2) Administer the mathematics assessment prescribed under 21864  
division (A)(1)(a) of section 3301.0710 of the Revised Code at 21865

least once annually to all students in the third grade.	21866
(3) Administer the assessments prescribed under division	21867
(A)(1)(b) of section 3301.0710 of the Revised Code at least once	21868
annually to all students in the fourth grade.	21869
(4) Administer the assessments prescribed under division	21870
(A)(1)(c) of section 3301.0710 of the Revised Code at least once	21871
annually to all students in the fifth grade.	21872
(5) Administer the assessments prescribed under division	21873
(A)(1)(d) of section 3301.0710 of the Revised Code at least once	21874
annually to all students in the sixth grade.	21875
(6) Administer the assessments prescribed under division	21876
(A)(1)(e) of section 3301.0710 of the Revised Code at least once	21877
annually to all students in the seventh grade.	21878
(7) Administer the assessments prescribed under division	21879
(A)(1)(f) of section 3301.0710 of the Revised Code at least once	21880
annually to all students in the eighth grade.	21881
(8) Except as provided in division (B)(9) of this section,	21882
administer any assessment prescribed under division (B)(1) of	21883
section 3301.0710 of the Revised Code as follows:	21884
(a) At least once annually to all tenth grade students and at	21885
least twice annually to all students in eleventh or twelfth grade	21886
who have not yet attained the score on that assessment designated	21887
under that division;	21888
(b) To any person who has successfully completed the	21889
curriculum in any high school or the individualized education	21890
program developed for the person by any high school pursuant to	21891
section 3323.08 of the Revised Code but has not received a high	21892
school diploma and who requests to take such assessment, at any	21893
time such assessment is administered in the district.	21894
(9) In lieu of the board of education of any city, local, or	21895

exempted village school district in which the student is also 21896  
enrolled, the board of a joint vocational school district shall 21897  
administer any assessment prescribed under division (B)(1) of 21898  
section 3301.0710 of the Revised Code at least twice annually to 21899  
any student enrolled in the joint vocational school district who 21900  
has not yet attained the score on that assessment designated under 21901  
that division. A board of a joint vocational school district may 21902  
also administer such an assessment to any student described in 21903  
division (B)(8)(b) of this section. 21904

(10) If the district has a three-year average graduation rate 21905  
of not more than seventy-five per cent, administer each assessment 21906  
prescribed by division (D) of section 3301.0710 of the Revised 21907  
Code in September to all ninth grade students who entered ninth 21908  
grade prior to July 1, 2014. 21909

Except as provided in section 3313.614 of the Revised Code 21910  
for administration of an assessment to a person who has fulfilled 21911  
the curriculum requirement for a high school diploma but has not 21912  
passed one or more of the required assessments, the assessments 21913  
prescribed under division (B)(1) of section 3301.0710 of the 21914  
Revised Code shall not be administered after the date specified in 21915  
the rules adopted by the state board of education under division 21916  
(D)(1) of section 3301.0712 of the Revised Code. 21917

(11)(a) Except as provided in division (B)(11)(b) of this 21918  
section, administer the assessments prescribed by division (B)(2) 21919  
of section 3301.0710 and section 3301.0712 of the Revised Code in 21920  
accordance with the timeline and plan for implementation of those 21921  
assessments prescribed by rule of the state board adopted under 21922  
division (D)(1) of section 3301.0712 of the Revised Code; 21923

(b) A student who has presented evidence to the district or 21924  
school of having satisfied the condition prescribed by division 21925  
(A)(1) of section 3313.618 of the Revised Code to qualify for a 21926  
high school diploma prior to the date of the administration of the 21927

assessment prescribed under division (B)(1) of section 3301.0712 21928  
of the Revised Code shall not be required to take that assessment. 21929  
However, no board shall prohibit a student who is not required to 21930  
take such assessment from taking the assessment. 21931

(C)(1)(a) In the case of a student receiving special 21932  
education services under Chapter 3323. of the Revised Code, the 21933  
individualized education program developed for the student under 21934  
that chapter shall specify the manner in which the student will 21935  
participate in the assessments administered under this section, 21936  
except that a student with significant cognitive disabilities to 21937  
whom an alternate assessment is administered in accordance with 21938  
division (C)(1) of this section and a student determined to have a 21939  
disability that includes an intellectual disability as outlined in 21940  
guidance issued by the department shall not be required to take 21941  
the assessment prescribed under division (B)(1) of section 21942  
3301.0712 of the Revised Code. The individualized education 21943  
program may excuse the student from taking any particular 21944  
assessment required to be administered under this section if it 21945  
instead specifies an alternate assessment method approved by the 21946  
department of education as conforming to requirements of federal 21947  
law for receipt of federal funds for disadvantaged pupils. To the 21948  
extent possible, the individualized education program shall not 21949  
excuse the student from taking an assessment unless no reasonable 21950  
accommodation can be made to enable the student to take the 21951  
assessment. No board shall prohibit a student who is not required 21952  
to take an assessment under division (C)(1) of this section from 21953  
taking the assessment. 21954

(b) Any alternate assessment approved by the department for a 21955  
student under this division shall produce measurable results 21956  
comparable to those produced by the assessment it replaces in 21957  
order to allow for the student's results to be included in the 21958  
data compiled for a school district or building under section 21959

3302.03 of the Revised Code. 21960

(c)(i) Any student enrolled in a chartered nonpublic school 21961  
who has been identified, based on an evaluation conducted in 21962  
accordance with section 3323.03 of the Revised Code or section 504 21963  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 21964  
794, as amended, as a child with a disability shall be excused 21965  
from taking any particular assessment required to be administered 21966  
under this section if a either of the following apply: 21967

(I) A plan developed for the student pursuant to rules 21968  
adopted by the state board excuses the student from taking that 21969  
assessment. 21970

(II) The chartered nonpublic school develops a written plan 21971  
in which the school, in consultation with the student's parents, 21972  
determines that an assessment or alternative assessment with 21973  
accommodations does not accurately assess the student's academic 21974  
performance. The plan shall include an academic profile of the 21975  
student's academic performance and shall be reviewed annually to 21976  
determine if the student's needs continue to require excusal from 21977  
taking the assessment. 21978

(ii) A student with significant cognitive disabilities to 21979  
whom an alternate assessment is administered in accordance with 21980  
division (C)(1) of this section and a student determined to have a 21981  
disability that includes an intellectual disability as outlined in 21982  
guidance issued by the department shall not be required to take 21983  
the assessment prescribed under division (B)(1) of section 21984  
3301.0712 of the Revised Code. 21985

(iii) In the case of any student so excused from taking an 21986  
assessment under division (C)(1)(c) of this section, the chartered 21987  
nonpublic school shall not prohibit the student from taking the 21988  
assessment. 21989

(2) A district board may, for medical reasons or other good 21990

cause, excuse a student from taking an assessment administered 21991  
under this section on the date scheduled, but that assessment 21992  
shall be administered to the excused student not later than nine 21993  
days following the scheduled date. The district board shall 21994  
annually report the number of students who have not taken one or 21995  
more of the assessments required by this section to the state 21996  
board not later than the thirtieth day of June. 21997

(3) As used in this division, "~~limited English proficient~~ 21998  
~~student learner~~" has the same meaning as in 20 U.S.C. 7801. 21999

No school district board shall excuse any ~~limited English~~ 22000  
~~proficient student learner~~ from taking any particular assessment 22001  
required to be administered under this section, except as follows: 22002

(a) Any ~~limited English proficient student learner~~ who has 22003  
been enrolled in United States schools for less than two years and 22004  
for whom no appropriate accommodations are available based on 22005  
guidance issued by the department shall not be required to take 22006  
the assessment prescribed under division (B)(1) of section 22007  
3301.0712 of the Revised Code. 22008

(b) Any ~~limited English proficient student learner~~ who has 22009  
been enrolled in United States schools for less than one full 22010  
school year shall not be required to take any reading, writing, or 22011  
English language arts assessment. 22012

However, no board shall prohibit a ~~limited~~ an English 22013  
~~proficient student learner~~ who is not required to take an 22014  
assessment under division (C)(3) of this section from taking the 22015  
assessment. A board may permit any ~~limited English proficient~~ 22016  
~~student learner~~ to take an assessment required to be administered 22017  
under this section with appropriate accommodations, as determined 22018  
by the department. For each ~~limited English proficient student~~ 22019  
learner, each school district shall annually assess that student's 22020  
progress in learning English, in accordance with procedures 22021

approved by the department. 22022

(4)(a) The governing authority of a chartered nonpublic 22023  
school may excuse ~~a limited~~ an English ~~proficient student~~ learner 22024  
from taking any assessment administered under this section. 22025

(b) No governing authority shall require ~~a limited~~ an English 22026  
~~proficient student~~ learner who has been enrolled in United States 22027  
schools for less than two years and for whom no appropriate 22028  
accommodations are available based on guidance issued by the 22029  
department to take the assessment prescribed under division (B)(1) 22030  
of section 3301.0712 of the Revised Code. 22031

(c) No governing authority shall prohibit ~~a limited~~ an 22032  
English ~~proficient student~~ learner from taking an assessment from 22033  
which the student was excused under division (C)(4) of this 22034  
section. 22035

(D)(1) In the school year next succeeding the school year in 22036  
which the assessments prescribed by division (A)(1) or (B)(1) of 22037  
section 3301.0710 of the Revised Code or former division (A)(1), 22038  
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 22039  
existed prior to September 11, 2001, are administered to any 22040  
student, the board of education of any school district in which 22041  
the student is enrolled in that year shall provide to the student 22042  
intervention services commensurate with the student's performance, 22043  
including any intensive intervention required under section 22044  
3313.608 of the Revised Code, in any skill in which the student 22045  
failed to demonstrate at least a score at the proficient level on 22046  
the assessment. 22047

(2) Following any administration of the assessments 22048  
prescribed by division (D) of section 3301.0710 of the Revised 22049  
Code to ninth grade students, each school district that has a 22050  
three-year average graduation rate of not more than seventy-five 22051  
per cent shall determine for each high school in the district 22052

whether the school shall be required to provide intervention 22053  
services to any students who took the assessments. In determining 22054  
which high schools shall provide intervention services based on 22055  
the resources available, the district shall consider each school's 22056  
graduation rate and scores on the practice assessments. The 22057  
district also shall consider the scores received by ninth grade 22058  
students on the English language arts and mathematics assessments 22059  
prescribed under division (A)(1)(f) of section 3301.0710 of the 22060  
Revised Code in the eighth grade in determining which high schools 22061  
shall provide intervention services. 22062

Each high school selected to provide intervention services 22063  
under this division shall provide intervention services to any 22064  
student whose results indicate that the student is failing to make 22065  
satisfactory progress toward being able to attain scores at the 22066  
proficient level on the Ohio graduation tests. Intervention 22067  
services shall be provided in any skill in which a student 22068  
demonstrates unsatisfactory progress and shall be commensurate 22069  
with the student's performance. Schools shall provide the 22070  
intervention services prior to the end of the school year, during 22071  
the summer following the ninth grade, in the next succeeding 22072  
school year, or at any combination of those times. 22073

(E) Except as provided in section 3313.608 of the Revised 22074  
Code and division (N) of this section, no school district board of 22075  
education shall utilize any student's failure to attain a 22076  
specified score on an assessment administered under this section 22077  
as a factor in any decision to deny the student promotion to a 22078  
higher grade level. However, a district board may choose not to 22079  
promote to the next grade level any student who does not take an 22080  
assessment administered under this section or make up an 22081  
assessment as provided by division (C)(2) of this section and who 22082  
is not exempt from the requirement to take the assessment under 22083  
division (C)(3) of this section. 22084

(F) No person shall be charged a fee for taking any assessment administered under this section.

(G)(1) Each school district board shall designate one location for the collection of assessments administered in the spring under division (B)(1) of this section and those administered under divisions (B)(2) to (7) of this section. Each district board shall submit the assessments to the entity with which the department contracts for the scoring of the assessments as follows:

(a) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was less than two thousand five hundred, not later than the Friday after all of the assessments have been administered;

(b) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was two thousand five hundred or more, but less than seven thousand, not later than the Monday after all of the assessments have been administered;

(c) If the district's total enrollment in grades kindergarten through twelve during the first full school week of October was seven thousand or more, not later than the Tuesday after all of the assessments have been administered.

However, any assessment that a student takes during the make-up period described in division (C)(2) of this section shall be submitted not later than the Friday following the day the student takes the assessment.

(2) The department or an entity with which the department contracts for the scoring of the assessment shall send to each school district board a list of the individual scores of all persons taking a state achievement assessment as follows:

(a) Except as provided in division (G)(2)(b) or (c) of this

section, within forty-five days after the administration of the 22116  
assessments prescribed by sections 3301.0710 and 3301.0712 of the 22117  
Revised Code, but in no case shall the scores be returned later 22118  
than the thirtieth day of June following the administration; 22119

(b) In the case of the third-grade English language arts 22120  
assessment, within forty-five days after the administration of 22121  
that assessment, but in no case shall the scores be returned later 22122  
than the fifteenth day of June following the administration; 22123

(c) In the case of the writing component of an assessment or 22124  
end-of-course examination in the area of English language arts, 22125  
except for the third-grade English language arts assessment, the 22126  
results may be sent after forty-five days of the administration of 22127  
the writing component, but in no case shall the scores be returned 22128  
later than the thirtieth day of June following the administration. 22129

(3) For assessments administered under this section by a 22130  
joint vocational school district, the department or entity shall 22131  
also send to each city, local, or exempted village school district 22132  
a list of the individual scores of any students of such city, 22133  
local, or exempted village school district who are attending 22134  
school in the joint vocational school district. 22135

(4) Beginning with the 2019-2020 school year, a school 22136  
district, other public school, or chartered nonpublic school may 22137  
administer the third-grade English language arts or mathematics 22138  
assessment, or both, in a paper format in any school year for 22139  
which the district board of education or school governing body 22140  
adopts a resolution indicating that the district or school chooses 22141  
to administer the assessment in a paper format. The board or 22142  
governing body shall submit a copy of the resolution to the 22143  
department of education not later than the first day of May prior 22144  
to the school year for which it will apply. If the resolution is 22145  
submitted, the district or school shall administer the assessment 22146  
in a paper format to all students in the third grade, except that 22147

any student whose individualized education program or plan 22148  
developed under section 504 of the "Rehabilitation Act of 1973," 22149  
87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the 22150  
assessment in an online format is an appropriate accommodation for 22151  
the student may take the assessment in an online format. 22152

(H) Individual scores on any assessments administered under 22153  
this section shall be released by a district board only in 22154  
accordance with section 3319.321 of the Revised Code and the rules 22155  
adopted under division (A) of this section. No district board or 22156  
its employees shall utilize individual or aggregate results in any 22157  
manner that conflicts with rules for the ethical use of 22158  
assessments adopted pursuant to division (A) of this section. 22159

(I) Except as provided in division (G) of this section, the 22160  
department or an entity with which the department contracts for 22161  
the scoring of the assessment shall not release any individual 22162  
scores on any assessment administered under this section. The 22163  
state board shall adopt rules to ensure the protection of student 22164  
confidentiality at all times. The rules may require the use of the 22165  
data verification codes assigned to students pursuant to division 22166  
(D)(2) of section 3301.0714 of the Revised Code to protect the 22167  
confidentiality of student scores. 22168

(J) Notwithstanding division (D) of section 3311.52 of the 22169  
Revised Code, this section does not apply to the board of 22170  
education of any cooperative education school district except as 22171  
provided under rules adopted pursuant to this division. 22172

(1) In accordance with rules that the state board shall 22173  
adopt, the board of education of any city, exempted village, or 22174  
local school district with territory in a cooperative education 22175  
school district established pursuant to divisions (A) to (C) of 22176  
section 3311.52 of the Revised Code may enter into an agreement 22177  
with the board of education of the cooperative education school 22178  
district for administering any assessment prescribed under this 22179

section to students of the city, exempted village, or local school 22180  
district who are attending school in the cooperative education 22181  
school district. 22182

(2) In accordance with rules that the state board shall 22183  
adopt, the board of education of any city, exempted village, or 22184  
local school district with territory in a cooperative education 22185  
school district established pursuant to section 3311.521 of the 22186  
Revised Code shall enter into an agreement with the cooperative 22187  
district that provides for the administration of any assessment 22188  
prescribed under this section to both of the following: 22189

(a) Students who are attending school in the cooperative 22190  
district and who, if the cooperative district were not 22191  
established, would be entitled to attend school in the city, 22192  
local, or exempted village school district pursuant to section 22193  
3313.64 or 3313.65 of the Revised Code; 22194

(b) Persons described in division (B)(8)(b) of this section. 22195

Any assessment of students pursuant to such an agreement 22196  
shall be in lieu of any assessment of such students or persons 22197  
pursuant to this section. 22198

(K)(1) Except as otherwise provided in division (K)(1) or (2) 22199  
of this section, each chartered nonpublic school for which at 22200  
least sixty-five per cent of its total enrollment is made up of 22201  
students who are participating in state scholarship programs shall 22202  
administer the ~~elementary~~ assessments prescribed by division (A) 22203  
of section 3301.0710 of the Revised Code or an alternative 22204  
standardized assessment determined by the department. In 22205  
accordance with procedures and deadlines prescribed by the 22206  
department, the parent or guardian of a student enrolled in the 22207  
school who is not participating in a state scholarship program may 22208  
submit notice to the chief administrative officer of the school 22209  
that the parent or guardian does not wish to have the student take 22210

the elementary assessments prescribed for the student's grade 22211  
level under division (A) of section 3301.0710 of the Revised Code. 22212  
If a parent or guardian submits an opt-out notice, the school 22213  
shall not administer the assessments to that student. This option 22214  
does not apply to any assessment required for a high school 22215  
diploma under section 3313.612 of the Revised Code. 22216

Each chartered nonpublic school subject to division (K)(1) of 22217  
this section shall report the results of each assessment 22218  
administered under that division to the department. 22219

(2) A chartered nonpublic school may submit to the 22220  
superintendent of public instruction a request for a waiver from 22221  
administering the elementary assessments prescribed by division 22222  
(A) of section 3301.0710 of the Revised Code. The state 22223  
superintendent shall approve or disapprove a request for a waiver 22224  
submitted under division (K)(2) of this section. No waiver shall 22225  
be approved for any school year prior to the 2015-2016 school 22226  
year. 22227

To be eligible to submit a request for a waiver, a chartered 22228  
nonpublic school shall meet the following conditions: 22229

(a) At least ninety-five per cent of the students enrolled in 22230  
the school are children with disabilities, as defined under 22231  
section 3323.01 of the Revised Code, or have received a diagnosis 22232  
by a school district or from a physician, including a 22233  
neuropsychiatrist or psychiatrist, or a psychologist who is 22234  
authorized to practice in this or another state as having a 22235  
condition that impairs academic performance, such as dyslexia, 22236  
dyscalculia, attention deficit hyperactivity disorder, or 22237  
Asperger's syndrome. 22238

(b) The school has solely served a student population 22239  
described in division (K)(1)(a) of this section for at least ten 22240  
years. 22241

(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills.

(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school will administer the specified assessments in the same manner as public schools are required to do under this section and rules adopted by the department.

(4) The department of education shall furnish the assessments prescribed by section 3301.0710 of the Revised Code to each chartered nonpublic school that is subject to division (K)(1) of this section or participates under division (K)(3) of this section.

(L) If a chartered nonpublic school is educating students in grades nine through twelve, the following shall apply:

(1) Except as provided in division (L)(4) of this section, for a student who is enrolled in a chartered nonpublic school that is accredited through the independent schools association of the central states and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section 3301.0712 of the Revised Code or take an alternative assessment approved by the

department under section 3313.619 of the Revised Code. However, a 22274  
student who is excused from taking an assessment under division 22275  
(C) of this section or has presented evidence to the chartered 22276  
nonpublic school of having satisfied the condition prescribed by 22277  
division (A)(1) of section 3313.618 of the Revised Code to qualify 22278  
for a high school diploma prior to the date of the administration 22279  
of the assessment prescribed under division (B)(1) of section 22280  
3301.0712 of the Revised Code shall not be required to take that 22281  
assessment. No governing authority of a chartered nonpublic school 22282  
shall prohibit a student who is not required to take such 22283  
assessment from taking the assessment. 22284

(2) For a student who is enrolled in a chartered nonpublic 22285  
school that is accredited through the independent schools 22286  
association of the central states, and who is not attending the 22287  
school under a state scholarship program, the student shall not be 22288  
required to take any assessment prescribed under section 3301.0712 22289  
or 3313.619 of the Revised Code. 22290

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of 22291  
this section, for a student who is enrolled in a chartered 22292  
nonpublic school that is not accredited through the independent 22293  
schools association of the central states, regardless of whether 22294  
the student is attending or is not attending the school under a 22295  
state scholarship program, the student shall do one of the 22296  
following: 22297

(i) Take all of the assessments prescribed by division (B) of 22298  
section 3301.0712 of the Revised Code; 22299

(ii) Take only the assessment prescribed by division (B)(1) 22300  
of section 3301.0712 of the Revised Code, provided that the 22301  
student's school publishes the results of that assessment for each 22302  
graduating class. The published results of that assessment shall 22303  
include the overall composite scores, mean scores, twenty-fifth 22304  
percentile scores, and seventy-fifth percentile scores for each 22305

subject area of the assessment. 22306

(iii) Take an alternative assessment approved by the 22307  
department under section 3313.619 of the Revised Code. 22308

(b) A student who is excused from taking an assessment under 22309  
division (C) of this section or has presented evidence to the 22310  
chartered nonpublic school of having satisfied the condition 22311  
prescribed by division (A)(1) of section 3313.618 of the Revised 22312  
Code to qualify for a high school diploma prior to the date of the 22313  
administration of the assessment prescribed under division (B)(1) 22314  
of section 3301.0712 of the Revised Code shall not be required to 22315  
take that assessment. No governing authority of a chartered 22316  
nonpublic school shall prohibit a student who is not required to 22317  
take such assessment from taking the assessment. 22318

(4) The assessments prescribed by sections 3301.0712 and 22319  
3313.619 of the Revised Code shall not be administered to any 22320  
student attending the school, if the school meets all of the 22321  
following conditions: 22322

(a) At least ninety-five per cent of the students enrolled in 22323  
the school are children with disabilities, as defined under 22324  
section 3323.01 of the Revised Code, or have received a diagnosis 22325  
by a school district or from a physician, including a 22326  
neuropsychologist or psychiatrist, or a psychologist who is 22327  
authorized to practice in this or another state as having a 22328  
condition that impairs academic performance, such as dyslexia, 22329  
dyscalculia, attention deficit hyperactivity disorder, or 22330  
Asperger's syndrome. 22331

(b) The school has solely served a student population 22332  
described in division (L)(4)(a) of this section for at least ten 22333  
years. 22334

(c) The school makes available to the department at least 22335  
five years of records of internal testing conducted by the school 22336

that affords the department data required for accountability 22337  
purposes, including growth in student achievement in reading or 22338  
mathematics, or both, as measured by nationally norm-referenced 22339  
assessments that have developed appropriate standards for 22340  
students. 22341

Division (L)(4) of this section applies to any student 22342  
attending such school regardless of whether the student receives 22343  
special education or related services and regardless of whether 22344  
the student is attending the school under a state scholarship 22345  
program. 22346

(M)(1) The superintendent of the state school for the blind 22347  
and the superintendent of the state school for the deaf shall 22348  
administer the assessments described by sections 3301.0710 and 22349  
3301.0712 of the Revised Code. Each superintendent shall 22350  
administer the assessments in the same manner as district boards 22351  
are required to do under this section and rules adopted by the 22352  
department of education and in conformity with division (C)(1)(a) 22353  
of this section. 22354

(2) The department of education shall furnish the assessments 22355  
described by sections 3301.0710 and 3301.0712 of the Revised Code 22356  
to each superintendent. 22357

(N) Notwithstanding division (E) of this section, a school 22358  
district may use a student's failure to attain a score in at least 22359  
the proficient range on the mathematics assessment described by 22360  
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 22361  
an assessment described by division (A)(1)(b), (c), (d), (e), or 22362  
(f) of section 3301.0710 of the Revised Code as a factor in 22363  
retaining that student in the current grade level. 22364

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 22365  
and (7) of this section, the assessments required by division 22366  
(A)(1) of section 3301.0710 of the Revised Code shall become 22367

public records pursuant to section 149.43 of the Revised Code on 22368  
the thirty-first day of July following the school year that the 22369  
assessments were administered. 22370

(2) The department may field test proposed questions with 22371  
samples of students to determine the validity, reliability, or 22372  
appropriateness of questions for possible inclusion in a future 22373  
year's assessment. The department also may use anchor questions on 22374  
assessments to ensure that different versions of the same 22375  
assessment are of comparable difficulty. 22376

Field test questions and anchor questions shall not be 22377  
considered in computing scores for individual students. Field test 22378  
questions and anchor questions may be included as part of the 22379  
administration of any assessment required by division (A)(1) or 22380  
(B) of section 3301.0710 and division (B) of section 3301.0712 of 22381  
the Revised Code. 22382

(3) Any field test question or anchor question administered 22383  
under division (O)(2) of this section shall not be a public 22384  
record. Such field test questions and anchor questions shall be 22385  
redacted from any assessments which are released as a public 22386  
record pursuant to division (O)(1) of this section. 22387

(4) This division applies to the assessments prescribed by 22388  
division (A) of section 3301.0710 of the Revised Code. 22389

(a) The first administration of each assessment, as specified 22390  
in former section 3301.0712 of the Revised Code, shall be a public 22391  
record. 22392

(b) For subsequent administrations of each assessment prior 22393  
to the 2011-2012 school year, not less than forty per cent of the 22394  
questions on the assessment that are used to compute a student's 22395  
score shall be a public record. The department shall determine 22396  
which questions will be needed for reuse on a future assessment 22397  
and those questions shall not be public records and shall be 22398

redacted from the assessment prior to its release as a public 22399  
record. However, for each redacted question, the department shall 22400  
inform each city, local, and exempted village school district of 22401  
the statewide academic standard adopted by the state board under 22402  
section 3301.079 of the Revised Code and the corresponding 22403  
benchmark to which the question relates. The preceding sentence 22404  
does not apply to field test questions that are redacted under 22405  
division (O)(3) of this section. 22406

(c) The administrations of each assessment in the 2011-2012, 22407  
2012-2013, and 2013-2014 school years shall not be a public 22408  
record. 22409

(5) Each assessment prescribed by division (B)(1) of section 22410  
3301.0710 of the Revised Code shall not be a public record. 22411

(6)(a) Except as provided in division (O)(6)(b) of this 22412  
section, for the administrations in the 2014-2015, 2015-2016, and 22413  
2016-2017 school years, questions on the assessments prescribed 22414  
under division (A) of section 3301.0710 and division (B)(2) of 22415  
section 3301.0712 of the Revised Code and the corresponding 22416  
preferred answers that are used to compute a student's score shall 22417  
become a public record as follows: 22418

(i) Forty per cent of the questions and preferred answers on 22419  
the assessments on the thirty-first day of July following the 22420  
administration of the assessment; 22421

(ii) Twenty per cent of the questions and preferred answers 22422  
on the assessment on the thirty-first day of July one year after 22423  
the administration of the assessment; 22424

(iii) The remaining forty per cent of the questions and 22425  
preferred answers on the assessment on the thirty-first day of 22426  
July two years after the administration of the assessment. 22427

The entire content of an assessment shall become a public 22428  
record within three years of its administration. 22429

The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division.

(b) No questions and corresponding preferred answers shall become a public record under division (O)(6) of this section after July 31, 2017.

(7) Division (O)(7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code.

Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O)(3) of this section.

(P) As used in this section:

(1) "Three-year average" means the average of the most recent consecutive three school years of data.

(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is

not enrolled in an education program approved by the state board 22461  
of education or an education program outside the state. "Dropout" 22462  
does not include a student who has departed the country. 22463

(3) "Graduation rate" means the ratio of students receiving a 22464  
diploma to the number of students who entered ninth grade four 22465  
years earlier. Students who transfer into the district are added 22466  
to the calculation. Students who transfer out of the district for 22467  
reasons other than dropout are subtracted from the calculation. If 22468  
a student who was a dropout in any previous year returns to the 22469  
same school district, that student shall be entered into the 22470  
calculation as if the student had entered ninth grade four years 22471  
before the graduation year of the graduating class that the 22472  
student joins. 22473

(4) "State scholarship programs" means the educational choice 22474  
scholarship pilot program established under sections 3310.01 to 22475  
3310.17 of the Revised Code, the autism scholarship program 22476  
established under section 3310.41 of the Revised Code, the Jon 22477  
Peterson special needs scholarship program established under 22478  
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 22479  
project scholarship program established under sections 3313.974 to 22480  
3313.979 of the Revised Code. 22481

(5) "Other public school" means a community school 22482  
established under Chapter 3314., a STEM school established under 22483  
Chapter 3326., or a college-preparatory boarding school 22484  
established under Chapter 3328. of the Revised Code. 22485

**Sec. 3301.0714.** (A) The state board of education shall adopt 22486  
rules for a statewide education management information system. The 22487  
rules shall require the state board to establish guidelines for 22488  
the establishment and maintenance of the system in accordance with 22489  
this section and the rules adopted under this section. The 22490  
guidelines shall include: 22491

(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;	22492 22493 22494
(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;	22495 22496 22497
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	22498 22499
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;	22500 22501
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	22502 22503
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	22504 22505 22506
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	22507 22508 22509
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services	22510 22511 22512 22513 22514 22515 22516 22517 22518 22519 22520 22521 22522

for students with a specific type of disability. The categories of 22523  
instructional services required by the guidelines under this 22524  
division shall be the same as the categories of instructional 22525  
services used in determining cost units pursuant to division 22526  
(C)(3) of this section. 22527

(b) The numbers of students receiving support or 22528  
extracurricular services for each of the support services or 22529  
extracurricular programs offered by the school district, such as 22530  
counseling services, health services, and extracurricular sports 22531  
and fine arts programs. The categories of services required by the 22532  
guidelines under this division shall be the same as the categories 22533  
of services used in determining cost units pursuant to division 22534  
(C)(4)(a) of this section. 22535

(c) Average student grades in each subject in grades nine 22536  
through twelve; 22537

(d) Academic achievement levels as assessed under sections 22538  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 22539

(e) The number of students designated as having a disabling 22540  
condition pursuant to division (C)(1) of section 3301.0711 of the 22541  
Revised Code; 22542

(f) The numbers of students reported to the state board 22543  
pursuant to division (C)(2) of section 3301.0711 of the Revised 22544  
Code; 22545

(g) Attendance rates and the average daily attendance for the 22546  
year. For purposes of this division, a student shall be counted as 22547  
present for any field trip that is approved by the school 22548  
administration. 22549

(h) Expulsion rates; 22550

(i) Suspension rates; 22551

(j) Dropout rates; 22552

(k) Rates of retention in grade;	22553
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	22554 22555 22556
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	22557 22558 22559 22560 22561
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	22562 22563 22564 22565 22566 22567 22568 22569 22570
(o) Beginning on the first day of July that next succeeds <del>the effective date of this amendment</del> <u>September 29, 2017</u> , for each disciplinary action which is required to be reported under division (B)(4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.	22571 22572 22573 22574 22575 22576 22577 22578 22579 22580
Division (B)(1)(o) of this section does not apply after the date that is two years following the submission of the report required by Section 733.13 of H.B. 49 of the 132nd general	22581 22582 22583



district and each school building. 22615

(3)(a) Student demographic data for each school district, 22616  
including information regarding the gender ratio of the school 22617  
district's pupils, the racial make-up of the school district's 22618  
pupils, the number of ~~limited English proficient students~~ learners 22619  
in the district, and an appropriate measure of the number of the 22620  
school district's pupils who reside in economically disadvantaged 22621  
households. The demographic data shall be collected in a manner to 22622  
allow correlation with data collected under division (B)(1) of 22623  
this section. Categories for data collected pursuant to division 22624  
(B)(3) of this section shall conform, where appropriate, to 22625  
standard practices of agencies of the federal government. 22626

(b) With respect to each student entering kindergarten, 22627  
whether the student previously participated in a public preschool 22628  
program, a private preschool program, or a head start program, and 22629  
the number of years the student participated in each of these 22630  
programs. 22631

(4) Any data required to be collected pursuant to federal 22632  
law. 22633

(C) The education management information system shall include 22634  
cost accounting data for each district as a whole and for each 22635  
school building in each school district. The guidelines adopted 22636  
under this section shall require the cost data for each school 22637  
district to be maintained in a system of mutually exclusive cost 22638  
units and shall require all of the costs of each school district 22639  
to be divided among the cost units. The guidelines shall require 22640  
the system of mutually exclusive cost units to include at least 22641  
the following: 22642

(1) Administrative costs for the school district as a whole. 22643  
The guidelines shall require the cost units under this division 22644  
(C)(1) to be designed so that each of them may be compiled and 22645

reported in terms of average expenditure per pupil in formula ADM 22646  
in the school district, as determined pursuant to section 3317.03 22647  
of the Revised Code. 22648

(2) Administrative costs for each school building in the 22649  
school district. The guidelines shall require the cost units under 22650  
this division (C)(2) to be designed so that each of them may be 22651  
compiled and reported in terms of average expenditure per 22652  
full-time equivalent pupil receiving instructional or support 22653  
services in each building. 22654

(3) Instructional services costs for each category of 22655  
instructional service provided directly to students and required 22656  
by guidelines adopted pursuant to division (B)(1)(a) of this 22657  
section. The guidelines shall require the cost units under 22658  
division (C)(3) of this section to be designed so that each of 22659  
them may be compiled and reported in terms of average expenditure 22660  
per pupil receiving the service in the school district as a whole 22661  
and average expenditure per pupil receiving the service in each 22662  
building in the school district and in terms of a total cost for 22663  
each category of service and, as a breakdown of the total cost, a 22664  
cost for each of the following components: 22665

(a) The cost of each instructional services category required 22666  
by guidelines adopted under division (B)(1)(a) of this section 22667  
that is provided directly to students by a classroom teacher; 22668

(b) The cost of the instructional support services, such as 22669  
services provided by a speech-language pathologist, classroom 22670  
aide, multimedia aide, or librarian, provided directly to students 22671  
in conjunction with each instructional services category; 22672

(c) The cost of the administrative support services related 22673  
to each instructional services category, such as the cost of 22674  
personnel that develop the curriculum for the instructional 22675  
services category and the cost of personnel supervising or 22676

coordinating the delivery of the instructional services category. 22677

(4) Support or extracurricular services costs for each 22678  
category of service directly provided to students and required by 22679  
guidelines adopted pursuant to division (B)(1)(b) of this section. 22680  
The guidelines shall require the cost units under division (C)(4) 22681  
of this section to be designed so that each of them may be 22682  
compiled and reported in terms of average expenditure per pupil 22683  
receiving the service in the school district as a whole and 22684  
average expenditure per pupil receiving the service in each 22685  
building in the school district and in terms of a total cost for 22686  
each category of service and, as a breakdown of the total cost, a 22687  
cost for each of the following components: 22688

(a) The cost of each support or extracurricular services 22689  
category required by guidelines adopted under division (B)(1)(b) 22690  
of this section that is provided directly to students by a 22691  
licensed employee, such as services provided by a guidance 22692  
counselor or any services provided by a licensed employee under a 22693  
supplemental contract; 22694

(b) The cost of each such services category provided directly 22695  
to students by a nonlicensed employee, such as janitorial 22696  
services, cafeteria services, or services of a sports trainer; 22697

(c) The cost of the administrative services related to each 22698  
services category in division (C)(4)(a) or (b) of this section, 22699  
such as the cost of any licensed or nonlicensed employees that 22700  
develop, supervise, coordinate, or otherwise are involved in 22701  
administering or aiding the delivery of each services category. 22702

(D)(1) The guidelines adopted under this section shall 22703  
require school districts to collect information about individual 22704  
students, staff members, or both in connection with any data 22705  
required by division (B) or (C) of this section or other reporting 22706  
requirements established in the Revised Code. The guidelines may 22707

also require school districts to report information about 22708  
individual staff members in connection with any data required by 22709  
division (B) or (C) of this section or other reporting 22710  
requirements established in the Revised Code. The guidelines shall 22711  
not authorize school districts to request social security numbers 22712  
of individual students. The guidelines shall prohibit the 22713  
reporting under this section of a student's name, address, and 22714  
social security number to the state board of education or the 22715  
department of education. The guidelines shall also prohibit the 22716  
reporting under this section of any personally identifiable 22717  
information about any student, except for the purpose of assigning 22718  
the data verification code required by division (D)(2) of this 22719  
section, to any other person unless such person is employed by the 22720  
school district or the information technology center operated 22721  
under section 3301.075 of the Revised Code and is authorized by 22722  
the district or technology center to have access to such 22723  
information or is employed by an entity with which the department 22724  
contracts for the scoring or the development of state assessments. 22725  
The guidelines may require school districts to provide the social 22726  
security numbers of individual staff members and the county of 22727  
residence for a student. Nothing in this section prohibits the 22728  
state board of education or department of education from providing 22729  
a student's county of residence to the department of taxation to 22730  
facilitate the distribution of tax revenue. 22731

(2)(a) The guidelines shall provide for each school district 22732  
or community school to assign a data verification code that is 22733  
unique on a statewide basis over time to each student whose 22734  
initial Ohio enrollment is in that district or school and to 22735  
report all required individual student data for that student 22736  
utilizing such code. The guidelines shall also provide for 22737  
assigning data verification codes to all students enrolled in 22738  
districts or community schools on the effective date of the 22739  
guidelines established under this section. The assignment of data 22740

verification codes for other entities, as described in division 22741  
(D)(2)(d) of this section, the use of those codes, and the 22742  
reporting and use of associated individual student data shall be 22743  
coordinated by the department in accordance with state and federal 22744  
law. 22745

School districts shall report individual student data to the 22746  
department through the information technology centers utilizing 22747  
the code. The entities described in division (D)(2)(d) of this 22748  
section shall report individual student data to the department in 22749  
the manner prescribed by the department. 22750

(b)(i) Except as provided in sections 3301.941, 3310.11, 22751  
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 22752  
in division (D)(2)(b)(ii) of this section, at no time shall the 22753  
state board or the department have access to information that 22754  
would enable any data verification code to be matched to 22755  
personally identifiable student data. 22756

(ii) For the purpose of making per-pupil payments to 22757  
community schools under division (C) of section 3314.08 of the 22758  
Revised Code, the department shall have access to information that 22759  
would enable any data verification code to be matched to 22760  
personally identifiable student data. 22761

(c) Each school district and community school shall ensure 22762  
that the data verification code is included in the student's 22763  
records reported to any subsequent school district, community 22764  
school, or state institution of higher education, as defined in 22765  
section 3345.011 of the Revised Code, in which the student 22766  
enrolls. Any such subsequent district or school shall utilize the 22767  
same identifier in its reporting of data under this section. 22768

(d) The director of any state agency that administers a 22769  
publicly funded program providing services to children who are 22770  
younger than compulsory school age, as defined in section 3321.01 22771

of the Revised Code, including the directors of health, job and 22772  
family services, mental health and addiction services, and 22773  
developmental disabilities, shall request and receive, pursuant to 22774  
sections 3301.0723 and 5123.0423 of the Revised Code, a data 22775  
verification code for a child who is receiving those services. 22776

(E) The guidelines adopted under this section may require 22777  
school districts to collect and report data, information, or 22778  
reports other than that described in divisions (A), (B), and (C) 22779  
of this section for the purpose of complying with other reporting 22780  
requirements established in the Revised Code. The other data, 22781  
information, or reports may be maintained in the education 22782  
management information system but are not required to be compiled 22783  
as part of the profile formats required under division (G) of this 22784  
section or the annual statewide report required under division (H) 22785  
of this section. 22786

(F) Beginning with the school year that begins July 1, 1991, 22787  
the board of education of each school district shall annually 22788  
collect and report to the state board, in accordance with the 22789  
guidelines established by the board, the data required pursuant to 22790  
this section. A school district may collect and report these data 22791  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 22792

(G) The state board shall, in accordance with the procedures 22793  
it adopts, annually compile the data reported by each school 22794  
district pursuant to division (D) of this section. The state board 22795  
shall design formats for profiling each school district as a whole 22796  
and each school building within each district and shall compile 22797  
the data in accordance with these formats. These profile formats 22798  
shall: 22799

(1) Include all of the data gathered under this section in a 22800  
manner that facilitates comparison among school districts and 22801  
among school buildings within each school district; 22802

(2) Present the data on academic achievement levels as 22803  
assessed by the testing of student achievement maintained pursuant 22804  
to division (B)(1)(d) of this section. 22805

(H)(1) The state board shall, in accordance with the 22806  
procedures it adopts, annually prepare a statewide report for all 22807  
school districts and the general public that includes the profile 22808  
of each of the school districts developed pursuant to division (G) 22809  
of this section. Copies of the report shall be sent to each school 22810  
district. 22811

(2) The state board shall, in accordance with the procedures 22812  
it adopts, annually prepare an individual report for each school 22813  
district and the general public that includes the profiles of each 22814  
of the school buildings in that school district developed pursuant 22815  
to division (G) of this section. Copies of the report shall be 22816  
sent to the superintendent of the district and to each member of 22817  
the district board of education. 22818

(3) Copies of the reports received from the state board under 22819  
divisions (H)(1) and (2) of this section shall be made available 22820  
to the general public at each school district's offices. Each 22821  
district board of education shall make copies of each report 22822  
available to any person upon request and payment of a reasonable 22823  
fee for the cost of reproducing the report. The board shall 22824  
annually publish in a newspaper of general circulation in the 22825  
school district, at least twice during the two weeks prior to the 22826  
week in which the reports will first be available, a notice 22827  
containing the address where the reports are available and the 22828  
date on which the reports will be available. 22829

(I) Any data that is collected or maintained pursuant to this 22830  
section and that identifies an individual pupil is not a public 22831  
record for the purposes of section 149.43 of the Revised Code. 22832

(J) As used in this section: 22833

(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section.

(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.

(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.

(L)(1) In accordance with division (L)(2) of this section and the rules adopted under division (L)(10) of this section, the department of education may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section.

(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions:

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and

submit corrected data by a deadline established by the department. 22865  
The department also may require the district to develop a 22866  
corrective action plan, which shall include provisions for the 22867  
district to provide mandatory staff training on data reporting 22868  
procedures. 22869

(b) Withhold up to ten per cent of the total amount of state 22870  
funds due to the district for the current fiscal year and, if not 22871  
previously required under division (L)(2)(a) of this section, 22872  
require the district to develop a corrective action plan in 22873  
accordance with that division; 22874

(c) Withhold an additional amount of up to twenty per cent of 22875  
the total amount of state funds due to the district for the 22876  
current fiscal year; 22877

(d) Direct department staff or an outside entity to 22878  
investigate the district's data reporting practices and make 22879  
recommendations for subsequent actions. The recommendations may 22880  
include one or more of the following actions: 22881

(i) Arrange for an audit of the district's data reporting 22882  
practices by department staff or an outside entity; 22883

(ii) Conduct a site visit and evaluation of the district; 22884

(iii) Withhold an additional amount of up to thirty per cent 22885  
of the total amount of state funds due to the district for the 22886  
current fiscal year; 22887

(iv) Continue monitoring the district's data reporting; 22888

(v) Assign department staff to supervise the district's data 22889  
management system; 22890

(vi) Conduct an investigation to determine whether to suspend 22891  
or revoke the license of any district employee in accordance with 22892  
division (N) of this section; 22893

(vii) If the district is issued a report card under section 22894

3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;

(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;

(ix) Any other action designed to correct the district's data reporting problems.

(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.

(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld funding under division (L)(2)(d) of this section, the department shall not release the funds withheld under division (L)(2)(b) or (c) of this section.

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices

any time the department has reason to believe the district has not 22926  
made a good faith effort to report data as required by this 22927  
section. If any audit conducted by an outside entity under 22928  
division (L)(2)(d)(i) or (5) of this section confirms that a 22929  
district has not made a good faith effort to report data as 22930  
required by this section, the district shall reimburse the 22931  
department for the full cost of the audit. The department may 22932  
withhold state funds due to the district for this purpose. 22933

(6) Prior to issuing a revised report card for a school 22934  
district under division (L)(2)(d)(viii) of this section, the 22935  
department may hold a hearing to provide the district with an 22936  
opportunity to demonstrate that it made a good faith effort to 22937  
report data as required by this section. The hearing shall be 22938  
conducted by a referee appointed by the department. Based on the 22939  
information provided in the hearing, the referee shall recommend 22940  
whether the department should issue a revised report card for the 22941  
district. If the referee affirms the department's contention that 22942  
the district did not make a good faith effort to report data as 22943  
required by this section, the district shall bear the full cost of 22944  
conducting the hearing and of issuing any revised report card. 22945

(7) If the department determines that any inaccurate data 22946  
reported under this section caused a school district to receive 22947  
excess state funds in any fiscal year, the district shall 22948  
reimburse the department an amount equal to the excess funds, in 22949  
accordance with a payment schedule determined by the department. 22950  
The department may withhold state funds due to the district for 22951  
this purpose. 22952

(8) Any school district that has funds withheld under 22953  
division (L)(2) of this section may appeal the withholding in 22954  
accordance with Chapter 119. of the Revised Code. 22955

(9) In all cases of a disagreement between the department and 22956  
a school district regarding the appropriateness of an action taken 22957

under division (L)(2) of this section, the burden of proof shall 22958  
be on the district to demonstrate that it made a good faith effort 22959  
to report data as required by this section. 22960

(10) The state board of education shall adopt rules under 22961  
Chapter 119. of the Revised Code to implement division (L) of this 22962  
section. 22963

(M) No information technology center or school district shall 22964  
acquire, change, or update its student administration software 22965  
package to manage and report data required to be reported to the 22966  
department unless it converts to a student software package that 22967  
is certified by the department. 22968

(N) The state board of education, in accordance with sections 22969  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 22970  
license as defined under division (A) of section 3319.31 of the 22971  
Revised Code that has been issued to any school district employee 22972  
found to have willfully reported erroneous, inaccurate, or 22973  
incomplete data to the education management information system. 22974

(O) No person shall release or maintain any information about 22975  
any student in violation of this section. Whoever violates this 22976  
division is guilty of a misdemeanor of the fourth degree. 22977

(P) The department shall disaggregate the data collected 22978  
under division (B)(1)(n) of this section according to the race and 22979  
socioeconomic status of the students assessed. 22980

(Q) If the department cannot compile any of the information 22981  
required by division (H) of section 3302.03 of the Revised Code 22982  
based upon the data collected under this section, the department 22983  
shall develop a plan and a reasonable timeline for the collection 22984  
of any data necessary to comply with that division. 22985

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the 22986  
Revised Code: 22987

(A) "Preschool program" means either of the following:	22988
(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.	22989 22990 22991
(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school.	22992 22993 22994
(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.	22995 22996
(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.	22997 22998 22999
(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.	23000 23001 23002
(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.	23003 23004 23005
(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.	23006 23007 23008
(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.	23009 23010 23011 23012
(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B) <del>(8)</del> (7) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.	23013 23014 23015 23016 23017

(I) "School child program" means a child care program for 23018  
only school children that is operated by a school district board 23019  
of education, county board of developmental disabilities, 23020  
community school, or eligible nonpublic school. 23021

(J) "School child" means a child who is enrolled in or is 23022  
eligible to be enrolled in a grade of kindergarten or above but is 23023  
less than fifteen years old. 23024

(K) "School child program staff member" means an employee 23025  
whose primary responsibility is the care, teaching, or supervision 23026  
of children in a school child program. 23027

(L) "Child care" means administering to the needs of infants, 23028  
toddlers, preschool children, and school children outside of 23029  
school hours by persons other than their parents or guardians, 23030  
custodians, or relatives by blood, marriage, or adoption for any 23031  
part of the twenty-four-hour day in a place or residence other 23032  
than a child's own home. 23033

(M) "Child day-care center<sub>7</sub>" and "publicly funded child 23034  
care<sub>7</sub>" and "~~school age child care center~~" have the same meanings 23035  
as in section 5104.01 of the Revised Code. 23036

(N) "Community school" means either of the following: 23037

(1) A community school established under Chapter 3314. of the 23038  
Revised Code that is sponsored by an entity that is rated 23039  
"exemplary" under section 3314.016 of the Revised Code. 23040

(2) A community school established under Chapter 3314. of the 23041  
Revised Code that has received, on its most recent report card, 23042  
either of the following: 23043

(a) If the school offers any of grade levels four through 23044  
twelve, a grade of "C" or better for the overall value-added 23045  
progress dimension under division (C)(1)(e) of section 3302.03 of 23046  
the Revised Code and or for the performance index score under 23047

division (C)(1)(b) of section 3302.03 of the Revised Code; 23048

(b) If the school does not offer a grade level higher than 23049  
three, a grade of "C" or better for making progress in improving 23050  
literacy in grades kindergarten through three under division 23051  
(C)(1)(g) of section 3302.03 of the Revised Code. 23052

**Sec. 3301.53.** (A) The state board of education, in 23053  
consultation with the director of job and family services, shall 23054  
formulate and prescribe by rule adopted under Chapter 119. of the 23055  
Revised Code minimum standards to be applied to preschool programs 23056  
operated by school district boards of education, county boards of 23057  
developmental disabilities, community schools, or eligible 23058  
nonpublic schools. The rules shall include the following: 23059

(1) Standards ensuring that the preschool program is located 23060  
in a safe and convenient facility that accommodates the enrollment 23061  
of the program, is of the quality to support the growth and 23062  
development of the children according to the program objectives, 23063  
and meets the requirements of section 3301.55 of the Revised Code; 23064

(2) Standards ensuring that supervision, discipline, and 23065  
programs will be administered according to established objectives 23066  
and procedures; 23067

(3) Standards ensuring that preschool staff members and 23068  
nonteaching employees are recruited, employed, assigned, 23069  
evaluated, and provided inservice education without discrimination 23070  
on the basis of age, color, national origin, race, or sex; and 23071  
that preschool staff members and nonteaching employees are 23072  
assigned responsibilities in accordance with written position 23073  
descriptions commensurate with their training and experience; 23074

(4) A requirement that boards of education intending to 23075  
establish a preschool program demonstrate a need for a preschool 23076  
program prior to establishing the program; 23077

(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the state board to prevent the spread of communicable disease;

(6) Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code.

(B) The state board of education in consultation with the director of job and family services shall ensure that the rules adopted by the state board under sections 3301.52 to 3301.58 of the Revised Code are consistent with and meet or exceed the requirements of Chapter 5104. of the Revised Code with regard to child day-care centers that serve preschool children. The state board and the director of job and family services shall review all such rules at least once every five years.

(C) The state board of education, in consultation with the director of job and family services, shall adopt rules for school child programs that are consistent with and meet or exceed the requirements of the rules adopted for ~~school-age child-care~~ child day-care centers that serve school-age children under Chapter 5104. of the Revised Code.

**Sec. 3302.01.** As used in this chapter:

(A) "Performance index score" means the average of the totals derived from calculations, for each subject area, of the weighted proportion of untested students and students scoring at each level of skill described in division (A)(2) of section 3301.0710 of the Revised Code on the state achievement assessments, as follows:

(1) For the assessments prescribed by division (A)(1) of section 3301.0710 of the Revised Code, the average for each of the subject areas of English language arts, mathematics, and science.

(2) For the assessments prescribed by division (B)(1) of

section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code, the average for each of the subject areas of English language arts and mathematics.

The department of education shall assign weights such that students who do not take an assessment receive a weight of zero and students who take an assessment receive progressively larger weights dependent upon the level of skill attained on the assessment. The department shall assign additional weights to students who have been permitted to pass over a subject in accordance with a student acceleration policy adopted under section 3324.10 of the Revised Code. If such a student attains the proficient score prescribed under division (A)(2)(c) of section 3301.0710 of the Revised Code or higher on an assessment, the department shall assign the student the weight prescribed for the next higher scoring level. If such a student attains the advanced score, prescribed under division (A)(2)(a) of section 3301.0710 of the Revised Code, on an assessment, the department shall assign to the student an additional proportional weight, as approved by the state board. For each school year that such a student's score is included in the performance index score and the student attains the proficient score on an assessment, that additional weight shall be assigned to the student on a subject-by-subject basis.

Students shall be included in the "performance index score" in accordance with division (K)(2) of section 3302.03 of the Revised Code.

(B) "Subgroup" means a subset of the entire student population of the state, a school district, or a school building and includes each of the following:

- (1) Major racial and ethnic groups;
- (2) Students with disabilities;
- (3) Economically disadvantaged students;

(4) <del>Limited English proficient students</del> <u>learners</u> ;	23139
(5) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field.	23140 23141 23142 23143 23144 23145 23146 23147
(6) Students in the lowest quintile for achievement statewide, as determined by a method prescribed by the state board of education.	23148 23149 23150
(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or both thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education.	23151 23152 23153 23154 23155 23156
(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001."	23157 23158 23159
(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001."	23160 23161 23162 23163 23164
(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from the achievement assessments prescribed by section 3301.0710 of the	23165 23166 23167 23168 23169

Revised Code. The "value-added progress dimension" shall be 23170  
developed and implemented in accordance with section 3302.021 of 23171  
the Revised Code. 23172

(G)(1) "Four-year adjusted cohort graduation rate" means the 23173  
number of students who graduate in four years or less with a 23174  
regular high school diploma divided by the number of students who 23175  
form the adjusted cohort for the graduating class. 23176

(2) "Five-year adjusted cohort graduation rate" means the 23177  
number of students who graduate in five years with a regular high 23178  
school diploma divided by the number of students who form the 23179  
adjusted cohort for the four-year graduation rate. 23180

(H) "State institution of higher education" has the same 23181  
meaning as in section 3345.011 of the Revised Code. 23182

(I) "Annual measurable objectives" means a measure of student 23183  
progress determined in accordance with an agreement between the 23184  
department of education and the United States department of 23185  
education. 23186

(J) "Community school" means a community school established 23187  
under Chapter 3314. of the Revised Code. 23188

(K) "STEM school" means a science, technology, engineering, 23189  
and mathematics school established under Chapter 3326. of the 23190  
Revised Code. 23191

(L) "Entitled to attend school in the district" means 23192  
entitled to attend school in a school district under section 23193  
3313.64 or 3313.65 of the Revised Code. 23194

**Sec. 3302.021.** (A) Not earlier than July 1, 2005, and not 23195  
later than July 1, 2007, the department of education shall 23196  
implement a value-added progress dimension for school districts 23197  
and buildings and shall incorporate the value-added progress 23198  
dimension into the report cards and performance ratings issued for 23199

districts and buildings under section 3302.03 of the Revised Code. 23200

The state board of education shall adopt rules, pursuant to 23201  
Chapter 119. of the Revised Code, for the implementation of the 23202  
value-added progress dimension. The rules adopted under this 23203  
division shall specify ~~both~~ all of the following: 23204

(1) A scale for describing the levels of academic progress in 23205  
reading and mathematics relative to a standard year of academic 23206  
growth in those subjects for each of grades three through eight; 23207

(2) That the department shall maintain the confidentiality of 23208  
individual student test scores and individual student reports in 23209  
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 23210  
Revised Code and federal law. The department may require school 23211  
districts to use a unique identifier for each student for this 23212  
purpose. Individual student test scores and individual student 23213  
reports shall be made available only to a student's classroom 23214  
teacher and other appropriate educational personnel and to the 23215  
student's parent or guardian. 23216

(3) That the department may use not more than one academic 23217  
year of value-added growth data to calculate the measure. 23218

(B) The department shall use a system designed for collecting 23219  
necessary data, calculating the value-added progress dimension, 23220  
analyzing data, and generating reports, which system has been used 23221  
previously by a nonprofit organization led by the Ohio business 23222  
community for at least one year in the operation of a pilot 23223  
program in cooperation with school districts to collect and report 23224  
student achievement data via electronic means and to provide 23225  
information to the districts regarding the academic performance of 23226  
individual students, grade levels, school buildings, and the 23227  
districts as a whole. 23228

(C) The department shall not pay more than two dollars per 23229  
student for data analysis and reporting to implement the 23230

value-added progress dimension in the same manner and with the 23231  
same services as under the pilot program described by division (B) 23232  
of this section. However, nothing in this section shall preclude 23233  
the department or any school district from entering into a 23234  
contract for the provision of more services at a higher fee per 23235  
student. Any data analysis conducted under this section by an 23236  
entity under contract with the department shall be completed in 23237  
accordance with timelines established by the superintendent of 23238  
public instruction. 23239

(D) The department shall share any aggregate student data and 23240  
any calculation, analysis, or report utilizing aggregate student 23241  
data that is generated under this section with the chancellor of 23242  
~~the Ohio board of regents~~ higher education. The department shall 23243  
not share individual student test scores and individual student 23244  
reports with the chancellor. 23245

**Sec. 3302.03.** Annually, Not later than the thirty-first day 23246  
of July of each year, the department of education shall submit 23247  
preliminary report card data for overall academic performance and 23248  
for each separate performance measure for each school district, 23249  
and each school building, in accordance with this section. 23250

Annually, not later than the fifteenth day of September or 23251  
the preceding Friday when that day falls on a Saturday or Sunday, 23252  
the department ~~of education~~ shall assign a letter grade for 23253  
overall academic performance and for each separate performance 23254  
measure for each school district, and each school building in a 23255  
district, in accordance with this section. The state board shall 23256  
adopt rules pursuant to Chapter 119. of the Revised Code to 23257  
establish performance criteria for each letter grade and prescribe 23258  
a method by which the department assigns each letter grade. For a 23259  
school building to which any of the performance measures do not 23260  
apply, due to grade levels served by the building, the state board 23261

shall designate the performance measures that are applicable to 23262  
the building and that must be calculated separately and used to 23263  
calculate the building's overall grade. The department shall issue 23264  
annual report cards reflecting the performance of each school 23265  
district, each building within each district, and for the state as 23266  
a whole using the performance measures and letter grade system 23267  
described in this section. The department shall include on the 23268  
report card for each district and each building within each 23269  
district the most recent two-year trend data in student 23270  
achievement for each subject and each grade. 23271

If the department fails to assign letter grades by the date 23272  
specified, a school district or building shall be assigned the 23273  
same grade for each measure that it was assigned for the previous 23274  
school year or a "B" for each measure, whichever is the higher per 23275  
measure. However, for the purposes of prescribing new buildings 23276  
where students are eligible for the educational choice scholarship 23277  
under section 3310.03 of the Revised Code or defining "challenged 23278  
school districts" in which new start-up community schools may be 23279  
located, as prescribed in section 3314.02 of the Revised Code, the 23280  
department shall use the actual calculated letter grade a district 23281  
or building received for each measure. 23282

(A)(1) For the 2012-2013 school year, the department shall 23283  
issue grades as described in division (E) of this section for each 23284  
of the following performance measures: 23285

(a) Annual measurable objectives; 23286

(b) Performance index score for a school district or 23287  
building. Grades shall be awarded as a percentage of the total 23288  
possible points on the performance index system as adopted by the 23289  
state board. In adopting benchmarks for assigning letter grades 23290  
under division (A)(1)(b) of this section, the state board of 23291  
education shall designate ninety per cent or higher for an "A," at 23292  
least seventy per cent but not more than eighty per cent for a 23293

"C," and less than fifty per cent for an "F."	23294
(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.02 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (A)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."	23295 23296 23297 23298 23299 23300 23301
(d) The four- and five-year adjusted cohort graduation rates.	23302
In adopting benchmarks for assigning letter grades under division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the department shall designate a four-year adjusted cohort graduation rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an "A."	23303 23304 23305 23306 23307 23308
(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure shall be as follows:	23309 23310 23311 23312 23313
(i) A score that is at least two standard errors of measure above the mean score shall be designated as an "A."	23314 23315
(ii) A score that is at least one standard error of measure but less than two standard errors of measure above the mean score shall be designated as a "B."	23316 23317 23318
(iii) A score that is less than one standard error of measure above the mean score but greater than or equal to one standard error of measure below the mean score shall be designated as a "C."	23319 23320 23321 23322
(iv) A score that is not greater than one standard error of	23323

measure below the mean score but is greater than or equal to two 23324  
standard errors of measure below the mean score shall be 23325  
designated as a "D." 23326

(v) A score that is not greater than two standard errors of 23327  
measure below the mean score shall be designated as an "F." 23328

Whenever the value-added progress dimension is used as a 23329  
graded performance measure, whether as an overall measure or as a 23330  
measure of separate subgroups, the grades for the measure shall be 23331  
calculated in the same manner as prescribed in division (A)(1)(e) 23332  
of this section. 23333

(f) The value-added progress dimension score for a school 23334  
district or building disaggregated for each of the following 23335  
subgroups: students identified as gifted, students with 23336  
disabilities, and students whose performance places them in the 23337  
lowest quintile for achievement on a statewide basis. Each 23338  
subgroup shall be a separate graded measure. 23339

(2) Not later than April 30, 2013, the state board of 23340  
education shall adopt a resolution describing the performance 23341  
measures, benchmarks, and grading system for the 2012-2013 school 23342  
year and, not later than June 30, 2013, shall adopt rules in 23343  
accordance with Chapter 119. of the Revised Code that prescribe 23344  
the methods by which the performance measures under division 23345  
(A)(1) of this section shall be assessed and assigned a letter 23346  
grade, including performance benchmarks for each letter grade. 23347

At least forty-five days prior to the state board's adoption 23348  
of rules to prescribe the methods by which the performance 23349  
measures under division (A)(1) of this section shall be assessed 23350  
and assigned a letter grade, the department shall conduct a public 23351  
presentation before the standing committees of the house of 23352  
representatives and the senate that consider education legislation 23353  
describing such methods, including performance benchmarks. 23354

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year. 23355  
23356

(B)(1) For the 2013-2014 and 2014-2015 school years, the department shall issue grades as described in division (E) of this section for each of the following performance measures: 23357  
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23359

(a) Annual measurable objectives; 23360

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F." 23361  
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(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A." 23369  
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(d) The four- and five-year adjusted cohort graduation rates; 23376

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. 23377  
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(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students 23381  
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whose performance places them in the lowest quintile for 23386  
achievement on a statewide basis. Each subgroup shall be a 23387  
separate graded measure. 23388

(g) Whether a school district or building is making progress 23389  
in improving literacy in grades kindergarten through three, as 23390  
determined using a method prescribed by the state board. The state 23391  
board shall adopt rules to prescribe benchmarks and standards for 23392  
assigning grades to districts and buildings for purposes of 23393  
division (B)(1)(g) of this section. In adopting benchmarks for 23394  
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 23395  
this section, the state board shall determine progress made based 23396  
on the reduction in the total percentage of students scoring below 23397  
grade level, or below proficient, compared from year to year on 23398  
the reading and writing diagnostic assessments administered under 23399  
section 3301.0715 of the Revised Code and the third grade English 23400  
language arts assessment under section 3301.0710 of the Revised 23401  
Code, as applicable. The state board shall designate for a "C" 23402  
grade a value that is not lower than the statewide average value 23403  
for this measure. No grade shall be issued under divisions 23404  
(B)(1)(g) and (C)(1)(g) of this section for a district or building 23405  
in which less than five per cent of students have scored below 23406  
grade level on the diagnostic assessment administered to students 23407  
in kindergarten under division (B)(1) of section 3313.608 of the 23408  
Revised Code. 23409

(h) For a high mobility school district or building, an 23410  
additional value-added progress dimension score. For this measure, 23411  
the department shall use value-added data from the most recent 23412  
school year available and shall use assessment scores for only 23413  
those students to whom the district or building has administered 23414  
the assessments prescribed by section 3301.0710 of the Revised 23415  
Code for each of the two most recent consecutive school years. 23416

As used in this division, "high mobility school district or 23417

building" means a school district or building where at least 23418  
twenty-five per cent of its total enrollment is made up of 23419  
students who have attended that school district or building for 23420  
less than one year. 23421

(2) In addition to the graded measures in division (B)(1) of 23422  
this section, the department shall include on a school district's 23423  
or building's report card all of the following without an assigned 23424  
letter grade: 23425

(a) The percentage of students enrolled in a district or 23426  
building participating in advanced placement classes and the 23427  
percentage of those students who received a score of three or 23428  
better on advanced placement examinations; 23429

(b) The number of a district's or building's students who 23430  
have earned at least three college credits through dual enrollment 23431  
or advanced standing programs, such as the post-secondary 23432  
enrollment options program under Chapter 3365. of the Revised Code 23433  
and state-approved career-technical courses offered through dual 23434  
enrollment or statewide articulation, that appear on a student's 23435  
transcript or other official document, either of which is issued 23436  
by the institution of higher education from which the student 23437  
earned the college credit. The credits earned that are reported 23438  
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 23439  
include any that are remedial or developmental and shall include 23440  
those that count toward the curriculum requirements established 23441  
for completion of a degree. 23442

(c) The percentage of students enrolled in a district or 23443  
building who have taken a national standardized test used for 23444  
college admission determinations and the percentage of those 23445  
students who are determined to be remediation-free in accordance 23446  
with standards adopted under division (F) of section 3345.061 of 23447  
the Revised Code; 23448

(d) The percentage of the district's or the building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code.

(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations.

(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code.

(3) Not later than December 31, 2013, the state board shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (B)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(4) There shall not be an overall letter grade for a school district or building for the 2013-2014, 2014-2015, 2015-2016, and 2016-2017 school years.

(C)(1) For the 2014-2015 school year and each school year thereafter, the department shall issue grades as described in division (E) of this section for each of the performance measures prescribed in division (C)(1) of this section. The graded measures are as follows:

(a) Annual measurable objectives. For the 2017-2018 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty-five students. For the 2018-2019 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty students. Beginning with the 2019-2020 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than fifteen students.

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the state board, of a school district or building, for which the department shall use up to three years not more than one academic year of value-added growth data ~~as available~~.

In adopting benchmarks for assigning letter grades for

overall score on value-added progress dimension under division 23511  
(C)(1)(e) of this section, the state board shall prohibit the 23512  
assigning of a grade of "A" for that measure unless the district's 23513  
or building's grade assigned for value-added progress dimension 23514  
for all subgroups under division (C)(1)(f) of this section is a 23515  
"B" or higher. 23516

For the metric prescribed by division (C)(1)(e) of this 23517  
section, the state board may adopt a student academic progress 23518  
measure to be used instead of the value-added progress dimension. 23519  
If the state board adopts such a measure, it also shall prescribe 23520  
a method for assigning letter grades for the new measure that is 23521  
comparable to the method prescribed in division (A)(1)(e) of this 23522  
section. 23523

(f) The value-added progress dimension score of a school 23524  
district or building disaggregated for each of the following 23525  
subgroups: students identified as gifted in superior cognitive 23526  
ability and specific academic ability fields under Chapter 3324. 23527  
of the Revised Code, students with disabilities, and students 23528  
whose performance places them in the lowest quintile for 23529  
achievement on a statewide basis, as determined by a method 23530  
prescribed by the state board. Each subgroup shall be a separate 23531  
graded measure. 23532

The state board may adopt student academic progress measures 23533  
to be used instead of the value-added progress dimension. If the 23534  
state board adopts such measures, it also shall prescribe a method 23535  
for assigning letter grades for the new measures that is 23536  
comparable to the method prescribed in division (A)(1)(e) of this 23537  
section. 23538

(g) Whether a school district or building is making progress 23539  
in improving literacy in grades kindergarten through three, as 23540  
determined using a method prescribed by the state board. The state 23541  
board shall adopt rules to prescribe benchmarks and standards for 23542

assigning grades to a district or building for purposes of 23543  
division (C)(1)(g) of this section. The state board shall 23544  
designate for a "C" grade a value that is not lower than the 23545  
statewide average value for this measure. No grade shall be issued 23546  
under division (C)(1)(g) of this section for a district or 23547  
building in which less than five per cent of students have scored 23548  
below grade level on the kindergarten diagnostic assessment under 23549  
division (B)(1) of section 3313.608 of the Revised Code. 23550

(h) For a high mobility school district or building, an 23551  
additional value-added progress dimension score. For this measure, 23552  
the department shall use value-added data from the most recent 23553  
school year available and shall use assessment scores for only 23554  
those students to whom the district or building has administered 23555  
the assessments prescribed by section 3301.0710 of the Revised 23556  
Code for each of the two most recent consecutive school years. 23557

As used in this division, "high mobility school district or 23558  
building" means a school district or building where at least 23559  
twenty-five per cent of its total enrollment is made up of 23560  
students who have attended that school district or building for 23561  
less than one year. 23562

(2) In addition to the graded measures in division (C)(1) of 23563  
this section, the department shall include on a school district's 23564  
or building's report card all of the following without an assigned 23565  
letter grade: 23566

(a) The percentage of students enrolled in a district or 23567  
building who have taken a national standardized test used for 23568  
college admission determinations and the percentage of those 23569  
students who are determined to be remediation-free in accordance 23570  
with the standards adopted under division (F) of section 3345.061 23571  
of the Revised Code; 23572

(b) The percentage of students enrolled in a district or 23573

building participating in advanced placement classes and the 23574  
percentage of those students who received a score of three or 23575  
better on advanced placement examinations; 23576

(c) The percentage of a district's or building's students who 23577  
have earned at least three college credits through advanced 23578  
standing programs, such as the college credit plus program under 23579  
Chapter 3365. of the Revised Code and state-approved 23580  
career-technical courses offered through dual enrollment or 23581  
statewide articulation, that appear on a student's college 23582  
transcript issued by the institution of higher education from 23583  
which the student earned the college credit. The credits earned 23584  
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 23585  
section shall not include any that are remedial or developmental 23586  
and shall include those that count toward the curriculum 23587  
requirements established for completion of a degree. 23588

(d) The percentage of the district's or building's students 23589  
who receive an honor's diploma under division (B) of section 23590  
3313.61 of the Revised Code; 23591

(e) The percentage of the district's or building's students 23592  
who receive industry-recognized credentials as approved under 23593  
section 3313.6113 of the Revised Code; 23594

(f) The percentage of students enrolled in a district or 23595  
building who are participating in an international baccalaureate 23596  
program and the percentage of those students who receive a score 23597  
of four or better on the international baccalaureate examinations; 23598

(g) The results of the college and career-ready assessments 23599  
administered under division (B)(1) of section 3301.0712 of the 23600  
Revised Code; 23601

(h) Whether the school district or building has implemented a 23602  
positive behavior intervention and supports framework in 23603  
compliance with the requirements of section 3319.46 of the Revised 23604

Code, notated as a "yes" or "no" answer. 23605

(3) The state board shall adopt rules pursuant to Chapter 23606  
119. of the Revised Code that establish a method to assign an 23607  
overall grade for a school district or school building for the 23608  
2017-2018 school year and each school year thereafter. The rules 23609  
shall group the performance measures in divisions (C)(1) and (2) 23610  
of this section into the following components: 23611

(a) Gap closing, which shall include the performance measure 23612  
in division (C)(1)(a) of this section; 23613

(b) Achievement, which shall include the performance measures 23614  
in divisions (C)(1)(b) and (c) of this section; 23615

(c) Progress, which shall include the performance measures in 23616  
divisions (C)(1)(e) and (f) of this section; 23617

(d) Graduation, which shall include the performance measure 23618  
in division (C)(1)(d) of this section; 23619

(e) Kindergarten through third-grade literacy, which shall 23620  
include the performance measure in division (C)(1)(g) of this 23621  
section; 23622

(f) Prepared for success, which shall include the performance 23623  
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 23624  
this section. The state board shall develop a method to determine 23625  
a grade for the component in division (C)(3)(f) of this section 23626  
using the performance measures in divisions (C)(2)(a), (b), (c), 23627  
(d), (e), and (f) of this section. When available, the state board 23628  
may incorporate the performance measure under division (C)(2)(g) 23629  
of this section into the component under division (C)(3)(f) of 23630  
this section. When determining the overall grade for the prepared 23631  
for success component prescribed by division (C)(3)(f) of this 23632  
section, no individual student shall be counted in more than one 23633  
performance measure. However, if a student qualifies for more than 23634  
one performance measure in the component, the state board may, in 23635

its method to determine a grade for the component, specify an 23636  
additional weight for such a student that is not greater than or 23637  
equal to 1.0. In determining the overall score under division 23638  
(C)(3)(f) of this section, the state board shall ensure that the 23639  
pool of students included in the performance measures aggregated 23640  
under that division are all of the students included in the four- 23641  
and five-year adjusted graduation cohort. 23642

In the rules adopted under division (C)(3) of this section, 23643  
the state board shall adopt a method for determining a grade for 23644  
each component in divisions (C)(3)(a) to (f) of this section. The 23645  
state board also shall establish a method to assign an overall 23646  
grade of "A," "B," "C," "D," or "F" using the grades assigned for 23647  
each component. The method the state board adopts for assigning an 23648  
overall grade shall ~~give equal weight to the components in~~ 23649  
~~divisions (C)(3)(b) and (c) of this section~~ use either the 23650  
performance index score measure under division (C)(1)(b) or the 23651  
value-added progress dimension measure under division (C)(1)(e) of 23652  
this section, whichever is higher, but not both measures. The 23653  
rules adopted by the state board shall prohibit the calculation of 23654  
the overall grade to include both the performance index score and 23655  
value-added progress dimension measures and shall ensure that a 23656  
district or building receives the highest overall grade possible 23657  
using the appropriate measure. However, for the purposes of 23658  
prescribing new buildings where students are eligible for the 23659  
educational choice scholarship under section 3310.03 of the 23660  
Revised Code or defining "challenged school districts" in which 23661  
new start-up community schools may be located, as prescribed in 23662  
section 3314.02 of the Revised Code, the department shall use both 23663  
measures to determine the overall letter grade for a district or a 23664  
building. 23665

At least forty-five days prior to the state board's adoption 23666  
of rules to prescribe the methods for calculating the overall 23667

grade for the report card, as required by this division, the 23668  
department shall conduct a public presentation before the standing 23669  
committees of the house of representatives and the senate that 23670  
consider education legislation describing the format for the 23671  
report card, weights that will be assigned to the components of 23672  
the overall grade, and the method for calculating the overall 23673  
grade. 23674

(D) On or after July 1, 2015, the state board may develop a 23675  
measure of student academic progress for high school students 23676  
using only data from assessments in English language arts and 23677  
mathematics. If the state board develops this measure, each school 23678  
district and applicable school building shall be assigned a 23679  
separate letter grade for it not sooner than the 2017-2018 school 23680  
year. The district's or building's grade for that measure shall 23681  
not be included in determining the district's or building's 23682  
overall letter grade. 23683

(E) The letter grades assigned to a school district or 23684  
building under this section shall be as follows: 23685

(1) "A" for a district or school making excellent progress; 23686

(2) "B" for a district or school making above average 23687  
progress; 23688

(3) "C" for a district or school making average progress; 23689

(4) "D" for a district or school making below average 23690  
progress; 23691

(5) "F" for a district or school failing to meet minimum 23692  
progress. 23693

(F) When reporting data on student achievement and progress, 23694  
the department shall disaggregate that data according to the 23695  
following categories: 23696

(1) Performance of students by grade-level; 23697

(2) Performance of students by race and ethnic group;	23698
(3) Performance of students by gender;	23699
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	23700 23701
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	23702 23703 23704
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	23705 23706
(7) Performance of students grouped by those who are economically disadvantaged;	23707 23708
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	23709 23710 23711
(9) Performance of students grouped by those who are classified as <del>limited</del> English <del>proficient</del> <u>learners</u> ;	23712 23713
(10) Performance of students grouped by those who have disabilities;	23714 23715
(11) Performance of students grouped by those who are classified as migrants;	23716 23717
(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.	23718 23719 23720 23721 23722 23723 23724 23725 23726
(13) Performance of students grouped by those who perform in	23727

the lowest quintile for achievement on a statewide basis, as 23728  
determined by a method prescribed by the state board. 23729

The department may disaggregate data on student performance 23730  
according to other categories that the department determines are 23731  
appropriate. To the extent possible, the department shall 23732  
disaggregate data on student performance according to any 23733  
combinations of two or more of the categories listed in divisions 23734  
(F)(1) to (13) of this section that it deems relevant. 23735

In reporting data pursuant to division (F) of this section, 23736  
the department shall not include in the report cards any data 23737  
statistical in nature that is statistically unreliable or that 23738  
could result in the identification of individual students. For 23739  
this purpose, the department shall not report student performance 23740  
data for any group identified in division (F) of this section that 23741  
contains less than ten students. If the department does not report 23742  
student performance data for a group because it contains less than 23743  
ten students, the department shall indicate on the report card 23744  
that is why data was not reported. 23745

(G) The department may include with the report cards any 23746  
additional education and fiscal performance data it deems 23747  
valuable. 23748

(H) The department shall include on each report card a list 23749  
of additional information collected by the department that is 23750  
available regarding the district or building for which the report 23751  
card is issued. When available, such additional information shall 23752  
include student mobility data disaggregated by race and 23753  
socioeconomic status, college enrollment data, and the reports 23754  
prepared under section 3302.031 of the Revised Code. 23755

The department shall maintain a site on the world wide web. 23756  
The report card shall include the address of the site and shall 23757  
specify that such additional information is available to the 23758

public at that site. The department shall also provide a copy of 23759  
each item on the list to the superintendent of each school 23760  
district. The district superintendent shall provide a copy of any 23761  
item on the list to anyone who requests it. 23762

(I)(1)(a) Except as provided in division (I)(1)(b) of this 23763  
section, for any district that sponsors a conversion community 23764  
school under Chapter 3314. of the Revised Code, the department 23765  
shall combine data regarding the academic performance of students 23766  
enrolled in the community school with comparable data from the 23767  
schools of the district for the purpose of determining the 23768  
performance of the district as a whole on the report card issued 23769  
for the district under this section or section 3302.033 of the 23770  
Revised Code. 23771

(b) The department shall not combine data from any conversion 23772  
community school that a district sponsors if a majority of the 23773  
students enrolled in the conversion community school are enrolled 23774  
in a dropout prevention and recovery program that is operated by 23775  
the school, as described in division (A)~~(4)~~(2)(a) of section 23776  
3314.35 of the Revised Code. The department shall include as an 23777  
addendum to the district's report card the ratings and performance 23778  
measures that are required under section 3314.017 of the Revised 23779  
Code for any community school to which division (I)(1)(b) of this 23780  
section applies. This addendum shall include, at a minimum, the 23781  
data specified in divisions (C)(1)(a), (C)(2), and (C)(3) of 23782  
section 3314.017 of the Revised Code. 23783

(2) Any district that leases a building to a community school 23784  
located in the district or that enters into an agreement with a 23785  
community school located in the district whereby the district and 23786  
the school endorse each other's programs may elect to have data 23787  
regarding the academic performance of students enrolled in the 23788  
community school combined with comparable data from the schools of 23789  
the district for the purpose of determining the performance of the 23790

district as a whole on the district report card. Any district that 23791  
so elects shall annually file a copy of the lease or agreement 23792  
with the department. 23793

(3) Any municipal school district, as defined in section 23794  
3311.71 of the Revised Code, that sponsors a community school 23795  
located within the district's territory, or that enters into an 23796  
agreement with a community school located within the district's 23797  
territory whereby the district and the community school endorse 23798  
each other's programs, may exercise either or both of the 23799  
following elections: 23800

(a) To have data regarding the academic performance of 23801  
students enrolled in that community school combined with 23802  
comparable data from the schools of the district for the purpose 23803  
of determining the performance of the district as a whole on the 23804  
district's report card; 23805

(b) To have the number of students attending that community 23806  
school noted separately on the district's report card. 23807

The election authorized under division (I)(3)(a) of this 23808  
section is subject to approval by the governing authority of the 23809  
community school. 23810

Any municipal school district that exercises an election to 23811  
combine or include data under division (I)(3) of this section, by 23812  
the first day of October of each year, shall file with the 23813  
department documentation indicating eligibility for that election, 23814  
as required by the department. 23815

(J) The department shall include on each report card the 23816  
percentage of teachers in the district or building who are 23817  
properly certified or licensed teachers, as defined in section 23818  
3319.074 of the Revised Code, and a comparison of that percentage 23819  
with the percentages of such teachers in similar districts and 23820  
buildings. 23821

(K)(1) In calculating English language arts, mathematics, or science assessment passage rates used to determine school district or building performance under this section, the department shall include all students taking an assessment with accommodation or to whom an alternate assessment is administered pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code.

(2) In calculating performance index scores, rates of achievement on the performance indicators established by the state board under section 3302.02 of the Revised Code, and annual measurable objectives for determining adequate yearly progress for school districts and buildings under this section, the department shall do all of the following:

(a) Include for each district or building only those students who are included in the ADM certified for the first full school week of October and are continuously enrolled in the district or building through the time of the spring administration of any assessment prescribed by division (A)(1) or (B)(1) of section 3301.0710 or division (B) of section 3301.0712 of the Revised Code that is administered to the student's grade level;

(b) Include cumulative totals from both the fall and spring administrations of the third grade English language arts achievement assessment;

(c) Except as required by the No Child Left Behind Act of 2001, exclude for each district or building any ~~limited~~ English ~~proficient student~~ learner who has been enrolled in United States schools for less than one full school year.

(L) Beginning with the 2015-2016 school year and at least once every three years thereafter, the state board of education shall review and may adjust the benchmarks for assigning letter grades to the performance measures and components prescribed under divisions (C)(3) and (D) of this section.

**Sec. 3302.036.** (A) Notwithstanding anything in the Revised Code to the contrary, the department of education shall not assign an overall letter grade under division (C)(3) of section 3302.03 of the Revised Code for any school district or building for the 2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years, may, at the discretion of the state board of education, not assign an individual grade to any component prescribed under division (C)(3) of section 3302.03 of the Revised Code, and shall not rank school districts, community schools established under Chapter 3314. of the Revised Code, or STEM schools established under Chapter 3326. of the Revised Code under section 3302.21 of the Revised Code for those school years. The report card ratings issued for the 2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years shall not be considered in determining whether a school district or a school is subject to sanctions or penalties. However, the report card ratings of any previous or subsequent years shall be considered in determining whether a school district or building is subject to sanctions or penalties. Accordingly, the report card ratings for the 2014-2015, 2015-2016, ~~or~~ and 2016-2017 school years shall have no effect in determining sanctions or penalties, but shall not create a new starting point for determinations that are based on ratings over multiple years.

(B) The provisions from which a district or school is exempt under division (A) of this section shall be the following:

(1) Any restructuring provisions established under this chapter, except as required under the "No Child Left Behind Act of 2001";

(2) Provisions for the Columbus city school pilot project under section 3302.042 of the Revised Code;

~~(3) Provisions for academic distress commissions under former section 3302.10 of the Revised Code as it existed prior to the~~

~~effective date of this amendment. The provisions of this section 23884  
do not apply to academic distress commissions under the version of 23885  
that section as it exists on or after the effective date of this 23886  
amendment. 23887~~

~~(4)~~ Provisions prescribing new buildings where students are 23888  
eligible for the educational choice scholarships under section 23889  
3310.03 of the Revised Code; 23890

~~(5)~~(4) Provisions defining "challenged school districts" in 23891  
which new start-up community schools may be located, as prescribed 23892  
in section 3314.02 of the Revised Code; 23893

~~(6)~~(5) Provisions prescribing community school closure 23894  
requirements under section 3314.35 or 3314.351 of the Revised 23895  
Code. 23896

(C) Notwithstanding anything in the Revised Code to the 23897  
contrary and except as provided in Section 3 of H.B. 7 of the 23898  
131st general assembly, no school district, community school, or 23899  
STEM school shall utilize at any time during a student's academic 23900  
career a student's score on any assessment administered under 23901  
division (A) of section 3301.0710 or division (B)(2) of section 23902  
3301.0712 of the Revised Code in the 2014-2015, 2015-2016, ~~or~~ and 23903  
2016-2017 school ~~year~~ years as a factor in any decision to promote 23904  
or to deny the student promotion to a higher grade level or in any 23905  
decision to grant course credit. No individual student score 23906  
reports on such assessments administered in the 2014-2015, 23907  
2015-2016, or 2016-2017 school years shall be released, except to 23908  
a student's school district or school or to the student or the 23909  
student's parent or guardian. 23910

Sec. 3302.037. (A) If any change is made to the calculation 23911  
or determination of grades, or to the graded measures, on the 23912  
report card issued under section 3302.03 of the Revised Code, the 23913  
report card ratings issued for the school year in which the change 23914

takes effect shall not be considered in determining whether a 23915  
school district or a school is subject to sanctions or penalties. 23916  
Furthermore, the report card ratings of any previous years shall 23917  
not be considered in determining whether a school district or 23918  
building is subject to sanctions or penalties. Accordingly, the 23919  
change in report card shall create a new starting point for 23920  
determinations that are based on ratings over multiple years. 23921

(B) The provisions for which a district or school's rating 23922  
are reset under division (A) of this section include the 23923  
following: 23924

(1) Any restructuring provisions established under this 23925  
chapter, except as required under federal law; 23926

(2) Provisions for the Columbus city school pilot project 23927  
under section 3302.042 of the Revised Code; 23928

(3) Provisions for academic distress commissions under 23929  
section 3302.10 of the Revised Code; 23930

(4) Provisions prescribing community school closure 23931  
requirements under section 3314.35 or 3314.351 of the Revised 23932  
Code. 23933

(C) This section does not apply to either of the following: 23934

(1) Provisions prescribing new buildings where students are 23935  
eligible for the educational choice scholarships under section 23936  
3310.03 of the Revised Code; 23937

(2) Provisions defining "challenged school districts" in 23938  
which new start-up community schools may be located, as prescribed 23939  
in section 3314.02 of the Revised Code. 23940

**Sec. 3302.038.** (A) Notwithstanding anything in the Revised 23941  
Code to the contrary, when a school district's or school's grade 23942  
for the value-added progress dimension or the performance index 23943  
score calculated under section 3302.03 of the Revised Code is 23944

considered in determining whether a school district or a school is 23945  
subject to sanctions or penalties on or after the effective date 23946  
of this section, the department of education shall apply the 23947  
higher grade of the two measures, regardless of which measure is 23948  
specified. At no time shall both grades be used to determine any 23949  
sanctions or penalties. 23950

(B) This section does not apply to either of the following: 23951

(1) Provisions prescribing new buildings where students are 23952  
eligible for the educational choice scholarships under section 23953  
3310.03 of the Revised Code; 23954

(2) Provisions defining "challenged school districts" in 23955  
which new start-up community schools may be located, as prescribed 23956  
in section 3314.02 of the Revised Code. 23957

**Sec. 3302.039.** (A) If the department of education fails to 23958  
assign report card ratings by the date required under section 23959  
3302.03 of the Revised Code or sponsor ratings by the date 23960  
required under section 3314.016 of the Revised Code, the report 23961  
card ratings or sponsor ratings issued for the school year in 23962  
which the department misses the deadline shall not be considered 23963  
in determining whether a school district or building is subject to 23964  
sanctions or penalties. Furthermore, the report card ratings or 23965  
sponsor ratings of any previous years shall not be considered in 23966  
determining whether a school district, building, or sponsor is 23967  
subject to sanctions or penalties. Accordingly, the missed 23968  
deadline shall create a new starting point for determinations that 23969  
are based on ratings over multiple years. 23970

(B) This section does not apply to either of the following: 23971

(1) Provisions prescribing new buildings where students are 23972  
eligible for the educational choice scholarships under section 23973  
3310.03 of the Revised Code; 23974

(2) Provisions defining "challenged school districts" in 23975  
which new start-up community schools may be located, as prescribed 23976  
in section 3314.02 of the Revised Code. 23977

**Sec. 3302.042.** (A) This section shall operate as a pilot 23978  
project that applies to any school that has been ranked according 23979  
to performance index score under section 3302.21 of the Revised 23980  
Code in the lowest five per cent of all public school buildings 23981  
statewide for three or more consecutive school years and is 23982  
operated by the Columbus city school district. This section does 23983  
not apply to a school building that is ranked according to the 23984  
value-added progress dimension under section 3302.03 of the 23985  
Revised Code above the lowest five per cent of all public school 23986  
buildings statewide for three or more consecutive years. The pilot 23987  
project shall commence once the department of education 23988  
establishes implementation guidelines for the pilot project in 23989  
consultation with the Columbus city school district. 23990

(B) Except as provided in division (D), (E), or (F) of this 23991  
section, if the parents or guardians of at least fifty per cent of 23992  
the students enrolled in a school to which this section applies, 23993  
or if the parents or guardians of at least fifty per cent of the 23994  
total number of students enrolled in that school and the schools 23995  
of lower grade levels whose students typically matriculate into 23996  
that school, by the thirty-first day of December of any school 23997  
year in which the school is subject to this section, sign and file 23998  
with the school district treasurer a petition requesting the 23999  
district board of education to implement one of the following 24000  
reforms in the school, and if the validity and sufficiency of the 24001  
petition is certified in accordance with division (C) of this 24002  
section, the board shall implement the requested reform in the 24003  
next school year: 24004

(1) Reopen the school as a community school under Chapter 24005

3314. of the Revised Code; 24006

(2) Replace at least seventy per cent of the school's 24007  
personnel who are related to the school's poor academic 24008  
performance or, at the request of the petitioners, retain not more 24009  
than thirty per cent of the personnel; 24010

(3) Contract with another school district or a nonprofit or 24011  
for-profit entity with a demonstrated record of effectiveness to 24012  
operate the school; 24013

(4) Turn operation of the school over to the department; 24014

(5) Any other major restructuring of the school that makes 24015  
fundamental reforms in the school's staffing or governance. 24016

(C) Not later than thirty days after receipt of a petition 24017  
under division (B) of this section, the district treasurer shall 24018  
verify the validity and sufficiency of the signatures on the 24019  
petition and certify to the district board whether the petition 24020  
contains the necessary number of valid signatures to require the 24021  
board to implement the reform requested by the petitioners. If the 24022  
treasurer certifies to the district board that the petition does 24023  
not contain the necessary number of valid signatures, any person 24024  
who signed the petition may file an appeal with the county auditor 24025  
within ten days after the certification. Not later than thirty 24026  
days after the filing of an appeal, the county auditor shall 24027  
conduct an independent verification of the validity and 24028  
sufficiency of the signatures on the petition and certify to the 24029  
district board whether the petition contains the necessary number 24030  
of valid signatures to require the board to implement the 24031  
requested reform. If the treasurer or county auditor certifies 24032  
that the petition contains the necessary number of valid 24033  
signatures, the district board shall notify the superintendent of 24034  
public instruction and the state board of education of the 24035  
certification. 24036

(D) The district board shall not implement the reform 24037  
requested by the petitioners in any of the following 24038  
circumstances: 24039

(1) The district board has determined that the request is for 24040  
reasons other than improving student academic achievement or 24041  
student safety. 24042

(2) The state superintendent has determined that 24043  
implementation of the requested reform would not comply with the 24044  
model of differentiated accountability described in section 24045  
3302.041 of the Revised Code. 24046

(3) The petitioners have requested the district board to 24047  
implement the reform described in division (B)(4) of this section 24048  
and the department has not agreed to take over the school's 24049  
operation. 24050

(4) When all of the following have occurred: 24051

(a) After a public hearing on the matter, the district board 24052  
issued a written statement explaining the reasons that it is 24053  
unable to implement the requested reform and agreeing to implement 24054  
one of the other reforms described in division (B) of this 24055  
section. 24056

(b) The district board submitted its written statement to the 24057  
state superintendent and the state board along with evidence 24058  
showing how the alternative reform the district board has agreed 24059  
to implement will enable the school to improve its academic 24060  
performance. 24061

(c) Both the state superintendent and the state board have 24062  
approved implementation of the alternative reform. 24063

(E) If the provisions of this section conflict in any way 24064  
with the requirements of federal law, federal law shall prevail 24065  
over the provisions of this section. 24066

(F) If a school is restructured under this section, ~~section 3302.10 or 3302.12 of the Revised Code~~, or federal law, the school shall not be required to restructure again under state law for three consecutive years after the implementation of that prior restructuring. 24067  
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(G) Beginning not later than six months after the first petition under this section has been resolved, the department of education shall annually evaluate the pilot program and submit a report to the general assembly under section 101.68 of the Revised Code. Such reports shall contain its recommendations to the general assembly with respect to the continuation of the pilot program, its expansion to other school districts, or the enactment of further legislation establishing the program statewide under permanent law. 24072  
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**Sec. 3302.061.** (A) A school district board of education shall review each application received under section 3302.06 of the Revised Code and, within sixty days after receipt of the application, shall approve or disapprove the application. In reviewing applications, the board shall give preference to applications that propose innovations in one or more of the following areas: 24081  
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24083  
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(1) Curriculum; 24088

(2) Student assessments, other than the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code; 24089  
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24091

(3) Class scheduling; 24092

(4) Accountability measures, including innovations that expand the number and variety of measures used in order to collect more complete data about student academic performance. For this purpose, schools may consider use of measures such as 24093  
24094  
24095  
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end-of-course examinations, portfolios of student work, nationally 24097  
or internationally normed assessments, the percentage of students 24098  
enrolling in post-secondary education, or the percentage of 24099  
students simultaneously obtaining a high school diploma and an 24100  
associate's degree or certification to work in an industry or 24101  
career field. 24102

(5) Provision of student services, including services for 24103  
students who are disabled, identified as gifted under Chapter 24104  
3324. of the Revised Code, ~~limited~~ English ~~proficient~~ learners, at 24105  
risk of academic failure or dropping out, or at risk of suspension 24106  
or expulsion; 24107

(6) Provision of health, counseling, or other social services 24108  
to students; 24109

(7) Preparation of students for transition to higher 24110  
education or the workforce; 24111

(8) Teacher recruitment, employment, and evaluation; 24112

(9) Compensation for school personnel; 24113

(10) Professional development; 24114

(11) School governance and the roles and responsibilities of 24115  
principals; 24116

(12) Use of financial or other resources. 24117

(B)(1) If the board approves an application seeking 24118  
designation as an innovation school, it shall so designate the 24119  
school that submitted the application. If the board approves an 24120  
application seeking designation as an innovation school zone, it 24121  
shall so designate the participating schools that submitted the 24122  
application. 24123

(2) If the board disapproves an application, it shall provide 24124  
a written explanation of the basis for its decision to the school 24125  
or schools that submitted the application. The school or schools 24126

may reapply for designation as an innovation school or innovation school zone at any time. 24127  
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(C) The board may approve an application that allows an innovation school or a school participating in an innovation school zone to determine the compensation of board employees working in the school, but the total compensation for all such employees shall not exceed the financial resources allocated to the school by the board. The school shall not be required to comply with the salary schedule adopted by the board under section 3311.78, 3317.14, or 3317.141 of the Revised Code. The board may approve an application that allows an innovation school or a school participating in an innovation school zone to remove board employees from the school, but no employee shall be terminated except as provided in section 3311.82, 3319.081, or 3319.16 of the Revised Code. 24129  
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(D) The board may do either of the following at any time: 24142

(1) Designate a school as an innovation school by creating an innovation plan for that school and offering the school an opportunity to participate in the plan's creation; 24143  
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(2) Designate as an innovation school zone two or more schools that share common interests based on factors such as geographical proximity or similar educational programs or that serve the same classes of students as they advance to higher grade levels, by creating an innovation plan for those schools and offering the schools an opportunity to participate in the plan's creation. 24146  
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Sec. 3302.10. (A) Any academic distress commission organized for a school district under former section 3302.10 of the Revised Code, as it existed prior to the effective date of this section, is hereby dissolved. The board of education of each district wherein an academic distress commission previously had been 24153  
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established shall reassume all of the powers granted to it under 24158  
the Revised Code. 24159

(B)(1) Beginning July 1, 2019, this section shall apply to 24160  
each building operated by a school district for which an academic 24161  
distress commission had been established under former section 24162  
3302.10 of the Revised Code, as it existed prior to the effective 24163  
date of this section, and which building also received an overall 24164  
grade of "F" under division (C)(3) of section 3302.03 of the 24165  
Revised Code for the previous school year. Each building to which 24166  
this division applies shall commence the procedure prescribed by 24167  
division (C)(1) of this section. 24168

(2) Beginning July 1, 2020, this section shall apply to any 24169  
school building operated by a city, local, or exempted village 24170  
school district which is not subject to division (B)(1) of this 24171  
section and which building receives an overall grade of "F" under 24172  
division (C)(3) of section 3302.03 of the Revised Code for the 24173  
previous school year. Each building to which this division applies 24174  
shall commence the procedure prescribed by division (C)(1) of this 24175  
section. 24176

(C)(1) For each school building, in the first year, to which 24177  
this section applies, the superintendent of public instruction 24178  
shall designate the building as "in need of improvement," and the 24179  
district board shall establish a school improvement team for the 24180  
building. Each team shall be comprised of administrators and 24181  
teachers, and may include community stakeholders, with oversight 24182  
from the district board. 24183

The improvement team shall do the following: 24184

(a) Conduct a performance audit that reviews the needs of 24185  
students, parents, teachers, and administrators of the school 24186  
building. As part of the performance audit, the improvement team 24187  
shall convene a group of parents and community stakeholders from 24188

<u>within the attendance zone of the building and seek input on</u>	24189
<u>student needs and school improvement strategies.</u>	24190
<u>(b) Develop a school improvement plan based on a</u>	24191
<u>multi-tiered, evidence-based model. The plan may include</u>	24192
<u>measurable benchmarks for improvement in the following areas:</u>	24193
<u>(i) Parent and family engagement;</u>	24194
<u>(ii) Creating a culture of academic success among students;</u>	24195
<u>(iii) Building a culture of student support among school</u>	24196
<u>faculty and staff;</u>	24197
<u>(iv) Student attendance;</u>	24198
<u>(v) Dismissal and exclusion rates;</u>	24199
<u>(vi) Student safety and discipline;</u>	24200
<u>(vii) Student promotion and dropout rates;</u>	24201
<u>(viii) Graduation rates.</u>	24202
<u>(c) Submit the improvement plan to the district board for</u>	24203
<u>approval not later than the final day of the school year in which</u>	24204
<u>the process described in division (C)(1) of this section began.</u>	24205
<u>The district board and the district superintendent shall review</u>	24206
<u>the plan and may change elements of the plan in consultation with</u>	24207
<u>the improvement team. Prior to approving the plan, the district</u>	24208
<u>board shall seek community feedback in one or more public</u>	24209
<u>hearings.</u>	24210
<u>(d) An improvement team may request technical support from</u>	24211
<u>the department of education during development of the plan.</u>	24212
<u>(e) An improvement team may recommend that the district board</u>	24213
<u>voluntarily initiate a community learning center model process for</u>	24214
<u>the building, as described in section 3302.17 of the Revised Code.</u>	24215
<u>(2) If a school building receives an overall grade of "F"</u>	24216
<u>under division (C)(3) of section 3302.03 of the Revised Code for a</u>	24217

second consecutive year, the building shall retain "in need of 24218  
improvement status," and the district board and the improvement 24219  
team shall begin implementing the improvement plan developed under 24220  
division (C)(1) of this section. The improvement team shall 24221  
monitor progress on the implementation of the improvement plan, 24222  
with oversight from the district board. The improvement team may 24223  
hire an academic coordinator or request technical support from the 24224  
department during implementation of the plan. 24225

(3) If a school building receives an overall grade of "F" 24226  
under division (C)(3) of section 3302.03 of the Revised Code for a 24227  
third consecutive year, the building shall retain "in need of 24228  
improvement status," and the improvement team shall continue 24229  
implementing the improvement plan, with oversight from the 24230  
district board. The department of education may perform a mid-year 24231  
and end-of-year review of the measurable benchmarks in the 24232  
improvement plan and provide feedback to the improvement team, 24233  
district board, and district superintendent. 24234

(4)(a) If a school building receives an overall grade of "F" 24235  
under division (C)(3) of section 3302.03 of the Revised Code for a 24236  
fourth consecutive year, the building shall retain "in need of 24237  
improvement status," and the improvement team shall continue 24238  
implementing the improvement plan, with oversight from the 24239  
district board. The state superintendent shall review the progress 24240  
made under the school improvement plan and determine if the 24241  
building may move out of "in need of improvement status." 24242

(b) In determining whether a building shall move out of "in 24243  
need of improvement status," the state superintendent shall review 24244  
whether the school has made marked improvement under the 24245  
improvement plan in accordance with the criteria developed under 24246  
division (C)(5) of this section. 24247

(5) The state board of education shall adopt rules 24248  
establishing criteria for the state superintendent to consider 24249

when determining whether a building may move out of "in need of improvement status." 24250  
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(D)(1) Beginning July 1, 2019, the state superintendent, in conjunction with the state board, shall convene a meeting of stakeholders to determine the best method to support school buildings that fail to meet improvement benchmarks under the improvement plan developed under division (C)(1) of this section and prepare a report of the recommendations. 24252  
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(2) The state superintendent shall submit this report to the standing committees of the house of representatives and senate that consider education legislation not later than January 1, 2020. 24258  
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**Sec. 3302.16.** (A)(1) As used in sections 3302.10, 3302.17, and 3302.18 of the Revised Code, "community learning center" means a school operated by a city, exempted village, or local school district or community school established under Chapter 3314. of the Revised Code that participates in a coordinated, community-based effort with community partners to provide comprehensive educational, developmental, family, and health services to students, families, and community members during school hours and hours in which school is not in session. 24262  
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(2) For purposes of this section and sections 3302.10, 3302.17, and 3302.18 of the Revised Code, "community partner" means a provider to students, families, or community members of health care services, on-site resource coordinators, and any other services or programs determined appropriate by a school action team created under section 3302.18 of the Revised Code. 24271  
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(B) Prior to providing health services to a student, a community learning center shall obtain the written consent of the student's parent, guardian, or custodian, if the student is less than eighteen years old, or the written consent of the student, if 24277  
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the student is at least eighteen years old. 24281

(C) A community learning center and any employee, contractor, 24282  
or volunteer of a community learning center shall, in accordance 24283  
with all applicable state and federal laws, maintain the 24284  
confidentiality of patient-identifying information obtained in the 24285  
course of providing health services. 24286

**Sec. 3302.17.** (A) Any school building operated by a city, 24287  
exempted village, or local school district, or a community school 24288  
established under Chapter 3314. of the Revised Code is eligible to 24289  
initiate the community learning center process as prescribed by 24290  
this section. 24291

(B) ~~Beginning with the 2015-2016 school year, each~~ Each 24292  
district board of education or community school governing 24293  
authority may initiate a community learning center process for any 24294  
school building ~~to which this section applies in the manner~~ 24295  
prescribed by this division. 24296

First, the board or governing authority shall conduct a 24297  
public information hearing at each school building to which this 24298  
section applies to inform the community of the community learning 24299  
center process. The board or governing authority may do all of the 24300  
following with regard to the public information hearing: 24301

(1) Announce the meeting not less than forty-five days in 24302  
advance at the school and on the school's or district's web sites 24303  
and using tools to ensure effective communication with individuals 24304  
with disabilities; 24305

(2) Schedule the meeting for an evening or weekend time; 24306

(3) Provide interpretation services and written materials in 24307  
all languages spoken by five per cent or more of the students 24308  
enrolled in the school; 24309

(4) Provide child care services for parents attending the 24310

meeting; 24311

(5) Provide parents, students, teachers, nonteaching 24312  
employees, and community members with the opportunity to speak at 24313  
the meeting; 24314

(6) Comply with section 149.43 of the Revised Code. 24315

In preparing for the public information hearing, the board or 24316  
governing authority shall ensure that information about the 24317  
hearing is broadly distributed throughout the community. 24318

The board or governing authority may enter into an agreement 24319  
with any civic engagement organizations, community organizations, 24320  
or employee organizations to support the implementation of the 24321  
community learning center process. 24322

The board or governing authority shall conduct a follow-up 24323  
hearing at least once annually until action is further taken under 24324  
the section with respect to the school building or until the 24325  
conditions described in division (A) of this section no longer 24326  
apply to the school building. 24327

(C) Not sooner than forty-five days after the first public 24328  
information hearing, the board or governing authority shall 24329  
conduct an election, by paper ballot, to initiate the process to 24330  
become a community learning center. Only parents or guardians of 24331  
students enrolled in the school and students enrolled in a 24332  
different school operated by a joint vocational school district 24333  
but are otherwise entitled to attend the school, and teachers and 24334  
nonteaching employees who are assigned to the school may vote in 24335  
the election. 24336

The board or governing authority shall distribute the ballots 24337  
by mail and shall make copies available at the school and on the 24338  
web site of the school. The board or governing authority also may 24339  
distribute the ballots by directly giving ballots to teachers and 24340  
nonteaching employees and sending home ballots with every student 24341

enrolled in the school building. 24342

(D) The board or governing authority shall initiate the 24343  
transition of the building to a community learning center if the 24344  
results of the election held under division (C) of this section 24345  
are as follows: 24346

(1) At least fifty per cent of parents and guardians of 24347  
students enrolled in the eligible school building and students 24348  
enrolled in a different building operated by a joint vocational 24349  
school district but who are entitled to attend the school cast 24350  
ballots by a date set by the board or governing authority, and of 24351  
those ballots at least sixty-seven per cent are in favor of 24352  
initiating the process; and 24353

(2) At least fifty per cent of teachers and nonteaching 24354  
employees who are assigned to the school cast ballots by a date 24355  
set by the board or governing authority, and of those ballots at 24356  
least sixty-seven per cent are in favor of initiating the process. 24357

(E) If a community learning center process is initiated under 24358  
this section, the board or governing authority shall create a 24359  
school action team under section 3302.18 of the Revised Code. 24360  
Within four months upon selection, the school action team shall 24361  
conduct and complete, in consultation with community partners, a 24362  
performance audit of the school and review, with parental input, 24363  
the needs of the school with regard to restructuring under section 24364  
~~3302.10, 3302.12, or~~ 3302.042 of the Revised Code, or federal law. 24365

The school action team shall provide quarterly updates of its 24366  
work in a public hearing that complies with the same 24367  
specifications prescribed in division (B) of this section. 24368

(F) Upon completion of the audit and review, the school 24369  
action team shall present its findings at a public hearing that 24370  
complies with the same specifications prescribed in division (B) 24371  
of this section. After the school action team presents its 24372

findings at the public hearing, it shall create a community 24373  
learning center improvement plan that designates appropriate 24374  
interventions, which may be based on the recommendations developed 24375  
by the department under division (H)(1)(b) of this section. 24376

If there is a federally mandated school improvement planning 24377  
process, the team shall coordinate its work with that plan. 24378

The school action team shall approve the plan by a majority 24379  
vote. 24380

(G) Upon approval of the plan by the school action team, the 24381  
team shall submit the community learning center improvement plan 24382  
to the same individuals described in division (C) of this section. 24383  
Ballots shall be distributed and an election shall be conducted in 24384  
the same manner as indicated under that division. 24385

The school action team shall submit the plan to the district 24386  
board of education or community school governing authority, if the 24387  
results of the election under division (G) of this section are as 24388  
follows: 24389

(1) At least thirty per cent of parents and guardians of 24390  
students enrolled in the eligible school building and students 24391  
enrolled in a different building operated by a joint vocational 24392  
school district but who are entitled to attend the school cast 24393  
ballots by a date set by the board or governing authority, and of 24394  
those ballots at least fifty per cent are in favor of initiating 24395  
the process; and 24396

(2) At least thirty per cent of teachers and nonteaching 24397  
employees who are assigned to the school cast ballots by a date 24398  
set by the board or governing authority, and of those ballots at 24399  
least fifty per cent are in favor of initiating the process. 24400

The board or governing authority shall evaluate the plan and 24401  
determine whether to adopt it. The board or governing authority 24402  
shall adopt the plan in full or adopt portions of the plan. If the 24403

board or governing authority does not adopt the plan in full, it 24404  
shall provide a written explanation of why portions of the plan 24405  
were rejected. 24406

(H)(1) The department shall do all of the following with 24407  
respect to this section: 24408

(a) Adopt rules regarding the elections required under this 24409  
section; 24410

(b) Develop appropriate interventions for a community 24411  
learning center improvement plan that may be used by a school 24412  
action team under division (F) of this section; 24413

(c) Publish a menu of programs and services that may be 24414  
offered by community learning centers. The information shall be 24415  
posted on the department's web site. To compile this information 24416  
the department shall solicit input from resource coordinators of 24417  
existing community learning centers. 24418

(d) Provide information regarding implementation of 24419  
comprehensive community-based programs and supportive services 24420  
including the community learning center model to school buildings 24421  
meeting any of the following conditions: 24422

(i) The building is in improvement status as defined by the 24423  
"No Child Left Behind Act of 2001" or under an agreement between 24424  
the Ohio department of education and the United States secretary 24425  
of education. 24426

(ii) The building is a secondary school that is among the 24427  
lowest achieving fifteen per cent of secondary schools statewide, 24428  
as determined by the department. 24429

(iii) The building is a secondary school with a graduation 24430  
rate of sixty per cent or lower for three or more consecutive 24431  
years. 24432

(iv) The building is a school that the department determines 24433

is persistently low-performing. 24434

(2) The department may do the following with respect to this 24435  
section: 24436

(a) Provide assistance, facilitation, and training to school 24437  
action teams in the conducting of the audit required under this 24438  
section; 24439

(b) Provide opportunities for members of school action teams 24440  
from different schools to share school improvement strategies with 24441  
parents, teachers, and other relevant stakeholders in higher 24442  
performing schools; 24443

(c) Provide financial support in a school action team's 24444  
planning process and create a grant program to assist in the 24445  
implementation of a qualified community learning center plan. 24446

(I) Notwithstanding any provision to the contrary in Chapter 24447  
4117. of the Revised Code, the requirements of this section 24448  
prevail over any conflicting provisions of a collective bargaining 24449  
agreement entered into on or after ~~the effective date of this~~ 24450  
~~section~~ October 15, 2015. However, the board or governing 24451  
authority and the teachers' labor organization may negotiate 24452  
additional factors to be considered in the adoption of a community 24453  
learning center plan. 24454

**Sec. 3302.18.** (A)(1) If a community learning center process 24455  
is initiated under section 3302.17 of the Revised Code for any 24456  
school building operated by a city, exempted village, or local 24457  
school district or a community school established under Chapter 24458  
3314. of the Revised Code, the district board of education or 24459  
community school governing authority shall create a school action 24460  
team for the school building. The team shall consist of twelve 24461  
members, as follows: 24462

(a) Seven individuals, consisting of parents or guardians of 24463

students enrolled in the school and members of the community who 24464  
are not teachers or nonteaching employees, as elected by their 24465  
peers; 24466

(b) Five teachers and nonteaching employees who are assigned 24467  
to the school building and are not parents or guardians of 24468  
students enrolled in the school, as elected by their peers. 24469

(2) To assist a school action team initiated under section 24470  
3302.17 of the Revised Code, the district board, community school 24471  
governing authority, or community partner shall select an 24472  
individual who is employed by the district, school, or community 24473  
partner to serve as the resource coordinator for the community 24474  
learning center. The school action team shall make recommendations 24475  
to the board, governing authority, or community partner on 24476  
potential candidates. The resource coordinator shall not be 24477  
considered a member of a school action team. The resource 24478  
coordinator shall assist in the development and coordination of 24479  
programs and services for the community learning center. 24480

(B) All members of a school action team shall serve as voting 24481  
members. Terms of office shall be for three years, and vacancies 24482  
shall be filled in the same manner as the original appointment. 24483

Members shall serve without compensation. 24484

(C) In addition to the responsibilities listed in section 24485  
3302.17 of the Revised Code, the school action team shall do all 24486  
of the following: 24487

(1) Monitor and assist in the implementation of the school 24488  
improvement plan, if adopted; 24489

(2) Meet with candidates for principal and other 24490  
administrative positions and make recommendations to the 24491  
superintendent and board of education of the district or governing 24492  
authority of the community school; 24493

(3) Advise on school budgets;	24494
(4) Establish ongoing mechanisms that engage students, parents, and community members in the school;	24495 24496
(5) Continue to collect feedback and information from parents using an annual survey;	24497 24498
(6) Develop and approve a written parent involvement policy that outlines the role of parents and guardians in the school;	24499 24500
(7) Monitor school progress on data related to academic achievement; attendance, suspensions, and expulsions; graduation rates; and reclassifications disaggregated by major racial and ethnic groups, <del>limited English proficient students</del> <u>learners</u> , economically disadvantaged students, and students with disabilities;	24501 24502 24503 24504 24505 24506
(8) Receive regular updates from the principal on policy matters affecting the school and provide advice on such matters;	24507 24508
(9) Meet regularly with parents and community members to discuss policy matters affecting the school.	24509 24510
<b>Sec. 3307.152.</b> (A) As used in this section and in section 3307.154 of the Revised Code:	24511 24512
(1) "Agent" means a dealer, as defined in section 1707.01 of the Revised Code, who is licensed under sections 1707.01 to <del>1707.45</del> <u>1707.50</u> of the Revised Code or under comparable laws of another state or of the United States.	24513 24514 24515 24516
(2) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.	24517 24518
(3) "Ohio-qualified agent" means an agent designated as such by the state teachers retirement board.	24519 24520
(4) "Ohio-qualified investment manager" means an investment manager designated as such by the state teachers retirement board.	24521 24522

(5) "Principal place of business" means an office in which 24523  
the agent regularly provides securities or investment advisory 24524  
services and solicits, meets with, or otherwise communicates with 24525  
clients. 24526

(B) The state teachers retirement board shall, for the 24527  
purposes of this section, designate an agent as an Ohio-qualified 24528  
agent if the agent meets all of the following requirements: 24529

(1) The agent is subject to taxation under Chapter 5725., 24530  
5726., 5733., 5747., or 5751. of the Revised Code. 24531

(2) The agent is authorized to conduct business in this 24532  
state. 24533

(3) The agent maintains a principal place of business in this 24534  
state and employs at least five residents of this state. 24535

(C) The state teachers retirement board shall adopt and 24536  
implement a written policy to establish criteria and procedures 24537  
used to select agents to execute securities transactions on behalf 24538  
of the retirement system. The policy shall address each of the 24539  
following: 24540

(1) Commissions charged by the agent, both in the aggregate 24541  
and on a per share basis; 24542

(2) The execution speed and trade settlement capabilities of 24543  
the agent; 24544

(3) The responsiveness, reliability, and integrity of the 24545  
agent; 24546

(4) The nature and value of research provided by the agent; 24547

(5) Any special capabilities of the agent. 24548

(D)(1) The board shall, at least annually, establish a policy 24549  
with the goal to increase utilization by the board of 24550  
Ohio-qualified agents for the execution of domestic equity and 24551  
fixed income trades on behalf of the retirement system, when an 24552

Ohio-qualified agent offers quality, services, and safety 24553  
comparable to other agents otherwise available to the board and 24554  
meets the criteria established under division (C) of this section. 24555

(2) The board shall review, at least annually, the 24556  
performance of the agents that execute securities transactions on 24557  
behalf of the board. 24558

(3) The board shall determine whether an agent is an 24559  
Ohio-qualified agent, meets the criteria established by the board 24560  
pursuant to division (C) of this section, and offers quality, 24561  
services, and safety comparable to other agents otherwise 24562  
available to the board. The board's determination shall be final. 24563

**Sec. 3309.157.** (A) As used in this section and in section 24564  
3309.159 of the Revised Code: 24565

(1) "Agent" means a dealer, as defined in section 1707.01 of 24566  
the Revised Code, who is licensed under sections 1707.01 to 24567  
~~1707.45~~ 1707.50 of the Revised Code or under comparable laws of 24568  
another state or of the United States. 24569

(2) "Minority business enterprise" has the same meaning as in 24570  
section 122.71 of the Revised Code. 24571

(3) "Ohio-qualified agent" means an agent designated as such 24572  
by the school employees retirement board. 24573

(4) "Ohio-qualified investment manager" means an investment 24574  
manager designated as such by the school employees retirement 24575  
board. 24576

(5) "Principal place of business" means an office in which 24577  
the agent regularly provides securities or investment advisory 24578  
services and solicits, meets with, or otherwise communicates with 24579  
clients. 24580

(B) The school employees retirement board shall, for the 24581  
purposes of this section, designate an agent as an Ohio-qualified 24582

agent if the agent meets all of the following requirements:	24583
(1) The agent is subject to taxation under Chapter 5725.,	24584
5726., 5733., 5747., or 5751. of the Revised Code.	24585
(2) The agent is authorized to conduct business in this	24586
state.	24587
(3) The agent maintains a principal place of business in this	24588
state and employs at least five residents of this state.	24589
(C) The school employees retirement board shall adopt and	24590
implement a written policy to establish criteria and procedures	24591
used to select agents to execute securities transactions on behalf	24592
of the retirement system. The policy shall address each of the	24593
following:	24594
(1) Commissions charged by the agent, both in the aggregate	24595
and on a per share basis;	24596
(2) The execution speed and trade settlement capabilities of	24597
the agent;	24598
(3) The responsiveness, reliability, and integrity of the	24599
agent;	24600
(4) The nature and value of research provided by the agent;	24601
(5) Any special capabilities of the agent.	24602
(D)(1) The board shall, at least annually, establish a policy	24603
with the goal to increase utilization by the board of	24604
Ohio-qualified agents for the execution of domestic equity and	24605
fixed income trades on behalf of the retirement system, when an	24606
Ohio-qualified agent offers quality, services, and safety	24607
comparable to other agents otherwise available to the board and	24608
meets the criteria established under division (C) of this section.	24609
(2) The board shall review, at least annually, the	24610
performance of the agents that execute securities transactions on	24611
behalf of the board.	24612

(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.

**Sec. 3310.03.** A student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code and the student satisfies one of the conditions in division (A), (B), (C), (D), or (E) of this section:

(A)(1) The student is enrolled in a school building operated by the student's resident district that, on the report card issued under section 3302.03 of the Revised Code published prior to the first day of July of the school year for which a scholarship is sought, did not receive a rating as described in division ~~(H)~~(I) of this section, and to which any or a combination of any of the following apply for two of the three most recent report cards published prior to the first day of July of the school year for which a scholarship is sought:

(a) The building was declared to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code as that section existed prior to March 22, 2013.

(b) The building received a grade of "D" or "F" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 school year; or if the building serves only grades ten through twelve, the building received a grade of

"D" or "F" for the performance index score under division 24644  
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 24645  
had a four-year adjusted cohort graduation rate of less than 24646  
seventy-five per cent. 24647

(c) The building received an overall grade of "D" or "F" 24648  
under division (C)(3) of section 3302.03 of the Revised Code or a 24649  
grade of "F" for the value-added progress dimension under division 24650  
(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 24651  
school year or any school year thereafter. 24652

(2) The student will be enrolling in any of grades 24653  
kindergarten through twelve in this state for the first time in 24654  
the school year for which a scholarship is sought, will be at 24655  
least five years of age by the first day of January of the school 24656  
year for which a scholarship is sought, and otherwise would be 24657  
assigned under section 3319.01 of the Revised Code in the school 24658  
year for which a scholarship is sought, to a school building 24659  
described in division (A)(1) of this section. 24660

(3) The student is enrolled in a community school established 24661  
under Chapter 3314. of the Revised Code but otherwise would be 24662  
assigned under section 3319.01 of the Revised Code to a building 24663  
described in division (A)(1) of this section. 24664

(4) The student is enrolled in a school building operated by 24665  
the student's resident district or in a community school 24666  
established under Chapter 3314. of the Revised Code and otherwise 24667  
would be assigned under section 3319.01 of the Revised Code to a 24668  
school building described in division (A)(1) of this section in 24669  
the school year for which the scholarship is sought. 24670

(5) The student will be both enrolling in any of grades 24671  
kindergarten through twelve in this state for the first time and 24672  
at least five years of age by the first day of January of the 24673  
school year for which a scholarship is sought, or is enrolled in a 24674

community school established under Chapter 3314. of the Revised Code, and all of the following apply to the student's resident district:

(a) The district has in force an intradistrict open enrollment policy under which no student in the student's grade level is automatically assigned to a particular school building;

(b) In the most recent rating published prior to the first day of July of the school year for which scholarship is sought, the district did not receive a rating described in division ~~(H)~~(I) of this section, and in at least two of the three most recent report cards published prior to the first day of July of that school year, any or a combination of the following apply to the district:

(i) The district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code as it existed prior to March 22, 2013.

(ii) The district received a grade of "D" or "F" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 school year.

(c) The district received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code or a grade of "F" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 school year or any school year thereafter.

(6) Beginning in the 2016-2017 school year, the student is enrolled in or will be enrolling in a building in the school year for which the scholarship is sought that serves any of grades nine through twelve and that received a grade of "D" or "F" for the

four-year adjusted cohort graduation rate under division 24706  
(A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the 24707  
Revised Code in two of the three most recent report cards 24708  
published prior to the first day of July of the school year for 24709  
which a scholarship is sought. 24710

(B)(1) The student is enrolled in a school building operated 24711  
by the student's resident district and to which both of the 24712  
following apply: 24713

(a) The building was ranked, for at least two of the three 24714  
most recent rankings prior to the first day of July of the school 24715  
year for which a scholarship is sought, in the lowest ten per cent 24716  
of all buildings operated by city, local, and exempted village 24717  
school districts according to performance index score as 24718  
determined by the department of education. 24719

(b) The building was not declared to be excellent or 24720  
effective, or the equivalent of such ratings as determined by the 24721  
department, under section 3302.03 of the Revised Code in the most 24722  
recent rating published prior to the first day of July of the 24723  
school year for which a scholarship is sought. 24724

(2) The student will be enrolling in any of grades 24725  
kindergarten through twelve in this state for the first time in 24726  
the school year for which a scholarship is sought, will be at 24727  
least five years of age, as defined in section 3321.01 of the 24728  
Revised Code, by the first day of January of the school year for 24729  
which a scholarship is sought, and otherwise would be assigned 24730  
under section 3319.01 of the Revised Code in the school year for 24731  
which a scholarship is sought, to a school building described in 24732  
division (B)(1) of this section. 24733

(3) The student is enrolled in a community school established 24734  
under Chapter 3314. of the Revised Code but otherwise would be 24735  
assigned under section 3319.01 of the Revised Code to a building 24736

described in division (B)(1) of this section. 24737

(4) The student is enrolled in a school building operated by 24738  
the student's resident district or in a community school 24739  
established under Chapter 3314. of the Revised Code and otherwise 24740  
would be assigned under section 3319.01 of the Revised Code to a 24741  
school building described in division (B)(1) of this section in 24742  
the school year for which the scholarship is sought. 24743

(C) The student is enrolled in a nonpublic school at the time 24744  
the school is granted a charter by the state board of education 24745  
under section 3301.16 of the Revised Code and the student meets 24746  
the standards of division (B) of section 3310.031 of the Revised 24747  
Code. 24748

(D) For the 2016-2017 school year and each school year 24749  
thereafter, the student is in any of grades kindergarten through 24750  
three, is enrolled in a school building that is operated by the 24751  
student's resident district or will be enrolling in any of grades 24752  
kindergarten through twelve in this state for the first time in 24753  
the school year for which a scholarship is sought, and to which 24754  
both of the following apply: 24755

(1) The building, in at least two of the three most recent 24756  
ratings of school buildings published prior to the first day of 24757  
July of the school year for which a scholarship is sought, 24758  
received a grade of "D" or "F" for making progress in improving 24759  
literacy in grades kindergarten through three under division 24760  
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 24761

(2) The building did not receive a grade of "A" for making 24762  
progress in improving literacy in grades kindergarten through 24763  
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 24764  
the Revised Code in the most recent rating published prior to the 24765  
first day of July of the school year for which a scholarship is 24766  
sought. 24767

(E) The student's resident district ~~is~~ was subject to former 24768  
section 3302.10 of the Revised Code ~~and the student either:~~ 24769

~~(1) Is enrolled in a school building operated by the resident 24770  
district or in a community school established under Chapter 3314.  
of the Revised Code;~~ 24771  
24772

~~(2) Will be both enrolling in any of grades kindergarten 24773  
through twelve in this state for the first time and at least five 24774  
years of age by the first day of January of the school year for 24775  
which a scholarship is sought as it existed prior to the effective 24776  
date of this amendment. 24777~~

(F) A student who receives a scholarship under the 24778  
educational choice scholarship pilot program remains an eligible 24779  
student and may continue to receive scholarships in subsequent 24780  
school years until the student completes grade twelve, so long as 24781  
all of the following apply: 24782

(1) The student's resident district remains the same, or the 24783  
student transfers to a new resident district and otherwise would 24784  
be assigned in the new resident district to a school building 24785  
described in division (A)(1), (B)(1), (D), or (E) of this section. 24786

(2) Except as provided in divisions (K)(1) and (L) of section 24787  
3301.0711 of the Revised Code, the student takes each assessment 24788  
prescribed for the student's grade level under section 3301.0710 24789  
or 3301.0712 of the Revised Code while enrolled in a chartered 24790  
nonpublic school. 24791

(3) In each school year that the student is enrolled in a 24792  
chartered nonpublic school, the student is absent from school for 24793  
not more than twenty days that the school is open for instruction, 24794  
not including excused absences. 24795

(G)(1) The department shall cease awarding first-time 24796  
scholarships pursuant to divisions (A)(1) to (4) of this section 24797  
with respect to a school building that, in the most recent ratings 24798

of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section. The department shall cease awarding first-time scholarships pursuant to division (A)(5) of this section with respect to a school district that, in the most recent ratings of school districts published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(5) of this section.

(2) The department shall cease awarding first-time scholarships pursuant to divisions (B)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (B)(1) of this section.

(3) The department shall cease awarding first-time scholarships pursuant to division (D) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (D) of this section.

(4) The department shall cease awarding first-time scholarships pursuant to division (E) of this section with respect to a school district subject to former section 3302.10 of the Revised Code as it existed prior to the effective date of this amendment when the academic distress commission established for the district ceases to exist.

(5) However, students who have received scholarships in the prior school year remain eligible students pursuant to division (F) of this section.

(H) The state board of education shall adopt rules defining

excused absences for purposes of division (F)(3) of this section. 24830

(I)(1) A student who satisfies only the conditions prescribed 24831  
in divisions (A)(1) to (4) of this section shall not be eligible 24832  
for a scholarship if the student's resident building meets any of 24833  
the following in the most recent rating under section 3302.03 of 24834  
the Revised Code published prior to the first day of July of the 24835  
school year for which a scholarship is sought: 24836

(a) The building has an overall designation of excellent or 24837  
effective under section 3302.03 of the Revised Code as it existed 24838  
prior to March 22, 2013. 24839

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 24840  
school year, the building has a grade of "A" or "B" for the 24841  
performance index score under division (A)(1)(b) or (B)(1)(b) of 24842  
section 3302.03 of the Revised Code and for the value-added 24843  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 24844  
section 3302.03 of the Revised Code; or if the building serves 24845  
only grades ten through twelve, the building received a grade of 24846  
"A" or "B" for the performance index score under division 24847  
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 24848  
had a four-year adjusted cohort graduation rate of greater than or 24849  
equal to seventy-five per cent. 24850

(c) For the 2016-2017 school year or any school year 24851  
thereafter, the building has a grade of "A" or "B" under division 24852  
(C)(3) of section 3302.03 of the Revised Code and a grade of "A" 24853  
for the value-added progress dimension under division (C)(1)(e) of 24854  
section 3302.03 of the Revised Code; or if the building serves 24855  
only grades ten through twelve, the building received a grade of 24856  
"A" or "B" for the performance index score under division 24857  
(C)(1)(b) of section 3302.03 of the Revised Code and had a 24858  
four-year adjusted cohort graduation rate of greater than or equal 24859  
to seventy-five per cent. 24860

(2) A student who satisfies only the conditions prescribed in 24861  
division (A)(5) of this section shall not be eligible for a 24862  
scholarship if the student's resident district meets any of the 24863  
following in the most recent rating under section 3302.03 of the 24864  
Revised Code published prior to the first day of July of the 24865  
school year for which a scholarship is sought: 24866

(a) The district has an overall designation of excellent or 24867  
effective under section 3302.03 of the Revised Code as it existed 24868  
prior to March 22, 2013. 24869

(b) The district has a grade of "A" or "B" for the 24870  
performance index score under division (A)(1)(b) or (B)(1)(b) of 24871  
section 3302.03 of the Revised Code and for the value-added 24872  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 24873  
section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 24874  
2014-2015, and 2015-2016 school years. 24875

(c) The district has an overall grade of "A" or "B" under 24876  
division (C)(3) of section 3302.03 of the Revised Code and a grade 24877  
of "A" for the value-added progress dimension under division 24878  
(C)(1)(e) of section 3302.03 of the Revised Code for the 2016-2017 24879  
school year or any school year thereafter. 24880

**Sec. 3311.242.** (A) As used in this section: 24881

(1) "Eligible township" means a township that contains the 24882  
territory of two or more school districts. 24883

(2) "Qualified electors" means electors residing within the 24884  
territory proposed to be transferred. 24885

(B) The board of education of a school district with 24886  
territory in an eligible township shall promptly do both of the 24887  
following regarding a proposal to transfer territory from the 24888  
district to another school district to which the territory is 24889  
adjoining if a petition that is certified under division (C) of 24890

this section requests such a transfer: 24891

(1) File the proposal, together with a map showing the boundaries of the territory to be transferred, with the state board of education; 24892  
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24894

(2) Certify the proposal to the board of elections of the county in which the eligible township is located for the purposes of having the proposal placed on the ballot at the next general or primary election which occurs not less than ninety days after the date of the certification or at a special election, the date of which shall be specified in the certification, which date shall not be less than ninety days after the date of the certification. 24895  
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(C) Upon receiving a petition of transfer signed by at least ten per cent of qualified electors voting at the last general election, the board of education shall cause the board of elections to check the sufficiency of signatures on the petition. If the board of elections determines the petition has been signed by at least ten per cent of qualified electors voting at the last general election, the board of elections shall certify the petition to the board of education for the purposes of division (B) of this section. 24902  
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(D) Upon certification of a proposal under division (B)(2) of this section, the board of elections shall make the necessary arrangements for the submission of the question whether to approve the transfer to the qualified electors to vote thereon, and the election shall be conducted and canvassed and the results shall be certified in the same manner as in regular elections for the election of members of a district board of education. 24911  
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(E) If the proposal submitted to qualified electors under division (D) of this section is approved by at least a majority of the electors voting on the proposal, both of the following shall apply: 24918  
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(1) The board of education of the district from which the territory is being transferred shall notify the state board of education of the results of the vote. 24922  
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(2) The board of trustees of the eligible township shall enter into negotiations with the board of education of the district to which the territory is being transferred regarding the terms of the proposal to transfer the territory. 24925  
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(F) If the board of trustees of the eligible township and the board of education to which the territory is being transferred enter into a formal agreement based on negotiations under division (E)(2) of this section, the board of education shall file the proposal and a copy of the formal agreement with the state board. However, the district board of education shall not be required to enter into a formal agreement. 24929  
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(G) The state board shall approve any proposal submitted under division (F) of this section and thereafter provide written notification of the approval to the board of education of the district from which the territory is being transferred and the board of education to which the territory is being transferred. 24936  
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(H) Upon receipt of the written notification from the state board under division (G) of this section, the board of education of the district to which the territory is being transferred shall file a map showing the boundaries of the territory transferred with the county auditor of the county in which the eligible township is located. In addition, the two district boards and the township board of trustees shall execute an equitable division of the funds and indebtedness between the districts. Thereafter, the transfer shall be complete and the legal title of the school property in the territory transferred shall be vested in the board of education of the district to which the territory is transferred. 24941  
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**Sec. 3311.29.** (A) Except as provided under division (B), (C), 24953  
or (D) of this section, no school district shall be created and no 24954  
school district shall exist which does not maintain within such 24955  
district public schools consisting of grades kindergarten through 24956  
twelve and any such existing school district not maintaining such 24957  
schools shall be dissolved and its territory joined with another 24958  
school district or districts by order of the state board of 24959  
education if no agreement is made among the surrounding districts 24960  
voluntarily, which order shall provide an equitable division of 24961  
the funds, property, and indebtedness of the dissolved school 24962  
district among the districts receiving its territory. The state 24963  
board of education may authorize exceptions to school districts 24964  
where topography, sparsity of population, and other factors make 24965  
compliance impracticable. 24966

The superintendent of public instruction is without authority 24967  
to distribute funds under Chapter 3317. of the Revised Code to any 24968  
school district that does not maintain schools with grades 24969  
kindergarten through twelve and to which no exception has been 24970  
granted by the state board of education. 24971

(B) Division (A) of this section does not apply to any joint 24972  
vocational school district or any cooperative education school 24973  
district established pursuant to divisions (A) to (C) of section 24974  
3311.52 of the Revised Code. 24975

(C)(1)(a) Except as provided in division (C)(3) of this 24976  
section, division (A) of this section does not apply to any 24977  
cooperative education school district established pursuant to 24978  
section 3311.521 of the Revised Code nor to the city, exempted 24979  
village, or local school districts that have territory within such 24980  
a cooperative education district. 24981

(b) The cooperative district and each city, exempted village, 24982  
or local district with territory within the cooperative district 24983

shall maintain the grades that the resolution adopted or amended 24984  
pursuant to section 3311.521 of the Revised Code specifies. 24985

(2) Any cooperative education school district described under 24986  
division (C)(1) of this section that fails to maintain the grades 24987  
it is specified to operate shall be dissolved by order of the 24988  
state board of education unless prior to such an order the 24989  
cooperative district is dissolved pursuant to section 3311.54 of 24990  
the Revised Code. Any such order shall provide for the equitable 24991  
adjustment, division, and disposition of the assets, property, 24992  
debts, and obligations of the district among each city, local, and 24993  
exempted village school district whose territory is in the 24994  
cooperative district and shall provide that the tax duplicate of 24995  
each city, local, and exempted village school district whose 24996  
territory is in the cooperative district shall be bound for and 24997  
assume its share of the outstanding indebtedness of the 24998  
cooperative district. 24999

(3) If any city, exempted village, or local school district 25000  
described under division (C)(1) of this section fails to maintain 25001  
the grades it is specified to operate the cooperative district 25002  
within which it has territory shall be dissolved in accordance 25003  
with division (C)(2) of this section and upon that dissolution any 25004  
city, exempted village, or local district failing to maintain 25005  
grades kindergarten through twelve shall be subject to the 25006  
provisions for dissolution in division (A) of this section. 25007

(D) Division (A) of this section does not apply to any school 25008  
district that is or has ever been subject to former section 25009  
3302.10 of the Revised Code, as it ~~exists on and after the~~ 25010  
~~effective date of this amendment~~ existed prior to the effective 25011  
date of this amendment, and has had a majority of its schools 25012  
reconstituted or closed under that section. 25013

**Sec. 3312.01.** (A) The educational regional service system is 25014

hereby established. The system shall support state and regional 25015  
education initiatives and efforts to improve school effectiveness 25016  
and student achievement. Services, including special education and 25017  
related services, shall be provided under the system to school 25018  
districts, community schools established under Chapter 3314. of 25019  
the Revised Code, and chartered nonpublic schools. 25020

It is the intent of the general assembly that the educational 25021  
regional service system reduce the unnecessary duplication of 25022  
programs and services and provide for a more streamlined and 25023  
efficient delivery of educational services without reducing the 25024  
availability of the services needed by school districts and 25025  
schools. 25026

(B) The educational regional service system shall consist of 25027  
the following: 25028

(1) The advisory councils and subcommittees established under 25029  
sections 3312.03 and 3312.05 of the Revised Code; 25030

(2) A fiscal agent for each of the regions as configured 25031  
under section 3312.02 of the Revised Code; 25032

(3) Educational service centers, information technology 25033  
centers established under section 3301.075 of the Revised Code, 25034  
and other regional education service providers. 25035

(C) Educational service centers shall provide the services 25036  
that they are specifically required to provide by the Revised Code 25037  
and may enter into agreements pursuant to section 3313.843, 25038  
3313.844, or 3313.845 of the Revised Code for the provision of 25039  
other services, which may include any of the following: 25040

(1) Assistance in improving student performance; 25041

(2) Services to enable a school district or school to operate 25042  
more efficiently or economically; 25043

(3) Professional development for teachers or administrators; 25044

(4) Assistance in the recruitment and retention of teachers and administrators;	25045 25046
(5) <u>Applying for any state or federal grant on behalf of a school district;</u>	25047 25048
(6) Any other educational, administrative, or operational services.	25049 25050
In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education.	25051 25052 25053 25054 25055 25056
Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.	25057 25058 25059 25060
(D) <u>An educational service center shall be considered a school district for the purposes of eligibility in applying for any state or federal grant.</u>	25061 25062 25063
(E) Information technology centers may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code.	25064 25065 25066
<del>(E)</del> (F) No school district, community school, or chartered nonpublic school shall be required to purchase services from an educational service center or information technology center in the region in which the district or school is located, except that a local school district shall receive any services required by the Revised Code to be provided by an educational service center to the local school districts in its territory from the educational service center in whose territory the district is located.	25067 25068 25069 25070 25071 25072 25073 25074

Sec. 3313.411. (A) As used in this section:	25075
(1) "College-preparatory boarding school" means a college-preparatory boarding school established under Chapter 3328. of the Revised Code.	25076 25077 25078
(2) "Community school" means a community school established under Chapter 3314. of the Revised Code.	25079 25080
(3) "High-performing community school" has the same meaning as in section 3313.413 of the Revised Code.	25081 25082
(4) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.	25083 25084 25085
(5) "Unused school facilities" means any real property that has been used by a school district for school operations, including, but not limited to, academic instruction or administration, since July 1, 1998, but has not been used in that capacity for <del>two years</del> <u>one year</u> .	25086 25087 25088 25089 25090
(B)(1) Except as provided in section 3313.412 of the Revised Code, on and after June 30, 2011, any school district board of education shall offer any unused school facilities it owns in its corporate capacity for lease or sale to the governing authorities of community schools, the boards of trustees of any college-preparatory boarding schools, and the governing bodies of any STEM schools, that are located within the territory of the district. Not later than sixty days after the district board makes the offer, interested governing authorities, boards of trustees, and governing bodies shall notify the district treasurer in writing of the intention to lease or purchase the property.	25091 25092 25093 25094 25095 25096 25097 25098 25099 25100 25101
The district board shall give priority to the governing authorities of high-performing community schools that are located within the territory of the district.	25102 25103 25104

(2) At the same time that a district board makes the offer 25105  
required under division (B)(1) of this section, the board also 25106  
may, but shall not be required to, offer that property for sale or 25107  
lease to the governing authorities of community schools with 25108  
plans, stipulated in their contracts entered into under section 25109  
3314.03 of the Revised Code, either to relocate their operations 25110  
to the territory of the district or to add facilities, as 25111  
authorized by division (B)(3) or (4) of section 3314.05 of the 25112  
Revised Code, to be located within the territory of the district. 25113

(C)(1) If, not later than sixty days after the district board 25114  
makes the offer, only one governing authority of a high-performing 25115  
community school offered the property under division (B) of this 25116  
section notifies the district treasurer in writing of the 25117  
intention to purchase the property pursuant to that division, the 25118  
district board shall sell the property to that party for the 25119  
appraised fair market value of the property as determined in an 25120  
appraisal of the property that is not more than one year old. 25121

If, not later than sixty days after the district board makes 25122  
the offer, more than one governing authority of a high-performing 25123  
community school offered the property under division (B) of this 25124  
section notifies the district treasurer in writing of the 25125  
intention to purchase the property pursuant to that division, the 25126  
board shall conduct a public auction in the manner required for 25127  
auctions of district property under division (A) of section 25128  
3313.41 of the Revised Code. Only the governing authorities of 25129  
high-performing community schools that notified the district 25130  
treasurer of the intention to purchase the property pursuant to 25131  
division (B) of this section are eligible to bid at the auction. 25132  
The district board is not obligated to accept any bid for the 25133  
property that is lower than the appraised fair market value of the 25134  
property as determined in an appraisal that is not more than one 25135  
year old. 25136

(2) If, not later than sixty days after the district board 25137  
makes the offer, no governing authority of a high-performing 25138  
community school notifies the district treasurer of its intention 25139  
to purchase the property pursuant to division (B) of this section, 25140  
the board shall then proceed with the offers from all other 25141  
start-up community schools, college-preparatory boarding schools, 25142  
and STEM schools made pursuant to that division. 25143

If more than one such entity notifies the district treasurer 25144  
of its intention to purchase the property pursuant to division (B) 25145  
of this section, the board shall conduct a public auction in the 25146  
manner required for auctions of district property under division 25147  
(A) of section 3313.41 of the Revised Code. Only the entities that 25148  
notified the district treasurer pursuant to division (B) of this 25149  
section are eligible to bid at the auction. 25150

(3) If more than one governing authority of a high-performing 25151  
community school notifies the district treasurer in writing of the 25152  
intention to lease the property pursuant to division (B) of this 25153  
section, the district board shall conduct a lottery to select from 25154  
among those governing authorities the one qualified governing 25155  
authority to which the district board shall lease the property. 25156

If no such governing authority of a high-performing community 25157  
school notifies the district treasurer of its intention to lease 25158  
the property pursuant to division (B) of this section, the board 25159  
shall then proceed with the offers from all other start-up 25160  
community schools, college-preparatory boarding schools, and STEM 25161  
schools made pursuant to that division. If more than one other 25162  
start-up community school, college-preparatory boarding school, or 25163  
STEM school notified the district treasurer of its intention to 25164  
lease the property pursuant to division (B) of this section, the 25165  
district board shall conduct a lottery to select from among those 25166  
parties the one qualified party to which the district board shall 25167  
lease the property. 25168

(4) The lease price offered by a district board to a community school, college-preparatory boarding school, or STEM school under this section shall not be higher than the fair market value for such a leasehold as determined in an appraisal that is not more than one year old.

(5) If no qualified party offered the property under division (B) of this section accepts the offer to lease or buy the property within sixty days after the offer is made, the district board may offer the property to any other entity in accordance with divisions (A) to (F) of section 3313.41 of the Revised Code.

(D) Notwithstanding division (B) of this section, a school district board may renew any agreement it originally entered into prior to June 30, 2011, to lease real property to an entity other than a community school, college-preparatory boarding school, or STEM school. Nothing in this section shall affect the leasehold arrangements between the district board and that other entity.

(E)(1) Except as provided in division (E)(2) of this section, the governing authority of a community school, board of trustees of a college-preparatory boarding school, or governing body of a STEM school shall not sell any property purchased under division (B) of this section within five years of purchasing that property.

(2) The governing authority, board of trustees, or governing body may sell a property purchased under division (B) of this section within five years of the purchase, only if the governing authority, board of trustees, or governing body sells or transfers that property to another entity described in that division.

**Sec. 3313.413.** (A) As used in this section, "high-performing community school" means either of the following:

(1) A community school established under Chapter 3314. of the Revised Code that meets the following conditions:

(a) Except as provided in division (A)(1)(b) or (c) of this section, the school both:

(i) Has received a grade of "A," "B," or "C" for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code or has increased its performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code in each of the previous three years of operation; and

(ii) Has received a grade of "A" or "B" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code on its most recent report card rating issued under that section.

(b) If the school serves only grades kindergarten through three, the school received a grade of "A" or "B" for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code on its most recent report card issued under that section.

(c) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.

(2) A newly established community school that is implementing a community school model that has a track record of high-quality academic performance, as determined by the department of education.

(B) When a school district board of education decides to dispose of real property it owns in its corporate capacity under section 3313.41 of the Revised Code, the board shall first offer that property to the governing authorities of all start-up community schools, the boards of trustees of any college-preparatory boarding schools, and the governing bodies of

any STEM schools that are located within the territory of the 25230  
district. Not later than sixty days after the district board makes 25231  
the offer, interested governing authorities, boards of trustees, 25232  
and governing bodies shall notify the district treasurer in 25233  
writing of the intention to purchase the property. 25234

The district board shall give priority to the governing 25235  
authorities of high-performing community schools that are located 25236  
within the territory of the district. 25237

(1) If more than one governing authority of a high-performing 25238  
community school notifies the district treasurer of its intention 25239  
to purchase the property pursuant to division (B) of this section, 25240  
the board shall conduct a public auction in the manner required 25241  
for auctions of district property under division (A) of section 25242  
3313.41 of the Revised Code. Only the governing authorities of 25243  
high-performing community schools that notified the district 25244  
treasurer pursuant to division (B) of this section are eligible to 25245  
bid at the auction. 25246

(2) If no governing authority of a high-performing community 25247  
school notifies the district treasurer of its intention to 25248  
purchase the property pursuant to division (B) of this section, 25249  
the board shall then proceed with the offers from all other 25250  
start-up community schools, college-preparatory boarding schools, 25251  
and STEM schools made pursuant to that division. If more than one 25252  
such entity notifies the district treasurer of its intention to 25253  
purchase the property pursuant to division (B) of this section, 25254  
the board shall conduct a public auction in the manner required 25255  
for auctions of district property under division (A) of section 25256  
3313.41 of the Revised Code. Only the entities that notified the 25257  
district treasurer pursuant to division (B) of this section are 25258  
eligible to bid at the auction. 25259

(3) If no governing authority, board of trustees, or 25260  
governing body notifies the district treasurer of its intention to 25261

purchase the property pursuant to division (B) of this section, 25262  
the district may then offer the property for sale in the manner 25263  
prescribed under divisions (A) to (F) of section 3313.41 of the 25264  
Revised Code. 25265

(C) Notwithstanding anything to the contrary in sections 25266  
3313.41 and 3313.411 of the Revised Code, the purchase price of 25267  
any real property sold to any of the entities in accordance with 25268  
division (B) of this section shall not be more than the appraised 25269  
fair market value of that property as determined in an appraisal 25270  
of the property that is not more than one year old. 25271

(D) Not later than the first day of October of each year, the 25272  
department of education shall post in a prominent location on its 25273  
web site a list of schools that qualify as high-performing 25274  
community schools for purposes of this section and section 25275  
3313.411 of the Revised Code. 25276

**Sec. 3313.5315.** Any student from a country or province 25277  
outside the United States, who attends an elementary or secondary 25278  
school in this state ~~that began operating a dormitory on its~~ 25279  
~~campus prior to 2014,~~ shall be permitted to participate in 25280  
interscholastic athletics at that school on the same basis as 25281  
students who are residents of this state, so long as the student 25282  
holds an F-1 visa issued by the United States department of state. 25283  
Such a student shall not be denied the opportunity to participate 25284  
in interscholastic athletics solely because the student's parents 25285  
do not reside in this state. 25286

No school district, school, interscholastic conference, or 25287  
organization that regulates interscholastic conferences or events 25288  
shall have a rule, bylaw, or other regulation that conflicts with 25289  
this section. 25290

**Sec. 3313.603.** (A) As used in this section: 25291

(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.

(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.

(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit;

(3) Mathematics, three units;

(4) Physical education, one-half unit;

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:

(a) Biological sciences, one unit;

(b) Physical sciences, one unit.

(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:

(a) American history, one-half unit;

(b) American government, one-half unit.

(7) Social studies, two units.

Beginning with students who enter ninth grade for the first

time on or after July 1, 2017, the two units of instruction 25321  
prescribed by division (B)(7) of this section shall include at 25322  
least one-half unit of instruction in the study of world history 25323  
and civilizations. 25324

(8) Elective units, seven units until September 15, 2003, and 25325  
six units thereafter. 25326

Each student's electives shall include at least one unit, or 25327  
two half units, chosen from among the areas of 25328  
business/technology, fine arts, and/or foreign language. 25329

(C) Beginning with students who enter ninth grade for the 25330  
first time on or after July 1, 2010, except as provided in 25331  
divisions (D) to (F) of this section, the requirements for 25332  
graduation from every public and chartered nonpublic high school 25333  
shall include twenty units that are designed to prepare students 25334  
for the workforce and college. The units shall be distributed as 25335  
follows: 25336

(1) English language arts, four units; 25337

(2) Health, one-half unit, which shall include instruction in 25338  
nutrition and the benefits of nutritious foods and physical 25339  
activity for overall health; 25340

(3) Mathematics, four units, which shall include one unit of 25341  
algebra II or the equivalent of algebra II, or one unit of 25342  
advanced computer science as described in the standards adopted 25343  
pursuant to division (A)(4) of section 3301.079 of the Revised 25344  
Code. However, students who enter ninth grade for the first time 25345  
on or after July 1, 2015, and who are pursuing a career-technical 25346  
instructional track shall not be required to take algebra II or 25347  
advanced computer science, and instead may complete a career-based 25348  
pathway mathematics course approved by the department of education 25349  
as an alternative. 25350

For students who choose to take advanced computer science in 25351

lieu of algebra II under division (C)(3) of this section, the 25352  
school shall communicate to those students that some institutions 25353  
of higher education may require algebra II for the purpose of 25354  
college admission. Also, the parent, guardian, or legal custodian 25355  
of each student who chooses to take advanced computer science in 25356  
lieu of algebra II shall sign and submit to the school a document 25357  
containing a statement acknowledging that not taking algebra II 25358  
may have an adverse effect on college admission decisions. 25359

(4) Physical education, one-half unit; 25360

(5) Science, three units with inquiry-based laboratory 25361  
experience that engages students in asking valid scientific 25362  
questions and gathering and analyzing information, which shall 25363  
include the following, or their equivalent: 25364

(a) Physical sciences, one unit; 25365

(b) Life sciences, one unit; 25366

(c) Advanced study in one or more of the following sciences, 25367  
one unit: 25368

(i) Chemistry, physics, or other physical science; 25369

(ii) Advanced biology or other life science; 25370

(iii) Astronomy, physical geology, or other earth or space 25371  
science; 25372

(iv) Computer science. 25373

No student shall substitute a computer science course for a 25374  
life sciences or biology course under division (C)(5) of this 25375  
section. 25376

(6) History and government, one unit, which shall comply with 25377  
division (M) of this section and shall include both of the 25378  
following: 25379

(a) American history, one-half unit; 25380

(b) American government, one-half unit. 25381

(7) Social studies, two units. 25382

Each school shall integrate the study of economics and 25383  
financial literacy, as expressed in the social studies academic 25384  
content standards adopted by the state board of education under 25385  
division (A)(1) of section 3301.079 of the Revised Code and the 25386  
academic content standards for financial literacy and 25387  
entrepreneurship adopted under division (A)(2) of that section, 25388  
into one or more existing social studies credits required under 25389  
division (C)(7) of this section, or into the content of another 25390  
class, so that every high school student receives instruction in 25391  
those concepts. In developing the curriculum required by this 25392  
paragraph, schools shall use available public-private partnerships 25393  
and resources and materials that exist in business, industry, and 25394  
through the centers for economics education at institutions of 25395  
higher education in the state. 25396

Beginning with students who enter ninth grade for the first 25397  
time on or after July 1, 2017, the two units of instruction 25398  
prescribed by division (C)(7) of this section shall include at 25399  
least one-half unit of instruction in the study of world history 25400  
and civilizations. 25401

(8) Five units consisting of one or any combination of 25402  
foreign language, fine arts, business, career-technical education, 25403  
family and consumer sciences, technology which may include 25404  
computer science, agricultural education, a junior reserve officer 25405  
training corps (JROTC) program approved by the congress of the 25406  
United States under title 10 of the United States Code, or English 25407  
language arts, mathematics, science, or social studies courses not 25408  
otherwise required under division (C) of this section. 25409

Ohioans must be prepared to apply increased knowledge and 25410  
skills in the workplace and to adapt their knowledge and skills 25411

quickly to meet the rapidly changing conditions of the 25412  
twenty-first century. National studies indicate that all high 25413  
school graduates need the same academic foundation, regardless of 25414  
the opportunities they pursue after graduation. The goal of Ohio's 25415  
system of elementary and secondary education is to prepare all 25416  
students for and seamlessly connect all students to success in 25417  
life beyond high school graduation, regardless of whether the next 25418  
step is entering the workforce, beginning an apprenticeship, 25419  
engaging in post-secondary training, serving in the military, or 25420  
pursuing a college degree. 25421

The requirements for graduation prescribed in division (C) of 25422  
this section are the standard expectation for all students 25423  
entering ninth grade for the first time at a public or chartered 25424  
nonpublic high school on or after July 1, 2010. A student may 25425  
satisfy this expectation through a variety of methods, including, 25426  
but not limited to, integrated, applied, career-technical, and 25427  
traditional coursework. 25428

Stronger coordination between high schools and institutions 25429  
of higher education is necessary to prepare students for more 25430  
challenging academic endeavors and to lessen the need for academic 25431  
remediation in college, thereby reducing the costs of higher 25432  
education for Ohio's students, families, and the state. The state 25433  
board and the chancellor of higher education shall develop 25434  
policies to ensure that only in rare instances will students who 25435  
complete the requirements for graduation prescribed in division 25436  
(C) of this section require academic remediation after high 25437  
school. 25438

School districts, community schools, and chartered nonpublic 25439  
schools shall integrate technology into learning experiences 25440  
across the curriculum in order to maximize efficiency, enhance 25441  
learning, and prepare students for success in the 25442  
technology-driven twenty-first century. Districts and schools 25443

shall use distance and web-based course delivery as a method of 25444  
providing or augmenting all instruction required under this 25445  
division, including laboratory experience in science. Districts 25446  
and schools shall utilize technology access and electronic 25447  
learning opportunities provided by the broadcast educational media 25448  
commission, chancellor, the Ohio learning network, education 25449  
technology centers, public television stations, and other public 25450  
and private providers. 25451

(D) Except as provided in division (E) of this section, a 25452  
student who enters ninth grade on or after July 1, 2010, and 25453  
before July 1, 2016, may qualify for graduation from a public or 25454  
chartered nonpublic high school even though the student has not 25455  
completed the requirements for graduation prescribed in division 25456  
(C) of this section if all of the following conditions are 25457  
satisfied: 25458

(1) During the student's third year of attending high school, 25459  
as determined by the school, the student and the student's parent, 25460  
guardian, or custodian sign and file with the school a written 25461  
statement asserting the parent's, guardian's, or custodian's 25462  
consent to the student's graduating without completing the 25463  
requirements for graduation prescribed in division (C) of this 25464  
section and acknowledging that one consequence of not completing 25465  
those requirements is ineligibility to enroll in most state 25466  
universities in Ohio without further coursework. 25467

(2) The student and parent, guardian, or custodian fulfill 25468  
any procedural requirements the school stipulates to ensure the 25469  
student's and parent's, guardian's, or custodian's informed 25470  
consent and to facilitate orderly filing of statements under 25471  
division (D)(1) of this section. Annually, each district or school 25472  
shall notify the department of the number of students who choose 25473  
to qualify for graduation under division (D) of this section and 25474  
the number of students who complete the student's success plan and 25475

graduate from high school.	25476
(3) The student and the student's parent, guardian, or	25477
custodian and a representative of the student's high school	25478
jointly develop a student success plan for the student in the	25479
manner described in division (C)(1) of section 3313.6020 of the	25480
Revised Code that specifies the student matriculating to a	25481
two-year degree program, acquiring a business and	25482
industry-recognized credential, or entering an apprenticeship.	25483
(4) The student's high school provides counseling and support	25484
for the student related to the plan developed under division	25485
(D)(3) of this section during the remainder of the student's high	25486
school experience.	25487
(5)(a) Except as provided in division (D)(5)(b) of this	25488
section, the student successfully completes, at a minimum, the	25489
curriculum prescribed in division (B) of this section.	25490
(b) Beginning with students who enter ninth grade for the	25491
first time on or after July 1, 2014, a student shall be required	25492
to complete successfully, at the minimum, the curriculum	25493
prescribed in division (B) of this section, except as follows:	25494
(i) Mathematics, four units, one unit which shall be one of	25495
the following:	25496
(I) Probability and statistics;	25497
(II) Computer science;	25498
(III) Applied mathematics or quantitative reasoning;	25499
(IV) Any other course approved by the department using	25500
standards established by the superintendent not later than October	25501
1, 2014.	25502
(ii) Elective units, five units;	25503
(iii) Science, three units as prescribed by division (B) of	25504
this section which shall include inquiry-based laboratory	25505

experience that engages students in asking valid scientific 25506  
questions and gathering and analyzing information. 25507

The department, in collaboration with the chancellor, shall 25508  
analyze student performance data to determine if there are 25509  
mitigating factors that warrant extending the exception permitted 25510  
by division (D) of this section to high school classes beyond 25511  
those entering ninth grade before July 1, 2016. The department 25512  
shall submit its findings and any recommendations not later than 25513  
December 1, 2015, to the speaker and minority leader of the house 25514  
of representatives, the president and minority leader of the 25515  
senate, the chairpersons and ranking minority members of the 25516  
standing committees of the house of representatives and the senate 25517  
that consider education legislation, the state board of education, 25518  
and the superintendent of public instruction. 25519

(E) Each school district and chartered nonpublic school 25520  
retains the authority to require an even more challenging minimum 25521  
curriculum for high school graduation than specified in division 25522  
(B) or (C) of this section. A school district board of education, 25523  
through the adoption of a resolution, or the governing authority 25524  
of a chartered nonpublic school may stipulate any of the 25525  
following: 25526

(1) A minimum high school curriculum that requires more than 25527  
twenty units of academic credit to graduate; 25528

(2) An exception to the district's or school's minimum high 25529  
school curriculum that is comparable to the exception provided in 25530  
division (D) of this section but with additional requirements, 25531  
which may include a requirement that the student successfully 25532  
complete more than the minimum curriculum prescribed in division 25533  
(B) of this section; 25534

(3) That no exception comparable to that provided in division 25535  
(D) of this section is available. 25536

If a school district or chartered nonpublic school requires a foreign language as an additional graduation requirement under division (E) of this section, a student may apply one unit of instruction in computer coding to satisfy one unit of foreign language. If a student applies more than one computer coding course to satisfy the foreign language requirement, the courses shall be sequential and progressively more difficult.

(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department, may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the requirements for graduation prescribed in division (C) of this section. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:

(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age.

(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.

(3) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board under division (D)(5) of section 3301.0712 of the Revised Code, division (B)(2) of that section.

(4) The program develops a student success plan for the

student in the manner described in division (C)(1) of section 25568  
3313.6020 of the Revised Code that specifies the student's 25569  
matriculating to a two-year degree program, acquiring a business 25570  
and industry-recognized credential, or entering an apprenticeship. 25571

(5) The program provides counseling and support for the 25572  
student related to the plan developed under division (F)(4) of 25573  
this section during the remainder of the student's high school 25574  
experience. 25575

(6) The program requires the student and the student's 25576  
parent, guardian, or custodian to sign and file, in accordance 25577  
with procedural requirements stipulated by the program, a written 25578  
statement asserting the parent's, guardian's, or custodian's 25579  
consent to the student's graduating without completing the 25580  
requirements for graduation prescribed in division (C) of this 25581  
section and acknowledging that one consequence of not completing 25582  
those requirements is ineligibility to enroll in most state 25583  
universities in Ohio without further coursework. 25584

(7) Prior to receiving the waiver, the program has submitted 25585  
to the department an instructional plan that demonstrates how the 25586  
academic content standards adopted by the state board under 25587  
section 3301.079 of the Revised Code will be taught and assessed. 25588

(8) Prior to receiving the waiver, the program has submitted 25589  
to the department a policy on career advising that satisfies the 25590  
requirements of section 3313.6020 of the Revised Code, with an 25591  
emphasis on how every student will receive career advising. 25592

(9) Prior to receiving the waiver, the program has submitted 25593  
to the department a written agreement outlining the future 25594  
cooperation between the program and any combination of local job 25595  
training, postsecondary education, nonprofit, and health and 25596  
social service organizations to provide services for students in 25597  
the program and their families. 25598

Divisions (F)(8) and (9) of this section apply only to 25599  
waivers granted on or after July 1, 2015. 25600

If the department does not act either to grant the waiver or 25601  
to reject the program application for the waiver within sixty days 25602  
as required under this section, the waiver shall be considered to 25603  
be granted. 25604

(G) Every high school may permit students below the ninth 25605  
grade to take advanced work. If a high school so permits, it shall 25606  
award high school credit for successful completion of the advanced 25607  
work and shall count such advanced work toward the graduation 25608  
requirements of division (B) or (C) of this section if the 25609  
advanced work was both: 25610

(1) Taught by a person who possesses a license or certificate 25611  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 25612  
Code that is valid for teaching high school; 25613

(2) Designated by the board of education of the city, local, 25614  
or exempted village school district, the board of the cooperative 25615  
education school district, or the governing authority of the 25616  
chartered nonpublic school as meeting the high school curriculum 25617  
requirements. 25618

Each high school shall record on the student's high school 25619  
transcript all high school credit awarded under division (G) of 25620  
this section. In addition, if the student completed a seventh- or 25621  
eighth-grade fine arts course described in division (K) of this 25622  
section and the course qualified for high school credit under that 25623  
division, the high school shall record that course on the 25624  
student's high school transcript. 25625

(H) The department shall make its individual academic career 25626  
plan available through its Ohio career information system web site 25627  
for districts and schools to use as a tool for communicating with 25628  
and providing guidance to students and families in selecting high 25629

school courses. 25630

(I) A school district or chartered nonpublic school may 25631  
integrate academic content in a subject area for which the state 25632  
board has adopted standards under section 3301.079 of the Revised 25633  
Code into a course in a different subject area, including a 25634  
career-technical education course, in accordance with guidance for 25635  
integrated coursework developed by the department. Upon successful 25636  
completion of an integrated course, a student may receive credit 25637  
for both subject areas that were integrated into the course. Units 25638  
earned for subject area content delivered through integrated 25639  
academic and career-technical instruction are eligible to meet the 25640  
graduation requirements of division (B) or (C) of this section. 25641

For purposes of meeting graduation requirements, if an 25642  
end-of-course examination has been prescribed under section 25643  
3301.0712 of the Revised Code for the subject area delivered 25644  
through integrated instruction, the school district or school may 25645  
administer the related subject area examinations upon the 25646  
student's completion of the integrated course. 25647

Nothing in division (I) of this section shall be construed to 25648  
excuse any school district, chartered nonpublic school, or student 25649  
from any requirement in the Revised Code related to curriculum, 25650  
assessments, or the awarding of a high school diploma. 25651

(J)(1) The state board, in consultation with the chancellor, 25652  
shall adopt a statewide plan implementing methods for students to 25653  
earn units of high school credit based on a demonstration of 25654  
subject area competency, instead of or in combination with 25655  
completing hours of classroom instruction. The state board shall 25656  
adopt the plan not later than March 31, 2009, and commence phasing 25657  
in the plan during the 2009-2010 school year. The plan shall 25658  
include a standard method for recording demonstrated proficiency 25659  
on high school transcripts. Each school district and community 25660  
school shall comply with the state board's plan adopted under this 25661

division and award units of high school credit in accordance with 25662  
the plan. The state board may adopt existing methods for earning 25663  
high school credit based on a demonstration of subject area 25664  
competency as necessary prior to the 2009-2010 school year. 25665

(2) Not later than December 31, 2015, the state board shall 25666  
update the statewide plan adopted pursuant to division (J)(1) of 25667  
this section to also include methods for students enrolled in 25668  
seventh and eighth grade to meet curriculum requirements based on 25669  
a demonstration of subject area competency, instead of or in 25670  
combination with completing hours of classroom instruction. 25671  
Beginning with the 2017-2018 school year, each school district and 25672  
community school also shall comply with the updated plan adopted 25673  
pursuant to this division and permit students enrolled in seventh 25674  
and eighth grade to meet curriculum requirements based on subject 25675  
area competency in accordance with the plan. 25676

(3) Not later than December 31, 2017, the department shall 25677  
develop a framework for school districts and community schools to 25678  
use in granting units of high school credit to students who 25679  
demonstrate subject area competency through work-based learning 25680  
experiences, internships, or cooperative education. Beginning with 25681  
the 2018-2019 school year, each district and community school 25682  
shall comply with the framework. Each district and community 25683  
school also shall review any policy it has adopted regarding the 25684  
demonstration of subject area competency to identify ways to 25685  
incorporate work-based learning experiences, internships, and 25686  
cooperative education into the policy in order to increase student 25687  
engagement and opportunities to earn units of high school credit. 25688

(K) This division does not apply to students who qualify for 25689  
graduation from high school under division (D) or (F) of this 25690  
section, or to students pursuing a career-technical instructional 25691  
track as determined by the school district board of education or 25692  
the chartered nonpublic school's governing authority. 25693

Nevertheless, the general assembly encourages such students to 25694  
consider enrolling in a fine arts course as an elective. 25695

Beginning with students who enter ninth grade for the first 25696  
time on or after July 1, 2010, each student enrolled in a public 25697  
or chartered nonpublic high school shall complete two semesters or 25698  
the equivalent of fine arts to graduate from high school. The 25699  
coursework may be completed in any of grades seven to twelve. Each 25700  
student who completes a fine arts course in grade seven or eight 25701  
may elect to count that course toward the five units of electives 25702  
required for graduation under division (C)(8) of this section, if 25703  
the course satisfied the requirements of division (G) of this 25704  
section. In that case, the high school shall award the student 25705  
high school credit for the course and count the course toward the 25706  
five units required under division (C)(8) of this section. If the 25707  
course in grade seven or eight did not satisfy the requirements of 25708  
division (G) of this section, the high school shall not award the 25709  
student high school credit for the course but shall count the 25710  
course toward the two semesters or the equivalent of fine arts 25711  
required by this division. 25712

(L) Notwithstanding anything to the contrary in this section, 25713  
the board of education of each school district and the governing 25714  
authority of each chartered nonpublic school may adopt a policy to 25715  
excuse from the high school physical education requirement each 25716  
student who, during high school, has participated in 25717  
interscholastic athletics, marching band, show choir, or 25718  
cheerleading for at least two full seasons or in the junior 25719  
reserve officer training corps for at least two full school years. 25720  
If the board or authority adopts such a policy, the board or 25721  
authority shall not require the student to complete any physical 25722  
education course as a condition to graduate. However, the student 25723  
shall be required to complete one-half unit, consisting of at 25724  
least sixty hours of instruction, in another course of study. In 25725

the case of a student who has participated in the junior reserve officer training corps for at least two full school years, credit received for that participation may be used to satisfy the requirement to complete one-half unit in another course of study.

(M) It is important that high school students learn and understand United States history and the governments of both the United States and the state of Ohio. Therefore, beginning with students who enter ninth grade for the first time on or after July 1, 2012, the study of American history and American government required by divisions (B)(6) and (C)(6) of this section shall include the study of all of the following documents:

(1) The Declaration of Independence;

(2) The Northwest Ordinance;

(3) The Constitution of the United States with emphasis on the Bill of Rights;

(4) The Ohio Constitution.

The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.

The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.

(N) A student may apply one unit of instruction in computer science to satisfy one unit of mathematics or one unit of science under division (C) of this section as the student chooses, regardless of the field of certification of the teacher who teaches the course, so long as that teacher meets the licensure

requirements prescribed by section 3319.236 of the Revised Code 25756  
and, prior to teaching the course, completes a professional 25757  
development program determined to be appropriate by the district 25758  
board. 25759

If a student applies more than one computer science course to 25760  
satisfy curriculum requirements under that division, the courses 25761  
shall be sequential and progressively more difficult or cover 25762  
different subject areas within computer science. 25763

**Sec. 3313.608.** (A)(1) Beginning with students who enter third 25764  
grade in the school year that starts July 1, 2009, and until June 25765  
30, 2013, unless the student is excused under division (C) of 25766  
section 3301.0711 of the Revised Code from taking the assessment 25767  
described in this section, for any student who does not attain at 25768  
least the equivalent level of achievement designated under 25769  
division (A)(3) of section 3301.0710 of the Revised Code on the 25770  
assessment prescribed under that section to measure skill in 25771  
English language arts expected at the end of third grade, each 25772  
school district, in accordance with the policy adopted under 25773  
section 3313.609 of the Revised Code, shall do one of the 25774  
following: 25775

(a) Promote the student to fourth grade if the student's 25776  
principal and reading teacher agree that other evaluations of the 25777  
student's skill in reading demonstrate that the student is 25778  
academically prepared to be promoted to fourth grade; 25779

(b) Promote the student to fourth grade but provide the 25780  
student with intensive intervention services in fourth grade; 25781

(c) Retain the student in third grade. 25782

(2) Beginning with students who enter third grade in the 25783  
2013-2014 school year, unless the student is excused under 25784  
division (C) of section 3301.0711 of the Revised Code from taking 25785

the assessment described in this section, no school district shall 25786  
promote to fourth grade any student who does not attain at least 25787  
the equivalent level of achievement designated under division 25788  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 25789  
prescribed under that section to measure skill in English language 25790  
arts expected at the end of third grade, unless one of the 25791  
following applies: 25792

(a) The student is ~~a limited~~ an English ~~proficient student~~ 25793  
learner who has been enrolled in United States schools for less 25794  
than three full school years and has had less than three years of 25795  
instruction in an English as a second language program. 25796

(b) The student is a child with a disability entitled to 25797  
special education and related services under Chapter 3323. of the 25798  
Revised Code and the student's individualized education program 25799  
exempts the student from retention under this division. 25800

(c) The student demonstrates an acceptable level of 25801  
performance on an alternative standardized reading assessment as 25802  
determined by the department of education. 25803

(d) All of the following apply: 25804

(i) The student is a child with a disability entitled to 25805  
special education and related services under Chapter 3323. of the 25806  
Revised Code. 25807

(ii) The student has taken the third grade English language 25808  
arts achievement assessment prescribed under section 3301.0710 of 25809  
the Revised Code. 25810

(iii) The student's individualized education program or plan 25811  
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 25812  
355, 29 U.S.C. 794, as amended, shows that the student has 25813  
received intensive remediation in reading for two school years but 25814  
still demonstrates a deficiency in reading. 25815

(iv) The student previously was retained in any of grades 25816  
kindergarten to three. 25817

(e)(i) The student received intensive remediation for reading 25818  
for two school years but still demonstrates a deficiency in 25819  
reading and was previously retained in any of grades kindergarten 25820  
to three. 25821

(ii) A student who is promoted under division (A)(2)(e)(i) of 25822  
this section shall continue to receive intensive reading 25823  
instruction in grade four. The instruction shall include an 25824  
altered instructional day that includes specialized diagnostic 25825  
information and specific research-based reading strategies for the 25826  
student that have been successful in improving reading among 25827  
low-performing readers. 25828

(B)(1) Beginning in the 2012-2013 school year, to assist 25829  
students in meeting the third grade guarantee established by this 25830  
section, each school district board of education shall adopt 25831  
policies and procedures with which it annually shall assess the 25832  
reading skills of each student, except those students with 25833  
significant cognitive disabilities or other disabilities as 25834  
authorized by the department on a case-by-case basis, enrolled in 25835  
kindergarten to third grade and shall identify students who are 25836  
reading below their grade level. The reading skills assessment 25837  
shall be completed by the thirtieth day of September for students 25838  
in grades one to three, and by the first day of November for 25839  
students in kindergarten. Each district shall use the diagnostic 25840  
assessment to measure reading ability for the appropriate grade 25841  
level adopted under section 3301.079 of the Revised Code, or a 25842  
comparable tool approved by the department of education, to 25843  
identify such students. The policies and procedures shall require 25844  
the students' classroom teachers to be involved in the assessment 25845  
and the identification of students reading below grade level. The 25846  
assessment may be administered electronically using live, two-way 25847

video and audio connections whereby the teacher administering the 25848  
assessment may be in a separate location from the student. 25849

(2) For each student identified by the diagnostic assessment 25850  
prescribed under this section as having reading skills below grade 25851  
level, the district shall do both of the following: 25852

(a) Provide to the student's parent or guardian, in writing, 25853  
all of the following: 25854

(i) Notification that the student has been identified as 25855  
having a substantial deficiency in reading; 25856

(ii) A description of the current services that are provided 25857  
to the student; 25858

(iii) A description of the proposed supplemental 25859  
instructional services and supports that will be provided to the 25860  
student that are designed to remediate the identified areas of 25861  
reading deficiency; 25862

(iv) Notification that if the student attains a score in the 25863  
range designated under division (A)(3) of section 3301.0710 of the 25864  
Revised Code on the assessment prescribed under that section to 25865  
measure skill in English language arts expected at the end of 25866  
third grade, the student shall be retained unless the student is 25867  
exempt under division (A) of this section. The notification shall 25868  
specify that the assessment under section 3301.0710 of the Revised 25869  
Code is not the sole determinant of promotion and that additional 25870  
evaluations and assessments are available to the student to assist 25871  
parents and the district in knowing when a student is reading at 25872  
or above grade level and ready for promotion. 25873

(b) Provide intensive reading instruction services and 25874  
regular diagnostic assessments to the student immediately 25875  
following identification of a reading deficiency until the 25876  
development of the reading improvement and monitoring plan 25877  
required by division (C) of this section. These intervention 25878

services shall include research-based reading strategies that have 25879  
been shown to be successful in improving reading among 25880  
low-performing readers and instruction targeted at the student's 25881  
identified reading deficiencies. 25882

(3) For each student retained under division (A) of this 25883  
section, the district shall do all of the following: 25884

(a) Provide intense remediation services until the student is 25885  
able to read at grade level. The remediation services shall 25886  
include intensive interventions in reading that address the areas 25887  
of deficiencies identified under this section including, but not 25888  
limited to, not less than ninety minutes of reading instruction 25889  
per day, and may include any of the following: 25890

(i) Small group instruction; 25891

(ii) Reduced teacher-student ratios; 25892

(iii) More frequent progress monitoring; 25893

(iv) Tutoring or mentoring; 25894

(v) Transition classes containing third and fourth grade 25895  
students; 25896

(vi) Extended school day, week, or year; 25897

(vii) Summer reading camps. 25898

(b) Establish a policy for the mid-year promotion of a 25899  
student retained under division (A) of this section who 25900  
demonstrates that the student is reading at or above grade level; 25901

(c) Provide each student with a teacher who satisfies one or 25902  
more of the criteria set forth in division (H) of this section. 25903

The district shall offer the option for students to receive 25904  
applicable services from one or more providers other than the 25905  
district. Providers shall be screened and approved by the district 25906  
or the department of education. If the student participates in the 25907

remediation services and demonstrates reading proficiency in 25908  
accordance with standards adopted by the department prior to the 25909  
start of fourth grade, the district shall promote the student to 25910  
that grade. 25911

(4) For each student retained under division (A) of this 25912  
section who has demonstrated proficiency in a specific academic 25913  
ability field, each district shall provide instruction 25914  
commensurate with student achievement levels in that specific 25915  
academic ability field. 25916

As used in this division, "specific academic ability field" 25917  
has the same meaning as in section 3324.01 of the Revised Code. 25918

(C) For each student required to be provided intervention 25919  
services under this section, the district shall develop a reading 25920  
improvement and monitoring plan within sixty days after receiving 25921  
the student's results on the diagnostic assessment or comparable 25922  
tool administered under division (B)(1) of this section. The 25923  
district shall involve the student's parent or guardian and 25924  
classroom teacher in developing the plan. The plan shall include 25925  
all of the following: 25926

(1) Identification of the student's specific reading 25927  
deficiencies; 25928

(2) A description of the additional instructional services 25929  
and support that will be provided to the student to remediate the 25930  
identified reading deficiencies; 25931

(3) Opportunities for the student's parent or guardian to be 25932  
involved in the instructional services and support described in 25933  
division (C)(2) of this section; 25934

(4) A process for monitoring the extent to which the student 25935  
receives the instructional services and support described in 25936  
division (C)(2) of this section; 25937

(5) A reading curriculum during regular school hours that	25938
does all of the following:	25939
(a) Assists students to read at grade level;	25940
(b) Provides scientifically based and reliable assessment;	25941
(c) Provides initial and ongoing analysis of each student's	25942
reading progress.	25943
(6) A statement that if the student does not attain at least	25944
the equivalent level of achievement designated under division	25945
(A)(3) of section 3301.0710 of the Revised Code on the assessment	25946
prescribed under that section to measure skill in English language	25947
arts expected by the end of third grade, the student may be	25948
retained in third grade.	25949
Each student with a reading improvement and monitoring plan	25950
under this division who enters third grade after July 1, 2013,	25951
shall be assigned to a teacher who satisfies one or more of the	25952
criteria set forth in division (H) of this section.	25953
The district shall report any information requested by the	25954
department about the reading improvement monitoring plans	25955
developed under this division in the manner required by the	25956
department.	25957
(D) Each school district shall report annually to the	25958
department on its implementation and compliance with this section	25959
using guidelines prescribed by the superintendent of public	25960
instruction. The superintendent of public instruction annually	25961
shall report to the governor and general assembly the number and	25962
percentage of students in grades kindergarten through four reading	25963
below grade level based on the diagnostic assessments administered	25964
under division (B) of this section and the achievement assessments	25965
administered under divisions (A)(1)(a) and (b) of section	25966
3301.0710 of the Revised Code in English language arts, aggregated	25967
by school district and building; the types of intervention	25968

services provided to students; and, if available, an evaluation of 25969  
the efficacy of the intervention services provided. 25970

(E) Any summer remediation services funded in whole or in 25971  
part by the state and offered by school districts to students 25972  
under this section shall meet the following conditions: 25973

(1) The remediation methods are based on reliable educational 25974  
research. 25975

(2) The school districts conduct assessment before and after 25976  
students participate in the program to facilitate monitoring 25977  
results of the remediation services. 25978

(3) The parents of participating students are involved in 25979  
programming decisions. 25980

(F) Any intervention or remediation services required by this 25981  
section shall include intensive, explicit, and systematic 25982  
instruction. 25983

(G) This section does not create a new cause of action or a 25984  
substantive legal right for any person. 25985

(H)(1) Except as provided under divisions (H)(2), (3), and 25986  
(4) of this section, each student described in division (B)(3) or 25987  
(C) of this section who enters third grade for the first time on 25988  
or after July 1, 2013, shall be assigned a teacher who has at 25989  
least one year of teaching experience and who satisfies one or 25990  
more of the following criteria: 25991

(a) The teacher holds a reading endorsement on the teacher's 25992  
license and has attained a passing score on the corresponding 25993  
assessment for that endorsement, as applicable. 25994

(b) The teacher has completed a master's degree program with 25995  
a major in reading. 25996

(c) The teacher was rated "most effective" for reading 25997  
instruction consecutively for the most recent two years based on 25998

assessments of student growth measures developed by a vendor and 25999  
that is on the list of student assessments approved by the state 26000  
board under division (B)(2) of section 3319.112 of the Revised 26001  
Code. 26002

(d) The teacher was rated "above expected value added," in 26003  
reading instruction, as determined by criteria established by the 26004  
department, for the most recent, consecutive two years. 26005

(e) The teacher has earned a passing score on a rigorous test 26006  
of principles of scientifically research-based reading instruction 26007  
as approved by the state board. 26008

(f) The teacher holds an educator license for teaching grades 26009  
pre-kindergarten through three or four through nine issued on or 26010  
after July 1, 2017. 26011

(2) Notwithstanding division (H)(1) of this section, a 26012  
student described in division (B)(3) or (C) of this section who 26013  
enters third grade for the first time on or after July 1, 2013, 26014  
may be assigned to a teacher with less than one year of teaching 26015  
experience provided that the teacher meets one or more of the 26016  
criteria described in divisions (H)(1)(a) to (f) of this section 26017  
and that teacher is assigned a teacher mentor who meets the 26018  
qualifications of division (H)(1) of this section. 26019

(3) Notwithstanding division (H)(1) of this section, a 26020  
student described in division (B)(3) or (C) of this section who 26021  
enters third grade for the first time on or after July 1, 2013, 26022  
but prior to July 1, 2016, may be assigned to a teacher who holds 26023  
an alternative credential approved by the department or who has 26024  
successfully completed training that is based on principles of 26025  
scientifically research-based reading instruction that has been 26026  
approved by the department. Beginning on July 1, 2014, the 26027  
alternative credentials and training described in division (H)(3) 26028  
of this section shall be aligned with the reading competencies 26029

adopted by the state board of education under section 3301.077 of the Revised Code. 26030  
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(4) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may receive reading intervention or remediation services under this section from an individual employed as a speech-language pathologist who holds a license issued by the state speech and hearing professionals board under Chapter 4753. of the Revised Code and a professional pupil services license as a school speech-language pathologist issued by the state board of education. 26032  
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(5) A teacher, other than a student's teacher of record, may provide any services required under this section, so long as that other teacher meets the requirements of division (H) of this section and the teacher of record and the school principal agree to the assignment. Any such assignment shall be documented in the student's reading improvement and monitoring plan. 26042  
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As used in this division, "teacher of record" means the classroom teacher to whom a student is assigned. 26048  
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(I) Notwithstanding division (H) of this section, a teacher may teach reading to any student who is an English language learner, and has been in the United States for three years or less, or to a student who has an individualized education program developed under Chapter 3323. of the Revised Code if that teacher holds an alternative credential approved by the department or has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in this division shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised 26050  
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Code. 26062

(J) If, on or after June 4, 2013, a school district or 26063  
community school cannot furnish the number of teachers needed who 26064  
satisfy one or more of the criteria set forth in division (H) of 26065  
this section for the 2013-2014 school year, the school district or 26066  
community school shall develop and submit a staffing plan by June 26067  
30, 2013. The staffing plan shall include criteria that will be 26068  
used to assign a student described in division (B)(3) or (C) of 26069  
this section to a teacher, credentials or training held by 26070  
teachers currently teaching at the school, and how the school 26071  
district or community school will meet the requirements of this 26072  
section. The school district or community school shall post the 26073  
staffing plan on its web site for the applicable school year. 26074

Not later than March 1, 2014, and on the first day of March 26075  
in each year thereafter, a school district or community school 26076  
that has submitted a plan under this division shall submit to the 26077  
department a detailed report of the progress the district or 26078  
school has made in meeting the requirements under this section. 26079

A school district or community school may request an 26080  
extension of a staffing plan beyond the 2013-2014 school year. 26081  
Extension requests must be submitted to the department not later 26082  
than the thirtieth day of April prior to the start of the 26083  
applicable school year. The department may grant extensions valid 26084  
through the 2015-2016 school year. 26085

Until June 30, 2015, the department annually shall review all 26086  
staffing plans and report to the state board not later than the 26087  
thirtieth day of June of each year the progress of school 26088  
districts and community schools in meeting the requirements of 26089  
this section. 26090

(K) The department of education shall designate one or more 26091  
staff members to provide guidance and assistance to school 26092

districts and community schools in implementing the third grade 26093  
guarantee established by this section, including any standards or 26094  
requirements adopted to implement the guarantee and to provide 26095  
information and support for reading instruction and achievement. 26096

Sec. 3313.6024. (A) Annually, beginning in the 2019-2020 26097  
school year, each school district shall report to the department 26098  
of education, in the manner prescribed by the department, the 26099  
types of prevention-focused programs, services, and supports used 26100  
to assist students in developing the knowledge and skills to 26101  
engage in healthy behaviors and decision-making and to increase 26102  
their awareness of the dangers and consequences of risky 26103  
behaviors, including substance abuse, suicide, bullying, and other 26104  
harmful behaviors. The district shall report the following 26105  
information regarding such programs, services, and supports for 26106  
each building operated by the district and for each of grades 26107  
kindergarten through twelve served by the building: 26108

(1) Curriculum and instruction provided during the school 26109  
day; 26110

(2) Programs and supports provided outside of the classroom 26111  
or outside of the school day; 26112

(3) Professional development for teachers, administrators, 26113  
and other staff; 26114

(4) Partnerships with community coalitions and organizations 26115  
to provide prevention services and resources to students and their 26116  
families; 26117

(5) School efforts to engage parents and the community; 26118

(6) Activities designed to communicate with and learn from 26119  
other schools or professionals with expertise in prevention 26120  
education. 26121

(B) The department may use information reported under this 26122

section, and any other information collected by the department 26123  
pursuant to law, as a factor in the distribution of any funding 26124  
available for prevention-focused programs, services, and supports. 26125

**Sec. 3313.61.** (A) A diploma shall be granted by the board of 26126  
education of any city, exempted village, or local school district 26127  
that operates a high school to any person to whom all of the 26128  
following apply: 26129

(1) The person has successfully completed the curriculum in 26130  
any high school or the individualized education program developed 26131  
for the person by any high school pursuant to section 3323.08 of 26132  
the Revised Code, or has qualified under division (D) or (F) of 26133  
section 3313.603 of the Revised Code, provided that no school 26134  
district shall require a student to remain in school for any 26135  
specific number of semesters or other terms if the student 26136  
completes the required curriculum early; 26137

(2) Subject to section 3313.614 of the Revised Code, the 26138  
person has met the assessment requirements of division (A)(2)(a) 26139  
or (b) of this section, as applicable. 26140

(a) If the person entered the ninth grade prior to July 1, 26141  
2014, the person either: 26142

(i) Has attained at least the applicable scores designated 26143  
under division (B)(1) of section 3301.0710 of the Revised Code on 26144  
all the assessments required by that division unless the person 26145  
was excused from taking any such assessment pursuant to section 26146  
3313.532 of the Revised Code or unless division (H) or (L) of this 26147  
section applies to the person; 26148

(ii) Has satisfied the alternative conditions prescribed in 26149  
section 3313.615 of the Revised Code. 26150

(b) If the person entered the ninth grade on or after July 1, 26151  
2014, the person has met the requirement prescribed by section 26152

3313.618 of the Revised Code, except to the extent that the person 26153  
is excused from an assessment prescribed by that section pursuant 26154  
to section 3313.532 of the Revised Code or division (H) or (L) of 26155  
this section. 26156

(3) The person is not eligible to receive an honors diploma 26157  
granted pursuant to division (B) of this section. 26158

Except as provided in divisions (C), (E), (J), and (L) of 26159  
this section, no diploma shall be granted under this division to 26160  
anyone except as provided under this division. 26161

(B) In lieu of a diploma granted under division (A) of this 26162  
section, an honors diploma shall be granted, in accordance with 26163  
rules of the state board, by any such district board to anyone who 26164  
accomplishes all of the following: 26165

(1) Successfully completes the curriculum in any high school 26166  
or the individualized education program developed for the person 26167  
by any high school pursuant to section 3323.08 of the Revised 26168  
Code; 26169

(2) Subject to section 3313.614 of the Revised Code, has met 26170  
the assessment requirements of division (B)(2)(a) or (b) of this 26171  
section, as applicable. 26172

(a) If the person entered the ninth grade prior to July 1, 26173  
2014, the person either: 26174

(i) Has attained at least the applicable scores designated 26175  
under division (B)(1) of section 3301.0710 of the Revised Code on 26176  
all the assessments required by that division; 26177

(ii) Has satisfied the alternative conditions prescribed in 26178  
section 3313.615 of the Revised Code. 26179

(b) If the person entered the ninth grade on or after July 1, 26180  
2014, the person has met the requirement prescribed under section 26181  
3313.618 of the Revised Code. 26182

(3) Has met additional criteria established by the state 26183  
board for the granting of such a diploma. 26184

An honors diploma shall not be granted to a student who is 26185  
subject to the requirements prescribed in division (C) of section 26186  
3313.603 of the Revised Code but elects the option of division (D) 26187  
or (F) of that section. Except as provided in divisions (C), (E), 26188  
and (J) of this section, no honors diploma shall be granted to 26189  
anyone failing to comply with this division and no more than one 26190  
honors diploma shall be granted to any student under this 26191  
division. 26192

The state board shall adopt rules prescribing the granting of 26193  
honors diplomas under this division. These rules may prescribe the 26194  
granting of honors diplomas that recognize a student's achievement 26195  
as a whole or that recognize a student's achievement in one or 26196  
more specific subjects or both. The rules may prescribe the 26197  
granting of an honors diploma recognizing technical expertise for 26198  
a career-technical student. In any case, the rules shall designate 26199  
two or more criteria for the granting of each type of honors 26200  
diploma the board establishes under this division and the number 26201  
of such criteria that must be met for the granting of that type of 26202  
diploma. The number of such criteria for any type of honors 26203  
diploma shall be at least one less than the total number of 26204  
criteria designated for that type and no one or more particular 26205  
criteria shall be required of all persons who are to be granted 26206  
that type of diploma. 26207

(C) Any district board administering any of the assessments 26208  
required by section 3301.0710 of the Revised Code to any person 26209  
requesting to take such assessment pursuant to division (B)(8)(b) 26210  
of section 3301.0711 of the Revised Code shall award a diploma to 26211  
such person if the person attains at least the applicable scores 26212  
designated under division (B)(1) of section 3301.0710 of the 26213  
Revised Code on all the assessments administered and if the person 26214

has previously attained the applicable scores on all the other 26215  
assessments required by division (B)(1) of that section or has 26216  
been exempted or excused from attaining the applicable score on 26217  
any such assessment pursuant to division (H) or (L) of this 26218  
section or from taking any such assessment pursuant to section 26219  
3313.532 of the Revised Code. 26220

(D) Each diploma awarded under this section shall be signed 26221  
by the president and treasurer of the issuing board, the 26222  
superintendent of schools, and the principal of the high school. 26223  
Each diploma shall bear the date of its issue, be in such form as 26224  
the district board prescribes, and be paid for out of the 26225  
district's general fund. 26226

(E) A person who is a resident of Ohio and is eligible under 26227  
state board of education minimum standards to receive a high 26228  
school diploma based in whole or in part on credits earned while 26229  
an inmate of a correctional institution operated by the state or 26230  
any political subdivision thereof, shall be granted such diploma 26231  
by the correctional institution operating the programs in which 26232  
such credits were earned, and by the board of education of the 26233  
school district in which the inmate resided immediately prior to 26234  
the inmate's placement in the institution. The diploma granted by 26235  
the correctional institution shall be signed by the director of 26236  
the institution, and by the person serving as principal of the 26237  
institution's high school and shall bear the date of issue. 26238

(F) Persons who are not residents of Ohio but who are inmates 26239  
of correctional institutions operated by the state or any 26240  
political subdivision thereof, and who are eligible under state 26241  
board of education minimum standards to receive a high school 26242  
diploma based in whole or in part on credits earned while an 26243  
inmate of the correctional institution, shall be granted a diploma 26244  
by the correctional institution offering the program in which the 26245  
credits were earned. The diploma granted by the correctional 26246

institution shall be signed by the director of the institution and 26247  
by the person serving as principal of the institution's high 26248  
school and shall bear the date of issue. 26249

(G) The state board of education shall provide by rule for 26250  
the administration of the assessments required by sections 26251  
3301.0710 and 3301.0712 of the Revised Code to inmates of 26252  
correctional institutions. 26253

(H) Any person to whom all of the following apply shall be 26254  
exempted from attaining the applicable score on the assessment in 26255  
social studies designated under division (B)(1) of section 26256  
3301.0710 of the Revised Code, any American history end-of-course 26257  
examination and any American government end-of-course examination 26258  
required under division (B) of section 3301.0712 of the Revised 26259  
Code if such an exemption is prescribed by rule of the state board 26260  
under division (D)(3) of section 3301.0712 of the Revised Code, or 26261  
the test in citizenship designated under former division (B) of 26262  
section 3301.0710 of the Revised Code as it existed prior to 26263  
September 11, 2001: 26264

(1) The person is not a citizen of the United States; 26265

(2) The person is not a permanent resident of the United 26266  
States; 26267

(3) The person indicates no intention to reside in the United 26268  
States after the completion of high school. 26269

(I) Notwithstanding division (D) of section 3311.19 and 26270  
division (D) of section 3311.52 of the Revised Code, this section 26271  
and section 3313.611 of the Revised Code do not apply to the board 26272  
of education of any joint vocational school district or any 26273  
cooperative education school district established pursuant to 26274  
divisions (A) to (C) of section 3311.52 of the Revised Code. 26275

(J) Upon receipt of a notice under division (D) of section 26276  
3325.08 or division (D) of section 3328.25 of the Revised Code 26277

that a student has received a diploma under either section, the 26278  
board of education receiving the notice may grant a high school 26279  
diploma under this section to the student, except that such board 26280  
shall grant the student a diploma if the student meets the 26281  
graduation requirements that the student would otherwise have had 26282  
to meet to receive a diploma from the district. The diploma 26283  
granted under this section shall be of the same type the notice 26284  
indicates the student received under section 3325.08 or 3328.25 of 26285  
the Revised Code. 26286

(K) As used in this division, "~~limited English proficient~~ 26287  
~~student learner~~" has the same meaning as in division (C)(3) of 26288  
section 3301.0711 of the Revised Code. 26289

Notwithstanding division (C)(3) of section 3301.0711 of the 26290  
Revised Code, no ~~limited English proficient student learner~~ who 26291  
has not either attained the applicable scores designated under 26292  
division (B)(1) of section 3301.0710 of the Revised Code on all 26293  
the assessments required by that division, or met the requirement 26294  
prescribed by section 3313.618 of the Revised Code, shall be 26295  
awarded a diploma under this section. 26296

(L) Any student described by division (A)(1) of this section 26297  
may be awarded a diploma without meeting the requirement 26298  
prescribed by section 3313.618 of the Revised Code provided an 26299  
individualized education program specifically exempts the student 26300  
from meeting such requirement. This division does not negate the 26301  
requirement for a student to take the assessments prescribed by 26302  
section 3301.0710 or under division (B) of section 3301.0712 of 26303  
the Revised Code, or alternate assessments required by division 26304  
(C)(1) of section 3301.0711 of the Revised Code, for the purpose 26305  
of assessing student progress as required by federal law. 26306

**Sec. 3313.611.** (A) The state board of education shall adopt, 26307  
by rule, standards for awarding high school credit equivalent to 26308

credit for completion of high school academic and vocational 26309  
education courses to applicants for diplomas under this section. 26310  
The standards may permit high school credit to be granted to an 26311  
applicant for any of the following: 26312

(1) Work experiences or experiences as a volunteer; 26313

(2) Completion of academic, vocational, or self-improvement 26314  
courses offered to persons over the age of twenty-one by a 26315  
chartered public or nonpublic school; 26316

(3) Completion of academic, vocational, or self-improvement 26317  
courses offered by an organization, individual, or educational 26318  
institution other than a chartered public or nonpublic school; 26319

(4) Other life experiences considered by the board to provide 26320  
knowledge and learning experiences comparable to that gained in a 26321  
classroom setting. 26322

(B) The board of education of any city, exempted village, or 26323  
local school district that operates a high school shall grant a 26324  
diploma of adult education to any applicant if all of the 26325  
following apply: 26326

(1) The applicant is a resident of the district; 26327

(2) The applicant is over the age of twenty-one and has not 26328  
been issued a diploma as provided in section 3313.61 of the 26329  
Revised Code; 26330

(3) Subject to section 3313.614 of the Revised Code, the 26331  
applicant has met the assessment requirements of division 26332  
(B)(3)(a) or (b) of this section, as applicable. 26333

(a) Prior to July 1, 2014, the applicant either: 26334

(i) Has attained the applicable scores designated under 26335  
division (B)(1) of section 3301.0710 of the Revised Code on all of 26336  
the assessments required by that division or was excused or 26337  
exempted from any such assessment pursuant to section 3313.532 or 26338

was exempted from attaining the applicable score on any such 26339  
assessment pursuant to division (H) or (L) of section 3313.61 of 26340  
the Revised Code; 26341

(ii) Has satisfied the alternative conditions prescribed in 26342  
section 3313.615 of the Revised Code. 26343

(b) On or after July 1, 2014, has met the requirement 26344  
prescribed by section 3313.618 of the Revised Code, except and 26345  
only to the extent that the applicant is excused from some portion 26346  
of that section pursuant to section 3313.532 of the Revised Code 26347  
or division (H) or (L) of section 3313.61 of the Revised Code. 26348

(4) The district board determines, in accordance with the 26349  
standards adopted under division (A) of this section, that the 26350  
applicant has attained sufficient high school credits, including 26351  
equivalent credits awarded under such standards, to qualify as 26352  
having successfully completed the curriculum required by the 26353  
district for graduation. 26354

(C) If a district board determines that an applicant is not 26355  
eligible for a diploma under division (B) of this section, it 26356  
shall inform the applicant of the reason the applicant is 26357  
ineligible and shall provide a list of any courses required for 26358  
the diploma for which the applicant has not received credit. An 26359  
applicant may reapply for a diploma under this section at any 26360  
time. 26361

(D) If a district board awards an adult education diploma 26362  
under this section, the president and treasurer of the board and 26363  
the superintendent of schools shall sign it. Each diploma shall 26364  
bear the date of its issuance, be in such form as the district 26365  
board prescribes, and be paid for from the district's general 26366  
fund, except that the state board may by rule prescribe standard 26367  
language to be included on each diploma. 26368

(E) As used in this division, "~~limited~~ English ~~proficient~~ 26369

~~student~~ learner" has the same meaning as in division (C)(3) of 26370  
section 3301.0711 of the Revised Code. 26371

Notwithstanding division (C)(3) of section 3301.0711 of the 26372  
Revised Code, no ~~limited~~ English ~~proficient~~ ~~student~~ learner who 26373  
has not either attained the applicable scores designated under 26374  
division (B)(1) of section 3301.0710 of the Revised Code on all 26375  
the assessments required by that division, or has not met the 26376  
requirement prescribed by section 3313.618 of the Revised Code, 26377  
shall be awarded a diploma under this section. 26378

**Sec. 3313.612.** (A) No nonpublic school chartered by the state 26379  
board of education shall grant a high school diploma to any person 26380  
unless, subject to section 3313.614 of the Revised Code, the 26381  
person has met the assessment requirements of division (A)(1) or 26382  
(2) of this section, as applicable. 26383

(1) If the person entered the ninth grade prior to July 1, 26384  
2014, the person has attained at least the applicable scores 26385  
designated under division (B)(1) of section 3301.0710 of the 26386  
Revised Code on all the assessments required by that division, or 26387  
has satisfied the alternative conditions prescribed in section 26388  
3313.615 of the Revised Code. 26389

(2) If the person entered the ninth grade on or after July 1, 26390  
2014, the person has met the requirement prescribed by section 26391  
3313.618 or 3313.619 of the Revised Code. 26392

(B) This section does not apply to any of the following: 26393

(1) Any person with regard to any assessment from which the 26394  
person was excused pursuant to division (C)(1)(c) of section 26395  
3301.0711 of the Revised Code; 26396

(2) Except as provided in division (B)(4) of this section, 26397  
any person who attends a nonpublic school accredited through the 26398  
independent schools association of the central states, except for 26399

a student attending the school under a state scholarship program 26400  
as defined in section 3301.0711 of the Revised Code; 26401

(3) Any person with regard to the social studies assessment 26402  
under division (B)(1) of section 3301.0710 of the Revised Code, 26403  
any American history end-of-course examination and any American 26404  
government end-of-course examination required under division (B) 26405  
of section 3301.0712 of the Revised Code if such an exemption is 26406  
prescribed by rule of the state board of education under division 26407  
(D)(3) of section 3301.0712 of the Revised Code, or the 26408  
citizenship test under former division (B) of section 3301.0710 of 26409  
the Revised Code as it existed prior to September 11, 2001, if all 26410  
of the following apply: 26411

(a) The person is not a citizen of the United States; 26412

(b) The person is not a permanent resident of the United 26413  
States; 26414

(c) The person indicates no intention to reside in the United 26415  
States after completion of high school. 26416

(4) Any person who attends a chartered nonpublic school that 26417  
satisfies the requirements of division (L)(4) of section 3301.0711 26418  
of the Revised Code. In the case of such a student, the student's 26419  
chartered nonpublic school shall determine the student's 26420  
eligibility for graduation based on the standards of the school's 26421  
accrediting body. 26422

(C) As used in this division, "~~limited English proficient~~ 26423  
~~student~~ learner" has the same meaning as in division (C)(3) of 26424  
section 3301.0711 of the Revised Code. 26425

Notwithstanding division (C)(3) of section 3301.0711 of the 26426  
Revised Code, no ~~limited English proficient student~~ learner who 26427  
has not either attained the applicable scores designated under 26428  
division (B)(1) of section 3301.0710 of the Revised Code on all 26429  
the assessments required by that division, or met the requirement 26430

prescribed by section 3313.618 or 3313.619 of the Revised Code, 26431  
shall be awarded a diploma under this section. 26432

(D) The state board shall not impose additional requirements 26433  
or assessments for the granting of a high school diploma under 26434  
this section that are not prescribed by this section. 26435

(E) The department of education shall furnish the assessment 26436  
administered by a nonpublic school pursuant to division (B)(1) of 26437  
section 3301.0712 of the Revised Code. 26438

**Sec. 3313.618.** (A) In addition to the applicable curriculum 26439  
requirements, each student entering ninth grade for the first time 26440  
on or after July 1, 2014, shall satisfy at least one of the 26441  
following conditions in order to qualify for a high school 26442  
diploma: 26443

(1) Be remediation-free, in accordance with standards adopted 26444  
under division (F) of section 3345.061 of the Revised Code, on 26445  
each of the nationally standardized assessments in English, 26446  
mathematics, and reading; 26447

(2) Attain a score specified under division (B)(5)(c) of 26448  
section 3301.0712 of the Revised Code on the end-of-course 26449  
examinations prescribed under division (B) of section 3301.0712 of 26450  
the Revised Code. 26451

(3) Attain a score that demonstrates workforce readiness and 26452  
employability on a nationally recognized job skills assessment 26453  
selected by the state board of education under division (G) of 26454  
section 3301.0712 of the Revised Code and obtain either an 26455  
industry-recognized credential, ~~as described under division~~ 26456  
~~(B)(2)(d) of section 3302.03 of the Revised Code,~~ or a license 26457  
issued by a state agency or board for practice in a vocation that 26458  
requires an examination for issuance of that license. 26459

The Subject to section 3313.912 of the Revised Code, the 26460

industry-recognized credentials and licenses shall be as approved 26461  
under section 3313.6113 of the Revised Code. 26462

A student may choose to qualify for a high school diploma by 26463  
satisfying any of the separate requirements prescribed by 26464  
divisions (A)(1) to (3) of this section. If the student's school 26465  
district or school does not administer the examination prescribed 26466  
by one of those divisions that the student chooses to take to 26467  
satisfy the requirements of this section, the school district or 26468  
school may require that student to arrange for the applicable 26469  
scores to be sent directly to the district or school by the 26470  
company or organization that administers the examination. 26471

(B) The state board of education shall not create or require 26472  
any additional assessment for the granting of any type of high 26473  
school diploma other than as prescribed by this section. Except as 26474  
provided in sections 3313.6111 and 3313.6112 of the Revised Code, 26475  
the state board or the superintendent of public instruction shall 26476  
not create any endorsement or designation that may be affiliated 26477  
with a high school diploma. 26478

**Sec. 3313.813.** (A) As used in this section: 26479

(1) "Outdoor education center" means a public or nonprofit 26480  
private entity that provides to pupils enrolled in any public or 26481  
chartered nonpublic elementary or secondary school an outdoor 26482  
educational curriculum that the school considers to be part of its 26483  
educational program. 26484

(2) "Outside-school-hours care center" has the meaning 26485  
established in 7 C.F.R. 226.2. 26486

(B) The state board of education shall establish standards 26487  
for a school lunch program, school breakfast program, child and 26488  
adult care food program, special food service program for 26489  
children, summer food service program for children, special milk 26490

program for children, food service equipment assistance program, 26491  
and commodity distribution program established under the "National 26492  
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 26493  
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 26494  
U.S.C. 1771, as amended. Any board of education of a school 26495  
district, nonprofit private school, outdoor education center, 26496  
child care institution, outside-school-hours care center, or 26497  
summer camp desiring to participate in such a program or required 26498  
to participate under this section shall, if eligible to 26499  
participate under the "National School Lunch Act," as amended, or 26500  
the "Child Nutrition Act of 1966," as amended, make application to 26501  
the stateboard of education for assistance. The board shall 26502  
administer the allocation and distribution of all state and 26503  
federal funds for these programs. 26504

(C) The state board of education shall require the board of 26505  
education of each school district to establish and maintain a 26506  
school breakfast, lunch, and summer food service program pursuant 26507  
to the "National School Lunch Act" and the "Child Nutrition Act of 26508  
1966," as described in divisions (C)(1) to (4) of this section. 26509

(1) The state board shall require the board of education in 26510  
each school district to establish a breakfast program in every 26511  
school where at least one-fifth of the pupils in the school are 26512  
eligible under federal requirements for free breakfasts and to 26513  
establish a lunch program in every school where at least one-fifth 26514  
of the pupils are eligible for free lunches. The board of 26515  
education required to establish a breakfast program under this 26516  
division may make a charge in accordance with federal requirements 26517  
for each reduced price breakfast or paid breakfast to cover the 26518  
cost incurred in providing that meal. 26519

(2) The state board shall require the board of education in 26520  
each school district to establish a breakfast program in every 26521  
school in which the parents of at least one-half of the children 26522

enrolled in the school have requested that the breakfast program 26523  
be established. The board of education required to establish a 26524  
program under this division may make a charge in accordance with 26525  
federal requirements for each meal to cover all or part of the 26526  
costs incurred in establishing such a program. 26527

A breakfast program established under division (C)(1) or (2) 26528  
of this section shall be operated in accordance with section 26529  
3313.818 of the Revised Code in any school meeting the conditions 26530  
prescribed by that section. 26531

(3) The state board shall require the board of education in 26532  
each school district to establish one of the following for summer 26533  
intervention services described in division (D) of section 26534  
3301.0711 or provided under section 3313.608 of the Revised Code, 26535  
and any other summer intervention program required by law: 26536

(a) An extension of the school breakfast program pursuant to 26537  
the "National School Lunch Act" and the "Child Nutrition Act of 26538  
1966"; 26539

(b) An extension of the school lunch program pursuant to 26540  
those acts; 26541

(c) A summer food service program pursuant to those acts. 26542

(4)(a) If the board of education of a school district 26543  
determines that, for financial reasons, it cannot comply with 26544  
division (C)(1) or (3) of this section, the district board may 26545  
choose not to comply with either or both divisions, except as 26546  
provided in divisions (C)(4)(b) and (c) of this section. The 26547  
district board publicly shall communicate to the residents of the 26548  
district, in the manner it determines appropriate, its decision 26549  
not to comply. 26550

(b) If a district board chooses not to comply with division 26551  
(C)(1) of this section, the state board nevertheless shall require 26552  
the district board to establish a breakfast program in every 26553

school where at least one-third of the pupils in the school are 26554  
eligible under federal requirements for free breakfasts and to 26555  
establish a lunch program in every school where at least one-third 26556  
of the pupils are eligible for free lunches. The district board 26557  
may make a charge in accordance with federal requirements for each 26558  
reduced price breakfast or paid breakfast to cover the cost 26559  
incurred in providing that meal. 26560

(c) If the board of education of a school district chooses 26561  
not to comply with division (C)(3) of this section, the state 26562  
board nevertheless shall require the district board to permit an 26563  
approved summer food service program sponsor to use school 26564  
facilities located in a school building attendance area where at 26565  
least one-half of the pupils are eligible for free lunches. 26566

The department of education shall post in a prominent 26567  
location on the department's web site a list of approved summer 26568  
food service program sponsors that may use school facilities under 26569  
this division. 26570

Subject to the provisions of sections 3313.75 and 3313.77 of 26571  
the Revised Code, a school district may charge the summer food 26572  
service program sponsor a reasonable fee for the use of school 26573  
facilities that may include the actual cost of custodial services, 26574  
charges for the use of school equipment, and a prorated share of 26575  
the utility costs as determined by the district board. A school 26576  
district shall require the summer food service program sponsor to 26577  
indemnify and hold harmless the district from any potential 26578  
liability resulting from the operation of the summer food service 26579  
program under this division. For this purpose, the district shall 26580  
either add the summer food service program sponsor, as an 26581  
additional insured party, to the district's existing liability 26582  
insurance policy or require the summer food service program 26583  
sponsor to submit evidence of a separate liability insurance 26584  
policy, for an amount approved by the district board. The summer 26585

food service program sponsor shall be responsible for any costs 26586  
incurred in obtaining coverage under either option. 26587

(d) If a school district cannot for good cause comply with 26588  
the requirements of division (C)(2) or (4)(b) or (c) of this 26589  
section at the time the state board determines that a district is 26590  
subject to these requirements, the state board shall grant a 26591  
reasonable extension of time. Good cause for an extension of time 26592  
shall include, but need not be limited to, economic impossibility 26593  
of compliance with the requirements at the time the state board 26594  
determines that a district is subject to them. 26595

(D)(1) The state board shall accept the application of any 26596  
outdoor education center in the state making application for 26597  
participation in a program pursuant to division (B) of this 26598  
section. 26599

(2) For purposes of participation in any program pursuant to 26600  
this section, the board shall certify any outdoor education center 26601  
making application as an educational unit that is part of the 26602  
educational system of the state, if the center: 26603

(a) Meets the definition of an outdoor education center; 26604

(b) Provides its outdoor education curriculum to pupils on an 26605  
overnight basis so that pupils are in residence at the center for 26606  
more than twenty-four consecutive hours; 26607

(c) Operates under public or nonprofit private ownership in a 26608  
single building or complex of buildings. 26609

(3) The board shall approve any outdoor education center 26610  
certified under this division for participation in the program for 26611  
which the center is making application on the same basis as any 26612  
other applicant for that program. 26613

(E) Any school district board of education or chartered 26614  
nonpublic school that participates in a breakfast program pursuant 26615

to this section may offer breakfast to pupils in their classrooms 26616  
during the school day. However, any school that is subject to 26617  
section 3313.818 of the Revised Code shall offer breakfast to 26618  
pupils in accordance with that section. 26619

(F) Notwithstanding anything in this section to the contrary, 26620  
in each fiscal year in which the general assembly appropriates 26621  
funds for purposes of this division, the board of education of 26622  
each school district and each chartered nonpublic school that 26623  
participates in a breakfast program pursuant to this section shall 26624  
provide a breakfast free of charge to each pupil who is eligible 26625  
under federal requirements for a reduced price breakfast. 26626

**Sec. 3313.818.** (A)(1) The department of education shall 26627  
establish a program under which public schools that meet the 26628  
conditions prescribed in this section shall offer breakfast to all 26629  
students during the school day. Each of the following shall apply: 26630

(a) In the first school year after the effective date of this 26631  
section, the program shall apply to any public school in which 26632  
seventy per cent or more of the students enrolled in the school 26633  
during the previous school year were eligible under federal 26634  
requirements for free or reduced-price breakfasts or lunches. 26635

(b) In the second school year after the effective date of 26636  
this section, the program shall apply to any public school in 26637  
which sixty per cent or more of the students enrolled in the 26638  
school during the previous school year were eligible under federal 26639  
requirements for free or reduced-price breakfasts or lunches. 26640

(c) In the third school year after the enactment date of this 26641  
section and every school year thereafter, the program shall apply 26642  
to any public school in which fifty per cent or more of the 26643  
students enrolled in the school during the previous school year 26644  
were eligible under federal requirements for free or reduced-price 26645  
breakfasts or lunches. 26646

(2) In each school that meets the standards prescribed in 26647  
division (A)(1) of this section, efforts shall be made to increase 26648  
student participation in that school's breakfast program to at 26649  
least seventy per cent of the school's free or reduced-price lunch 26650  
participation rate. 26651

(3) The district superintendent or building principal, in 26652  
consultation with the building staff, shall determine the model 26653  
for serving breakfast under the program. Each breakfast served 26654  
under the program shall comply with federal meal patterns and 26655  
nutritional standards and with section 3313.814 of the Revised 26656  
Code. A school district board of education may make a charge in 26657  
accordance with federal requirements for each meal to cover all or 26658  
part of the costs incurred in operating the program. 26659

(B) The department shall publish a list of public schools 26660  
that meet the conditions of division (A) of this section. The 26661  
department shall offer technical assistance to school districts 26662  
and schools regarding the implementation of a school breakfast 26663  
program that complies with this section and the submission of 26664  
claims for reimbursement under the federal school breakfast 26665  
program. 26666

(C)(1) The department shall monitor each school participating 26667  
in the program and ensure that each participating school complies 26668  
with the requirements of this section. If the department 26669  
determines that a school participating in the program either has 26670  
not increased the participation by all students in the program by 26671  
at least ten percentage points, or less than seventy per cent of 26672  
the school's students eligible for free or reduced-price lunch are 26673  
not participating in the program, the department shall provide 26674  
written notice of its findings to the school by the thirty-first 26675  
day of May of that school year. 26676

(2) A school that receives notice from the department under 26677  
division (C)(1) of this section shall, within thirty days after 26678

the start of the next school year, submit to the department a plan 26679  
for increasing participation in the program. 26680

(D) Not later than the thirty-first day of December of each 26681  
school year, the department shall provide statistical reports on 26682  
its web site that specify the number and percentage of students 26683  
participating in school breakfast programs disaggregated by school 26684  
district and individual schools, including community schools, 26685  
established under Chapter 3314. of the Revised Code, and STEM 26686  
schools, established under Chapter 3326. of the Revised Code. 26687

(E) Not later than the thirty-first day of December of each 26688  
school year, the department shall prepare a report on the 26689  
implementation and effectiveness of the program established under 26690  
this section and submit the report to the general assembly, in 26691  
accordance with section 101.68 of the Revised Code, and to the 26692  
governor. The report shall include: 26693

(1) The number of students and participation rates in the 26694  
free and reduced-price breakfast programs under this section for 26695  
each school building; 26696

(2) The type of breakfast model used by each school building 26697  
participating in the breakfast program; 26698

(3) The number of students and participation rates in free or 26699  
reduced-price lunch for each school building. 26700

**Sec. 3313.843.** (A) Notwithstanding division (D) of section 26701  
3311.52 of the Revised Code, this section does not apply to any 26702  
cooperative education school district. 26703

(B)(1) The board of education of each city, exempted village, 26704  
or local school district with an average daily student enrollment 26705  
of sixteen thousand or less, reported for the district on the most 26706  
recent report card issued under section 3302.03 of the Revised 26707  
Code, shall enter into an agreement with the governing board of an 26708

educational service center, under which the educational service 26709  
center governing board will provide services to the district. 26710

(2) The board of education of a city, exempted village, or 26711  
local school district with an average daily student enrollment of 26712  
more than sixteen thousand may enter into an agreement with the 26713  
governing board of an educational service center, under which the 26714  
educational service center governing board will provide services 26715  
to the district. 26716

(3) Services provided under an agreement entered into under 26717  
division (B)(1) or (2) of this section shall be specified in the 26718  
agreement, and may include any of the following: supervisory 26719  
teachers; in-service and continuing education programs for 26720  
district personnel; curriculum services; research and development 26721  
programs; academic instruction for which the governing board 26722  
employs teachers pursuant to section 3319.02 of the Revised Code; 26723  
assistance in the provision of special accommodations and classes 26724  
for students with disabilities; or any other services the district 26725  
board and service center governing board agree can be better 26726  
provided by the service center and are not provided under an 26727  
agreement entered into under section 3313.845 of the Revised Code. 26728  
Services included in the agreement shall be provided to the 26729  
district in the manner specified in the agreement. The district 26730  
board of education shall reimburse the educational service center 26731  
governing board pursuant to division (H) of this section. 26732

(C) Any agreement entered into pursuant to this section shall 26733  
be filed with the department of education by the first day of July 26734  
of the school year for which the agreement is in effect. 26735

(D)(1) An agreement for services from an educational service 26736  
center entered into under this section may be terminated by the 26737  
school district board of education, at its option, by notifying 26738  
the governing board of the service center by March 1, 2012, or by 26739  
the first day of January of any odd-numbered year thereafter, that 26740

the district board intends to terminate the agreement in that 26741  
year, and that termination shall be effective on the thirtieth day 26742  
of June of that year. The failure of a district board to notify an 26743  
educational service center of its intent to terminate an agreement 26744  
by March 1, 2012, shall result in renewal of the existing 26745  
agreement for the following school year. Thereafter, the failure 26746  
of a district board to notify an educational service center of its 26747  
intent to terminate an agreement by the first day of January of an 26748  
odd-numbered year shall result in renewal of the existing 26749  
agreement for the following two school years. 26750

(2) If the school district that terminates an agreement for 26751  
services under division (D)(1) of this section is also subject to 26752  
the requirement of division (B)(1) of this section, the district 26753  
board shall enter into a new agreement with any educational 26754  
service center so that the new agreement is effective on the first 26755  
day of July of that same year. 26756

(3) If all moneys owed by a school district to an educational 26757  
service center under an agreement for services terminated under 26758  
division (D)(1) of this section have been paid in full by the 26759  
effective date of the termination, the governing board of the 26760  
service center shall submit an affidavit to the department 26761  
certifying that fact not later than fifteen days after the 26762  
termination's effective date. Notwithstanding anything in the 26763  
Revised Code to the contrary, until the department receives such 26764  
an affidavit, it shall not make any payments to any other 26765  
educational service center with which the district enters into an 26766  
agreement under this section for services that the educational 26767  
service center provides to the district. 26768

(E) An educational service center may apply to any state or 26769  
federal agency for competitive grants. It may also apply to any 26770  
private entity for additional funds. 26771

(F) Not later than January 1, 2014, each educational service 26772

center shall post on its web site a list of all of the services 26773  
that it provides and the corresponding cost for each of those 26774  
services. 26775

(G)(1) For purposes of calculating any state operating 26776  
subsidy to be paid to an educational service center for the 26777  
operation of that service center and any services required under 26778  
Title XXXVIII of the Revised Code to be provided by the service 26779  
center to a school district, the service center's student count 26780  
shall be the sum of the total student counts of all the school 26781  
districts with which the educational service center has entered 26782  
into an agreement under this section. 26783

(2) When a district enters into a new agreement with a new 26784  
educational service center, the department of education shall 26785  
ensure that the state operating subsidy for services provided to 26786  
the district is paid to the new educational service center and 26787  
that the educational service center with which the district 26788  
previously had an agreement is no longer paid a state operating 26789  
subsidy for providing services to that district. 26790

(H) Pursuant to division (B) of section 3317.023 of the 26791  
Revised Code, the department annually shall deduct from each 26792  
school district that enters into an agreement with an educational 26793  
service center under this section, and pay to the service center, 26794  
an amount equal to six dollars and fifty cents times the school 26795  
district's total student count. The district board of education, 26796  
or the district superintendent acting on behalf of the district 26797  
board, may agree to pay an amount in excess of six dollars and 26798  
fifty cents per student in total student count. If a majority of 26799  
the boards of education, or superintendents acting on behalf of 26800  
the boards, of the districts that entered into an agreement under 26801  
this section approve an amount in excess of six dollars and fifty 26802  
cents per student in total student count, each district shall pay 26803  
the excess amount to the service center. 26804

(I)(1) An educational service center may enter into a contract to purchase supplies, materials, equipment, and services, which may include those specified in division (B) of this section or Chapter 3312. of the Revised Code, or the delivery of such services, on behalf of a school district or political subdivision that has entered into an agreement with the service center under this section or section 3313.844, 3313.845, or 3313.846 of the Revised Code.

(2) Purchases made by a school district or political subdivision that has entered into an agreement with the service center as described in this division are exempt from competitive bidding required by law for the purchase of supplies, materials, equipment, or services. No political subdivision shall make any purchase under this division when the political subdivision has received bids for such purchase, unless the same terms, conditions, and specifications at a lower price can be made for such purchase under this division.

(J) Any school district, community school, or STEM school that has entered into an agreement with an educational service center under this section or section 3313.844 or 3313.845 of the Revised Code shall be in compliance with federal law and exempt from competitive bidding requirements for personnel-based services pursuant to the authority granted to the Ohio department of education under federal law, provided the service center has met the following conditions:

(1) It is in compliance with division (F) of this section.

(2) It has been designated "high performing" under rule of the state board of education.

(3) It has been found to be substantially in compliance with audit rules and guidelines in its most recent audit by the auditor of state.

(K) For purposes of this section, a school district's "total student count" means the average daily student enrollment reported on the most recent report card issued for the district pursuant to section 3302.03 of the Revised Code. 26836  
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Sec. 3313.912. (A) As used in this section, "career-technical planning district" and "lead district" have the same meanings as in section 3317.023 of the Revised Code. 26840  
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(B) The business advisory committee of each career-technical planning district shall determine an appropriate point value for each industry-recognized credential approved under section 3313.6113 of the Revised Code that is offered by the career-technical planning district. The point value shall be for the purposes of attaining the number of credential points necessary to qualify for a high school diploma under division (A)(3) of section 3313.618 of the Revised Code. The business advisory committee shall submit each credential point value determined by the committee to the board of education of the lead district for approval. 26843  
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(C) The district board of the lead district shall vote on each credential point value submitted by the career-technical planning district's business advisory committee. The district board may approve each credential point value by a majority vote of its members. The district board shall submit to the department of education, through either regular mail or electronic mail, a notice of an approved credential point value and a copy of the minutes of the board meeting at which the board approved the credential point value. Except as provided in division (D) of this section, an approval under this division shall take effect thirty calendar days after either the postage stamp date of the regular mail notice or the date of the electronic mail notice. 26854  
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(D) The state board of education may, by a two-thirds vote of 26866

its membership, override a credential point value approval under 26867  
division (C) of this section. An override shall take immediate 26868  
effect if the state board vote occurs prior to the effective date 26869  
of the approval prescribed under division (C) of this section. 26870  
However, if the state board vote occurs after that effective date, 26871  
the override shall take effect at the beginning of the following 26872  
school year. 26873

(E) Both of the following shall apply to any credential point 26874  
value approved under division (C) of this section: 26875

(1) The approved credential point value shall only be valid 26876  
in the career-technical planning district of the lead district 26877  
board of education that issued the approval. 26878

(2) The district board may revoke any approved credential 26879  
point value. 26880

(F) Subject to divisions (D) and (E) of this section, each 26881  
student in a career-technical planning district may use a 26882  
credential point value approved under division (C) of this section 26883  
for the purposes of attaining the necessary number of 26884  
industry-recognized credential points to qualify for a high school 26885  
diploma under division (A)(3) of section 3313.613 of the Revised 26886  
Code. 26887

**Sec. 3313.978.** (A) Annually by the first day of November, the 26888  
superintendent of public instruction shall notify the pilot 26889  
project school district of the number of initial scholarships that 26890  
the state superintendent will be awarding in each of grades 26891  
kindergarten through twelve. 26892

The state superintendent shall provide information about the 26893  
scholarship program to all students residing in the district, 26894  
shall accept applications from any such students ~~until such date~~ 26895  
~~as shall be established by the state superintendent as a deadline~~ 26896

~~for applications during the application periods established under~~ 26897  
~~division (H) of this section,~~ and shall establish criteria for the 26898  
selection of students to receive scholarships from among all those 26899  
applying prior to the deadline, which criteria shall give 26900  
preference to students from low-income families. The state 26901  
superintendent shall notify students of their selection prior to 26902  
~~the fifteenth day of January~~ a date established by the state 26903  
superintendent. 26904

(1) A student receiving a pilot project scholarship may 26905  
utilize it at an alternative public school by notifying the 26906  
district superintendent, at any time before the beginning of the 26907  
school year, of the name of the public school in an adjacent 26908  
school district to which the student has been accepted pursuant to 26909  
section 3327.06 of the Revised Code. 26910

(2) A student may decide to utilize a pilot project 26911  
scholarship at a registered private school in the district if all 26912  
of the following conditions are met: 26913

(a) By the fifteenth day of February of the preceding school 26914  
year, or at any time prior to the start of the school year, the 26915  
parent makes an application on behalf of the student to a 26916  
registered private school. 26917

(b) The registered private school notifies the parent and the 26918  
state superintendent as follows that the student has been 26919  
admitted: 26920

(i) By the fifteenth day of March of the preceding school 26921  
year if the student filed an application by the fifteenth day of 26922  
February and was admitted by the school pursuant to division (A) 26923  
of section 3313.977 of the Revised Code; 26924

(ii) Within one week of the decision to admit the student if 26925  
the student is admitted pursuant to division (C) of section 26926  
3313.977 of the Revised Code. 26927

(c) The student actually enrolls in the registered private school to which the student was first admitted or in another registered private school in the district or in a public school in an adjacent school district.

(B) The state superintendent shall also award in any school year tutorial assistance grants to a number of students equal to the number of students who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded solely to students who are enrolled in the public schools of the district in a grade level covered by the pilot project. Tutorial assistance grants may be used solely to obtain tutorial assistance from a provider approved pursuant to division (D) of section 3313.976 of the Revised Code.

All students wishing to obtain tutorial assistance grants shall make application to the state superintendent by the first day of the school year in which the assistance will be used. The state superintendent shall award assistance grants in accordance with criteria the superintendent shall establish.

(C)(1) In the case of basic scholarships for students in grades kindergarten through eight, the scholarship amount shall not exceed the lesser of the net tuition charges of the alternative school the scholarship recipient attends or four thousand six hundred fifty dollars.

In the case of basic scholarships for students in grades nine through twelve, the scholarship amount shall not exceed the lesser of the net tuition charges of the alternative school the scholarship recipient attends or six thousand dollars.

The net tuition and fees charged to a student shall be the tuition amount specified by the alternative school minus all other financial aid, discounts, and adjustments received for the student. In cases where discounts are offered for multiple

students from the same family, and not all students in the same family are scholarship recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to which the family is entitled.

(2) The state superintendent shall provide for an increase in the basic scholarship amount in the case of any student who is a mainstreamed student with a disability and shall further increase such amount in the case of any separately educated student with a disability. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.

(3) In the case of tutorial assistance grants, the grant amount shall not exceed the lesser of the provider's actual charges for such assistance or:

(a) Before fiscal year 2007, a percentage established by the state superintendent, not to exceed twenty per cent, of the amount of the pilot project school district's average basic scholarship amount;

(b) In fiscal year 2007 and thereafter, four hundred dollars.

(D)(1) Annually by the first day of November, the state superintendent shall estimate the maximum per-pupil scholarship amounts for the ensuing school year. The state superintendent shall make this estimate available to the general public at the offices of the district board of education together with the forms required by division (D)(2) of this section.

(2) Annually by the fifteenth day of January, the chief administrator of each registered private school located in the pilot project district and the principal of each public school in such district shall complete a parental information form and forward it to the president of the board of education. The parental information form shall be prescribed by the department of

education and shall provide information about the grade levels 26990  
offered, the numbers of students, tuition amounts, achievement 26991  
test results, and any sectarian or other organizational 26992  
affiliations. 26993

(E)(1) Only for the purpose of administering the pilot 26994  
project scholarship program, the department may request from any 26995  
of the following entities the data verification code assigned 26996  
under division (D)(2) of section 3301.0714 of the Revised Code to 26997  
any student who is seeking a scholarship under the program: 26998

(a) The school district in which the student is entitled to 26999  
attend school under section 3313.64 or 3313.65 of the Revised 27000  
Code; 27001

(b) If applicable, the community school in which the student 27002  
is enrolled; 27003

(c) The independent contractor engaged to create and maintain 27004  
data verification codes. 27005

(2) Upon a request by the department under division (E)(1) of 27006  
this section for the data verification code of a student seeking a 27007  
scholarship or a request by the student's parent for that code, 27008  
the school district or community school shall submit that code to 27009  
the department or parent in the manner specified by the 27010  
department. If the student has not been assigned a code, because 27011  
the student will be entering kindergarten during the school year 27012  
for which the scholarship is sought, the district shall assign a 27013  
code to that student and submit the code to the department or 27014  
parent by a date specified by the department. If the district does 27015  
not assign a code to the student by the specified date, the 27016  
department shall assign a code to the student. 27017

The department annually shall submit to each school district 27018  
the name and data verification code of each student residing in 27019  
the district who is entering kindergarten, who has been awarded a 27020

scholarship under the program, and for whom the department has 27021  
assigned a code under this division. 27022

(3) The department shall not release any data verification 27023  
code that it receives under division (E) of this section to any 27024  
person except as provided by law. 27025

(F) Any document relative to the pilot project scholarship 27026  
program that the department holds in its files that contains both 27027  
a student's name or other personally identifiable information and 27028  
the student's data verification code shall not be a public record 27029  
under section 149.43 of the Revised Code. 27030

(G)(1) The department annually shall compile the scores 27031  
attained by scholarship students enrolled in registered private 27032  
schools on the assessments administered to the students pursuant 27033  
to division (A)(11) of section 3313.976 of the Revised Code. The 27034  
scores shall be aggregated as follows: 27035

(a) By school district, which shall include all scholarship 27036  
students residing in the pilot project school district who are 27037  
enrolled in a registered private school and were required to take 27038  
an assessment pursuant to division (A)(11) of section 3313.976 of 27039  
the Revised Code; 27040

(b) By registered private school, which shall include all 27041  
scholarship students enrolled in that school who were required to 27042  
take an assessment pursuant to division (A)(11) of section 27043  
3313.976 of the Revised Code. 27044

(2) The department shall disaggregate the student performance 27045  
data described in division (G)(1) of this section according to the 27046  
following categories: 27047

(a) Grade level; 27048

(b) Race and ethnicity; 27049

(c) Gender; 27050

(d) Students who have participated in the scholarship program	27051
for three or more years;	27052
(e) Students who have participated in the scholarship program	27053
for more than one year and less than three years;	27054
(f) Students who have participated in the scholarship program	27055
for one year or less;	27056
(g) Economically disadvantaged students.	27057
(3) The department shall post the student performance data	27058
required under divisions (G)(1) and (2) of this section on its web	27059
site and shall include that data in the information about the	27060
scholarship program provided to students under division (A) of	27061
this section. In reporting student performance data under this	27062
division, the department shall not include any data that is	27063
statistically unreliable or that could result in the	27064
identification of individual students. For this purpose, the	27065
department shall not report performance data for any group that	27066
contains less than ten students.	27067
(4) The department shall provide the parent of each	27068
scholarship student enrolled in a registered private school with	27069
information comparing the student's performance on the assessments	27070
administered pursuant to division (A)(11) of section 3313.976 of	27071
the Revised Code with the average performance of similar students	27072
enrolled in the building operated by the pilot project school	27073
district that the scholarship student would otherwise attend. In	27074
calculating the performance of similar students, the department	27075
shall consider age, grade, race and ethnicity, gender, and	27076
socioeconomic status.	27077
<u>(H)(1) Except as provided in division (H)(2) of this section,</u>	27078
<u>for scholarships awarded the 2020-2021 school year and for each</u>	27079
<u>school year thereafter, the department shall conduct two</u>	27080
<u>application periods each year for the pilot project scholarship</u>	27081

program, as follows: 27082

(a) The first application period shall open not sooner than 27083  
the first day of February prior to the first day of July of the 27084  
school year for which a scholarship is sought and run not less 27085  
than seventy-five days. 27086

(b) The second application period shall open not sooner than 27087  
the first day of July of the school year for which the scholarship 27088  
is sought and run not less than thirty days. 27089

(2) If the pilot scholarships awarded in the first 27090  
application period for any school year use the entirety of the 27091  
amount appropriated by the general assembly for such scholarships 27092  
for that school year, the department need not conduct a second 27093  
application period for scholarships. If, after the first 27094  
application period, there are funds remaining to award, the 27095  
department shall conduct a second application period in accordance 27096  
with division (H)(1)(b) of this section. 27097

(3) Not later than the thirty-first day of May of each school 27098  
year, the department shall determine whether funds remain 27099  
available for pilot project scholarship program after the first 27100  
application period. 27101

(4) For scholarships awarded for any school year prior to the 27102  
2020-2021 school year, the state superintendent shall establish a 27103  
deadline for a single application period. 27104

**Sec. 3314.016.** This section applies to any entity that 27105  
sponsors a community school, regardless of whether section 27106  
3314.021 or 3314.027 of the Revised Code exempts the entity from 27107  
the requirement to be approved for sponsorship under divisions 27108  
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 27109  
office of Ohio school sponsorship established under section 27110  
3314.029 of the Revised Code shall be rated under division (B) of 27111

this section, but divisions (A) and (C) of this section do not 27112  
apply to the office. 27113

(A) An entity that sponsors a community school shall be 27114  
permitted to enter into contracts under section 3314.03 of the 27115  
Revised Code to sponsor additional community schools only if the 27116  
entity meets all of the following criteria: 27117

(1) The entity is in compliance with all provisions of this 27118  
chapter requiring sponsors of community schools to report data or 27119  
information to the department of education. 27120

(2) The entity is not rated as "ineffective" under division 27121  
(B)(6) of this section. 27122

(3) Except as set forth in sections 3314.021 and 3314.027 of 27123  
the Revised Code, the entity has received approval from and 27124  
entered into an agreement with the department of education 27125  
pursuant to section 3314.015 of the Revised Code. 27126

(B)(1) The department shall develop and implement an 27127  
evaluation system that annually rates and assigns an overall 27128  
rating to each entity that sponsors a community school. The 27129  
department, not later than the first day of February of each year, 27130  
shall post on the department's web site the framework for the 27131  
evaluation system, including technical documentation that the 27132  
department intends to use to rate sponsors for the next school 27133  
year. The department shall solicit public comment on the 27134  
evaluation system for thirty consecutive days. Not later than the 27135  
first day of April of each year, the department shall compile and 27136  
post on the department's web site all public comments that were 27137  
received during the public comment period. The evaluation system 27138  
shall be posted on the department's web site by the fifteenth day 27139  
of July of each school year. Any changes to the evaluation system 27140  
after that date shall take effect the following year. The 27141  
evaluation system shall be based on the following components: 27142

(a) Academic performance of students enrolled in community schools sponsored by the same entity. The academic performance component shall be derived from the performance measures prescribed for the state report cards under section 3302.03 or 3314.017 of the Revised Code, and shall be based on the performance of the schools for the school year for which the evaluation is conducted. In addition to the academic performance for a specific school year, the academic performance component shall also include year-to-year changes in the overall sponsor portfolio. For a community school for which no graded performance measures are applicable or available, the department shall use nonreport card performance measures specified in the contract between the community school and the sponsor under division (A)(4) of section 3314.03 of the Revised Code.

(b) Adherence by a sponsor to the quality practices prescribed by the department under division (B)(3) of this section. For a sponsor that was rated "effective" or "exemplary" on its most recent rating, the department may evaluate that sponsor's adherence to quality practices once over a period of three years. If the department elects to evaluate a sponsor once over a period of three years, the most recent rating for a sponsor's adherence to quality practices shall be used when determining an annual overall rating conducted under this section.

(c) Compliance with all applicable laws and administrative rules by an entity that sponsors a community school.

(2) In calculating an academic performance component, the department shall exclude all community schools that have been in operation for not more than two full school years and all community schools described in division (A)~~(4)~~(2)(b) of section 3314.35 of the Revised Code. However, the academic performance of the community schools described in division (A)~~(4)~~(2)(b) of section 3314.35 of the Revised Code shall be reported, but shall

not be used as a factor when determining a sponsoring entity's rating under this section. 27175  
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(3) The department, in consultation with entities that sponsor community schools, shall prescribe quality practices for community school sponsors and develop an instrument to measure adherence to those quality practices. The quality practices shall be based on standards developed by the national association of charter school authorizers or any other nationally organized community school organization. 27177  
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(4)(a) The department may permit peer review of a sponsor's adherence to the quality practices prescribed under division (B)(3) of this section. Peer reviewers shall be limited to individuals employed by sponsors rated "effective" or "exemplary" on the most recent ratings conducted under this section. 27184  
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(b) The department shall require individuals participating in peer review under division (B)(4)(a) of this section to complete training approved or established by the department. 27189  
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(c) The department may enter into an agreement with another entity to provide training to individuals conducting peer review of sponsors. Prior to entering into an agreement with an entity, the department shall review and approve of the entity's training program. 27192  
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(5) Not later than July 1, 2013, the state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing standards for measuring compliance with applicable laws and rules under division (B)(1)(c) of this section. 27197  
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(6) The department annually shall rate all entities that sponsor community schools as either "exemplary," "effective," "ineffective," or "poor," based on the components prescribed by division (B) of this section, where each component is weighted 27202  
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equally. A separate rating shall be given by the department for 27206  
each component of the evaluation system. 27207

The department shall publish the ratings between the first 27208  
day of October and the fifteenth day of November. If the 27209  
department fails to assign ratings by the fifteenth day of 27210  
November, a sponsor shall be assigned the same rating for each 27211  
component that it was assigned for the previous school year or an 27212  
"effective" rating for all components, whichever is the higher per 27213  
component rating. 27214

Prior to the publication of the final ratings, the department 27215  
shall designate and provide notice of a period of at least ten 27216  
business days during which each sponsor may review the information 27217  
used by the department to determine the sponsor's rating on the 27218  
components prescribed by ~~divisions~~ division (B)(1)(~~b~~) and (~~c~~) of 27219  
this section. If the sponsor believes there is an error in the 27220  
department's evaluation, the sponsor may request adjustments to 27221  
the rating of ~~either~~ any of those components based on 27222  
documentation previously submitted as part of an evaluation. The 27223  
sponsor shall provide to the department any necessary evidence or 27224  
information to support the requested adjustments. The department 27225  
shall review the evidence and information, determine whether an 27226  
adjustment is valid, and promptly notify the sponsor of its 27227  
determination and reasons. If any adjustments to the data could 27228  
result in a change to the rating on the applicable component or to 27229  
the overall rating, the department shall recalculate the ratings 27230  
prior to publication. 27231

The department shall provide training on an annual basis 27232  
regarding the evaluation system prescribed under this section. The 27233  
training shall, at a minimum, describe methodology, timelines, and 27234  
data required for the evaluation system. The first training 27235  
session shall occur not later than March 2, 2016. Beginning in 27236  
2018, the training shall be made available to each entity that 27237

sponsors a community school by the fifteenth day of July of each 27238  
year and shall include guidance on any changes made to the 27239  
evaluation system. 27240

(7)(a) Entities with an overall rating of "exemplary" for at 27241  
least two consecutive years may take advantage of the following 27242  
incentives: 27243

(i) Renewal of the written agreement with the department, not 27244  
to exceed ten years, provided that the entity consents to 27245  
continued evaluation of adherence to quality practices as 27246  
described in division (B)(1)(b) of this section; 27247

(ii) The ability to extend the term of the contract between 27248  
the sponsoring entity and the community school beyond the term 27249  
described in the written agreement with the department; 27250

(iii) An exemption from the preliminary agreement and 27251  
contract adoption and execution deadline requirements prescribed 27252  
in division (D) of section 3314.02 of the Revised Code; 27253

(iv) An exemption from the automatic contract expiration 27254  
requirement, should a new community school fail to open by the 27255  
thirtieth day of September of the calendar year in which the 27256  
community school contract is executed; 27257

(v) No limit on the number of community schools the entity 27258  
may sponsor; 27259

(vi) No territorial restrictions on sponsorship. 27260

An entity may continue to sponsor any community schools with 27261  
which it entered into agreements under division (B)(7)(a)(v) or 27262  
(vi) of this section while rated "exemplary," notwithstanding the 27263  
fact that the entity later receives a lower overall rating. 27264

(b) Entities with an overall rating of "effective" for at 27265  
least three consecutive years shall be evaluated by the department 27266  
once every five years. 27267

(c)(i) Entities that receive an overall rating of 27268  
"ineffective" shall be prohibited from sponsoring any new or 27269  
additional community schools during the time in which the sponsor 27270  
is rated as "ineffective" and shall be subject to a quality 27271  
improvement plan based on correcting the deficiencies that led to 27272  
the "ineffective" rating, with timelines and benchmarks that have 27273  
been established by the department. 27274

(ii) Entities that receive an overall rating of "ineffective" 27275  
on their three most recent ratings shall have all sponsorship 27276  
authority revoked. Within thirty days after receiving its third 27277  
rating of "ineffective," the entity may appeal the revocation of 27278  
its sponsorship authority to the superintendent of public 27279  
instruction, who shall appoint an independent hearing officer to 27280  
conduct a hearing in accordance with Chapter 119. of the Revised 27281  
Code. The hearing shall be conducted within thirty days after 27282  
receipt of the notice of appeal. Within forty-five days after the 27283  
hearing is completed, the state board of education shall determine 27284  
whether the revocation is appropriate based on the hearing 27285  
conducted by the independent hearing officer, and if determined 27286  
appropriate, the revocation shall be confirmed. 27287

~~(e)~~(d) Entities that receive an overall rating of "poor" 27288  
shall have all sponsorship authority revoked. Within thirty days 27289  
after receiving a rating of "poor," the entity may appeal the 27290  
revocation of its sponsorship authority to the superintendent of 27291  
public instruction, who shall appoint an independent hearing 27292  
officer to conduct a hearing in accordance with Chapter 119. of 27293  
the Revised Code. The hearing shall be conducted within thirty 27294  
days after receipt of the notice of appeal. Within forty-five days 27295  
after the hearing is completed, the state board of education shall 27296  
determine whether the revocation is appropriate based on the 27297  
hearing conducted by the independent hearing officer, and if 27298  
determined appropriate, the revocation shall be confirmed. 27299

(8) For the 2014-2015 school year and each school year 27300  
thereafter, student academic performance prescribed under division 27301  
(B)(1)(a) of this section shall include student academic 27302  
performance data from community schools that primarily serve 27303  
students enrolled in a dropout prevention and recovery program. 27304

(C) If the governing authority of a community school enters 27305  
into a contract with a sponsor prior to the date on which the 27306  
sponsor is prohibited from sponsoring additional schools under 27307  
division (A) of this section and the school has not opened for 27308  
operation as of that date, that contract shall be void and the 27309  
school shall not open until the governing authority secures a new 27310  
sponsor by entering into a contract with the new sponsor under 27311  
section 3314.03 of the Revised Code. However, the department's 27312  
office of Ohio school sponsorship, established under section 27313  
3314.029 of the Revised Code, may assume the sponsorship of the 27314  
school until the earlier of the expiration of two school years or 27315  
until a new sponsor is secured by the school's governing 27316  
authority. A community school sponsored by the department under 27317  
this division shall not be included when calculating the maximum 27318  
number of directly authorized community schools permitted under 27319  
division (A)(3) of section 3314.029 of the Revised Code. 27320

(D) When an entity's authority to sponsor schools is revoked 27321  
pursuant to division (B)(7)(b) or (c) of this section, the office 27322  
of Ohio school sponsorship shall assume sponsorship of any schools 27323  
with which the original sponsor has contracted for the remainder 27324  
of that school year. The office may continue sponsoring those 27325  
schools until the earlier of: 27326

(1) The expiration of two school years from the time that 27327  
sponsorship is revoked; 27328

(2) When a new sponsor is secured by the governing authority 27329  
pursuant to division (C)(1) of section 3314.02 of the Revised 27330  
Code. 27331

Any community school sponsored under this division shall not 27332  
be counted for purposes of directly authorized community schools 27333  
under division (A)(3) of section 3314.029 of the Revised Code. 27334

**Sec. 3314.017.** (A) The state board of education shall 27335  
prescribe by rules, adopted in accordance with Chapter 119. of the 27336  
Revised Code, an academic performance rating and report card 27337  
system that satisfies the requirements of this section for 27338  
community schools that primarily serve students enrolled in 27339  
dropout prevention and recovery programs as described in division 27340  
(A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code, to be used in 27341  
lieu of the system prescribed under sections 3302.03 and 3314.012 27342  
of the Revised Code beginning with the 2012-2013 school year. Each 27343  
such school shall comply with the testing and reporting 27344  
requirements of the system as prescribed by the state board. 27345

(B) Nothing in this section shall at any time relieve a 27346  
school from its obligations under the "No Child Left Behind Act of 27347  
2001" to make "adequate yearly progress," as both that act and 27348  
that term are defined in section 3302.01 of the Revised Code, or a 27349  
school's amenability to the provisions of section 3302.04 or 27350  
3302.041 of the Revised Code. The department shall continue to 27351  
report each school's performance as required by the act and to 27352  
enforce applicable sanctions under section 3302.04 or 3302.041 of 27353  
the Revised Code. 27354

(C) The rules adopted by the state board shall prescribe the 27355  
following performance indicators for the rating and report card 27356  
system required by this section: 27357

(1) Graduation rate for each of the following student 27358  
cohorts: 27359

(a) The number of students who graduate in four years or less 27360  
with a regular high school diploma divided by the number of 27361  
students who form the adjusted cohort for the graduating class; 27362

(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	27363 27364 27365
(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	27366 27367 27368
(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	27369 27370 27371
(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.	27372 27373 27374
(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the <del>designated passing</del> <u>cumulative performance</u> score on <del>all of</del> the applicable state high school <del>achievement assessments</del> <u>end-of-course examinations</u> required under division (B) <del>(1) or</del> (2) of section <del>3301.0710</del> <u>3301.0712</u> of the Revised Code and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the <del>designated passing</del> <u>cumulative performance</u> score on <del>all of</del> the applicable <del>state high school</del> <u>achievement assessments</u> <u>end-of-course examinations</u> by their twenty-second birthday;	27375 27376 27377 27378 27379 27380 27381 27382 27383 27384 27385
(3) Annual measurable objectives as defined in section 3302.01 of the Revised Code;	27386 27387
(4) Growth in student achievement in reading, or mathematics, or both as measured by separate nationally norm-referenced assessments that have developed appropriate standards for students enrolled in dropout prevention and recovery programs, adopted or approved by the state board.	27388 27389 27390 27391 27392
(D)(1) The state board's rules shall prescribe the expected	27393

performance levels and benchmarks for each of the indicators 27394  
prescribed by division (C) of this section based on the data 27395  
gathered by the department under division ~~(F)~~(G) of this section. 27396  
Based on a school's level of attainment or nonattainment of the 27397  
expected performance levels and benchmarks for each of the 27398  
indicators, the department shall rate each school in one of the 27399  
following categories: 27400

- (a) Exceeds standards; 27401
- (b) Meets standards; 27402
- (c) Does not meet standards. 27403

(2) The state board's rules shall establish all of the 27404  
following: 27405

- (a) Not later than June 30, 2013, performance levels and 27406  
benchmarks for the indicators described in divisions (C)(1) to (3) 27407  
of this section; 27408
- (b) Not later than December 31, 2014, both of the following: 27409
  - (i) Performance levels and benchmarks for the indicator 27410  
described in division (C)(4) of this section; 27411
  - (ii) Standards for awarding a community school described in 27412  
division ~~(A)(4)~~(2)(a) of section 3314.35 of the Revised Code an 27413  
overall designation, which shall be calculated as follows: 27414
    - (I) Thirty per cent of the score shall be based on the 27415  
indicators described in division (C)(1) of this section that are 27416  
applicable to the school year for which the overall designation is 27417  
granted. 27418
    - (II) Thirty per cent of the score shall be based on the 27419  
indicators described in division (C)(4) of this section. 27420
    - (III) Twenty per cent of the score shall be based on the 27421  
indicators described in division (C)(2) of this section. 27422

(IV) Twenty per cent of the score shall be based on the indicators described in division (C)(3) of this section. 27423  
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(3) If both of the indicators described in divisions (C)(1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated not less than "meets standards." 27425  
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The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school. 27429  
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(E)(1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in divisions (D)(1)(a) to (c) of this section, for each community school described in division (A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code: 27433  
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27436  
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(a) The graduation rates as described in divisions (C)(1)(a) to (c) of this section; 27439  
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(b) The percentage of twelfth-grade students and other students who have attained a ~~designated passing~~ cumulative performance score on high school achievement assessments as described in division (C)(2) of this section; 27441  
27442  
27443  
27444

(c) The statewide average for the graduation rates and assessment passage rates described in divisions (C)(1)(a) to (c) and (C)(2) of this section; 27445  
27446  
27447

(d) Annual measurable objectives described in division (C)(3) of this section. 27448  
27449

(2) For the 2013-2014 school year, the department shall issue a report card including the following performance measures for each community school described in division (A)~~(4)~~(2)(a) of 27450  
27451  
27452

section 3314.35 of the Revised Code:	27453
(a) The graduation rates described in divisions (C)(1)(a) to (d) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	27454 27455 27456
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	27457 27458 27459 27460 27461
(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	27462 27463 27464
(d) Both of the following without an assigned rating:	27465
(i) Growth in annual student achievement in reading and mathematics described in division (C)(4) of this section, if available;	27466 27467 27468
(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.	27469 27470 27471
(3) <del>Beginning</del> <u>Subject to division (I)(2) of this section,</u> <u>beginning</u> with the 2014-2015 school year, and annually thereafter, the department shall issue a report card for each community school described in division (A) <del>(4)</del> <u>(2)</u> (a) of section 3314.35 of the Revised Code that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D)(1)(a) to (c) of this section:	27472 27473 27474 27475 27476 27477 27478
(a) The graduation rates as described in division (C)(1) of this section;	27479 27480
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high	27481 27482

school achievement assessments as described in division (C)(2) of 27483  
this section; 27484

(c) Annual measurable objectives described in division (C)(3) 27485  
of this section, including a performance rating as described in 27486  
divisions (D)(1)(a) to (c) of this section; 27487

(d) Growth in annual student achievement in reading and 27488  
mathematics as described in division (C)(4) of this section; 27489

(e) An overall performance designation for the school 27490  
calculated under rules adopted under division (D)(2) of this 27491  
section. 27492

The department shall also include student outcome data, 27493  
including postsecondary credit earned, nationally recognized 27494  
career or technical certification, military enlistment, job 27495  
placement, attendance rate, and progress on closing achievement 27496  
gaps for each school. This information shall not be included in 27497  
the calculation of a school's performance rating. 27498

(F) Not later than the thirty-first day of July of each year, 27499  
the department shall submit preliminary report card data for 27500  
overall academic performance for each performance measure 27501  
prescribed in division (E)(3) of this section for each community 27502  
school to which this section applies. 27503

(G) In developing the rating and report card system required 27504  
by this section, during the 2012-2013 and 2013-2014 school years, 27505  
the department shall gather and analyze data as determined 27506  
necessary from each community school described in division 27507  
(A)~~(4)~~(2)(a) of section 3314.35 of the Revised Code. Each such 27508  
school shall cooperate with the department by supplying requested 27509  
data and administering required assessments, including sample 27510  
assessments for purposes of measuring student achievement growth 27511  
as described in division (C)(4) of this section. The department 27512  
shall consult with stakeholder groups in performing its duties 27513

under this division. 27514

The department shall also identify one or more states that 27515  
have established or are in the process of establishing similar 27516  
academic performance rating systems for dropout prevention and 27517  
recovery programs and consult with the departments of education of 27518  
those states in developing the system required by this section. 27519

~~(G)~~(H) Not later than December 31, 2014, the state board 27520  
shall review the performance levels and benchmarks for performance 27521  
indicators in the report card issued under this section and may 27522  
revise them based on the data collected under division (F) of this 27523  
section. 27524

(I)(1) The state board shall coordinate a study committee 27525  
consisting of one member of the Ohio senate appointed by the 27526  
president of the senate, one member of the Ohio house of 27527  
representatives appointed by the speaker of the house of 27528  
representatives, one representative of the governor's office, one 27529  
school district superintendent appointed by the state board, and 27530  
one chief administrator of a community school appointed by the 27531  
state board. This committee shall conduct a study regarding the 27532  
classification, authorization, and report card ratings of 27533  
community schools that primarily serve students enrolled in 27534  
dropout prevention and recovery programs as described in division 27535  
(A)(2)(a) of section 3314.35 of the Revised Code that offer two or 27536  
more of the following educational models: 27537

(a) Blended learning, as that term is defined in section 27538  
3301.079 of the Revised Code; 27539

(b) Portfolio learning, as defined by the members of the 27540  
committee; 27541

(c) Credit flexibility, which permits credits to be awarded 27542  
based on a student's demonstration of subject area competency. 27543

The state board, on behalf of the committee, shall submit the 27544

committee's recommendations to the general assembly in accordance 27545  
with section 101.68 of the Revised Code not later than six months 27546  
after the effective date of this amendment. 27547

(2) The department shall not issue any report cards under 27548  
division (E)(3) of this section until the general assembly, after 27549  
receiving the report, enacts either the recommendations submitted 27550  
by the committee under division (I)(1) of this section or other 27551  
legislation that addresses the classification, authorization, and 27552  
report card ratings of the community schools described in that 27553  
division. 27554

**Sec. 3314.02.** (A) As used in this chapter: 27555

(1) "Sponsor" means the board of education of a school 27556  
district or the governing board of an educational service center 27557  
that agrees to the conversion of all or part of a school or 27558  
building under division (B) of this section, or an entity listed 27559  
in division (C)(1) of this section, which has been approved by the 27560  
department of education to sponsor community schools or is 27561  
exempted by section 3314.021 or 3314.027 of the Revised Code from 27562  
obtaining approval, and with which the governing authority of a 27563  
community school enters into a contract under section 3314.03 of 27564  
the Revised Code. 27565

(2) "Pilot project area" means the school districts included 27566  
in the territory of the former community school pilot project 27567  
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 27568  
the 122nd general assembly. 27569

(3) "Challenged school district" means any of the following: 27570

(a) A school district that is part of the pilot project area; 27571

(b) A school district that meets one of the following 27572  
conditions: 27573

(i) On March 22, 2013, the district was in a state of 27574

academic emergency or in a state of academic watch under section 27575  
3302.03 of the Revised Code, as that section existed prior to 27576  
March 22, 2013; 27577

(ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 27578  
2015-2016 school years, the district received a grade of "D" or 27579  
"F" for the performance index score and a grade of "F" for the 27580  
value-added progress dimension under section 3302.03 of the 27581  
Revised Code; 27582

(iii) For the 2016-2017 school year and for any school year 27583  
thereafter, the district has received an overall grade of "D" or 27584  
"F" under division (C)(3) of section 3302.03 of the Revised Code, 27585  
or, for at least two of the three most recent school years, the 27586  
district received a grade of "F" for the value-added progress 27587  
dimension under division (C)(1)(e) of that section. 27588

(c) A big eight school district; 27589

(d) A school district ranked in the lowest five per cent of 27590  
school districts according to performance index score under 27591  
section 3302.21 of the Revised Code. 27592

(4) "Big eight school district" means a school district that 27593  
for fiscal year 1997 had both of the following: 27594

(a) A percentage of children residing in the district and 27595  
participating in the predecessor of Ohio works first greater than 27596  
thirty per cent, as reported pursuant to section 3317.10 of the 27597  
Revised Code; 27598

(b) An average daily membership greater than twelve thousand, 27599  
as reported pursuant to former division (A) of section 3317.03 of 27600  
the Revised Code. 27601

(5) "New start-up school" means a community school other than 27602  
one created by converting all or part of an existing public school 27603  
or educational service center building, as designated in the 27604

school's contract pursuant to division (A)(17) of section 3314.03 27605  
of the Revised Code. 27606

(6) "Urban school district" means one of the state's 27607  
twenty-one urban school districts as defined in division (O) of 27608  
section 3317.02 of the Revised Code as that section existed prior 27609  
to July 1, 1998. 27610

(7) "Internet- or computer-based community school" means a 27611  
community school established under this chapter in which the 27612  
enrolled students work primarily from their residences on 27613  
assignments in nonclassroom-based learning opportunities provided 27614  
via an internet- or other computer-based instructional method that 27615  
does not rely on regular classroom instruction or via 27616  
comprehensive instructional methods that include internet-based, 27617  
other computer-based, and noncomputer-based learning opportunities 27618  
unless a student receives career-technical education under section 27619  
3314.086 of the Revised Code. 27620

A community school that operates mainly as an internet- or 27621  
computer-based community school and provides career-technical 27622  
education under section 3314.086 of the Revised Code shall be 27623  
considered an internet- or computer-based community school, even 27624  
if it provides some classroom-based instruction, so long as it 27625  
provides instruction via the methods described in this division. 27626

(8) "Operator" or "management company" means either of the 27627  
following: 27628

(a) An individual or organization that manages the daily 27629  
operations of a community school pursuant to a contract between 27630  
the operator or management company and the school's governing 27631  
authority; 27632

(b) A nonprofit organization that provides programmatic 27633  
oversight and support to a community school under a contract with 27634  
the school's governing authority and that retains the right to 27635

terminate its affiliation with the school if the school fails to 27636  
meet the organization's quality standards. 27637

(9) "Alliance municipal school district" has the same meaning 27638  
as in section 3311.86 of the Revised Code. 27639

(B)(1) Any person or group of individuals may initially 27640  
propose under this division the conversion of all or a portion of 27641  
a public school to a community school. The proposal shall be made 27642  
to the board of education of the city, local, exempted village, or 27643  
joint vocational school district in which the public school is 27644  
proposed to be converted. 27645

(2) Any person or group of individuals may initially propose 27646  
under this division the conversion of all or a portion of a 27647  
building operated by an educational service center to a community 27648  
school. The proposal shall be made to the governing board of the 27649  
service center. 27650

On or after July 1, 2017, except as provided in section 27651  
3314.027 of the Revised Code, any educational service center that 27652  
sponsors a community school shall be approved by and enter into a 27653  
written agreement with the department as described in section 27654  
3314.015 of the Revised Code. 27655

(3) Upon receipt of a proposal, and after an agreement has 27656  
been entered into pursuant to section 3314.015 of the Revised 27657  
Code, a board may enter into a preliminary agreement with the 27658  
person or group proposing the conversion of the public school or 27659  
service center building, indicating the intention of the board to 27660  
support the conversion to a community school. A proposing person 27661  
or group that has a preliminary agreement under this division may 27662  
proceed to finalize plans for the school, establish a governing 27663  
authority for the school, and negotiate a contract with the board. 27664  
Provided the proposing person or group adheres to the preliminary 27665  
agreement and all provisions of this chapter, the board shall 27666

negotiate in good faith to enter into a contract in accordance 27667  
with section 3314.03 of the Revised Code and division (C) of this 27668  
section. 27669

(4) The sponsor of a conversion community school proposed to 27670  
open in an alliance municipal school district shall be subject to 27671  
approval by the department of education for sponsorship of that 27672  
school using the criteria established under division (A) of 27673  
section 3311.87 of the Revised Code. 27674

Division (B)(4) of this section does not apply to a sponsor 27675  
that, on or before September 29, 2015, was exempted under section 27676  
3314.021 or 3314.027 of the Revised Code from the requirement to 27677  
be approved for sponsorship under divisions (A)(2) and (B)(1) of 27678  
section 3314.015 of the Revised Code. 27679

(5) A school established in accordance with division (B) of 27680  
this section that later enters into a sponsorship contract with an 27681  
entity that is not a school district or educational service center 27682  
shall, at the time of entering into the new contract, be deemed a 27683  
community school established in accordance with division (C) of 27684  
this section. 27685

(C)(1) Any person or group of individuals may propose under 27686  
this division the establishment of a new start-up school to be 27687  
located in a challenged school district. The proposal may be made 27688  
to any of the following entities: 27689

(a) The board of education of the district in which the 27690  
school is proposed to be located; 27691

(b) The board of education of any joint vocational school 27692  
district with territory in the county in which is located the 27693  
majority of the territory of the district in which the school is 27694  
proposed to be located; 27695

(c) The board of education of any other city, local, or 27696  
exempted village school district having territory in the same 27697

county where the district in which the school is proposed to be 27698  
located has the major portion of its territory; 27699

(d) The governing board of any educational service center, 27700  
regardless of the location of the proposed school, may sponsor a 27701  
new start-up school in any challenged school district in the state 27702  
if all of the following are satisfied: 27703

(i) If applicable, it satisfies the requirements of division 27704  
(E) of section 3311.86 of the Revised Code; 27705

(ii) It is approved to do so by the department; 27706

(iii) It enters into an agreement with the department under 27707  
section 3314.015 of the Revised Code. 27708

(e) A sponsoring authority designated by the board of 27709  
trustees of any of the thirteen state universities listed in 27710  
section 3345.011 of the Revised Code or the board of trustees 27711  
itself as long as a mission of the proposed school to be specified 27712  
in the contract under division (A)(2) of section 3314.03 of the 27713  
Revised Code and as approved by the department under division 27714  
(B)(3) of section 3314.015 of the Revised Code will be the 27715  
practical demonstration of teaching methods, educational 27716  
technology, or other teaching practices that are included in the 27717  
curriculum of the university's teacher preparation program 27718  
approved by the state board of education; 27719

(f) Any qualified tax-exempt entity under section 501(c)(3) 27720  
of the Internal Revenue Code as long as all of the following 27721  
conditions are satisfied: 27722

(i) The entity has been in operation for at least five years 27723  
prior to applying to be a community school sponsor. 27724

(ii) The entity has assets of at least five hundred thousand 27725  
dollars and a demonstrated record of financial responsibility. 27726

(iii) The department has determined that the entity is an 27727

education-oriented entity under division (B)(4) of section 27728  
3314.015 of the Revised Code and the entity has a demonstrated 27729  
record of successful implementation of educational programs. 27730

(iv) The entity is not a community school. 27731

(g) The mayor of a city in which the majority of the 27732  
territory of a school district to which section 3311.60 of the 27733  
Revised Code applies is located, regardless of whether that 27734  
district has created the position of independent auditor as 27735  
prescribed by that section. The mayor's sponsorship authority 27736  
under this division is limited to community schools that are 27737  
located in that school district. Such mayor may sponsor community 27738  
schools only with the approval of the city council of that city, 27739  
after establishing standards with which community schools 27740  
sponsored by the mayor must comply, and after entering into a 27741  
sponsor agreement with the department as prescribed under section 27742  
3314.015 of the Revised Code. The mayor shall establish the 27743  
standards for community schools sponsored by the mayor not later 27744  
than one hundred eighty days after July 15, 2013, and shall submit 27745  
them to the department upon their establishment. The department 27746  
shall approve the mayor to sponsor community schools in the 27747  
district, upon receipt of an application by the mayor to do so. 27748  
Not later than ninety days after the department's approval of the 27749  
mayor as a community school sponsor, the department shall enter 27750  
into the sponsor agreement with the mayor. 27751

Any entity described in division (C)(1) of this section may 27752  
enter into a preliminary agreement pursuant to division (C)(2) of 27753  
this section with the proposing person or group, provided that 27754  
entity has been approved by and entered into a written agreement 27755  
with the department pursuant to section 3314.015 of the Revised 27756  
Code. 27757

(2) A preliminary agreement indicates the intention of an 27758  
entity described in division (C)(1) of this section to sponsor the 27759

community school. A proposing person or group that has such a 27760  
preliminary agreement may proceed to finalize plans for the 27761  
school, establish a governing authority as described in division 27762  
(E) of this section for the school, and negotiate a contract with 27763  
the entity. Provided the proposing person or group adheres to the 27764  
preliminary agreement and all provisions of this chapter, the 27765  
entity shall negotiate in good faith to enter into a contract in 27766  
accordance with section 3314.03 of the Revised Code. 27767

(3) A new start-up school that is established in a school 27768  
district described in either division (A)(3)(b) or (d) of this 27769  
section may continue in existence once the school district no 27770  
longer meets the conditions described in either division, provided 27771  
there is a valid contract between the school and a sponsor. 27772

(4) A copy of every preliminary agreement entered into under 27773  
this division shall be filed with the superintendent of public 27774  
instruction. 27775

(D) A majority vote of the board of a sponsoring entity and a 27776  
majority vote of the members of the governing authority of a 27777  
community school shall be required to adopt a contract and convert 27778  
the public school or educational service center building to a 27779  
community school or establish the new start-up school. Beginning 27780  
September 29, 2005, adoption of the contract shall occur not later 27781  
than the fifteenth day of March, and signing of the contract shall 27782  
occur not later than the fifteenth day of May, prior to the school 27783  
year in which the school will open. The governing authority shall 27784  
notify the department of education when the contract has been 27785  
signed. Subject to sections 3314.013 and 3314.016 of the Revised 27786  
Code, an unlimited number of community schools may be established 27787  
in any school district provided that a contract is entered into 27788  
for each community school pursuant to this chapter. 27789

(E)(1) As used in this division, "immediate relatives" are 27790  
limited to spouses, children, parents, grandparents, and siblings, 27791

as well as in-laws residing in the same household as the person 27792  
serving on the governing authority. 27793

Each new start-up community school established under this 27794  
chapter shall be under the direction of a governing authority 27795  
which shall consist of a board of not less than five individuals. 27796

(2)(a) No person shall serve on the governing authority or 27797  
operate the community school under contract with the governing 27798  
authority under any of the following circumstances: 27799

(i) The person owes the state any money or is in a dispute 27800  
over whether the person owes the state any money concerning the 27801  
operation of a community school that has closed. 27802

(ii) The person would otherwise be subject to division (B) of 27803  
section 3319.31 of the Revised Code with respect to refusal, 27804  
limitation, or revocation of a license to teach, if the person 27805  
were a licensed educator. 27806

(iii) The person has pleaded guilty to or been convicted of 27807  
theft in office under section 2921.41 of the Revised Code, or has 27808  
pleaded guilty to or been convicted of a substantially similar 27809  
offense in another state. 27810

(b) No person shall serve on the governing authority or 27811  
engage in the financial day-to-day management of the community 27812  
school under contract with the governing authority unless and 27813  
until that person has submitted to a criminal records check in the 27814  
manner prescribed by section 3319.39 of the Revised Code. 27815

~~(c) Each sponsor of a community school shall annually verify 27816  
that a finding for recovery has not been issued by the auditor of 27817  
state against any individual or individuals who propose to create 27818  
a community school or any member of the governing authority, the 27819  
operator, or any employee of each community school. 27820~~

(3) No person shall serve on the governing authorities of 27821

more than five start-up community schools at the same time. 27822

(4)(a) For a community school established under this chapter 27823  
that is not sponsored by a school district or an educational 27824  
service center, no present or former member, or immediate relative 27825  
of a present or former member, of the governing authority shall be 27826  
an owner, employee, or consultant of the community school's 27827  
sponsor or operator, unless at least one year has elapsed since 27828  
the conclusion of the person's membership on the governing 27829  
authority. 27830

(b) For a community school established under this chapter 27831  
that is sponsored by a school district or an educational service 27832  
center, no present or former member, or immediate relative of a 27833  
present or former member, of the governing authority shall: 27834

(i) Be an officer of the district board or service center 27835  
governing board that serves as the community school's sponsor, 27836  
unless at least one year has elapsed since the conclusion of the 27837  
person's membership on the governing authority; 27838

(ii) Serve as an employee of, or a consultant for, the 27839  
department, division, or section of the sponsoring district or 27840  
service center that is directly responsible for sponsoring 27841  
community schools, or have supervisory authority over such a 27842  
department, division, or section, unless at least one year has 27843  
elapsed since the conclusion of the person's membership on the 27844  
governing authority. 27845

(5) The governing authority of a start-up or conversion 27846  
community school may provide by resolution for the compensation of 27847  
its members. However, no individual who serves on the governing 27848  
authority of a start-up or conversion community school shall be 27849  
compensated more than one hundred twenty-five dollars per meeting 27850  
of that governing authority and no such individual shall be 27851  
compensated more than a total amount of five thousand dollars per 27852

year for all governing authorities upon which the individual 27853  
serves. Each member of the governing authority may be paid 27854  
compensation for attendance at an approved training program, 27855  
provided that such compensation shall not exceed sixty dollars a 27856  
day for attendance at a training program three hours or less in 27857  
length and one hundred twenty-five dollars a day for attendance at 27858  
a training program longer than three hours in length. 27859

(6) No person who is the employee of a school district or 27860  
educational service center shall serve on the governing authority 27861  
of any community school sponsored by that school district or 27862  
service center. 27863

(7) Each member of the governing authority of a community 27864  
school shall annually file a disclosure statement setting forth 27865  
the names of any immediate relatives or business associates 27866  
employed by any of the following within the previous three years: 27867

(a) The sponsor or operator of that community school; 27868

(b) A school district or educational service center that has 27869  
contracted with that community school; 27870

(c) A vendor that is or has engaged in business with that 27871  
community school. 27872

(8) No person who is a member of a school district board of 27873  
education shall serve on the governing authority of any community 27874  
school. 27875

(F)(1) A new start-up school that is established prior to 27876  
August 15, 2003, in an urban school district that is not also a 27877  
big-eight school district may continue to operate after that date 27878  
and the contract between the school's governing authority and the 27879  
school's sponsor may be renewed, as provided under this chapter, 27880  
after that date, but no additional new start-up schools may be 27881  
established in such a district unless the district is a challenged 27882  
school district as defined in this section as it exists on and 27883

after that date. 27884

(2) A community school that was established prior to June 29, 27885  
1999, and is located in a county contiguous to the pilot project 27886  
area and in a school district that is not a challenged school 27887  
district may continue to operate after that date, provided the 27888  
school complies with all provisions of this chapter. The contract 27889  
between the school's governing authority and the school's sponsor 27890  
may be renewed, but no additional start-up community school may be 27891  
established in that district unless the district is a challenged 27892  
school district. 27893

(3) Any educational service center that, on June 30, 2007, 27894  
sponsors a community school that is not located in a county within 27895  
the territory of the service center or in a county contiguous to 27896  
such county may continue to sponsor that community school on and 27897  
after June 30, 2007, and may renew its contract with the school. 27898  
However, the educational service center shall not enter into a 27899  
contract with any additional community school, unless the 27900  
governing board of the service center has entered into an 27901  
agreement with the department authorizing the service center to 27902  
sponsor a community school in any challenged school district in 27903  
the state. 27904

Sec. 3314.0211. (A) No community school to which either of 27905  
the following applies shall be eligible to merge with one or more 27906  
other community schools under this section: 27907

(1) The school has met the performance criteria for required 27908  
closure specified in division (A)(1) of section 3314.35 or 27909  
division (A) of section 3314.351 of the Revised Code for at least 27910  
one of the two most recent school years. 27911

(2) The school has been notified of the sponsor's intent to 27912  
terminate or not renew the school's contract pursuant to section 27913  
3314.07 of the Revised Code. 27914

(B) Two or more community schools may merge upon the adoption of a resolution by the governing authority of each school involved in the merger. Any merger shall take effect on the first day of July of the year specified in the resolution. 27915  
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(C) Not less than sixty days prior to the effective date of a merger under division (B) of this section, each community school involved in the merger shall do both of the following: 27919  
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27921

(1) Provide a copy of the resolution to the school's sponsor; 27922

(2) Notify the department of education of all of the following: 27923  
27924

(a) The impending merger; 27925

(b) The effective date of the merger; 27926

(c) The school that will be designated as the surviving school in accordance with section 1702.41 of the Revised Code; 27927  
27928

(d) The entity that will sponsor the surviving school. 27929

(D) Notwithstanding anything to the contrary in the Revised Code, the governing authority of the surviving community school shall enter into a new contract with the school's sponsor under section 3314.03 of the Revised Code. 27930  
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27932  
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(E) No sponsor shall do either of the following: 27934

(1) Assign the sponsor's existing contract with a merging community school to the sponsor of the surviving community school; 27935  
27936

(2) Assume an existing contract from the sponsor of a community school involved in a merger under division (B) of this section. 27937  
27938  
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Division (E) of this section shall not apply to the office of Ohio school sponsorship established under section 3314.029 of the Revised Code. 27940  
27941  
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(F)(1) The department shall issue a report card under section 27943

3302.03 or 3314.017 of the Revised Code for the surviving community school. 27944  
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(2) Notwithstanding anything to the contrary in division (B) of section 3314.012 of the Revised Code, all report card ratings associated with the surviving school, whether issued before or after the merger, shall be used for purposes of section 3314.35 or 3314.351 of the Revised Code and any other matter that is based on report card ratings or measures. 27946  
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(G) Nothing in this section shall exempt a community school from closure under section 3314.35 or 3314.351 of the Revised Code. 27952  
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**Sec. 3314.03.** A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section. 27955  
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 27960  
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27962

(1) That the school shall be established as either of the following: 27963  
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(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 27965  
27966

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003. 27967  
27968

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 27969  
27970  
27971  
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(3) The academic goals to be achieved and the method of 27973

measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 27974  
27975

(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 27976  
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(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 27980  
27981

(6)(a) Dismissal procedures; 27982

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student. 27983  
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(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 27988  
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(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code. 27990  
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(9) An addendum to the contract outlining the facilities to be used that contains at least the following information: 27996  
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(a) A detailed description of each facility used for instructional purposes; 27998  
27999

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school; 28000  
28001

(c) The annual mortgage principal and interest payments that are paid by the school; 28002  
28003

(d) The name of the lender or landlord, identified as such, 28004  
and the lender's or landlord's relationship to the operator, if 28005  
any. 28006

(10) Qualifications of teachers, including a requirement that 28007  
the school's classroom teachers be licensed in accordance with 28008  
sections 3319.22 to 3319.31 of the Revised Code, except that a 28009  
community school may engage noncertificated persons to teach up to 28010  
twelve hours per week pursuant to section 3319.301 of the Revised 28011  
Code. 28012

(11) That the school will comply with the following 28013  
requirements: 28014

(a) The school will provide learning opportunities to a 28015  
minimum of twenty-five students for a minimum of nine hundred 28016  
twenty hours per school year. 28017

(b) The governing authority will purchase liability 28018  
insurance, or otherwise provide for the potential liability of the 28019  
school. 28020

(c) The school will be nonsectarian in its programs, 28021  
admission policies, employment practices, and all other 28022  
operations, and will not be operated by a sectarian school or 28023  
religious institution. 28024

(d) The school will comply with sections 9.90, 9.91, 109.65, 28025  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 28026  
3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 28027  
3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 28028  
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.643, 28029  
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 28030  
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 28031  
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 28032  
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 28033  
3313.86, 3313.89, 3313.96, 3319.073, ~~3319.074~~, 3319.321, 3319.39, 28034

3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 28035  
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 28036  
4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 28037  
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it 28038  
were a school district and will comply with section 3301.0714 of 28039  
the Revised Code in the manner specified in section 3314.17 of the 28040  
Revised Code. 28041

(e) The school shall comply with Chapter 102. and section 28042  
2921.42 of the Revised Code. 28043

(f) The school will comply with sections 3313.61, 3313.611, 28044  
and 3313.614 of the Revised Code, except that for students who 28045  
enter ninth grade for the first time before July 1, 2010, the 28046  
requirement in sections 3313.61 and 3313.611 of the Revised Code 28047  
that a person must successfully complete the curriculum in any 28048  
high school prior to receiving a high school diploma may be met by 28049  
completing the curriculum adopted by the governing authority of 28050  
the community school rather than the curriculum specified in Title 28051  
XXXIII of the Revised Code or any rules of the state board of 28052  
education. Beginning with students who enter ninth grade for the 28053  
first time on or after July 1, 2010, the requirement in sections 28054  
3313.61 and 3313.611 of the Revised Code that a person must 28055  
successfully complete the curriculum of a high school prior to 28056  
receiving a high school diploma shall be met by completing the 28057  
requirements prescribed in division (C) of section 3313.603 of the 28058  
Revised Code, unless the person qualifies under division (D) or 28059  
(F) of that section. Each school shall comply with the plan for 28060  
awarding high school credit based on demonstration of subject area 28061  
competency, and beginning with the 2017-2018 school year, with the 28062  
updated plan that permits students enrolled in seventh and eighth 28063  
grade to meet curriculum requirements based on subject area 28064  
competency adopted by the state board of education under divisions 28065  
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 28066

with the 2018-2019 school year, the school shall comply with the 28067  
framework for granting units of high school credit to students who 28068  
demonstrate subject area competency through work-based learning 28069  
experiences, internships, or cooperative education developed by 28070  
the department under division (J)(3) of section 3313.603 of the 28071  
Revised Code. 28072

(g) The school governing authority will submit within four 28073  
months after the end of each school year a report of its 28074  
activities and progress in meeting the goals and standards of 28075  
divisions (A)(3) and (4) of this section and its financial status 28076  
to the sponsor and the parents of all students enrolled in the 28077  
school. 28078

(h) The school, unless it is an internet- or computer-based 28079  
community school, will comply with section 3313.801 of the Revised 28080  
Code as if it were a school district. 28081

(i) If the school is the recipient of moneys from a grant 28082  
awarded under the federal race to the top program, Division (A), 28083  
Title XIV, Sections 14005 and 14006 of the "American Recovery and 28084  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 28085  
school will pay teachers based upon performance in accordance with 28086  
section 3317.141 and will comply with section 3319.111 of the 28087  
Revised Code as if it were a school district. 28088

(j) If the school operates a preschool program that is 28089  
licensed by the department of education under sections 3301.52 to 28090  
3301.59 of the Revised Code, the school shall comply with sections 28091  
3301.50 to 3301.59 of the Revised Code and the minimum standards 28092  
for preschool programs prescribed in rules adopted by the state 28093  
board under section 3301.53 of the Revised Code. 28094

(k) The school will comply with sections 3313.6021 and 28095  
3313.6023 of the Revised Code as if it were a school district 28096  
unless it is either of the following: 28097

(i) An internet- or computer-based community school;	28098
(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A) <del>(4)</del> <u>(2)</u> (b) of section 3314.35 of the Revised Code.	28099 28100 28101
(12) Arrangements for providing health and other benefits to employees;	28102 28103
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	28104 28105 28106 28107
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	28108 28109
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	28110 28111 28112
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	28113 28114 28115
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	28116 28117 28118 28119 28120 28121 28122 28123 28124 28125 28126
(18) Provisions establishing procedures for resolving	28127

disputes or differences of opinion between the sponsor and the governing authority of the community school;	28128 28129
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:	28130 28131 28132 28133 28134 28135
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	28136 28137
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	28138 28139
(c) Permit the enrollment of students who reside in any other district in the state.	28140 28141
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	28142 28143 28144 28145
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	28146 28147 28148
(22) A provision recognizing both of the following:	28149
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	28150 28151 28152 28153
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the	28154 28155 28156 28157

school that pose an imminent danger to the health and safety of 28158  
the school's students and employees and the sponsor refuses to 28159  
take such action. 28160

(23) A description of the learning opportunities that will be 28161  
offered to students including both classroom-based and 28162  
non-classroom-based learning opportunities that is in compliance 28163  
with criteria for student participation established by the 28164  
department under division (H)(2) of section 3314.08 of the Revised 28165  
Code; 28166

(24) The school will comply with sections 3302.04 and 28167  
3302.041 of the Revised Code, except that any action required to 28168  
be taken by a school district pursuant to those sections shall be 28169  
taken by the sponsor of the school. However, the sponsor shall not 28170  
be required to take any action described in division (F) of 28171  
section 3302.04 of the Revised Code. 28172

(25) Beginning in the 2006-2007 school year, the school will 28173  
open for operation not later than the thirtieth day of September 28174  
each school year, unless the mission of the school as specified 28175  
under division (A)(2) of this section is solely to serve dropouts. 28176  
In its initial year of operation, if the school fails to open by 28177  
the thirtieth day of September, or within one year after the 28178  
adoption of the contract pursuant to division (D) of section 28179  
3314.02 of the Revised Code if the mission of the school is solely 28180  
to serve dropouts, the contract shall be void. 28181

(26) Whether the school's governing authority is planning to 28182  
seek designation for the school as a STEM school equivalent under 28183  
section 3326.032 of the Revised Code; 28184

(27) That the school's attendance and participation policies 28185  
will be available for public inspection; 28186

(28) That the school's attendance and participation records 28187  
shall be made available to the department of education, auditor of 28188

state, and school's sponsor to the extent permitted under and in 28189  
accordance with the "Family Educational Rights and Privacy Act of 28190  
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 28191  
regulations promulgated under that act, and section 3319.321 of 28192  
the Revised Code; 28193

(29) If a school operates using the blended learning model, 28194  
as defined in section 3301.079 of the Revised Code, all of the 28195  
following information: 28196

(a) An indication of what blended learning model or models 28197  
will be used; 28198

(b) A description of how student instructional needs will be 28199  
determined and documented; 28200

(c) The method to be used for determining competency, 28201  
granting credit, and promoting students to a higher grade level; 28202

(d) The school's attendance requirements, including how the 28203  
school will document participation in learning opportunities; 28204

(e) A statement describing how student progress will be 28205  
monitored; 28206

(f) A statement describing how private student data will be 28207  
protected; 28208

(g) A description of the professional development activities 28209  
that will be offered to teachers. 28210

(30) A provision requiring that all moneys the school's 28211  
operator loans to the school, including facilities loans or cash 28212  
flow assistance, must be accounted for, documented, and bear 28213  
interest at a fair market rate; 28214

(31) A provision requiring that, if the governing authority 28215  
contracts with an attorney, accountant, or entity specializing in 28216  
audits, the attorney, accountant, or entity shall be independent 28217  
from the operator with which the school has contracted. 28218

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the ~~community school governing authority to make payments to the sponsor, which is hereby~~

authorized to receive ~~such payments as set forth in the contract~~ 28249  
~~between the governing authority and the sponsor. The total amount~~ 28250  
~~of such payments~~ a portion of the total amount of funding 28251  
calculated to be paid to the community school under division 28252  
(C)(1) of sections 3314.08 and section 3314.085 of the Revised 28253  
Code for monitoring, oversight, and technical assistance of the 28254  
school. The amount of this payment shall be set forth in the 28255  
contract and shall not exceed three per cent of the total amount 28256  
of payments for operating expenses that the school receives from 28257  
the state. 28258

(D) The contract shall specify the duties of the sponsor 28259  
which shall be in accordance with the written agreement entered 28260  
into with the department of education under division (B) of 28261  
section 3314.015 of the Revised Code and shall include the 28262  
following: 28263

(1) Monitor the community school's compliance with all laws 28264  
applicable to the school and with the terms of the contract; 28265

(2) Monitor and evaluate the academic and fiscal performance 28266  
and the organization and operation of the community school on at 28267  
least an annual basis; 28268

(3) Report on an annual basis the results of the evaluation 28269  
conducted under division (D)(2) of this section to the department 28270  
of education and to the parents of students enrolled in the 28271  
community school; 28272

(4) Provide technical assistance to the community school in 28273  
complying with laws applicable to the school and terms of the 28274  
contract; 28275

(5) Take steps to intervene in the school's operation to 28276  
correct problems in the school's overall performance, declare the 28277  
school to be on probationary status pursuant to section 3314.073 28278  
of the Revised Code, suspend the operation of the school pursuant 28279

to section 3314.072 of the Revised Code, or terminate the contract 28280  
of the school pursuant to section 3314.07 of the Revised Code as 28281  
determined necessary by the sponsor; 28282

(6) Have in place a plan of action to be undertaken in the 28283  
event the community school experiences financial difficulties or 28284  
closes prior to the end of a school year. 28285

(E) Upon the expiration of a contract entered into under this 28286  
section, the sponsor of a community school may, with the approval 28287  
of the governing authority of the school, renew that contract for 28288  
a period of time determined by the sponsor, but not ending earlier 28289  
than the end of any school year, if the sponsor finds that the 28290  
school's compliance with applicable laws and terms of the contract 28291  
and the school's progress in meeting the academic goals prescribed 28292  
in the contract have been satisfactory. Any contract that is 28293  
renewed under this division remains subject to the provisions of 28294  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 28295

(F) If a community school fails to open for operation within 28296  
one year after the contract entered into under this section is 28297  
adopted pursuant to division (D) of section 3314.02 of the Revised 28298  
Code or permanently closes prior to the expiration of the 28299  
contract, the contract shall be void and the school shall not 28300  
enter into a contract with any other sponsor. A school shall not 28301  
be considered permanently closed because the operations of the 28302  
school have been suspended pursuant to section 3314.072 of the 28303  
Revised Code. 28304

**Sec. 3314.034.** (A) Subject to division (B) of this section, 28305  
any community school to which either of the following conditions 28306  
apply shall be prohibited from entering into a contract with a new 28307  
sponsor: 28308

(1) The community school has received, pursuant to section 28309  
3302.038 of the Revised Code, a grade of "D" or "F" for the 28310

performance index score, under division (C)(1)(b) of section 28311  
3302.03 of the Revised Code, ~~and~~ or an overall grade of "D" or "F" 28312  
for the value-added progress dimension or another measure of 28313  
student academic progress if adopted by the state board of 28314  
education, under division (C)(1)(e) of that section, on the most 28315  
recent report card issued for the school pursuant to that section. 28316

(2) The community school is one in which a majority of the 28317  
students are enrolled in a dropout prevention and recovery 28318  
program, and it has received a rating of "does not meet standards" 28319  
for the annual student growth measure and combined graduation 28320  
rates on the most recent report card issued for the school under 28321  
section 3314.017 of the Revised Code. 28322

(B) A community school to which division (A) of this section 28323  
applies may enter into a contract with a new sponsor if all of the 28324  
following conditions are satisfied: 28325

(1) The proposed sponsor received a rating of "effective" or 28326  
higher pursuant to division (B)(6) of section 3314.016 of the 28327  
Revised Code on its most recent evaluation conducted according to 28328  
that section, or the proposed sponsor is the office of Ohio school 28329  
sponsorship established in section 3314.029 of the Revised Code. 28330

(2) The community school submits a request to enter into a 28331  
new contract with a sponsor. 28332

(3) The community school has not submitted a prior request 28333  
that was granted. 28334

(4) The department grants the school's request pursuant to 28335  
division (C) of this section. 28336

(C) A school shall submit a request to change sponsors under 28337  
this section not later than on the fifteenth day of February of 28338  
the year in which the school wishes to do so. The department shall 28339  
grant or deny the request not later than thirty days after the 28340  
department receives it. If the department denies the request, the 28341

community school may submit an appeal to the state board of 28342  
education, which shall hold a hearing in accordance with Chapter 28343  
119. of the Revised Code. The community school shall file its 28344  
notice of appeal to the state board not later than ten days after 28345  
receiving the decision from the department. The state board shall 28346  
conduct the hearing not later than thirty days after receiving the 28347  
school's notice of appeal and act upon the determination of the 28348  
hearing officer not later than the twenty-fifth day of June of the 28349  
year in which the school wishes to change sponsors. 28350

(D) Factors to be considered during a hearing held pursuant 28351  
to division (C) of this section include, but are not limited to, 28352  
the following: 28353

(1) The school's impact on the students and the community or 28354  
communities it serves; 28355

(2) The quality and quantity of academic and administrative 28356  
support the school receives from its current sponsor to help the 28357  
school to improve; 28358

(3) The sponsor's annual evaluations of the community school 28359  
under division (D)(2) of section 3314.03 of the Revised Code for 28360  
the previous three years; 28361

(4) The academic performance of the school, taking into 28362  
account the demographic information of the students enrolled in 28363  
the school; 28364

(5) The academic performance of alternative schools that 28365  
serve comparable populations of students as those served by the 28366  
community school; 28367

(6) The fiscal stability of the school; 28368

(7) The results of any audits of the school by the auditor of 28369  
state; 28370

(8) The length of time the school has been under the 28371

oversight of its current sponsor;	28372
(9) The number of times the school has changed sponsors prior to the current request;	28373 28374
(10) Parent and student satisfaction rates as demonstrated by surveys, if available.	28375 28376
<b>Sec. 3314.08.</b> (A) As used in this section:	28377
(1)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A) of section 3317.014 of the Revised Code.	28378 28379 28380 28381
(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division (B) of section 3317.014 of the Revised Code.	28382 28383 28384
(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division (C) of section 3317.014 of the Revised Code.	28385 28386 28387
(d) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code.	28388 28389 28390
(e) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code.	28391 28392 28393
(2)(a) "Category one <del>limited English proficient student</del> <u>learner</u> " means a <del>limited</del> <u>an</u> English <del>proficient student</del> <u>learner</u> described in division (A) of section 3317.016 of the Revised Code.	28394 28395 28396
(b) "Category two <del>limited English proficient student</del> <u>learner</u> " means a <del>limited</del> <u>an</u> English <del>proficient student</del> <u>learner</u> described in division (B) of section 3317.016 of the Revised Code.	28397 28398 28399
(c) "Category three <del>limited English proficient student</del>	28400

learner" means a ~~limited~~ an English ~~proficient student~~ learner 28401  
described in division (C) of section 3317.016 of the Revised Code. 28402

(3)(a) "Category one special education student" means a 28403  
student who is receiving special education services for a 28404  
disability specified in division (A) of section 3317.013 of the 28405  
Revised Code. 28406

(b) "Category two special education student" means a student 28407  
who is receiving special education services for a disability 28408  
specified in division (B) of section 3317.013 of the Revised Code. 28409

(c) "Category three special education student" means a 28410  
student who is receiving special education services for a 28411  
disability specified in division (C) of section 3317.013 of the 28412  
Revised Code. 28413

(d) "Category four special education student" means a student 28414  
who is receiving special education services for a disability 28415  
specified in division (D) of section 3317.013 of the Revised Code. 28416

(e) "Category five special education student" means a student 28417  
who is receiving special education services for a disability 28418  
specified in division (E) of section 3317.013 of the Revised Code. 28419

(f) "Category six special education student" means a student 28420  
who is receiving special education services for a disability 28421  
specified in division (F) of section 3317.013 of the Revised Code. 28422

(4) "Formula amount" has the same meaning as in section 28423  
3317.02 of the Revised Code. 28424

(5) "IEP" has the same meaning as in section 3323.01 of the 28425  
Revised Code. 28426

(6) "Resident district" means the school district in which a 28427  
student is entitled to attend school under section 3313.64 or 28428  
3313.65 of the Revised Code. 28429

(7) "State education aid" has the same meaning as in section 28430

5751.20 of the Revised Code. 28431

(B) The state board of education shall adopt rules requiring 28432  
both of the following: 28433

(1) The board of education of each city, exempted village, 28434  
and local school district to annually report the number of 28435  
students entitled to attend school in the district who are 28436  
enrolled in each grade kindergarten through twelve in a community 28437  
school established under this chapter, and for each child, the 28438  
community school in which the child is enrolled. 28439

(2) The governing authority of each community school 28440  
established under this chapter to annually report all of the 28441  
following: 28442

(a) The number of students enrolled in grades one through 28443  
twelve and the full-time equivalent number of students enrolled in 28444  
kindergarten in the school who are not receiving special education 28445  
and related services pursuant to an IEP; 28446

(b) The number of enrolled students in grades one through 28447  
twelve and the full-time equivalent number of enrolled students in 28448  
kindergarten, who are receiving special education and related 28449  
services pursuant to an IEP; 28450

(c) The number of students reported under division (B)(2)(b) 28451  
of this section receiving special education and related services 28452  
pursuant to an IEP for a disability described in each of divisions 28453  
(A) to (F) of section 3317.013 of the Revised Code; 28454

(d) The full-time equivalent number of students reported 28455  
under divisions (B)(2)(a) and (b) of this section who are enrolled 28456  
in career-technical education programs or classes described in 28457  
each of divisions (A) to (E) of section 3317.014 of the Revised 28458  
Code that are provided by the community school; 28459

(e) The number of students reported under divisions (B)(2)(a) 28460

and (b) of this section who are not reported under division 28461  
(B)(2)(d) of this section but who are enrolled in career-technical 28462  
education programs or classes described in each of divisions (A) 28463  
to (E) of section 3317.014 of the Revised Code at a joint 28464  
vocational school district or another district in the 28465  
career-technical planning district to which the school is 28466  
assigned; 28467

(f) The number of students reported under divisions (B)(2)(a) 28468  
and (b) of this section who are category one to three ~~limited~~ 28469  
English ~~proficient students~~ learners described in each of 28470  
divisions (A) to (C) of section 3317.016 of the Revised Code; 28471

(g) The number of students reported under divisions (B)(2)(a) 28472  
and (b) of this section who are economically disadvantaged, as 28473  
defined by the department. A student shall not be categorically 28474  
excluded from the number reported under division (B)(2)(g) of this 28475  
section based on anything other than family income. 28476

(h) For each student, the city, exempted village, or local 28477  
school district in which the student is entitled to attend school 28478  
under section 3313.64 or 3313.65 of the Revised Code. 28479

(i) The number of students enrolled in a preschool program 28480  
operated by the school that is licensed by the department of 28481  
education under sections 3301.52 to 3301.59 of the Revised Code 28482  
who are not receiving special education and related services 28483  
pursuant to an IEP. 28484

A school district board and a community school governing 28485  
authority shall include in their respective reports under division 28486  
(B) of this section any child admitted in accordance with division 28487  
(A)(2) of section 3321.01 of the Revised Code. 28488

A governing authority of a community school shall not include 28489  
in its report under divisions (B)(2)(a) to (h) of this section any 28490  
student for whom tuition is charged under division (F) of this 28491

section. 28492

(C)(1) Except as provided in division (C)(2) of this section, 28493  
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 28494  
section and section 3314.089 of the Revised Code, on a full-time 28495  
equivalency basis, for each student enrolled in a community school 28496  
established under this chapter, the department of education 28497  
annually shall deduct from the state education aid of a student's 28498  
resident district and, if necessary, from the payment made to the 28499  
district under sections 321.24 and 323.156 of the Revised Code and 28500  
pay to the community school the sum of the following: 28501

(a) An opportunity grant in an amount equal to the formula 28502  
amount; 28503

(b) The per pupil amount of targeted assistance funds 28504  
calculated under division (A) of section 3317.0217 of the Revised 28505  
Code for the student's resident district, as determined by the 28506  
department, X 0.25; 28507

(c) Additional state aid for special education and related 28508  
services provided under Chapter 3323. of the Revised Code as 28509  
follows: 28510

(i) If the student is a category one special education 28511  
student, the amount specified in division (A) of section 3317.013 28512  
of the Revised Code; 28513

(ii) If the student is a category two special education 28514  
student, the amount specified in division (B) of section 3317.013 28515  
of the Revised Code; 28516

(iii) If the student is a category three special education 28517  
student, the amount specified in division (C) of section 3317.013 28518  
of the Revised Code; 28519

(iv) If the student is a category four special education 28520  
student, the amount specified in division (D) of section 3317.013 28521

of the Revised Code;	28522
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	28523 28524 28525
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	28526 28527 28528
(d) If the student is in kindergarten through third grade, an additional amount of \$320;	28529 28530
(e) If the student is economically disadvantaged, an additional amount equal to the following:	28531 28532
\$272 X the resident district's economically disadvantaged index	28533 28534
(f) <del>Limited</del> English <del>proficiency</del> <u>learner</u> funds as follows:	28535
(i) If the student is a category one <del>limited</del> English <del>proficient student</del> <u>learner</u> , the amount specified in division (A) of section 3317.016 of the Revised Code;	28536 28537 28538
(ii) If the student is a category two <del>limited</del> English <del>proficient student</del> <u>learner</u> , the amount specified in division (B) of section 3317.016 of the Revised Code;	28539 28540 28541
(iii) If the student is a category three <del>limited</del> English <del>proficient student</del> <u>learner</u> , the amount specified in division (C) of section 3317.016 of the Revised Code.	28542 28543 28544
(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:	28545 28546
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	28547 28548 28549
(ii) If the student is a category two career-technical	28550

education student, the amount specified in division (B) of section 28551  
3317.014 of the Revised Code; 28552

(iii) If the student is a category three career-technical 28553  
education student, the amount specified in division (C) of section 28554  
3317.014 of the Revised Code; 28555

(iv) If the student is a category four career-technical 28556  
education student, the amount specified in division (D) of section 28557  
3317.014 of the Revised Code; 28558

(v) If the student is a category five career-technical 28559  
education student, the amount specified in division (E) of section 28560  
3317.014 of the Revised Code. 28561

Deduction and payment of funds under division (C)(1)(g) of 28562  
this section is subject to approval by the lead district of a 28563  
career-technical planning district or the department of education 28564  
under section 3317.161 of the Revised Code. 28565

(2) When deducting from the state education aid of a 28566  
student's resident district for students enrolled in an internet- 28567  
or computer-based community school and making payments to such 28568  
school under this section, the department shall make the 28569  
deductions and payments described in only divisions (C)(1)(a), 28570  
(c), and (g) of this section. 28571

No deductions or payments shall be made for a student 28572  
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 28573  
of this section. 28574

(3)(a) If a community school's costs for a fiscal year for a 28575  
student receiving special education and related services pursuant 28576  
to an IEP for a disability described in divisions (B) to (F) of 28577  
section 3317.013 of the Revised Code exceed the threshold 28578  
catastrophic cost for serving the student as specified in division 28579  
(B) of section 3317.0214 of the Revised Code, the school may 28580  
submit to the superintendent of public instruction documentation, 28581

as prescribed by the superintendent, of all its costs for that 28582  
student. Upon submission of documentation for a student of the 28583  
type and in the manner prescribed, the department shall pay to the 28584  
community school an amount equal to the school's costs for the 28585  
student in excess of the threshold catastrophic costs. 28586

(b) The community school shall report under division 28587  
(C)(3)(a) of this section, and the department shall pay for, only 28588  
the costs of educational expenses and the related services 28589  
provided to the student in accordance with the student's 28590  
individualized education program. Any legal fees, court costs, or 28591  
other costs associated with any cause of action relating to the 28592  
student may not be included in the amount. 28593

(4) In any fiscal year, a community school receiving funds 28594  
under division (C)(1)(g) of this section shall spend those funds 28595  
only for the purposes that the department designates as approved 28596  
for career-technical education expenses. Career-technical 28597  
education expenses approved by the department shall include only 28598  
expenses connected to the delivery of career-technical programming 28599  
to career-technical students. The department shall require the 28600  
school to report data annually so that the department may monitor 28601  
the school's compliance with the requirements regarding the manner 28602  
in which funding received under division (C)(1)(g) of this section 28603  
may be spent. 28604

(5) Notwithstanding anything to the contrary in section 28605  
3313.90 of the Revised Code, except as provided in division (C)(9) 28606  
of this section, all funds received under division (C)(1)(g) of 28607  
this section shall be spent in the following manner: 28608

(a) At least seventy-five per cent of the funds shall be 28609  
spent on curriculum development, purchase, and implementation; 28610  
instructional resources and supplies; industry-based program 28611  
certification; student assessment, credentialing, and placement; 28612  
curriculum specific equipment purchases and leases; 28613

career-technical student organization fees and expenses; home and 28614  
agency linkages; work-based learning experiences; professional 28615  
development; and other costs directly associated with 28616  
career-technical education programs including development of new 28617  
programs. 28618

(b) Not more than twenty-five per cent of the funds shall be 28619  
used for personnel expenditures. 28620

(6) A community school shall spend the funds it receives 28621  
under division (C)(1)(e) of this section in accordance with 28622  
section 3317.25 of the Revised Code. 28623

(7) If the sum of the payments computed under divisions 28624  
(C)(1) and (8)(a) of this section for the students entitled to 28625  
attend school in a particular school district under sections 28626  
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 28627  
district's state education aid and its payment under sections 28628  
321.24 and 323.156 of the Revised Code, the department shall 28629  
calculate and apply a proration factor to the payments to all 28630  
community schools under that division for the students entitled to 28631  
attend school in that district. 28632

(8)(a) Subject to division (C)(7) of this section, the 28633  
department annually shall pay to each community school, including 28634  
each internet- or computer-based community school, an amount equal 28635  
to the following: 28636

(The number of students reported by the community school 28637  
under division (B)(2)(e) of this section X the formula amount X 28638  
.20) 28639

(b) For each payment made to a community school under 28640  
division (C)(8)(a) of this section, the department shall deduct 28641  
from the state education aid of each city, local, and exempted 28642  
village school district and, if necessary, from the payment made 28643  
to the district under sections 321.24 and 323.156 of the Revised 28644

Code an amount equal to the following: 28645

(The number of the district's students reported by the 28646  
community school under division (B)(2)(e) of this section X the 28647  
formula amount X .20) 28648

(9) The department may waive the requirement in division 28649  
(C)(5) of this section for any community school that exclusively 28650  
provides one or more career-technical workforce development 28651  
programs in arts and communications that are not 28652  
equipment-intensive, as determined by the department. 28653

(D) A board of education sponsoring a community school may 28654  
utilize local funds to make enhancement grants to the school or 28655  
may agree, either as part of the contract or separately, to 28656  
provide any specific services to the community school at no cost 28657  
to the school. 28658

(E) A community school may not levy taxes or issue bonds 28659  
secured by tax revenues. 28660

(F) No community school shall charge tuition for the 28661  
enrollment of any student who is a resident of this state. A 28662  
community school may charge tuition for the enrollment of any 28663  
student who is not a resident of this state. 28664

(G)(1)(a) A community school may borrow money to pay any 28665  
necessary and actual expenses of the school in anticipation of the 28666  
receipt of any portion of the payments to be received by the 28667  
school pursuant to division (C) of this section. The school may 28668  
issue notes to evidence such borrowing. The proceeds of the notes 28669  
shall be used only for the purposes for which the anticipated 28670  
receipts may be lawfully expended by the school. 28671

(b) A school may also borrow money for a term not to exceed 28672  
fifteen years for the purpose of acquiring facilities. 28673

(2) Except for any amount guaranteed under section 3318.50 of 28674

the Revised Code, the state is not liable for debt incurred by the governing authority of a community school.

(H) The department of education shall adjust the amounts subtracted and paid under division (C) of this section to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools and corresponding deductions from school district accounts as provided under division (C) of this section. For purposes of this section:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and divisions (H)(3) and (4) of this section to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction

time in non-classroom-based learning opportunities shall be 28707  
certified by an employee of the community school. A student's 28708  
enrollment shall be considered to cease on the date on which any 28709  
of the following occur: 28710

(a) The community school receives documentation from a parent 28711  
terminating enrollment of the student. 28712

(b) The community school is provided documentation of a 28713  
student's enrollment in another public or private school. 28714

(c) The community school ceases to offer learning 28715  
opportunities to the student pursuant to the terms of the contract 28716  
with the sponsor or the operation of any provision of this 28717  
chapter. 28718

Except as otherwise specified in this paragraph, beginning in 28719  
the 2011-2012 school year, any student who completed the prior 28720  
school year in an internet- or computer-based community school 28721  
shall be considered to be enrolled in the same school in the 28722  
subsequent school year until the student's enrollment has ceased 28723  
as specified in division (H)(2) of this section. The department 28724  
shall continue subtracting and paying amounts for the student 28725  
under division (C) of this section without interruption at the 28726  
start of the subsequent school year. However, if the student 28727  
without a legitimate excuse fails to participate in the first 28728  
seventy-two consecutive hours of learning opportunities offered to 28729  
the student in that subsequent school year, the student shall be 28730  
considered not to have re-enrolled in the school for that school 28731  
year and the department shall recalculate the payments to the 28732  
school for that school year to account for the fact that the 28733  
student is not enrolled. 28734

(3) The department shall determine each community school 28735  
student's percentage of full-time equivalency based on the 28736  
percentage of learning opportunities offered by the community 28737

school to that student, reported either as number of hours or 28738  
number of days, is of the total learning opportunities offered by 28739  
the community school to a student who attends for the school's 28740  
entire school year. However, no internet- or computer-based 28741  
community school shall be credited for any time a student spends 28742  
participating in learning opportunities beyond ten hours within 28743  
any period of twenty-four consecutive hours. Whether it reports 28744  
hours or days of learning opportunities, each community school 28745  
shall offer not less than nine hundred twenty hours of learning 28746  
opportunities during the school year. 28747

(4) With respect to the calculation of full-time equivalency 28748  
under division (H)(3) of this section, the department shall waive 28749  
the number of hours or days of learning opportunities not offered 28750  
to a student because the community school was closed during the 28751  
school year due to disease epidemic, hazardous weather conditions, 28752  
law enforcement emergencies, inoperability of school buses or 28753  
other equipment necessary to the school's operation, damage to a 28754  
school building, or other temporary circumstances due to utility 28755  
failure rendering the school building unfit for school use, so 28756  
long as the school was actually open for instruction with students 28757  
in attendance during that school year for not less than the 28758  
minimum number of hours required by this chapter. The department 28759  
shall treat the school as if it were open for instruction with 28760  
students in attendance during the hours or days waived under this 28761  
division. 28762

(I) The department of education shall reduce the amounts paid 28763  
under this section to reflect payments made to colleges under 28764  
section 3365.07 of the Revised Code. 28765

(J)(1) No student shall be considered enrolled in any 28766  
internet- or computer-based community school or, if applicable to 28767  
the student, in any community school that is required to provide 28768  
the student with a computer pursuant to division (C) of section 28769

3314.22 of the Revised Code, unless both of the following 28770  
conditions are satisfied: 28771

(a) The student possesses or has been provided with all 28772  
required hardware and software materials and all such materials 28773  
are operational so that the student is capable of fully 28774  
participating in the learning opportunities specified in the 28775  
contract between the school and the school's sponsor as required 28776  
by division (A)(23) of section 3314.03 of the Revised Code; 28777

(b) The school is in compliance with division (A) of section 28778  
3314.22 of the Revised Code, relative to such student. 28779

(2) In accordance with policies adopted by the superintendent 28780  
of public instruction, in consultation with the auditor of state, 28781  
the department shall reduce the amounts otherwise payable under 28782  
division (C) of this section to any community school that includes 28783  
in its program the provision of computer hardware and software 28784  
materials to any student, if such hardware and software materials 28785  
have not been delivered, installed, and activated for each such 28786  
student in a timely manner or other educational materials or 28787  
services have not been provided according to the contract between 28788  
the individual community school and its sponsor. 28789

The superintendent of public instruction and the auditor of 28790  
state shall jointly establish a method for auditing any community 28791  
school to which this division pertains to ensure compliance with 28792  
this section. 28793

The superintendent, auditor of state, and the governor shall 28794  
jointly make recommendations to the general assembly for 28795  
legislative changes that may be required to assure fiscal and 28796  
academic accountability for such schools. 28797

(K)(1) If the department determines that a review of a 28798  
community school's enrollment is necessary, such review shall be 28799  
completed and written notice of the findings shall be provided to 28800

the governing authority of the community school and its sponsor 28801  
within ninety days of the end of the community school's fiscal 28802  
year, unless extended for a period not to exceed thirty additional 28803  
days for one of the following reasons: 28804

(a) The department and the community school mutually agree to 28805  
the extension. 28806

(b) Delays in data submission caused by either a community 28807  
school or its sponsor. 28808

(2) If the review results in a finding that additional 28809  
funding is owed to the school, such payment shall be made within 28810  
thirty days of the written notice. If the review results in a 28811  
finding that the community school owes moneys to the state, the 28812  
following procedure shall apply: 28813

(a) Within ten business days of the receipt of the notice of 28814  
findings, the community school may appeal the department's 28815  
determination to the state board of education or its designee. 28816

(b) The board or its designee shall conduct an informal 28817  
hearing on the matter within thirty days of receipt of such an 28818  
appeal and shall issue a decision within fifteen days of the 28819  
conclusion of the hearing. 28820

(c) If the board has enlisted a designee to conduct the 28821  
hearing, the designee shall certify its decision to the board. The 28822  
board may accept the decision of the designee or may reject the 28823  
decision of the designee and issue its own decision on the matter. 28824

(d) Any decision made by the board under this division is 28825  
final. 28826

(3) If it is decided that the community school owes moneys to 28827  
the state, the department shall deduct such amount from the 28828  
school's future payments in accordance with guidelines issued by 28829  
the superintendent of public instruction. 28830

(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for that veteran.

**Sec. 3314.085.** (A) For purposes of this section:

(1) "Formula amount" has the same meaning as in section 28862  
3317.02 of the Revised Code. 28863

(2) "Four-year adjusted cohort graduation rate" has the same 28864  
meaning as in section 3302.01 of the Revised Code. 28865

(3) A community school's "third-grade reading proficiency 28866  
percentage" means the percentage of the school's students scoring 28867  
at a proficient level of skill or higher on the third-grade 28868  
English language arts assessment prescribed under division 28869  
(A)(1)(a) of section 3301.0710 of the Revised Code for the 28870  
immediately preceding school year, as reported on the school's 28871  
report card under section 3302.03 of the Revised Code. 28872

(B) In addition to the payments made under section 3314.08 of 28873  
the Revised Code, and subject to section 3314.089 of the Revised 28874  
Code, the department of education shall annually pay to each 28875  
community school both of the following: 28876

(1) A graduation bonus calculated according to the following 28877  
formula: 28878  
The school's four-year adjusted cohort graduation rate on its most 28879  
recent report card issued by the department under section 3302.03 28880  
or 3314.017 of the Revised Code X 0.075 X the formula amount X the 28881  
number of the school's graduates reported to the department, in 28882  
accordance with the guidelines adopted under section 3301.0714 of 28883  
the Revised Code, for the same school year for which the most 28884  
recent report card was issued 28885

(2) A third-grade reading bonus calculated according to the 28886  
following formula: 28887  
The school's third-grade reading proficiency percentage X 0.075 X 28888  
the formula amount X the number of the school's students scoring 28889  
at a proficient level or higher on the third-grade English 28890  
language arts assessment prescribed under division (A)(1)(a) of 28891  
section 3301.0710 of the Revised Code for the immediately 28892

preceding school year	28893
<u>Sec. 3314.088. (A) As used in this section:</u>	28894
<u>(1) "Base per pupil amount" has the same meaning as in section 3317.0219 of the Revised Code.</u>	28895
<u>(2) "Eligible school district" has the same meaning as in division (C)(1) of section 3317.0219 of the Revised Code.</u>	28896
<u>(3) "Resident district" has the same meaning as in section 3314.08 of the Revised Code.</u>	28897
<u>(B) Subject to division (E) of this section, for fiscal years 2020 and 2021, the department of education shall calculate and pay to each community school that is not an internet- or computer-based community school student wellness and success funds, on a full-time equivalency basis, for each student enrolled in the school as of the school's payment under section 3314.08 of the Revised Code in June of the immediately preceding fiscal year in an amount equal to the following:</u>	28898
<u>(The base per pupil amount of the student's resident district for that fiscal year + the scaled amount of the student's resident district, if any, computed under division (B)(4) of section 3317.0219 of the Revised Code)</u>	28899
<u>However, each community school shall receive a minimum payment of \$25,000, for fiscal year 2020, or \$36,000, for fiscal year 2021.</u>	28900
<u>(C) Subject to division (E) of this section, for fiscal years 2020 and 2021, the department shall pay student wellness and success funds to each internet- or computer-based community school in an amount equal to \$25,000, for fiscal year 2020, or \$36,000, for fiscal year 2021.</u>	28901
<u>(D) Subject to division (E) of this section, for fiscal years 2020 and 2021, the department shall pay to each community school</u>	28902

that is not an internet- or computer-based community school 28923  
student wellness and success enhancement funds, on a full-time 28924  
equivalency basis, for each student enrolled in the school as of 28925  
the school's payment under section 3314.08 of the Revised Code in 28926  
June of the immediately preceding fiscal year whose resident 28927  
district is an eligible school district, in an amount equal to the 28928  
following: 28929

The amount paid to the student's resident district under division 28930  
(C)(2) of section 3317.0219 of the Revised Code for that fiscal 28931  
year / the enrolled ADM of the student's resident district that 28932  
was used for the second payment under Chapter 3317. of the Revised 28933  
Code in June of the immediately preceding fiscal year 28934

(E) The department shall pay funds under divisions (B), (C), 28935  
and (D) of this section as follows: 28936

(1) One-half of the amount shall be paid not later than the 28937  
thirty-first day of October of the fiscal year for which the 28938  
payment is calculated. 28939

(2) One-half of the amount shall be paid not later than the 28940  
twenty-eighth day of February of the fiscal year for which the 28941  
payment is calculated. 28942

Upon making a payment for a fiscal year under this section, 28943  
the department shall not make any reconciliations or adjustments 28944  
to that payment. 28945

(F) A community school that receives a payment under this 28946  
section shall comply with section 3317.26 of the Revised Code. 28947

**Sec. 3314.089.** If the contract between a sponsor and the 28948  
governing authority of a community school provides for the sponsor 28949  
to receive a portion of the total amount of funding calculated to 28950  
be paid to the school under division (C)(1) of section 3314.08 and 28951  
section 3314.085 of the Revised Code, the department of education 28952

shall annually pay the funds calculated under those sections as follows: 28953  
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(A) A portion of the total amount of funding calculated for the school shall be paid to the sponsor, in an amount equal to the amount specified in the contract in accordance with division (C) of section 3314.03 of the Revised Code. 28955  
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(B) The remainder of the total amount of funding calculated for the school shall be paid to the school. 28959  
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**Sec. 3314.102.** (A) As used in this section+ 28961

~~(1) "Chief executive officer" means a chief executive officer appointed by an academic distress commission pursuant to section 3302.10 of the Revised Code.~~ 28962  
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~~(2) "Municipal , "municipal school district" and "mayor" have the same meanings as in section 3311.71 of the Revised Code.~~ 28965  
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(B) Notwithstanding section 3314.10 and sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general assembly, the employees of a conversion community school that is sponsored by the board of education of a municipal school district ~~or a school district for which an academic distress commission has been established under section 3302.10 of the Revised Code~~ shall cease to be subject to any future collective bargaining agreement, if the mayor ~~or chief executive officer~~ submits to the board of education sponsoring the school and to the state employment relations board a statement requesting that all employees of the community school be removed from a collective bargaining unit. The employees of the community school who are covered by a collective bargaining agreement in effect on the date the mayor ~~or chief executive officer~~ submits the statement shall remain subject to that collective bargaining agreement until the collective bargaining agreement expires on its 28967  
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terms. Upon expiration of that collective bargaining agreement, 28983  
the employees of that school are not subject to Chapter 4117. of 28984  
the Revised Code and may not organize or collectively bargain 28985  
pursuant to that chapter. 28986

**Sec. 3314.18.** (A) Subject to division (C) of this section, 28987  
the governing authority of each community school shall establish a 28988  
breakfast program pursuant to the "National School Lunch Act," 60 28989  
Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 28990  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 28991  
if at least one-fifth of the pupils in the school are eligible 28992  
under federal requirements for free breakfasts, and shall 28993  
establish a lunch program pursuant to those acts if at least 28994  
one-fifth of the pupils are eligible for free lunches. The 28995  
governing authority required to establish a breakfast program 28996  
under this division may make a charge in accordance with federal 28997  
requirements for each reduced price breakfast or paid breakfast to 28998  
cover the cost incurred in providing that meal. 28999

A breakfast program established under this section shall be 29000  
operated in accordance with section 3313.818 of the Revised Code 29001  
in any community school meeting the conditions prescribed by that 29002  
section. 29003

(B) Subject to division (C) of this section, the governing 29004  
authority of each community school shall establish one of the 29005  
following for summer intervention services described in division 29006  
(D) of section 3301.0711 or provided under section 3313.608 of the 29007  
Revised Code, and any other summer intervention program required 29008  
by law: 29009

(1) An extension of the school breakfast program pursuant to 29010  
the "National School Lunch Act" and the "Child Nutrition Act of 29011  
1966"; 29012

(2) An extension of the school lunch program pursuant to 29013

those acts; 29014

(3) A summer food service program pursuant to those acts. 29015

(C) If the governing authority of a community school 29016  
determines that, for financial reasons, it cannot comply with 29017  
division (A) or (B) of this section, the governing authority may 29018  
choose not to comply with either or both divisions. In that case, 29019  
the governing authority shall communicate to the parents of its 29020  
students, in the manner it determines appropriate, its decision 29021  
not to comply. 29022

(D) The governing authority of each community school required 29023  
to establish a school breakfast, school lunch, or summer food 29024  
service program under this section shall apply for state and 29025  
federal funds allocated by the state board of education under 29026  
division (B) of section 3313.813 of the Revised Code and shall 29027  
comply with the state board's standards adopted under that 29028  
division. 29029

(E) The governing authority of any community school required 29030  
to establish a breakfast program under this section or that elects 29031  
to participate in a breakfast program pursuant to the "National 29032  
School Lunch Act" and the "Child Nutrition Act of 1966" may offer 29033  
breakfast to pupils in their classrooms during the school day. 29034  
However, any community school that is subject to section 3313.818 29035  
of the Revised Code shall offer breakfast to pupils in accordance 29036  
with that section. 29037

(F) Notwithstanding anything in this section to the contrary, 29038  
in each fiscal year in which the general assembly appropriates 29039  
funds for purposes of this division, the governing authority of 29040  
each community school required to establish a breakfast program 29041  
under this section or that elects to participate in a breakfast 29042  
program pursuant to the "National School Lunch Act" and the "Child 29043  
Nutrition Act of 1966" shall provide a breakfast free of charge to 29044

each pupil who is eligible under federal requirements for a 29045  
reduced price breakfast. 29046

(G) This section does not apply to internet- or 29047  
computer-based community schools. 29048

**Sec. 3314.19.** The sponsor of each community school ~~annually~~ 29049  
shall provide the following assurances in writing to the 29050  
department of education not later than ten business days prior to 29051  
the opening of the ~~school~~ school's first year of operation or, if 29052  
the school is not an internet- or computer-based community school 29053  
and it changes the building from which it operates, the opening of 29054  
the first year it operates from the new building: 29055

(A) That a current copy of the contract between the sponsor 29056  
and the governing authority of the school entered into under 29057  
section 3314.03 of the Revised Code has been filed with the 29058  
department and that any subsequent modifications to that contract 29059  
will be filed with the department; 29060

(B) That the school has submitted to the sponsor a plan for 29061  
providing special education and related services to students with 29062  
disabilities and has demonstrated the capacity to provide those 29063  
services in accordance with Chapter 3323. of the Revised Code and 29064  
federal law; 29065

(C) That the school has a plan and procedures for 29066  
administering the achievement and diagnostic assessments 29067  
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 29068  
Revised Code; 29069

(D) That school personnel have the necessary training, 29070  
knowledge, and resources to properly use and submit information to 29071  
all databases maintained by the department for the collection of 29072  
education data, including the education management information 29073  
system established under section 3301.0714 of the Revised Code in 29074

accordance with methods and timelines established under section 29075  
3314.17 of the Revised Code; 29076

(E) That all required information about the school has been 29077  
submitted to the Ohio education directory system or any successor 29078  
system; 29079

(F) That the school will enroll at least the minimum number 29080  
of students required by division (A)(11)(a) of section 3314.03 of 29081  
the Revised Code in the school year for which the assurances are 29082  
provided; 29083

(G) That all classroom teachers are licensed in accordance 29084  
with sections 3319.22 to 3319.31 of the Revised Code, except for 29085  
noncertificated persons engaged to teach up to twelve hours per 29086  
week pursuant to section 3319.301 of the Revised Code; 29087

(H) That the school's fiscal officer is in compliance with 29088  
section 3314.011 of the Revised Code; 29089

(I) That the school has complied with sections 3319.39 and 29090  
3319.391 of the Revised Code with respect to all employees and 29091  
that the school has conducted a criminal records check of each of 29092  
its governing authority members; 29093

(J) That the school holds all of the following: 29094

(1) Proof of property ownership or a lease for the facilities 29095  
used by the school; 29096

(2) A certificate of occupancy; 29097

(3) Liability insurance for the school, as required by 29098  
division (A)(11)(b) of section 3314.03 of the Revised Code, that 29099  
the sponsor considers sufficient to indemnify the school's 29100  
facilities, staff, and governing authority against risk; 29101

(4) A satisfactory health and safety inspection; 29102

(5) A satisfactory fire inspection; 29103

(6) A valid food permit, if applicable.	29104
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	29105 29106 29107
(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A)(25) of section 3314.03 of the Revised Code;	29108 29109 29110 29111
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	29112 29113
(N) That, for any school that operates using the blended learning model, as defined in section 3301.079 of the Revised Code, the sponsor has reviewed the following information, submitted by the school:	29114 29115 29116 29117
(1) An indication of what blended learning model or models will be used;	29118 29119
(2) A description of how student instructional needs will be determined and documented;	29120 29121
(3) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	29122 29123
(4) The school's attendance requirements, including how the school will document participation in learning opportunities;	29124 29125
(5) A statement describing how student progress will be monitored;	29126 29127
(6) A statement describing how private student data will be protected;	29128 29129
(7) A description of the professional development activities that will be offered to teachers.	29130 29131
<b>Sec. 3314.21.</b> (A) As used in this section:	29132

(1) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code. 29133  
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(2) "Obscene" has the same meaning as in division (F) of section 2907.01 of the Revised Code as that division has been construed by the supreme court of this state. 29135  
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(3) "Teacher of record" means a teacher who is responsible for the overall academic development and achievement of a student and not merely the student's instruction in any single subject. 29138  
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(B)~~(1)~~ (1) It is the intent of the general assembly that teachers employed by internet- or computer-based community schools conduct visits with their students in person throughout the school year. 29141  
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(2) Each internet- or computer-based community school shall retain an affiliation with at least one full-time teacher of record licensed in accordance with division (A)(10) of section 3314.03 of the Revised Code. 29145  
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(3) Each student enrolled in an internet- or computer-based community school shall be assigned to at least one teacher of record. No teacher of record shall be primarily responsible for the academic development and achievement of more than one hundred twenty-five students enrolled in the internet- or computer-based community school that has retained that teacher. 29149  
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(C) For any internet- or computer-based community school, the contract between the sponsor and the governing authority of the school described in section 3314.03 of the Revised Code shall specify each of the following: 29155  
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(1) A requirement that the school use a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use. The school shall provide such device or software at no cost to any student 29159  
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who works primarily from the student's residence on a computer 29164  
obtained from a source other than the school. 29165

(2) A plan for fulfilling the intent of the general assembly 29166  
specified in division (B)(1) of this section. The plan shall 29167  
indicate the number of times teachers will visit each student 29168  
throughout the school year and the manner in which those visits 29169  
will be conducted. 29170

(3) That the school will set up a central base of operation 29171  
and the sponsor will maintain a representative within fifty miles 29172  
of that base of operation to provide monitoring and assistance. 29173

(D)(1) Annually, each internet- or computer-based community 29174  
school shall prepare and submit to the department of education, in 29175  
a time and manner prescribed by the department, a report that 29176  
contains information about all of the following: 29177

(a) Classroom size; 29178

(b) The ratio of teachers to students per classroom; 29179

(c) The number of student-teacher meetings conducted in 29180  
person or by video conference; 29181

(d) Any other information determined necessary by the 29182  
department. 29183

(2) The department annually shall prepare and submit to the 29184  
state board of education a report that contains the information 29185  
received under division (D)(1) of this section. 29186

~~Sec. 3314.35. (A)(1) Except as provided in division (A)(4) of 29187  
this section, this section applies to any community school that 29188  
meets one of the following criteria after July 1, 2009, but before 29189  
July 1, 2011: 29190~~

~~(a) The school does not offer a grade level higher than three 29191  
and has been declared to be in a state of academic emergency under 29192~~

~~section 3302.03 of the Revised Code for three of the four most recent school years.~~ 29193  
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~~(b) The school satisfies all of the following conditions:~~ 29195

~~(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.~~ 29196  
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~~(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~ 29198  
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~~(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.~~ 29201  
29202  
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~~(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.~~ 29206  
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~~(2) Except as provided in division (A)(4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2011, but before July 1, 2013:~~ 29210  
29211  
29212

~~(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~ 29213  
29214  
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~~(b) The school satisfies all of the following conditions:~~ 29217

~~(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.~~ 29218  
29219

~~(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~ 29220  
29221  
29222

~~(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.~~

~~(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.~~

~~(3) Except as provided in division (A)(4)(2) of this section, this section applies to any community school that meets one of the following criteria on or after July 1, 2013:~~

~~(a) The school does not offer a grade level higher than three and, for two of the three most recent school years, satisfies any of the following criteria:~~

~~(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013;~~

~~(ii) The school has received a grade of "F" in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code;~~

~~(iii)(ii) The school has received an overall grade of "F" under division (C) of section 3302.03 of the Revised Code.~~

~~(b) The school offers any of grade levels four to eight but does not offer a grade level higher than nine and, for two of the three most recent school years, satisfies any of the following criteria:~~

~~(i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013, and the school showed less than one~~

~~standard year of academic growth in either reading or mathematics, 29253  
as determined by the department in accordance with rules adopted 29254  
under division (A) of section 3302.021 of the Revised Code; 29255~~

~~(ii) The the school has received, pursuant to section 29256  
3302.038 of the Revised Code, a grade of "F" for the performance 29257  
index score under division (A)(1)(b), (B)(1)(b), or (C)(1)(b) and 29258  
or a grade of "F" for the value-added progress dimension under 29259  
division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of section 3302.03 of 29260  
the Revised Code; 29261~~

~~(iii) The school has received an overall grade of "F" under 29262  
division (C) and a grade of "F" for the value added progress 29263  
dimension under division (C)(1)(e) of section 3302.03 of the 29264  
Revised Code. 29265~~

~~(c) The school offers any of grade levels ten to twelve and, 29266  
for two of the three most recent school years, satisfies any of 29267  
the following criteria; 29268~~

~~(i) The school has been declared to be in a state of academic 29269  
emergency under section 3302.03 of the Revised Code, as it existed 29270  
prior to March 22, 2013; 29271~~

~~(ii) The the school has received, pursuant to section 29272  
3302.038 of the Revised Code, a grade of "F" for either the 29273  
performance index score under division (A)(1)(b), (B)(1)(b), or 29274  
(C)(1)(b) or for the value-added progress dimension measure under 29275  
division (A)(1)(e), (B)(1)(e), or (C)(1)(e) and has not met annual 29276  
measurable objectives under division (A)(1)(a), (B)(1)(a), or 29277  
(C)(1)(a) of section 3302.03 of the Revised Code; 29278~~

~~(iii) The school has received an overall grade of "F" under 29279  
division (C) and a grade of "F" for the value added progress 29280  
dimension under division (C)(1)(e) of section 3302.03 of the 29281  
Revised Code. 29282~~

~~For purposes of division (A)(3) of this section only, the 29283~~

~~department of education shall calculate the value added progress 29284  
dimension for a community school using assessment scores for only 29285  
those students to whom the school has administered the achievement 29286  
assessments prescribed by section 3301.0710 of the Revised Code 29287  
for at least the two most recent school years but using 29288  
value added data from only the most recent school year. 29289~~

~~(4)(2) This section does not apply to either of the 29290  
following: 29291~~

~~(a) Any community school in which a majority of the students 29292  
are enrolled in a dropout prevention and recovery program that is 29293  
operated by the school. Rather, such schools shall be subject to 29294  
closure only as provided in section 3314.351 of the Revised Code. 29295  
However, prior to July 1, 2014, a community school in which a 29296  
majority of the students are enrolled in a dropout prevention and 29297  
recovery program shall be exempt from this section only if it has 29298  
been granted a waiver under section 3314.36 of the Revised Code. 29299~~

~~(b) Any community school in which a majority of the enrolled 29300  
students are children with disabilities receiving special 29301  
education and related services in accordance with Chapter 3323. of 29302  
the Revised Code. 29303~~

~~(B) Any community school to which this section applies shall 29304  
permanently close at the conclusion of the school year in which 29305  
the school first becomes subject to this section. The sponsor and 29306  
governing authority of the school shall comply with all procedures 29307  
for closing a community school adopted by the department under 29308  
division (E) of section 3314.015 of the Revised Code. The 29309  
governing authority of the school shall not enter into a contract 29310  
with any other sponsor under section 3314.03 of the Revised Code 29311  
after the school closes. 29312~~

~~(C) In accordance with division (B) of section 3314.012 of 29313  
the Revised Code, the department shall not consider the 29314~~

performance ratings assigned to a community school for its first 29315  
two years of operation when determining whether the school meets 29316  
the criteria prescribed by division (A)(1) ~~or (2)~~ of this section. 29317

(D) Nothing in this section or in any other provision of the 29318  
Revised Code prohibits the sponsor of a community school from 29319  
exercising its option not to renew a contract for any reason or 29320  
from terminating a contract prior to its expiration for any of the 29321  
reasons set forth in section 3314.07 of the Revised Code. 29322

Sec. 3314.353. Not later than the thirty-first day of August 29323  
each year, the department of education shall publish separate 29324  
lists of the following: 29325

(A) Community schools that have become subject to permanent 29326  
closure under section 3314.35 or 3314.351 of the Revised Code; 29327

(B) Community schools that are at risk of becoming subject to 29328  
permanent closure under section 3314.35 or 3314.351 of the Revised 29329  
Code if their academic performance, as prescribed in those 29330  
sections, does not improve on the next state report cards issued 29331  
under section 3302.03 or 3314.017 of the Revised Code; 29332

(C) All "challenged school districts" in which new start-up 29333  
community schools may be located, as prescribed in section 3314.02 29334  
of the Revised Code. 29335

Sec. 3314.354. Not later than the thirty-first day of July of 29336  
each year, the department of education shall submit preliminary 29337  
data on community schools at risk of becoming subject to permanent 29338  
closure under section 3314.35 or 3314.351 of the Revised Code. 29339

Sec. 3317.016. The amounts for ~~limited~~ English ~~proficient~~ 29340  
students ~~learners~~ shall be as follows: 29341

(A) An amount of \$1,515 for each student who has been 29342  
enrolled in schools in the United States for 180 school days or 29343

less and was not previously exempted from taking the spring 29344  
administration of either of the state's English language arts 29345  
assessments prescribed by section 3301.0710 of the Revised Code 29346  
(reading or writing). 29347

(B) An amount of \$1,136 for each student who has been 29348  
enrolled in schools in the United States for more than 180 school 29349  
days or was previously exempted from taking the spring 29350  
administration of either of the state's English language arts 29351  
assessments prescribed by section 3301.0710 of the Revised Code 29352  
(reading or writing). 29353

(C) An amount of \$758 for each student who does not qualify 29354  
for inclusion under division (A) or (B) of this section and is in 29355  
a trial-mainstream period, as defined by the department. 29356

**Sec. 3317.02.** As used in this chapter: 29357

(A)(1) "Category one career-technical education ADM" means 29358  
the enrollment of students during the school year on a full-time 29359  
equivalency basis in career-technical education programs described 29360  
in division (A) of section 3317.014 of the Revised Code and 29361  
certified under division (B)(11) or (D)(2)(h) of section 3317.03 29362  
of the Revised Code. 29363

(2) "Category two career-technical education ADM" means the 29364  
enrollment of students during the school year on a full-time 29365  
equivalency basis in career-technical education programs described 29366  
in division (B) of section 3317.014 of the Revised Code and 29367  
certified under division (B)(12) or (D)(2)(i) of section 3317.03 29368  
of the Revised Code. 29369

(3) "Category three career-technical education ADM" means the 29370  
enrollment of students during the school year on a full-time 29371  
equivalency basis in career-technical education programs described 29372  
in division (C) of section 3317.014 of the Revised Code and 29373

certified under division (B)(13) or (D)(2)(j) of section 3317.03 29374  
of the Revised Code. 29375

(4) "Category four career-technical education ADM" means the 29376  
enrollment of students during the school year on a full-time 29377  
equivalency basis in career-technical education programs described 29378  
in division (D) of section 3317.014 of the Revised Code and 29379  
certified under division (B)(14) or (D)(2)(k) of section 3317.03 29380  
of the Revised Code. 29381

(5) "Category five career-technical education ADM" means the 29382  
enrollment of students during the school year on a full-time 29383  
equivalency basis in career-technical education programs described 29384  
in division (E) of section 3317.014 of the Revised Code and 29385  
certified under division (B)(15) or (D)(2)(l) of section 3317.03 29386  
of the Revised Code. 29387

(B)(1) "Category one ~~limited~~ English ~~proficient~~ learner ADM" 29388  
means the full-time equivalent number of ~~limited~~ English 29389  
~~proficient students~~ learners described in division (A) of section 29390  
3317.016 of the Revised Code and certified under division (B)(16) 29391  
or (D)(2)(m) of section 3317.03 of the Revised Code. 29392

(2) "Category two ~~limited~~ English ~~proficient~~ learner ADM" 29393  
means the full-time equivalent number of ~~limited~~ English 29394  
~~proficient students~~ learners described in division (B) of section 29395  
3317.016 of the Revised Code and certified under division (B)(17) 29396  
or (D)(2)(n) of section 3317.03 of the Revised Code. 29397

(3) "Category three ~~limited~~ English ~~proficient~~ learner ADM" 29398  
means the full-time equivalent number of ~~limited~~ English 29399  
~~proficient students~~ learners described in division (C) of section 29400  
3317.016 of the Revised Code and certified under division (B)(18) 29401  
or (D)(2)(o) of section 3317.03 of the Revised Code. 29402

(C)(1) "Category one special education ADM" means the 29403  
full-time equivalent number of children with disabilities 29404

receiving special education services for the disability specified 29405  
in division (A) of section 3317.013 of the Revised Code and 29406  
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 29407  
the Revised Code. 29408

(2) "Category two special education ADM" means the full-time 29409  
equivalent number of children with disabilities receiving special 29410  
education services for those disabilities specified in division 29411  
(B) of section 3317.013 of the Revised Code and certified under 29412  
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 29413  
Code. 29414

(3) "Category three special education ADM" means the 29415  
full-time equivalent number of students receiving special 29416  
education services for those disabilities specified in division 29417  
(C) of section 3317.013 of the Revised Code, and certified under 29418  
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 29419  
Code. 29420

(4) "Category four special education ADM" means the full-time 29421  
equivalent number of students receiving special education services 29422  
for those disabilities specified in division (D) of section 29423  
3317.013 of the Revised Code and certified under division (B)(8) 29424  
or (D)(2)(e) of section 3317.03 of the Revised Code. 29425

(5) "Category five special education ADM" means the full-time 29426  
equivalent number of students receiving special education services 29427  
for the disabilities specified in division (E) of section 3317.013 29428  
of the Revised Code and certified under division (B)(9) or 29429  
(D)(2)(f) of section 3317.03 of the Revised Code. 29430

(6) "Category six special education ADM" means the full-time 29431  
equivalent number of students receiving special education services 29432  
for the disabilities specified in division (F) of section 3317.013 29433  
of the Revised Code and certified under division (B)(10) or 29434  
(D)(2)(g) of section 3317.03 of the Revised Code. 29435

(D) "Economically disadvantaged index for a school district" 29436  
means the square of the quotient of that district's percentage of 29437  
students in its total ADM who are identified as economically 29438  
disadvantaged as defined by the department of education, divided 29439  
by the percentage of students in the statewide total ADM 29440  
identified as economically disadvantaged. For purposes of this 29441  
calculation: 29442

(1) For a city, local, or exempted village school district, 29443  
the "statewide total ADM" equals the sum of the total ADM for all 29444  
city, local, and exempted village school districts combined. 29445

(2) For a joint vocational school district, the "statewide 29446  
total ADM" equals the sum of the formula ADM for all joint 29447  
vocational school districts combined. 29448

(E)(1) "Formula ADM" means, for a city, local, or exempted 29449  
village school district, the enrollment reported under division 29450  
(A) of section 3317.03 of the Revised Code, as verified by the 29451  
superintendent of public instruction and adjusted if so ordered 29452  
under division (K) of that section, and as further adjusted by the 29453  
department of education, as follows: 29454

(a) Count only twenty per cent of the number of joint 29455  
vocational school district students counted under division (A)(3) 29456  
of section 3317.03 of the Revised Code; 29457

(b) Add twenty per cent of the number of students who are 29458  
entitled to attend school in the district under section 3313.64 or 29459  
3313.65 of the Revised Code and are enrolled in another school 29460  
district under a career-technical education compact. 29461

(2) "Formula ADM" means, for a joint vocational school 29462  
district, the final number verified by the superintendent of 29463  
public instruction, based on the enrollment reported and certified 29464  
under division (D) of section 3317.03 of the Revised Code, as 29465  
adjusted, if so ordered, under division (K) of that section. 29466

(F) "Formula amount" means \$6,010, for fiscal year 2018, and 29467  
\$6,020, for fiscal year 2019. 29468

(G) "FTE basis" means a count of students based on full-time 29469  
equivalency, in accordance with rules adopted by the department of 29470  
education pursuant to section 3317.03 of the Revised Code. In 29471  
adopting its rules under this division, the department shall 29472  
provide for counting any student in category one, two, three, 29473  
four, five, or six special education ADM or in category one, two, 29474  
three, four, or five career-technical education ADM in the same 29475  
proportion the student is counted in formula ADM. 29476

(H) "Internet- or computer-based community school" has the 29477  
same meaning as in section 3314.02 of the Revised Code. 29478

(I) "Medically fragile child" means a child to whom all of 29479  
the following apply: 29480

(1) The child requires the services of a doctor of medicine 29481  
or osteopathic medicine at least once a week due to the 29482  
instability of the child's medical condition. 29483

(2) The child requires the services of a registered nurse on 29484  
a daily basis. 29485

(3) The child is at risk of institutionalization in a 29486  
hospital, skilled nursing facility, or intermediate care facility 29487  
for individuals with intellectual disabilities. 29488

(J)(1) A child may be identified as having an "other health 29489  
impairment-major" if the child's condition meets the definition of 29490  
"other health impaired" established in rules previously adopted by 29491  
the state board of education and if either of the following apply: 29492

(a) The child is identified as having a medical condition 29493  
that is among those listed by the superintendent of public 29494  
instruction as conditions where a substantial majority of cases 29495  
fall within the definition of "medically fragile child." 29496

(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division (J)(1)(a) or (b) of this section.

(K) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(L) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.

(M) "Related services" includes:

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (B)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;	29528 29529 29530
(4) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;	29531 29532
(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.	29533 29534 29535
(N) "School district," unless otherwise specified, means city, local, and exempted village school districts.	29536 29537
(O) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	29538 29539
(P) "State share index" means the state share index calculated for a district under section 3317.017 of the Revised Code.	29540 29541 29542
(Q) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	29543 29544 29545 29546
(R)(1) For purposes of section 3317.017 of the Revised Code, "three-year average valuation" means the average of total taxable value for tax years 2014, 2015, and 2016.	29547 29548 29549
(2) For purposes of sections 3317.0217, 3317.0218, and 3317.16 of the Revised Code, "three-year average valuation" means the following:	29550 29551 29552
(a) For fiscal year 2018, the average of total taxable value for tax years 2014, 2015, and 2016;	29553 29554
(b) For fiscal year 2019, the average of total taxable value for tax years 2015, 2016, and 2017.	29555 29556
(S) "Total ADM" means, for a city, local, or exempted village	29557

school district, the enrollment reported under division (A) of 29558  
section 3317.03 of the Revised Code, as verified by the 29559  
superintendent of public instruction and adjusted if so ordered 29560  
under division (K) of that section. 29561

(T) "Total special education ADM" means the sum of categories 29562  
one through six special education ADM. 29563

(U) "Total taxable value" means the sum of the amounts 29564  
certified for a city, local, exempted village, or joint vocational 29565  
school district under divisions (A)(1) and (2) of section 3317.021 29566  
of the Revised Code. 29567

**Sec. 3317.022.** (A) The department of education shall compute 29568  
and distribute state core foundation funding to each eligible 29569  
school district for the fiscal year, using the information 29570  
obtained under section 3317.021 of the Revised Code in the 29571  
calendar year in which the fiscal year begins, as prescribed in 29572  
the following divisions: 29573

(1) An opportunity grant calculated according to the 29574  
following formula: 29575

The formula amount  $X$  (formula ADM + preschool scholarship 29576  
ADM)  $X$  the district's state share index 29577

(2) Targeted assistance funds calculated under divisions (A) 29578  
and (B) of section 3317.0217 of the Revised Code; 29579

(3) Additional state aid for special education and related 29580  
services provided under Chapter 3323. of the Revised Code 29581  
calculated as the sum of the following: 29582

(a) The district's category one special education ADM  $X$  the 29583  
amount specified in division (A) of section 3317.013 of the 29584  
Revised Code  $X$  the district's state share index; 29585

(b) The district's category two special education ADM  $X$  the 29586  
amount specified in division (B) of section 3317.013 of the 29587

Revised Code X the district's state share index;	29588
(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share index;	29589 29590 29591
(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share index;	29592 29593 29594
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index;	29595 29596 29597
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index.	29598 29599 29600
(4) Kindergarten through third grade literacy funds calculated according to the following formula:	29601 29602
(\$193 X formula ADM for grades kindergarten through three X the district's state share index) + (\$127 X formula ADM for grades kindergarten through three)	29603 29604 29605
For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an internet- or computer-based community school who are in grades kindergarten through three.	29606 29607 29608 29609 29610 29611
(5) Economically disadvantaged funds calculated according to the following formula:	29612 29613
\$272 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B)(21) of section 3317.03 of the Revised Code	29614 29615 29616 29617

(6) <del>Limited</del> English <del>proficiency</del> <u>learner</u> funds calculated as	29618
the sum of the following:	29619
(a) The district's category one <del>limited</del> English <del>proficient</del>	29620
<u>learner</u> ADM X the amount specified in division (A) of section	29621
3317.016 of the Revised Code X the district's state share index;	29622
(b) The district's category two <del>limited</del> English <del>proficient</del>	29623
<u>learner</u> ADM X the amount specified in division (B) of section	29624
3317.016 of the Revised Code X the district's state share index;	29625
(c) The district's category three <del>limited</del> English <del>proficient</del>	29626
<u>learner</u> ADM X the amount specified in division (C) of section	29627
3317.016 of the Revised Code X the district's state share index.	29628
(7)(a) Gifted identification funds calculated according to	29629
the following formula:	29630
\$5.05 X the district's formula ADM	29631
(b) Gifted unit funding calculated under section 3317.051 of	29632
the Revised Code.	29633
(8) Career-technical education funds calculated as the sum of	29634
the following:	29635
(a) The district's category one career-technical education	29636
ADM X the amount specified in division (A) of section 3317.014 of	29637
the Revised Code X the district's state share index;	29638
(b) The district's category two career-technical education	29639
ADM X the amount specified in division (B) of section 3317.014 of	29640
the Revised Code X the district's state share index;	29641
(c) The district's category three career-technical education	29642
ADM X the amount specified in division (C) of section 3317.014 of	29643
the Revised Code X the district's state share index;	29644
(d) The district's category four career-technical education	29645
ADM X the amount specified in division (D) of section 3317.014 of	29646
the Revised Code X the district's state share index;	29647

(e) The district's category five career-technical education 29648  
ADM X the amount specified in division (E) of section 3317.014 of 29649  
the Revised Code X the district's state share index. 29650

Payment of funds under division (A)(8) of this section is 29651  
subject to approval under section 3317.161 of the Revised Code. 29652

(9) Career-technical education associated services funds 29653  
calculated according to the following formula: 29654  
The district's state share index X the amount for career-technical 29655  
education associated services specified in section 3317.014 of the 29656  
Revised Code X the sum of categories one through five 29657  
career-technical education ADM 29658

(10) Capacity aid funds calculated under section 3317.0218 of 29659  
the Revised Code; 29660

(11) A graduation bonus calculated under section 3317.0215 of 29661  
the Revised Code; 29662

(12) A third-grade reading bonus calculated under section 29663  
3317.0216 of the Revised Code. 29664

(B) In any fiscal year, a school district shall spend for 29665  
purposes that the department designates as approved for special 29666  
education and related services expenses at least the amount 29667  
calculated as follows: 29668

(The formula amount X the total special education ADM) + (the 29669  
district's category one special education ADM X the amount 29670  
specified in division (A) of section 3317.013 of the Revised Code) 29671  
+ (the district's category two special education ADM X the amount 29672  
specified in division (B) of section 3317.013 of the Revised Code) 29673  
+ (the district's category three special education ADM X the 29674  
amount specified in division (C) of section 3317.013 of the 29675  
Revised Code) + (the district's category four special education 29676  
ADM X the amount specified in division (D) of section 3317.013 of 29677  
the Revised Code) + (the district's category five special 29678

education ADM X the amount specified in division (E) of section 29679  
3317.013 of the Revised Code) + (the district's category six 29680  
special education ADM X the amount specified in division (F) of 29681  
section 3317.013 of the Revised Code) 29682

The purposes approved by the department for special education 29683  
expenses shall include, but shall not be limited to, 29684  
identification of children with disabilities, compliance with 29685  
state rules governing the education of children with disabilities 29686  
and prescribing the continuum of program options for children with 29687  
disabilities, provision of speech language pathology services, and 29688  
the portion of the school district's overall administrative and 29689  
overhead costs that are attributable to the district's special 29690  
education student population. 29691

The scholarships deducted from the school district's account 29692  
under sections 3310.41 and 3310.55 of the Revised Code shall be 29693  
considered to be an approved special education and related 29694  
services expense for the purpose of the school district's 29695  
compliance with this division. 29696

(C) In any fiscal year, a school district receiving funds 29697  
under division (A)(8) of this section shall spend those funds only 29698  
for the purposes that the department designates as approved for 29699  
career-technical education expenses. Career-technical education 29700  
expenses approved by the department shall include only expenses 29701  
connected to the delivery of career-technical programming to 29702  
career-technical students. The department shall require the school 29703  
district to report data annually so that the department may 29704  
monitor the district's compliance with the requirements regarding 29705  
the manner in which funding received under division (A)(8) of this 29706  
section may be spent. 29707

(D) In any fiscal year, a school district receiving funds 29708  
under division (A)(9) of this section, or through a transfer of 29709  
funds pursuant to division (I) of section 3317.023 of the Revised 29710

Code, shall spend those funds only for the purposes that the department designates as approved for career-technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department may deny payment under division (A)(9) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.

(E) All funds received under division (A)(8) of this section shall be spent in the following manner:

(1) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(2) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(F) A school district shall spend the funds it receives under division (A)(5) of this section in accordance with section 3317.25 of the Revised Code.

**Sec. 3317.023.** (A) The amounts required to be paid to a district under this chapter shall be adjusted by the amount of the computations made under divisions (B) to (K) of this section.

As used in this section: 29742

(1) "Career-technical planning district" or "CTPD" means a 29743  
school district or group of school districts designated by the 29744  
department of education as being responsible for the planning for 29745  
and provision of career-technical education services to students 29746  
within the district or group. A community school established under 29747  
Chapter 3314. of the Revised Code or a STEM school established 29748  
under Chapter 3326. of the Revised Code that is serving students 29749  
in any of grades seven through twelve shall be assigned to a 29750  
career-technical planning district by the department. 29751

(2) "Lead district" means a school district, including a 29752  
joint vocational school district, designated by the department as 29753  
a CTPD, or designated to provide primary career-technical 29754  
education leadership within a CTPD composed of a group of 29755  
districts, community schools assigned to the CTPD, and STEM 29756  
schools assigned to the CTPD. 29757

(B) If a local, city, or exempted village school district to 29758  
which a governing board of an educational service center provides 29759  
services pursuant to an agreement entered into under section 29760  
3313.843 of the Revised Code, deduct the amount of the payment 29761  
required for the reimbursement of the governing board under that 29762  
section. 29763

(C)(1) If the district is required to pay to or entitled to 29764  
receive tuition from another school district under division (C)(2) 29765  
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 29766  
or if the superintendent of public instruction is required to 29767  
determine the correct amount of tuition and make a deduction or 29768  
credit under section 3317.08 of the Revised Code, deduct and 29769  
credit such amounts as provided in division (J) of section 3313.64 29770  
or section 3317.08 of the Revised Code. 29771

(2) For each child for whom the district is responsible for 29772

tuition or payment under division (A)(1) of section 3317.082 or 29773  
section 3323.091 of the Revised Code, deduct the amount of tuition 29774  
or payment for which the district is responsible. 29775

(D) If the district has been certified by the superintendent 29776  
of public instruction under section 3313.90 of the Revised Code as 29777  
not in compliance with the requirements of that section, deduct an 29778  
amount equal to ten per cent of the amount computed for the 29779  
district under this chapter. 29780

(E) If the district has received a loan from a commercial 29781  
lending institution for which payments are made by the 29782  
superintendent of public instruction pursuant to division (E)(3) 29783  
of section 3313.483 of the Revised Code, deduct an amount equal to 29784  
such payments. 29785

(F)(1) If the district is a party to an agreement entered 29786  
into under division (D), (E), or (F) of section 3311.06 or 29787  
division (B) of section 3311.24 of the Revised Code and is 29788  
obligated to make payments to another district under such an 29789  
agreement, deduct an amount equal to such payments if the district 29790  
school board notifies the department in writing that it wishes to 29791  
have such payments deducted. 29792

(2) If the district is entitled to receive payments from 29793  
another district that has notified the department to deduct such 29794  
payments under division (F)(1) of this section, add the amount of 29795  
such payments. 29796

(G) If the district is required to pay an amount of funds to 29797  
a cooperative education district pursuant to a provision described 29798  
by division (B)(4) of section 3311.52 or division (B)(8) of 29799  
section 3311.521 of the Revised Code, deduct such amounts as 29800  
provided under that provision and credit those amounts to the 29801  
cooperative education district for payment to the district under 29802  
division (B)(1) of section 3317.19 of the Revised Code. 29803

(H)(1) If a district is educating a student entitled to attend school in another district pursuant to a shared education contract, compact, or cooperative education agreement other than an agreement entered into pursuant to section 3313.842 of the Revised Code, credit to that educating district on an FTE basis both of the following:

(a) An amount equal to the formula amount.

(b) Any amount applicable to the student pursuant to section 3317.013 or 3317.014 of the Revised Code.

(2) Deduct any amount credited pursuant to division (H)(1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) If the district is required by a shared education contract, compact, or cooperative education agreement to make payments to an educational service center, deduct the amounts from payments to the district and add them to the amounts paid to the service center ~~pursuant to section 3317.11 of the Revised Code.~~

(I)(1) If a district, including a joint vocational school district, is a lead district of a CTPD, credit to that district the amount calculated for each school district within that CTPD under division (A)(9) of section 3317.022 of the Revised Code or division (A)(6) of section 3317.16 of the Revised Code, as applicable.

(2) Deduct from each appropriate district that is not a lead district, the amount attributable to that district that is credited to a lead district under division (I)(1) of this section.

(J) If the department pays a joint vocational school district under division (C)(3) of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a student with a disability, as calculated under division

(C)(1) of that section, the department shall deduct the amount of 29835  
that payment from the city, local, or exempted village school 29836  
district that is responsible as specified in that section for the 29837  
excess costs. 29838

(K)(1) If the district reports an amount of excess cost for 29839  
special education services for a child under division (C) of 29840  
section 3323.14 of the Revised Code, the department shall pay that 29841  
amount to the district. 29842

(2) If the district reports an amount of excess cost for 29843  
special education services for a child under division (C) of 29844  
section 3323.14 of the Revised Code, the department shall deduct 29845  
that amount from the district of residence of that child. 29846

**Sec. 3317.028.** (A) On or before May 15, 2007, and the 29847  
fifteenth day of May in each calendar year thereafter, the tax 29848  
commissioner shall determine for each school district whether the 29849  
taxable value of all utility tangible personal property subject to 29850  
taxation by the district in the preceding tax year was less ~~or~~ 29851  
~~greater~~ than the taxable value of such property during the second 29852  
preceding tax year. If any decrease exceeds ten per cent of the 29853  
district's tangible personal property taxable value included in 29854  
the total taxable value used in the district's state aid 29855  
computation for the fiscal year that ends in the current calendar 29856  
year, ~~or if any increase exceeds ten per cent of the district's~~ 29857  
~~total taxable value used in the district's state education aid~~ 29858  
~~computation for the fiscal year that ends in the current calendar~~ 29859  
~~year,~~ the tax commissioner shall certify all of the following to 29860  
the department of education and the office of budget and 29861  
management: 29862

(1) The district's total taxable value for the preceding tax 29863  
year; 29864

(2) The ~~decrease or increase~~ change in taxes charged and 29865

payable on the district's total taxable value for the preceding 29866  
tax year and the second preceding tax year; 29867

(3) The taxable value of the utility tangible personal 29868  
property ~~increase or~~ decrease, which shall be considered a change 29869  
in valuation; 29870

(4) The ~~decrease or increase~~ change in taxes charged and 29871  
payable on such change in taxable value calculated in the same 29872  
manner as in division (A)(3) of section 3317.021 of the Revised 29873  
Code. 29874

(B)~~(1)~~ Upon receipt of a certification specified in this 29875  
section, the department of education shall replace the three-year 29876  
average valuations that were used in computing the district's 29877  
state education aid for the fiscal year that ends in the current 29878  
calendar year with the taxable value certified under division 29879  
(A)(1) of this section and shall recompute the state education aid 29880  
for such fiscal year without applying any funding limitations 29881  
enacted by the general assembly to the computation. ~~Subject to~~ 29882  
~~division (B)(2) of this section, the~~ The department shall pay to 29883  
~~or deduct from~~ the district an amount equal to the lesser of the 29884  
following: 29885

~~(a)~~(1) The positive difference between the district's state 29886  
education aid prior to the recomputation under this section and 29887  
the district's recomputed state education aid; 29888

~~(b)~~(2) The ~~increase or decrease~~ absolute value of the amount 29889  
certified under division (A)(2) of this section. 29890

The payment date shall be determined by the director of 29891  
budget and management. The director shall select a payment date 29892  
that is not earlier than the first day of June of the current 29893  
fiscal year and not later than the thirty-first day of July of the 29894  
following fiscal year. The department of education shall not pay 29895  
the district under this section prior to approval by the director 29896

of budget and management to make that payment. 29897

~~(2)(a) If an increase in the taxable value of the utility 29898  
tangible personal property is certified for a district under 29899  
division (A)(2) of this section, the department shall not make a 29900  
payment to the district under division (B)(1) of this section. The 29901  
department may, however, deduct funds from the district under 29902  
division (B)(1) of this section. 29903~~

~~(b) If a decrease in the taxable value of the utility 29904  
tangible personal property is certified for a district under 29905  
division (A)(2) of this section, the department shall not deduct 29906  
funds from the district under division (B)(1) of this section. The 29907  
department may, however, make a payment to the district under 29908  
division (B)(1) of this section. 29909~~

(C) If a school district received a grant from the 29910  
catastrophic expenditures account pursuant to division (C) of 29911  
section 3316.20 of the Revised Code on the basis of the same 29912  
circumstances for which a recomputation is made under this 29913  
section, the amount of the recomputation shall be reduced and 29914  
transferred in accordance with division (C) of section 3316.20 of 29915  
the Revised Code. 29916

**Sec. 3317.0219.** (A) As used in this section: 29917

(1) A district's "base per pupil amount" means the following: 29918

(a) For a district in the highest quintile determined under 29919  
division (B)(2) of this section, \$250, for fiscal year 2020, and 29920  
\$360, for fiscal year 2021. 29921

(b) For a district in the second highest quintile determined 29922  
under division (B)(2) of this section, \$200, for fiscal year 2020, 29923  
and \$290, for fiscal year 2021. 29924

(c) For a district in the third highest quintile determined 29925  
under division (B)(2) of this section, \$110, for fiscal year 2020, 29926

and \$155, for fiscal year 2021. 29927

(d) For a district in the fourth highest quintile determined under division (B)(2) of this section, \$50, for fiscal year 2020, and \$70, for fiscal year 2021. 29928  
29929  
29930

(e) For a district in the fifth highest quintile determined under division (B)(2) of this section, \$20, for fiscal year 2020, and \$30, for fiscal year 2021. 29931  
29932  
29933

(2) "Base poverty percentage" for a quintile determined under division (B)(2) of this section means the poverty percentage of the district ranked lowest in that quintile. 29934  
29935  
29936

(3) "Enrolled ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows: 29937  
29938  
29939  
29940  
29941  
29942

(a) Add the students counted under division (A)(1)(b) of section 3317.03 of the Revised Code. 29943  
29944

(b) Subtract the students counted under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised Code. 29945  
29946  
29947

(c) Subtract the students counted under division (A)(3) of section 3317.03 of the Revised Code. 29948  
29949

(B) Subject to division (D) of this section, for fiscal years 2020 and 2021, the department of education shall calculate and pay student wellness and success funds to city, local, and exempted village school districts as follows: 29950  
29951  
29952  
29953

(1) Using the most recent five-year estimates published by the United States census bureau in the American community survey or its successor report, compute the poverty percentage for each 29954  
29955  
29956

district, which equals the following quotient: 29957

The number of children younger than eighteen years old residing in 29958  
the district who live in a household with a family income below 29959  
one hundred eighty-five per cent of the federal poverty 29960  
guidelines, as defined in section 5101.46 of the Revised Code / 29961  
the total number of children younger than eighteen years old 29962  
residing in the district 29963

(2) Rank all city, local, and exempted village school 29964  
districts in order of poverty percentage calculated under division 29965  
(B)(1) of this section, from the district with the highest 29966  
percentage to the district with the lowest percentage, and group 29967  
the districts into quintiles. 29968

(3) Determine each district's enrolled ADM that was used for 29969  
the second payment under Chapter 3317. of the Revised Code in June 29970  
of the immediately preceding fiscal year. If a district's enrolled 29971  
ADM that was used for the second payment under Chapter 3317. of 29972  
the Revised Code in June of the immediately preceding fiscal year 29973  
is determined to be less than five, the district's enrolled ADM, 29974  
for purposes of computations under this section, shall be zero. 29975

(4) For each district that is not in the highest quintile 29976  
determined under division (B)(2) of this section, compute the 29977  
district's scaled amount, which is equal to the following 29978  
quotient: 29979

[(The district's poverty percentage computed under division (B)(1) 29980  
of this section - the base poverty percentage of the district's 29981  
quintile) / (the base poverty percentage of the quintile that is 29982  
the next highest quintile compared to the district's quintile - 29983  
the base poverty percentage of the district's quintile)] X (the 29984  
base per pupil amount for a district in the quintile that is the 29985  
next highest quintile compared to the district's quintile - the 29986  
district's base per pupil amount) 29987

(5) Compute a district's payment as follows: 29988

(a) Subject to division (B)(5)(c) of this section, if a district is in the highest quintile determined under division (B)(2) of this section, the district's payment shall be equal to the following amount: 29989  
29990  
29991  
29992

The district's base per pupil amount for that fiscal year X the district's enrolled ADM determined under division (B)(3) of this section 29993  
29994  
29995

(b) Subject to division (B)(5)(c) of this section, if a district is not in the highest quintile determined under division (B)(2) of this section, the district's payment shall be equal to the following amount: 29996  
29997  
29998  
29999

(The district's base per pupil amount for that fiscal year + the district's scaled amount computed under division (B)(4) of this section for that fiscal year) X the district's enrolled ADM determined under division (B)(3) of this section 30000  
30001  
30002  
30003

(c) If the computation of a district's payment under division (B)(5)(a) or (b) of this section is greater than zero but less than \$25,000, for fiscal year 2020, or \$36,000, for fiscal year 2021, the district's payment shall be equal to \$25,000, for fiscal year 2020, or \$36,000, for fiscal year 2021. 30004  
30005  
30006  
30007  
30008

If the computation of a district's payment under division (B)(5)(a) or (b) of this section is equal to zero, the district's payment shall be equal to zero. 30009  
30010  
30011

(C)(1) As used in division (C) of this section: 30012

(a) "Eligible school district" means a city, local, or exempted village school district that received supplemental targeted assistance funding under division (B) of section 3317.0217 of the Revised Code for fiscal year 2019. 30013  
30014  
30015  
30016

(b) A district's "enhancement percentage for a fiscal year" means the square of the quotient of the poverty percentage calculated for the district for that fiscal year under division 30017  
30018  
30019

(B)(1) of this section divided by 0.36. 30020

(2) Subject to division (D) of this section, for fiscal years 30021  
2020 and 2021, the department shall pay student wellness and 30022  
success enhancement funds to each eligible city, local, and 30023  
exempted village school district in an amount equal to the 30024  
following product: 30025

(\$50, for fiscal year 2020, or \$75, for fiscal year 2021) X the 30026  
district's enhancement percentage for that fiscal year X the 30027  
district's enrolled ADM that was used for the second payment under 30028  
Chapter 3317. of the Revised Code in June of the immediately 30029  
preceding fiscal year 30030

(D) The department shall pay funds under divisions (B) and 30031  
(C) of this section as follows: 30032

(1) One-half of the amount shall be paid not later than the 30033  
thirty-first day of October of the fiscal year for which the 30034  
payment is calculated. 30035

(2) One-half of the amount shall be paid not later than the 30036  
twenty-eighth day of February of the fiscal year for which the 30037  
payment is calculated. 30038

Upon making a payment for a fiscal year under this section, 30039  
the department shall not make any reconciliations or adjustments 30040  
to that payment. 30041

(E) A city, local, or exempted village school district that 30042  
receives a payment under this section shall comply with section 30043  
3317.26 of the Revised Code. 30044

**Sec. 3317.03.** (A) The superintendent of each city, local, and 30045  
exempted village school district shall report to the state board 30046  
of education as of the last day of October, March, and June of 30047  
each year the enrollment of students receiving services from 30048  
schools under the superintendent's supervision, and the numbers of 30049

other students entitled to attend school in the district under 30050  
section 3313.64 or 3313.65 of the Revised Code the superintendent 30051  
is required to report under this section, so that the department 30052  
of education can calculate the district's formula ADM, total ADM, 30053  
category one through five career-technical education ADM, category 30054  
one through three ~~limited~~ English ~~proficient~~ learner ADM, category 30055  
one through six special education ADM, preschool scholarship ADM, 30056  
transportation ADM, and, for purposes of provisions of law outside 30057  
of Chapter 3317. of the Revised Code, average daily membership. 30058

(1) The enrollment reported by the superintendent during the 30059  
reporting period shall consist of the number of students in grades 30060  
kindergarten through twelve receiving any educational services 30061  
from the district, except that the following categories of 30062  
students shall not be included in the determination: 30063

(a) Students enrolled in adult education classes; 30064

(b) Adjacent or other district students enrolled in the 30065  
district under an open enrollment policy pursuant to section 30066  
3313.98 of the Revised Code; 30067

(c) Students receiving services in the district pursuant to a 30068  
compact, cooperative education agreement, or a contract, but who 30069  
are entitled to attend school in another district pursuant to 30070  
section 3313.64 or 3313.65 of the Revised Code; 30071

(d) Students for whom tuition is payable pursuant to sections 30072  
3317.081 and 3323.141 of the Revised Code; 30073

(e) Students receiving services in the district through a 30074  
scholarship awarded under either section 3310.41 or sections 30075  
3310.51 to 3310.64 of the Revised Code. 30076

When reporting students under division (A)(1) of this 30077  
section, the superintendent also shall report the district where 30078  
each student is entitled to attend school pursuant to sections 30079

3313.64 and 3313.65 of the Revised Code. 30080

(2) The department of education shall compile a list of all 30081  
students reported to be enrolled in a district under division 30082  
(A)(1) of this section and of the students entitled to attend 30083  
school in the district pursuant to section 3313.64 or 3313.65 of 30084  
the Revised Code on an FTE basis but receiving educational 30085  
services in grades kindergarten through twelve from one or more of 30086  
the following entities: 30087

(a) A community school pursuant to Chapter 3314. of the 30088  
Revised Code, including any participation in a college pursuant to 30089  
Chapter 3365. of the Revised Code while enrolled in such community 30090  
school; 30091

(b) An alternative school pursuant to sections 3313.974 to 30092  
3313.979 of the Revised Code as described in division (I)(2)(a) or 30093  
(b) of this section; 30094

(c) A college pursuant to Chapter 3365. of the Revised Code, 30095  
except when the student is enrolled in the college while also 30096  
enrolled in a community school pursuant to Chapter 3314., a 30097  
science, technology, engineering, and mathematics school 30098  
established under Chapter 3326., or a college-preparatory boarding 30099  
school established under Chapter 3328. of the Revised Code; 30100

(d) An adjacent or other school district under an open 30101  
enrollment policy adopted pursuant to section 3313.98 of the 30102  
Revised Code; 30103

(e) An educational service center or cooperative education 30104  
district; 30105

(f) Another school district under a cooperative education 30106  
agreement, compact, or contract; 30107

(g) A chartered nonpublic school with a scholarship paid 30108  
under section 3310.08 of the Revised Code, if the students 30109

qualified for the scholarship under section 3310.03 of the Revised Code; 30110  
30111

(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code. 30112  
30113  
30114

As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable. 30115  
30116  
30117

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school; 30118  
30119  
30120  
30121

(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school. 30122  
30123  
30124  
30125

(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a career-technical education compact. 30126  
30127  
30128  
30129  
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30131  
30132  
30133  
30134

The department shall provide each city, local, and exempted village school district with an opportunity to review the list of students compiled under divisions (A)(2) and (3) of this section to ensure that the students reported accurately reflect the enrollment of students in the district. 30135  
30136  
30137  
30138  
30139

(B) To enable the department of education to obtain the data 30140

needed to complete the calculation of payments pursuant to this 30141  
chapter, each superintendent shall certify from the reports 30142  
provided by the department under division (A) of this section all 30143  
of the following: 30144

(1) The total student enrollment in regular learning day 30145  
classes included in the report under division (A)(1) or (2) of 30146  
this section for each of the individual grades kindergarten 30147  
through twelve in schools under the superintendent's supervision; 30148

(2) The unduplicated count of the number of preschool 30149  
children with disabilities enrolled in the district for whom the 30150  
district is eligible to receive funding under section 3317.0213 of 30151  
the Revised Code adjusted for the portion of the year each child 30152  
is so enrolled, in accordance with the disability categories 30153  
prescribed in section 3317.013 of the Revised Code; 30154

(3) The number of children entitled to attend school in the 30155  
district pursuant to section 3313.64 or 3313.65 of the Revised 30156  
Code who are: 30157

(a) Participating in a pilot project scholarship program 30158  
established under sections 3313.974 to 3313.979 of the Revised 30159  
Code as described in division (I)(2)(a) or (b) of this section; 30160

(b) Enrolled in a college under Chapter 3365. of the Revised 30161  
Code, except when the student is enrolled in the college while 30162  
also enrolled in a community school pursuant to Chapter 3314. of 30163  
the Revised Code, a science, technology, engineering, and 30164  
mathematics school established under Chapter 3326., or a 30165  
college-preparatory boarding school established under Chapter 30166  
3328. of the Revised Code; 30167

(c) Enrolled in an adjacent or other school district under 30168  
section 3313.98 of the Revised Code; 30169

(d) Enrolled in a community school established under Chapter 30170  
3314. of the Revised Code that is not an internet- or 30171

computer-based community school as defined in section 3314.02 of 30172  
the Revised Code, including any participation in a college 30173  
pursuant to Chapter 3365. of the Revised Code while enrolled in 30174  
such community school; 30175

(e) Enrolled in an internet- or computer-based community 30176  
school, as defined in section 3314.02 of the Revised Code, 30177  
including any participation in a college pursuant to Chapter 3365. 30178  
of the Revised Code while enrolled in the school; 30179

(f) Enrolled in a chartered nonpublic school with a 30180  
scholarship paid under section 3310.08 of the Revised Code and who 30181  
qualified for the scholarship under section 3310.03 of the Revised 30182  
Code; 30183

(g) Enrolled in kindergarten through grade twelve in an 30184  
alternative public provider or a registered private provider with 30185  
a scholarship awarded under section 3310.41 of the Revised Code; 30186

(h) Enrolled as a preschool child with a disability in an 30187  
alternative public provider or a registered private provider with 30188  
a scholarship awarded under section 3310.41 of the Revised Code; 30189

(i) Participating in a program operated by a county board of 30190  
developmental disabilities or a state institution; 30191

(j) Enrolled in a science, technology, engineering, and 30192  
mathematics school established under Chapter 3326. of the Revised 30193  
Code, including any participation in a college pursuant to Chapter 30194  
3365. of the Revised Code while enrolled in the school; 30195

(k) Enrolled in a college-preparatory boarding school 30196  
established under Chapter 3328. of the Revised Code, including any 30197  
participation in a college pursuant to Chapter 3365. of the 30198  
Revised Code while enrolled in the school; 30199

(l) Enrolled in an alternative public provider or a 30200  
registered private provider with a scholarship awarded under 30201

sections 3310.51 to 3310.64 of the Revised Code.	30202
(4) The total enrollment of pupils in joint vocational schools;	30203 30204
(5) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	30205 30206 30207 30208 30209 30210 30211 30212
(6) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	30213 30214 30215 30216 30217 30218 30219 30220
(7) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	30221 30222 30223 30224 30225 30226 30227 30228
(8) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code,	30229 30230 30231 30232

including children attending a special education program operated 30233  
by an alternative public provider or a registered private provider 30234  
with a scholarship awarded under sections 3310.51 to 3310.64 of 30235  
the Revised Code; 30236

(9) The combined enrollment of children with disabilities 30237  
reported under division (A)(1) or (2) of this section receiving 30238  
special education services for the category five disabilities 30239  
described in division (E) of section 3317.013 of the Revised Code, 30240  
including children attending a special education program operated 30241  
by an alternative public provider or a registered private provider 30242  
with a scholarship awarded under sections 3310.51 to 3310.64 of 30243  
the Revised Code; 30244

(10) The combined enrollment of children with disabilities 30245  
reported under division (A)(1) or (2) and under division (B)(3)(h) 30246  
of this section receiving special education services for category 30247  
six disabilities described in division (F) of section 3317.013 of 30248  
the Revised Code, including children attending a special education 30249  
program operated by an alternative public provider or a registered 30250  
private provider with a scholarship awarded under either section 30251  
3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 30252

(11) The enrollment of pupils reported under division (A)(1) 30253  
or (2) of this section on a full-time equivalency basis in 30254  
category one career-technical education programs or classes, 30255  
described in division (A) of section 3317.014 of the Revised Code, 30256  
operated by the school district or by another district that is a 30257  
member of the district's career-technical planning district, other 30258  
than a joint vocational school district, or by an educational 30259  
service center, notwithstanding division (G) of section 3317.02 of 30260  
the Revised Code and division (C)(3) of this section; 30261

(12) The enrollment of pupils reported under division (A)(1) 30262  
or (2) of this section on a full-time equivalency basis in 30263  
category two career-technical education programs or services, 30264

described in division (B) of section 3317.014 of the Revised Code, 30265  
operated by the school district or another school district that is 30266  
a member of the district's career-technical planning district, 30267  
other than a joint vocational school district, or by an 30268  
educational service center, notwithstanding division (G) of 30269  
section 3317.02 of the Revised Code and division (C)(3) of this 30270  
section; 30271

(13) The enrollment of pupils reported under division (A)(1) 30272  
or (2) of this section on a full-time equivalency basis in 30273  
category three career-technical education programs or services, 30274  
described in division (C) of section 3317.014 of the Revised Code, 30275  
operated by the school district or another school district that is 30276  
a member of the district's career-technical planning district, 30277  
other than a joint vocational school district, or by an 30278  
educational service center, notwithstanding division (G) of 30279  
section 3317.02 of the Revised Code and division (C)(3) of this 30280  
section; 30281

(14) The enrollment of pupils reported under division (A)(1) 30282  
or (2) of this section on a full-time equivalency basis in 30283  
category four career-technical education programs or services, 30284  
described in division (D) of section 3317.014 of the Revised Code, 30285  
operated by the school district or another school district that is 30286  
a member of the district's career-technical planning district, 30287  
other than a joint vocational school district, or by an 30288  
educational service center, notwithstanding division (G) of 30289  
section 3317.02 of the Revised Code and division (C)(3) of this 30290  
section; 30291

(15) The enrollment of pupils reported under division (A)(1) 30292  
or (2) of this section on a full-time equivalency basis in 30293  
category five career-technical education programs or services, 30294  
described in division (E) of section 3317.014 of the Revised Code, 30295  
operated by the school district or another school district that is 30296

a member of the district's career-technical planning district, 30297  
other than a joint vocational school district, or by an 30298  
educational service center, notwithstanding division (G) of 30299  
section 3317.02 of the Revised Code and division (C)(3) of this 30300  
section; 30301

(16) The enrollment of pupils reported under division (A)(1) 30302  
or (2) of this section who are ~~limited English proficient students~~ 30303  
learners described in division (A) of section 3317.016 of the 30304  
Revised Code, excluding any student reported under division 30305  
(B)(3)(e) of this section as enrolled in an internet- or 30306  
computer-based community school; 30307

(17) The enrollment of pupils reported under division (A)(1) 30308  
or (2) of this section who are ~~limited English proficient students~~ 30309  
learners described in division (B) of section 3317.016 of the 30310  
Revised Code, excluding any student reported under division 30311  
(B)(3)(e) of this section as enrolled in an internet- or 30312  
computer-based community school; 30313

(18) The enrollment of pupils reported under division (A)(1) 30314  
or (2) of this section who are ~~limited English proficient students~~ 30315  
learners described in division (C) of section 3317.016 of the 30316  
Revised Code, excluding any student reported under division 30317  
(B)(3)(e) of this section as enrolled in an internet- or 30318  
computer-based community school; 30319

(19) The average number of children transported during the 30320  
reporting period by the school district on board-owned or 30321  
contractor-owned and -operated buses, reported in accordance with 30322  
rules adopted by the department of education; 30323

(20)(a) The number of children, other than preschool children 30324  
with disabilities, the district placed with a county board of 30325  
developmental disabilities in fiscal year 1998. Division 30326  
(B)(20)(a) of this section does not apply after fiscal year 2013. 30327

(b) The number of children with disabilities, other than 30328  
preschool children with disabilities, placed with a county board 30329  
of developmental disabilities in the current fiscal year to 30330  
receive special education services for the category one disability 30331  
described in division (A) of section 3317.013 of the Revised Code; 30332

(c) The number of children with disabilities, other than 30333  
preschool children with disabilities, placed with a county board 30334  
of developmental disabilities in the current fiscal year to 30335  
receive special education services for category two disabilities 30336  
described in division (B) of section 3317.013 of the Revised Code; 30337

(d) The number of children with disabilities, other than 30338  
preschool children with disabilities, placed with a county board 30339  
of developmental disabilities in the current fiscal year to 30340  
receive special education services for category three disabilities 30341  
described in division (C) of section 3317.013 of the Revised Code; 30342

(e) The number of children with disabilities, other than 30343  
preschool children with disabilities, placed with a county board 30344  
of developmental disabilities in the current fiscal year to 30345  
receive special education services for category four disabilities 30346  
described in division (D) of section 3317.013 of the Revised Code; 30347

(f) The number of children with disabilities, other than 30348  
preschool children with disabilities, placed with a county board 30349  
of developmental disabilities in the current fiscal year to 30350  
receive special education services for the category five 30351  
disabilities described in division (E) of section 3317.013 of the 30352  
Revised Code; 30353

(g) The number of children with disabilities, other than 30354  
preschool children with disabilities, placed with a county board 30355  
of developmental disabilities in the current fiscal year to 30356  
receive special education services for category six disabilities 30357  
described in division (F) of section 3317.013 of the Revised Code. 30358

(21) The enrollment of students who are economically 30359  
disadvantaged, as defined by the department, excluding any student 30360  
reported under division (B)(3)(e) of this section as enrolled in 30361  
an internet- or computer-based community school. A student shall 30362  
not be categorically excluded from the number reported under 30363  
division (B)(21) of this section based on anything other than 30364  
family income. 30365

(C)(1) The state board of education shall adopt rules 30366  
necessary for implementing divisions (A), (B), and (D) of this 30367  
section. 30368

(2) A student enrolled in a community school established 30369  
under Chapter 3314., a science, technology, engineering, and 30370  
mathematics school established under Chapter 3326., or a 30371  
college-preparatory boarding school established under Chapter 30372  
3328. of the Revised Code shall be counted in the formula ADM and, 30373  
if applicable, the category one, two, three, four, five, or six 30374  
special education ADM of the school district in which the student 30375  
is entitled to attend school under section 3313.64 or 3313.65 of 30376  
the Revised Code for the same proportion of the school year that 30377  
the student is counted in the enrollment of the community school, 30378  
the science, technology, engineering, and mathematics school, or 30379  
the college-preparatory boarding school for purposes of section 30380  
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 30381  
the enrollment of students certified pursuant to division 30382  
(B)(3)(d), (e), (j), or (k) of this section, the department may 30383  
adjust the formula ADM of a school district to account for 30384  
students entitled to attend school in the district under section 30385  
3313.64 or 3313.65 of the Revised Code who are enrolled in a 30386  
community school, a science, technology, engineering, and 30387  
mathematics school, or a college-preparatory boarding school for 30388  
only a portion of the school year. 30389

(3) No child shall be counted as more than a total of one 30390

child in the sum of the enrollment of students of a school 30391  
district under division (A), divisions (B)(1) to (22), or division 30392  
(D) of this section, except as follows: 30393

(a) A child with a disability described in section 3317.013 30394  
of the Revised Code may be counted both in formula ADM and in 30395  
category one, two, three, four, five, or six special education ADM 30396  
and, if applicable, in category one, two, three, four, or five 30397  
career-technical education ADM. As provided in division (G) of 30398  
section 3317.02 of the Revised Code, such a child shall be counted 30399  
in category one, two, three, four, five, or six special education 30400  
ADM in the same proportion that the child is counted in formula 30401  
ADM. 30402

(b) A child enrolled in career-technical education programs 30403  
or classes described in section 3317.014 of the Revised Code may 30404  
be counted both in formula ADM and category one, two, three, four, 30405  
or five career-technical education ADM and, if applicable, in 30406  
category one, two, three, four, five, or six special education 30407  
ADM. Such a child shall be counted in category one, two, three, 30408  
four, or five career-technical education ADM in the same 30409  
proportion as the percentage of time that the child spends in the 30410  
career-technical education programs or classes. 30411

(4) Based on the information reported under this section, the 30412  
department of education shall determine the total student count, 30413  
as defined in section 3301.011 of the Revised Code, for each 30414  
school district. 30415

(D)(1) The superintendent of each joint vocational school 30416  
district shall report and certify to the superintendent of public 30417  
instruction as of the last day of October, March, and June of each 30418  
year the enrollment of students receiving services from schools 30419  
under the superintendent's supervision so that the department can 30420  
calculate the district's formula ADM, total ADM, category one 30421  
through five career-technical education ADM, category one through 30422

three ~~limited~~ English ~~proficient~~ learner ADM, category one through 30423  
six special education ADM, and for purposes of provisions of law 30424  
outside of Chapter 3317. of the Revised Code, average daily 30425  
membership. 30426

The enrollment reported and certified by the superintendent, 30427  
except as otherwise provided in this division, shall consist of 30428  
the ~~the~~ number of students in grades six through twelve receiving 30429  
any educational services from the district, except that the 30430  
following categories of students shall not be included in the 30431  
determination: 30432

(a) Students enrolled in adult education classes; 30433

(b) Adjacent or other district joint vocational students 30434  
enrolled in the district under an open enrollment policy pursuant 30435  
to section 3313.98 of the Revised Code; 30436

(c) Students receiving services in the district pursuant to a 30437  
compact, cooperative education agreement, or a contract, but who 30438  
are entitled to attend school in a city, local, or exempted 30439  
village school district whose territory is not part of the 30440  
territory of the joint vocational district; 30441

(d) Students for whom tuition is payable pursuant to sections 30442  
3317.081 and 3323.141 of the Revised Code. 30443

(2) To enable the department of education to obtain the data 30444  
needed to complete the calculation of payments pursuant to this 30445  
chapter, each superintendent shall certify from the report 30446  
provided under division (D)(1) of this section the enrollment for 30447  
each of the following categories of students: 30448

(a) Students enrolled in each individual grade included in 30449  
the joint vocational district schools; 30450

(b) Children with disabilities receiving special education 30451  
services for the category one disability described in division (A) 30452

of section 3317.013 of the Revised Code;	30453
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	30454 30455 30456
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	30457 30458 30459
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	30460 30461 30462
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	30463 30464 30465
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	30466 30467 30468
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	30469 30470 30471
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	30472 30473 30474
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	30475 30476 30477
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	30478 30479 30480
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014	30481 30482

of the Revised Code; 30483

(m) ~~Limited English proficient students~~ learners described in 30484  
division (A) of section 3317.016 of the Revised Code; 30485

(n) ~~Limited English proficient students~~ learners described in 30486  
division (B) of section 3317.016 of the Revised Code; 30487

(o) ~~Limited English proficient students~~ learners described in 30488  
division (C) of section 3317.016 of the Revised Code; 30489

(p) Students who are economically disadvantaged, as defined 30490  
by the department. A student shall not be categorically excluded 30491  
from the number reported under division (D)(2)(p) of this section 30492  
based on anything other than family income. 30493

The superintendent of each joint vocational school district 30494  
shall also indicate the city, local, or exempted village school 30495  
district in which each joint vocational district pupil is entitled 30496  
to attend school pursuant to section 3313.64 or 3313.65 of the 30497  
Revised Code. 30498

(E) In each school of each city, local, exempted village, 30499  
joint vocational, and cooperative education school district there 30500  
shall be maintained a record of school enrollment, which record 30501  
shall accurately show, for each day the school is in session, the 30502  
actual enrollment in regular day classes. For the purpose of 30503  
determining the enrollment of students, the enrollment figure of 30504  
any school shall not include any pupils except those pupils 30505  
described by division (A) of this section. The record of 30506  
enrollment for each school shall be maintained in such manner that 30507  
no pupil shall be counted as enrolled prior to the actual date of 30508  
entry in the school and also in such manner that where for any 30509  
cause a pupil permanently withdraws from the school that pupil 30510  
shall not be counted as enrolled from and after the date of such 30511  
withdrawal. There shall not be included in the enrollment of any 30512  
school any of the following: 30513

(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school;	30514 30515
(2) Any pupil who is not a resident of the state;	30516
(3) Any pupil who was enrolled in the schools of the district during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section;	30517 30518 30519 30520 30521
(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge;	30522 30523 30524 30525 30526 30527 30528
(5) Any pupil who has a certificate of high school equivalence as defined in section 5107.40 of the Revised Code.	30529 30530
If, however, any veteran described by division (E)(4) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in the enrollment of students determined under this section.	30531 30532 30533 30534 30535
Notwithstanding division (E)(3) of this section, the enrollment of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the assessment to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.	30536 30537 30538 30539 30540 30541 30542 30543 30544

The formula ADM, total ADM, category one through five 30545  
career-technical education ADM, category one through three ~~limited~~ 30546  
English ~~proficient~~ learner ADM, category one through six special 30547  
education ADM, preschool scholarship ADM, transportation ADM, and, 30548  
for purposes of provisions of law outside of Chapter 3317. of the 30549  
Revised Code, average daily membership of any school district 30550  
shall be determined in accordance with rules adopted by the state 30551  
board of education. 30552

(F)(1) If a student attending a community school under 30553  
Chapter 3314., a science, technology, engineering, and mathematics 30554  
school established under Chapter 3326., or a college-preparatory 30555  
boarding school established under Chapter 3328. of the Revised 30556  
Code is not included in the formula ADM calculated for the school 30557  
district in which the student is entitled to attend school under 30558  
section 3313.64 or 3313.65 of the Revised Code, the department of 30559  
education shall adjust the formula ADM of that school district to 30560  
include the student in accordance with division (C)(2) of this 30561  
section, and shall recalculate the school district's payments 30562  
under this chapter for the entire fiscal year on the basis of that 30563  
adjusted formula ADM. 30564

(2) If a student awarded an educational choice scholarship is 30565  
not included in the formula ADM of the school district from which 30566  
the department deducts funds for the scholarship under section 30567  
3310.08 of the Revised Code, the department shall adjust the 30568  
formula ADM of that school district to include the student to the 30569  
extent necessary to account for the deduction, and shall 30570  
recalculate the school district's payments under this chapter for 30571  
the entire fiscal year on the basis of that adjusted formula ADM. 30572

(3) If a student awarded a scholarship under the Jon Peterson 30573  
special needs scholarship program is not included in the formula 30574  
ADM of the school district from which the department deducts funds 30575  
for the scholarship under section 3310.55 of the Revised Code, the 30576

department shall adjust the formula ADM of that school district to 30577  
include the student to the extent necessary to account for the 30578  
deduction, and shall recalculate the school district's payments 30579  
under this chapter for the entire fiscal year on the basis of that 30580  
adjusted formula ADM. 30581

(G)(1)(a) The superintendent of an institution operating a 30582  
special education program pursuant to section 3323.091 of the 30583  
Revised Code shall, for the programs under such superintendent's 30584  
supervision, certify to the state board of education, in the 30585  
manner prescribed by the superintendent of public instruction, 30586  
both of the following: 30587

(i) The unduplicated count of the number of all children with 30588  
disabilities other than preschool children with disabilities 30589  
receiving services at the institution for each category of 30590  
disability described in divisions (A) to (F) of section 3317.013 30591  
of the Revised Code adjusted for the portion of the year each 30592  
child is so enrolled; 30593

(ii) The unduplicated count of the number of all preschool 30594  
children with disabilities in classes or programs for whom the 30595  
district is eligible to receive funding under section 3317.0213 of 30596  
the Revised Code adjusted for the portion of the year each child 30597  
is so enrolled, reported according to the categories prescribed in 30598  
section 3317.013 of the Revised Code. 30599

(b) The superintendent of an institution with 30600  
career-technical education units approved under section 3317.05 of 30601  
the Revised Code shall, for the units under the superintendent's 30602  
supervision, certify to the state board of education the 30603  
enrollment in those units, in the manner prescribed by the 30604  
superintendent of public instruction. 30605

(2) The superintendent of each county board of developmental 30606  
disabilities that maintains special education classes under 30607

section 3317.20 of the Revised Code or provides services to 30608  
preschool children with disabilities pursuant to an agreement 30609  
between the county board and the appropriate school district shall 30610  
do both of the following: 30611

(a) Certify to the state board, in the manner prescribed by 30612  
the board, the enrollment in classes under section 3317.20 of the 30613  
Revised Code for each school district that has placed children in 30614  
the classes; 30615

(b) Certify to the state board, in the manner prescribed by 30616  
the board, the unduplicated count of the number of all preschool 30617  
children with disabilities enrolled in classes for which the ~~DD~~ 30618  
board is eligible to receive funding under section 3317.0213 of 30619  
the Revised Code adjusted for the portion of the year each child 30620  
is so enrolled, reported according to the categories prescribed in 30621  
section 3317.013 of the Revised Code, and the number of those 30622  
classes. 30623

(H) Except as provided in division (I) of this section, when 30624  
any city, local, or exempted village school district provides 30625  
instruction for a nonresident pupil whose attendance is 30626  
unauthorized attendance as defined in section 3327.06 of the 30627  
Revised Code, that pupil's enrollment shall not be included in 30628  
that district's enrollment figure used in calculating the 30629  
district's payments under this chapter. The reporting official 30630  
shall report separately the enrollment of all pupils whose 30631  
attendance in the district is unauthorized attendance, and the 30632  
enrollment of each such pupil shall be credited to the school 30633  
district in which the pupil is entitled to attend school under 30634  
division (B) of section 3313.64 or section 3313.65 of the Revised 30635  
Code as determined by the department of education. 30636

(I)(1) A city, local, exempted village, or joint vocational 30637  
school district admitting a scholarship student of a pilot project 30638  
district pursuant to division (C) of section 3313.976 of the 30639

Revised Code may count such student in its enrollment. 30640

(2) In any year for which funds are appropriated for pilot 30641  
project scholarship programs, a school district implementing a 30642  
state-sponsored pilot project scholarship program that year 30643  
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 30644  
count in its enrollment: 30645

(a) All children residing in the district and utilizing a 30646  
scholarship to attend kindergarten in any alternative school, as 30647  
defined in section 3313.974 of the Revised Code; 30648

(b) All children who were enrolled in the district in the 30649  
preceding year who are utilizing a scholarship to attend an 30650  
alternative school. 30651

(J) The superintendent of each cooperative education school 30652  
district shall certify to the superintendent of public 30653  
instruction, in a manner prescribed by the state board of 30654  
education, the applicable enrollments for all students in the 30655  
cooperative education district, also indicating the city, local, 30656  
or exempted village district where each pupil is entitled to 30657  
attend school under section 3313.64 or 3313.65 of the Revised 30658  
Code. 30659

(K) If the superintendent of public instruction determines 30660  
that a component of the enrollment certified or reported by a 30661  
district superintendent, or other reporting entity, is not 30662  
correct, the superintendent of public instruction may order that 30663  
the formula ADM used for the purposes of payments under any 30664  
section of Title XXXVIII of the Revised Code be adjusted in the 30665  
amount of the error. 30666

**Sec. 3317.06.** Moneys paid to school districts under division 30667  
(E)(1) of section 3317.024 of the Revised Code shall be used for 30668  
the following independent and fully severable purposes: 30669

(A) To purchase such secular textbooks or digital texts as 30670  
have been approved by the superintendent of public instruction for 30671  
use in public schools in the state and to loan such textbooks or 30672  
digital texts to pupils attending nonpublic schools within the 30673  
district described in division (E)(1) of section 3317.024 of the 30674  
Revised Code or to their parents and to hire clerical personnel to 30675  
administer such lending program. Such loans shall be based upon 30676  
individual requests submitted by such nonpublic school pupils or 30677  
parents. Such requests shall be submitted to the school district 30678  
in which the nonpublic school is located. Such individual requests 30679  
for the loan of textbooks or digital texts shall, for 30680  
administrative convenience, be submitted by the nonpublic school 30681  
pupil or the pupil's parent to the nonpublic school, which shall 30682  
prepare and submit collective summaries of the individual requests 30683  
to the school district. As used in this section: 30684

(1) "Textbook" means any book or book substitute that a pupil 30685  
uses as a consumable or nonconsumable text, text substitute, or 30686  
text supplement in a particular class or program in the school the 30687  
pupil regularly attends. 30688

(2) "Digital text" means a consumable book or book substitute 30689  
that a student accesses through the use of a computer or other 30690  
electronic medium or that is available through an internet-based 30691  
provider of course content, or any other material that contributes 30692  
to the learning process through electronic means. 30693

(B) To provide speech and hearing diagnostic services to 30694  
pupils attending nonpublic schools within the district described 30695  
in division (E)(1) of section 3317.024 of the Revised Code. Such 30696  
service shall be provided in the nonpublic school attended by the 30697  
pupil receiving the service. 30698

(C) To provide physician, nursing, dental, and optometric 30699  
services to pupils attending nonpublic schools within the district 30700  
described in division (E)(1) of section 3317.024 of the Revised 30701

Code. Such services shall be provided in the school attended by 30702  
the nonpublic school pupil receiving the service. 30703

(D) To provide diagnostic psychological services to pupils 30704  
attending nonpublic schools within the district described in 30705  
division (E)(1) of section 3317.024 of the Revised Code. Such 30706  
services shall be provided in the school attended by the pupil 30707  
receiving the service. 30708

(E) To provide therapeutic psychological and speech and 30709  
hearing services to pupils attending nonpublic schools within the 30710  
district described in division (E)(1) of section 3317.024 of the 30711  
Revised Code. Such services shall be provided in the public 30712  
school, in nonpublic schools, in public centers, or in mobile 30713  
units located on or off of the nonpublic premises. If such 30714  
services are provided in the public school or in public centers, 30715  
transportation to and from such facilities shall be provided by 30716  
the school district in which the nonpublic school is located. 30717

(F) To provide guidance, counseling, and social work services 30718  
to pupils attending nonpublic schools within the district 30719  
described in division (E)(1) of section 3317.024 of the Revised 30720  
Code. Such services shall be provided in the public school, in 30721  
nonpublic schools, in public centers, or in mobile units located 30722  
on or off of the nonpublic premises. If such services are provided 30723  
in the public school or in public centers, transportation to and 30724  
from such facilities shall be provided by the school district in 30725  
which the nonpublic school is located. 30726

(G) To provide remedial services to pupils attending 30727  
nonpublic schools within the district described in division (E)(1) 30728  
of section 3317.024 of the Revised Code. Such services shall be 30729  
provided in the public school, in nonpublic schools, in public 30730  
centers, or in mobile units located on or off of the nonpublic 30731  
premises. If such services are provided in the public school or in 30732  
public centers, transportation to and from such facilities shall 30733

be provided by the school district in which the nonpublic school 30734  
is located. 30735

(H) To supply for use by pupils attending nonpublic schools 30736  
within the district described in division (E)(1) of section 30737  
3317.024 of the Revised Code such standardized tests and scoring 30738  
services as are in use in the public schools of the state; 30739

(I) To provide programs for children who attend nonpublic 30740  
schools within the district described in division (E)(1) of 30741  
section 3317.024 of the Revised Code and are children with 30742  
disabilities as defined in section 3323.01 of the Revised Code or 30743  
gifted children. Such programs shall be provided in the public 30744  
school, in nonpublic schools, in public centers, or in mobile 30745  
units located on or off of the nonpublic premises. If such 30746  
programs are provided in the public school or in public centers, 30747  
transportation to and from such facilities shall be provided by 30748  
the school district in which the nonpublic school is located. 30749

(J) To hire clerical personnel to assist in the 30750  
administration of programs pursuant to divisions (B), (C), (D), 30751  
(E), (F), (G), and (I) of this section and to hire supervisory 30752  
personnel to supervise the providing of services and textbooks 30753  
pursuant to this section. 30754

(K) To purchase or lease any secular, neutral, and 30755  
nonideological computer application software designed to assist 30756  
students in performing a single task or multiple related tasks, 30757  
device management software, learning management software, 30758  
site-licensing, digital video on demand (DVD), wide area 30759  
connectivity and related technology as it relates to internet 30760  
access, mathematics or science equipment and materials, 30761  
instructional materials, and school library materials that are in 30762  
general use in the public schools of the state and loan such items 30763  
to pupils attending nonpublic schools within the district 30764  
described in division (E)(1) of section 3317.024 of the Revised 30765

Code or to their parents, and to hire clerical personnel to 30766  
administer the lending program. Only such items that are incapable 30767  
of diversion to religious use and that are susceptible of loan to 30768  
individual pupils and are furnished for the use of individual 30769  
pupils shall be purchased and loaned under this division. As used 30770  
in this section, "instructional materials" means prepared learning 30771  
materials that are secular, neutral, and nonideological in 30772  
character and are of benefit to the instruction of school 30773  
children. "Instructional materials" includes media content that a 30774  
student may access through the use of a computer or electronic 30775  
device. 30776

Mobile applications that are secular, neutral, and 30777  
nonideological in character and that are purchased for less than 30778  
twenty dollars for instructional use shall be considered to be 30779  
consumable and shall be distributed to students without the 30780  
expectation that the applications must be returned. 30781

(L) To purchase or lease instructional equipment, including 30782  
computer hardware and related equipment in general use in the 30783  
public schools of the state, for use by pupils attending nonpublic 30784  
schools within the district described in division (E)(1) of 30785  
section 3317.024 of the Revised Code and to loan such items to 30786  
pupils attending such nonpublic schools within the district or to 30787  
their parents, and to hire clerical personnel to administer the 30788  
lending program. "Computer hardware and related equipment" 30789  
includes desktop computers and workstations; laptop computers, 30790  
computer tablets, and other mobile handheld devices; their 30791  
operating systems and accessories; and any equipment designed to 30792  
make accessible the environment of a classroom to a student, who 30793  
is physically unable to attend classroom activities due to 30794  
hospitalization or other circumstances, by allowing real-time 30795  
interaction with other students both one-on-one and in group 30796  
discussion. 30797

(M) To purchase mobile units to be used for the provision of 30798  
services pursuant to divisions (E), (F), (G), and (I) of this 30799  
section and to pay for necessary repairs and operating costs 30800  
associated with these units. 30801

(N) To reimburse costs the district incurred to store the 30802  
records of a chartered nonpublic school that closes. 30803  
Reimbursements under this division shall be made one time only for 30804  
each chartered nonpublic school described in division (E)(1) of 30805  
section 3317.024 of the Revised Code that closes. 30806

(O) To purchase life-saving medical or other emergency 30807  
equipment for placement in nonpublic schools within the district 30808  
described in division (E)(1) of section 3317.024 of the Revised 30809  
Code or to maintain such equipment. 30810

(P) To procure and pay for security services from a county 30811  
sheriff or a township or municipal police force or from a person 30812  
certified through the Ohio peace officer training commission, in 30813  
accordance with section 109.78 of the Revised Code, as a special 30814  
police, security guard, or as a privately employed person serving 30815  
in a police capacity for nonpublic schools in the district 30816  
described in division (E)(1) of section 3317.024 of the Revised 30817  
Code. 30818

(Q) To provide language and academic support services and 30819  
other accommodations for English ~~language~~ learners attending 30820  
nonpublic schools within the district described in division (E)(1) 30821  
of section 3317.024 of the Revised Code. 30822

Clerical and supervisory personnel hired pursuant to division 30823  
(J) of this section shall perform their services in the public 30824  
schools, in nonpublic schools, public centers, or mobile units 30825  
where the services are provided to the nonpublic school pupil, 30826  
except that such personnel may accompany pupils to and from the 30827  
service sites when necessary to ensure the safety of the children 30828

receiving the services. 30829

All services provided pursuant to this section may be 30830  
provided under contract with educational service centers, the 30831  
department of health, city or general health districts, or private 30832  
agencies whose personnel are properly licensed by an appropriate 30833  
state board or agency. 30834

Transportation of pupils provided pursuant to divisions (E), 30835  
(F), (G), and (I) of this section shall be provided by the school 30836  
district from its general funds and not from moneys paid to it 30837  
under division (E)(1) of section 3317.024 of the Revised Code 30838  
unless a special transportation request is submitted by the parent 30839  
of the child receiving service pursuant to such divisions. If such 30840  
an application is presented to the school district, it may pay for 30841  
the transportation from moneys paid to it under division (E)(1) of 30842  
section 3317.024 of the Revised Code. 30843

No school district shall provide health or remedial services 30844  
to nonpublic school pupils as authorized by this section unless 30845  
such services are available to pupils attending the public schools 30846  
within the district. 30847

Materials, equipment, computer hardware or software, 30848  
textbooks, digital texts, and health and remedial services 30849  
provided for the benefit of nonpublic school pupils pursuant to 30850  
this section and the admission of pupils to such nonpublic schools 30851  
shall be provided without distinction as to race, creed, color, or 30852  
national origin of such pupils or of their teachers. 30853

No school district shall provide services, materials, or 30854  
equipment that contain religious content for use in religious 30855  
courses, devotional exercises, religious training, or any other 30856  
religious activity. 30857

As used in this section, "parent" includes a person standing 30858  
in loco parentis to a child. 30859

Notwithstanding section 3317.01 of the Revised Code, payments 30860  
shall be made under this section to any city, local, or exempted 30861  
village school district within which is located one or more 30862  
nonpublic elementary or high schools described in division (E)(1) 30863  
of section 3317.024 of the Revised Code and any payments made to 30864  
school districts under division (E)(1) of section 3317.024 of the 30865  
Revised Code for purposes of this section may be disbursed without 30866  
submission to and approval of the controlling board. 30867

The allocation of payments for materials, equipment, 30868  
textbooks, digital texts, health services, and remedial services 30869  
to city, local, and exempted village school districts shall be on 30870  
the basis of the state board of education's estimated annual 30871  
average daily membership in nonpublic elementary and high schools 30872  
located in the district described in division (E)(1) of section 30873  
3317.024 of the Revised Code. 30874

Payments made to city, local, and exempted village school 30875  
districts under this section shall be equal to specific 30876  
appropriations made for the purpose. All interest earned by a 30877  
school district on such payments shall be used by the district for 30878  
the same purposes and in the same manner as the payments may be 30879  
used. 30880

The department of education shall adopt guidelines and 30881  
procedures under which such programs and services shall be 30882  
provided, under which districts shall be reimbursed for 30883  
administrative costs incurred in providing such programs and 30884  
services, and under which any unexpended balance of the amounts 30885  
appropriated by the general assembly to implement this section may 30886  
be transferred to the auxiliary services personnel unemployment 30887  
compensation fund established pursuant to section 4141.47 of the 30888  
Revised Code. The department shall also adopt guidelines and 30889  
procedures limiting the purchase and loan of the items described 30890  
in division (K) of this section to items that are in general use 30891

in the public schools of the state, that are incapable of 30892  
diversion to religious use, and that are susceptible to individual 30893  
use rather than classroom use. Within thirty days after the end of 30894  
each biennium, each board of education shall remit to the 30895  
department all moneys paid to it under division (E)(1) of section 30896  
3317.024 of the Revised Code and any interest earned on those 30897  
moneys that are not required to pay expenses incurred under this 30898  
section during the biennium for which the money was appropriated 30899  
and during which the interest was earned. If a board of education 30900  
subsequently determines that the remittal of moneys leaves the 30901  
board with insufficient money to pay all valid expenses incurred 30902  
under this section during the biennium for which the remitted 30903  
money was appropriated, the board may apply to the department of 30904  
education for a refund of money, not to exceed the amount of the 30905  
insufficiency. If the department determines the expenses were 30906  
lawfully incurred and would have been lawful expenditures of the 30907  
refunded money, it shall certify its determination and the amount 30908  
of the refund to be made to the director of job and family 30909  
services who shall make a refund as provided in section 4141.47 of 30910  
the Revised Code. 30911

Each school district shall label materials, equipment, 30912  
computer hardware or software, textbooks, and digital texts 30913  
purchased or leased for loan to a nonpublic school under this 30914  
section, acknowledging that they were purchased or leased with 30915  
state funds under this section. However, a district need not label 30916  
materials, equipment, computer hardware or software, textbooks, or 30917  
digital texts that the district determines are consumable in 30918  
nature or have a value of less than two hundred dollars. 30919

**Sec. 3317.13.** (A) As used in this section and section 3317.14 30920  
of the Revised Code: 30921

(1) "Years of service" includes the following: 30922

(a) All years of teaching service in the same school district or educational service center, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(b) All years of teaching service in a chartered, nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; and

(d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year.

(2) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board.

(B) No teacher shall be paid a salary less than that provided in the schedule set forth in division (C) of this section. In calculating the minimum salary any teacher shall be paid pursuant to this section, years of service shall include the sum of all

years of the teacher's teaching service included in divisions 30954  
(A)(1)(a), (b), (c), and (d) of this section; except that any 30955  
school district or educational service center employing a teacher 30956  
new to the district or educational service center shall grant such 30957  
teacher a total of not more than ten years of service pursuant to 30958  
divisions (A)(1)(b), (c), and (d) of this section. 30959

Upon written complaint to the superintendent of public 30960  
instruction that the board of education of a district or the 30961  
governing board of an educational service center governing board 30962  
has failed or refused to annually adopt a salary schedule or to 30963  
pay salaries in accordance with the salary schedule set forth in 30964  
division (C) of this section, the superintendent of public 30965  
instruction shall cause to be made an immediate investigation of 30966  
such complaint. If the superintendent finds that the conditions 30967  
complained of exist, the superintendent shall order the board to 30968  
correct such conditions within ten days from the date of the 30969  
finding. No moneys shall be distributed to the district or 30970  
educational service center under this chapter until the 30971  
superintendent has satisfactory evidence of the board of 30972  
education's full compliance with such order. 30973

Each teacher shall be fully credited with placement in the 30974  
appropriate academic training level column in the district's or 30975  
educational service center's salary schedule with years of service 30976  
properly credited pursuant to this section or section 3317.14 of 30977  
the Revised Code. No rule shall be adopted or exercised by any 30978  
board of education or educational service center governing board 30979  
which restricts the placement or the crediting of annual salary 30980  
increments for any teacher according to the appropriate academic 30981  
training level column. 30982

(C) Minimum salaries exclusive of retirement and sick leave 30983  
for teachers shall be as follows: 30984

Teachers	Teachers with	Teachers	30985
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Years of Service	with Less than Bachelor's Degree	Teachers with a Bachelor's Degree	Five Years of Training, but no Master's Degree	with a Master's Degree or Higher					
Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount				
0	86.5	\$17,300	100.0	\$20,000	103.8	\$20,760	109.5	\$21,900	30986
		<u>25,950</u>		<u>30,000</u>		<u>31,140</u>		<u>32,850</u>	30987
1	90.0	<del>18,000</del>	103.8	<del>20,760</del>	108.1	<del>21,620</del>	114.3	<del>22,860</del>	30988
		<u>27,000</u>		<u>31,140</u>		<u>32,430</u>		<u>34,290</u>	30989
2	93.5	<del>18,700</del>	107.6	<del>21,520</del>	112.4	<del>22,480</del>	119.1	<del>23,820</del>	30990
		<u>28,050</u>		<u>32,280</u>		<u>33,720</u>		<u>35,730</u>	30991
3	97.0	<del>19,400</del>	111.4	<del>22,280</del>	116.7	<del>23,340</del>	123.9	<del>24,780</del>	30992
		<u>29,100</u>		<u>33,420</u>		<u>35,010</u>		<u>37,170</u>	30993
4	100.5	<del>20,100</del>	115.2	<del>23,040</del>	121.0	<del>24,200</del>	128.7	<del>25,740</del>	30994
		<u>30,150</u>		<u>34,560</u>		<u>36,300</u>		<u>38,610</u>	30995
5	104.0	<del>20,800</del>	119.0	<del>23,800</del>	125.3	<del>25,060</del>	133.5	<del>26,700</del>	30996
		<u>31,200</u>		<u>35,700</u>		<u>37,590</u>		<u>40,050</u>	30997
6	104.0	<del>20,800</del>	122.8	<del>24,560</del>	129.6	<del>25,920</del>	138.3	<del>27,660</del>	30998
		<u>31,200</u>		<u>36,840</u>		<u>38,880</u>		<u>41,490</u>	30999
7	104.0	<del>20,800</del>	126.6	<del>25,320</del>	133.9	<del>26,780</del>	143.1	<del>28,620</del>	31000
		<u>31,200</u>		<u>37,980</u>		<u>40,170</u>		<u>42,930</u>	31001
8	104.0	<del>20,800</del>	130.4	<del>26,080</del>	138.2	<del>27,640</del>	147.9	<del>29,580</del>	31002
		<u>31,200</u>		<u>39,120</u>		<u>41,460</u>		<u>44,370</u>	31003
9	104.0	<del>20,800</del>	134.2	<del>26,840</del>	142.5	<del>28,500</del>	152.7	<del>30,540</del>	31004
		<u>31,200</u>		<u>40,260</u>		<u>42,750</u>		<u>45,810</u>	31005
10	104.0	<del>20,800</del>	138.0	<del>27,600</del>	146.8	<del>29,360</del>	157.5	<del>31,500</del>	31006
		<u>31,200</u>		<u>41,400</u>		<u>44,040</u>		<u>47,250</u>	
11	104.0	<del>20,800</del>	141.8	<del>28,360</del>	151.1	<del>30,220</del>	162.3	<del>32,460</del>	
		<u>31,200</u>		<u>42,540</u>		<u>45,330</u>		<u>48,690</u>	

\* Percentages represent the percentage which each salary is of the base amount. 31004  
31005

For purposes of determining the minimum salary at any level 31006

of training and service, the base of one hundred per cent shall be 31007  
the base amount. The percentages used in this section show the 31008  
relationships between the minimum salaries required by this 31009  
section and the base amount and shall not be construed as 31010  
requiring any school district or educational service center to 31011  
adopt a schedule containing salaries in excess of the amounts set 31012  
forth in this section for corresponding levels of training and 31013  
experience. 31014

As used in this division: 31015

(1) "Base amount" means ~~twenty~~ thirty thousand dollars. 31016

(2) "Five years of training" means at least one hundred fifty 31017  
semester hours, or the equivalent, and a bachelor's degree from a 31018  
recognized college or university. 31019

(D) For purposes of this section, all credited training shall 31020  
be from a recognized college or university. 31021

**Sec. 3317.16.** (A) The department of education shall compute 31022  
and distribute state core foundation funding to each joint 31023  
vocational school district for the fiscal year as prescribed in 31024  
the following divisions: 31025

(1) An opportunity grant calculated according to the 31026  
following formula: 31027

(The formula amount X formula ADM) - (0.0005 X the district's 31028  
three-year average valuation) 31029

However, no district shall receive an opportunity grant that 31030  
is less than 0.05 times the formula amount times formula ADM. 31031

(2) Additional state aid for special education and related 31032  
services provided under Chapter 3323. of the Revised Code 31033  
calculated as the sum of the following: 31034

(a) The district's category one special education ADM X the 31035  
amount specified in division (A) of section 3317.013 of the 31036

Revised Code X the district's state share percentage;	31037
(b) The district's category two special education ADM X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share percentage;	31038 31039 31040
(c) The district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share percentage;	31041 31042 31043
(d) The district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share percentage;	31044 31045 31046
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage;	31047 31048 31049
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage.	31050 31051 31052
(3) Economically disadvantaged funds calculated according to the following formula:	31053 31054
\$272 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code	31055 31056 31057
(4) <del>Limited</del> English <del>proficiency</del> <u>learner</u> funds calculated as the sum of the following:	31058 31059
(a) The district's category one <del>limited</del> English <del>proficient</del> <u>learner</u> ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage;	31060 31061 31062 31063
(b) The district's category two <del>limited</del> English <del>proficient</del> <u>learner</u> ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share	31064 31065 31066

percentage;	31067
(c) The district's category three <del>limited</del> English <del>proficient</del> <u>learner</u> ADM X the amount specified in division (C) of section	31068
3317.016 of the Revised Code X the district's state share	31069
percentage;	31070
(5) Career-technical education funds calculated as the sum of	31071
the following:	31072
(a) The district's category one career-technical education	31073
ADM X the amount specified in division (A) of section 3317.014 of	31074
the Revised Code X the district's state share percentage;	31075
(b) The district's category two career-technical education	31076
ADM X the amount specified in division (B) of section 3317.014 of	31077
the Revised Code X the district's state share percentage;	31078
(c) The district's category three career-technical education	31079
ADM X the amount specified in division (C) of section 3317.014 of	31080
the Revised Code X the district's state share percentage;	31081
(d) The district's category four career-technical education	31082
ADM X the amount specified in division (D) of section 3317.014 of	31083
the Revised Code X the district's state share percentage;	31084
(e) The district's category five career-technical education	31085
ADM X the amount specified in division (E) of section 3317.014 of	31086
the Revised Code X the district's state share percentage.	31087
Payment of funds under division (A)(5) of this section is	31088
subject to approval under section 3317.161 of the Revised Code.	31089
(6) Career-technical education associated services funds	31090
calculated under the following formula:	31091
The district's state share percentage X the	31092
amount for career-technical education associated services	31093
specified in section 3317.014 of the Revised Code X the sum of	31094
categories one through five career-technical	31095
	31096

education ADM 31097

(7) A graduation bonus calculated according to the following 31098  
formula: 31099

The district's graduation rate as reported on its most recent 31100  
report card issued by the department under section 3302.033 of the 31101  
Revised Code X 0.075 X the formula amount X the number of the 31102  
district's students who received high school or honors high school 31103  
diplomas as reported by the district to the department, in 31104  
accordance with the guidelines adopted under section 3301.0714 of 31105  
the Revised Code, for the same school year for which the most 31106  
recent report card was issued X the district's state share 31107  
percentage 31108

(B)(1) If a joint vocational school district's costs for a 31109  
fiscal year for a student in its categories two through six 31110  
special education ADM exceed the threshold catastrophic cost for 31111  
serving the student, as specified in division (B) of section 31112  
3317.0214 of the Revised Code, the district may submit to the 31113  
superintendent of public instruction documentation, as prescribed 31114  
by the superintendent, of all of its costs for that student. Upon 31115  
submission of documentation for a student of the type and in the 31116  
manner prescribed, the department shall pay to the district an 31117  
amount equal to the sum of the following: 31118

(a) One-half of the district's costs for the student in 31119  
excess of the threshold catastrophic cost; 31120

(b) The product of one-half of the district's costs for the 31121  
student in excess of the threshold catastrophic cost multiplied by 31122  
the district's state share percentage. 31123

(2) The district shall report under division (B)(1) of this 31124  
section, and the department shall pay for, only the costs of 31125  
educational expenses and the related services provided to the 31126  
student in accordance with the student's individualized education 31127  
program. Any legal fees, court costs, or other costs associated 31128

with any cause of action relating to the student may not be 31129  
included in the amount. 31130

(C)(1) For each student with a disability receiving special 31131  
education and related services under an individualized education 31132  
program, as defined in section 3323.01 of the Revised Code, at a 31133  
joint vocational school district, the resident district or, if the 31134  
student is enrolled in a community school, the community school 31135  
shall be responsible for the amount of any costs of providing 31136  
those special education and related services to that student that 31137  
exceed the sum of the amount calculated for those services 31138  
attributable to that student under division (A) of this section. 31139

Those excess costs shall be calculated using a formula 31140  
approved by the department. 31141

(2) The board of education of the joint vocational school 31142  
district may report the excess costs calculated under division 31143  
(C)(1) of this section to the department of education. 31144

(3) If the board of education of the joint vocational school 31145  
district reports excess costs under division (C)(2) of this 31146  
section, the department shall pay the amount of excess cost 31147  
calculated under division (C)(2) of this section to the joint 31148  
vocational school district and shall deduct that amount as 31149  
provided in division (C)(3)(a) or (b) of this section, as 31150  
applicable: 31151

(a) If the student is not enrolled in a community school, the 31152  
department shall deduct the amount from the account of the 31153  
student's resident district pursuant to division (J) of section 31154  
3317.023 of the Revised Code. 31155

(b) If the student is enrolled in a community school, the 31156  
department shall deduct the amount from the account of the 31157  
community school pursuant to section 3314.083 of the Revised Code. 31158

(D)(1) In any fiscal year, a school district receiving funds 31159

under division (A)(5) of this section shall spend those funds only 31160  
for the purposes that the department designates as approved for 31161  
career-technical education expenses. Career-technical education 31162  
expenses approved by the department shall include only expenses 31163  
connected to the delivery of career-technical programming to 31164  
career-technical students. The department shall require the school 31165  
district to report data annually so that the department may 31166  
monitor the district's compliance with the requirements regarding 31167  
the manner in which funding received under division (A)(5) of this 31168  
section may be spent. 31169

(2) All funds received under division (A)(5) of this section 31170  
shall be spent in the following manner: 31171

(a) At least seventy-five per cent of the funds shall be 31172  
spent on curriculum development, purchase, and implementation; 31173  
instructional resources and supplies; industry-based program 31174  
certification; student assessment, credentialing, and placement; 31175  
curriculum specific equipment purchases and leases; 31176  
career-technical student organization fees and expenses; home and 31177  
agency linkages; work-based learning experiences; professional 31178  
development; and other costs directly associated with 31179  
career-technical education programs including development of new 31180  
programs. 31181

(b) Not more than twenty-five per cent of the funds shall be 31182  
used for personnel expenditures. 31183

(E) In any fiscal year, a school district receiving funds 31184  
under division (A)(6) of this section, or through a transfer of 31185  
funds pursuant to division (I) of section 3317.023 of the Revised 31186  
Code, shall spend those funds only for the purposes that the 31187  
department designates as approved for career-technical education 31188  
associated services expenses, which may include such purposes as 31189  
apprenticeship coordinators, coordinators for other 31190  
career-technical education services, career-technical evaluation, 31191

and other purposes designated by the department. The department 31192  
may deny payment under division (A)(6) of this section to any 31193  
district that the department determines is not operating those 31194  
services or is using funds paid under division (A)(6) of this 31195  
section, or through a transfer of funds pursuant to division (I) 31196  
of section 3317.023 of the Revised Code, for other purposes. 31197

(F) A joint vocational school district shall spend the funds 31198  
it receives under division (A)(3) of this section in accordance 31199  
with section 3317.25 of the Revised Code. 31200

(G) As used in this section: 31201

(1) "Community school" means a community school established 31202  
under Chapter 3314. of the Revised Code. 31203

(2) "Resident district" means the city, local, or exempted 31204  
village school district in which a student is entitled to attend 31205  
school under section 3313.64 or 3313.65 of the Revised Code. 31206

(3) "State share percentage" is equal to the following: 31207  
The amount computed under division (A)(1) of this section / 31208  
(the formula amount X formula ADM) 31209

**Sec. 3317.163.** (A) As used in this section: 31210

(1) "Base per pupil amount" has the same meaning as in 31211  
section 3317.0219 of the Revised Code. 31212

(2) "Eligible school district" has the same meaning as in 31213  
division (C)(1) of section 3317.0219 of the Revised Code. 31214

(3) "Resident district" means the city, local, or exempted 31215  
village school district in which a student is entitled to attend 31216  
school pursuant to section 3313.64 or 3313.65 of the Revised Code. 31217

(B) Subject to division (D) of this section, for fiscal years 31218  
2020 and 2021, the department of education shall calculate and pay 31219  
to each joint vocational school district student wellness and 31220

success funds, on a full-time equivalency basis, for each student 31221  
enrolled in the district as of the district's payment under 31222  
section 3317.16 of the Revised Code in June of the immediately 31223  
preceding fiscal year in an amount equal to the following: 31224

(The base per pupil amount of the student's resident district for 31225  
that fiscal year + the scaled amount of the student's resident 31226  
district, if any, computed under division (B)(4) of section 31227  
3317.0219 of the Revised Code) 31228

However, each joint vocational school district shall receive 31229  
a minimum payment of \$25,000, for fiscal year 2020, or \$36,000 for 31230  
fiscal year 2021. 31231

(C) Subject to division (D) of this section, for fiscal years 31232  
2020 and 2021, the department shall pay to each joint vocational 31233  
school district student wellness and success enhancement funds, on 31234  
a full-time equivalency basis, for each student enrolled in the 31235  
district as of the district's payment under section 3317.16 of the 31236  
Revised Code in June of the immediately preceding fiscal year 31237  
whose resident district is an eligible school district, in an 31238  
amount equal to the following: 31239

The amount paid to the student's resident district under division 31240  
(C)(2) of section 3317.0219 of the Revised Code for that fiscal 31241  
year / the enrolled ADM of the student's resident district that 31242  
was used for the second payment under Chapter 3317. of the Revised 31243  
Code in June of the immediately preceding fiscal year 31244

(D) The department shall pay funds under divisions (B) and 31245  
(C) of this section as follows: 31246

(1) One-half of the amount shall be paid not later than the 31247  
thirty-first day of October of the fiscal year for which the 31248  
payment is calculated. 31249

(2) One-half of the amount shall be paid not later than the 31250  
twenty-eighth day of February of the fiscal year for which the 31251

payment is calculated. 31252

Upon making a payment for a fiscal year under this section, 31253  
the department shall not make any reconciliations or adjustments 31254  
to that payment. 31255

(E) A joint vocational school district that receives a 31256  
payment under this section shall comply with section 3317.26 of 31257  
the Revised Code. 31258

**Sec. 3317.25.** (A) As used in this section, "economically 31259  
disadvantaged funds" means the following: 31260

(1) For a city, local, or exempted village school district, 31261  
the funds received under division (A)(5) of section 3317.022 of 31262  
the Revised Code; 31263

(2) For a joint vocational school district, the funds 31264  
received under division (A)(3) of section 3317.16 of the Revised 31265  
Code; 31266

(3) For a community school established under Chapter 3314. of 31267  
the Revised Code, the funds received under division (C)(1)(e) of 31268  
section 3314.08 of the Revised Code; 31269

(4) For a STEM school established under Chapter 3326. of the 31270  
Revised Code, the funds received under division (E) of section 31271  
3326.33 of the Revised Code. 31272

(B) In any fiscal year, a city, local, exempted village, or 31273  
joint vocational school district, community school, or STEM school 31274  
shall spend the economically disadvantaged funds it receives for 31275  
any of the following initiatives or a combination of any of the 31276  
following initiatives: 31277

(1) Extended school day and school year; 31278

(2) Reading improvement and intervention; 31279

(3) Instructional technology or blended learning; 31280

(4) Professional development in reading instruction for teachers of students in kindergarten through third grade;	31281 31282
(5) Dropout prevention;	31283
(6) School safety and security measures;	31284
(7) Community learning centers that address barriers to learning;	31285 31286
(8) Academic interventions for students in any of grades six through twelve;	31287 31288
(9) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal. <del>As used in this section, "bright new leaders for Ohio schools program" has the same meaning as in</del> <u>under</u> section <del>3319.271</del> <u>3319.272</u> of the Revised Code.	31289 31290 31291 31292 31293
(C) At the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the district's or school's economically disadvantaged funds were spent during that fiscal year.	31294 31295 31296 31297 31298 31299
(D) Starting in 2015, the department shall submit a report of the information it receives under division (C) of this section to the General Assembly not later than the first day of December of each odd-numbered year in accordance with section 101.68 of the Revised Code.	31300 31301 31302 31303 31304
<u>Sec. 3317.26. (A) As used in this section, "student wellness and success funds" means the following:</u>	31305 31306
<u>(1) For a city, local, or exempted village school district, the funds received under section 3317.0219 of the Revised Code;</u>	31307 31308
<u>(2) For a joint vocational school district, the funds</u>	31309

<u>received under section 3317.163 of the Revised Code.</u>	31310
<u>(3) For a community school established under Chapter 3314. of</u>	31311
<u>the Revised Code, the funds received under section 3314.088 of the</u>	31312
<u>Revised Code.</u>	31313
<u>(4) For a STEM school established under Chapter 3326. of the</u>	31314
<u>Revised Code, the funds received under section 3326.42 of the</u>	31315
<u>Revised Code.</u>	31316
<u>(B) In any fiscal year, a city, local, exempted village, or</u>	31317
<u>joint vocational school district, community school, or STEM school</u>	31318
<u>shall spend the student wellness and success funds it receives for</u>	31319
<u>any of the following initiatives or a combination of any of the</u>	31320
<u>following initiatives:</u>	31321
<u>(1) Mental health services;</u>	31322
<u>(2) Services for homeless youth;</u>	31323
<u>(3) Services for child welfare involved youth;</u>	31324
<u>(4) Community liaisons;</u>	31325
<u>(5) Physical health care services;</u>	31326
<u>(6) Mentoring programs;</u>	31327
<u>(7) Family engagement and support services;</u>	31328
<u>(8) City connects programming;</u>	31329
<u>(9) Professional development regarding the provision of</u>	31330
<u>trauma informed care;</u>	31331
<u>(10) Professional development regarding cultural competence.</u>	31332
<u>(C) Each city, local, exempted village, and joint vocational</u>	31333
<u>school district, community school, and STEM school that is subject</u>	31334
<u>to the requirements of this section shall develop a plan for</u>	31335
<u>utilizing the student wellness and success funds it receives in</u>	31336
<u>coordination with at least one of the following community</u>	31337
<u>partners:</u>	31338

<u>(1) A board of alcohol, drug, and mental health services</u>	31339
<u>established under Chapter 340. of the Revised Code;</u>	31340
<u>(2) An educational service center;</u>	31341
<u>(3) A county board of developmental disabilities;</u>	31342
<u>(4) A community-based mental health treatment provider;</u>	31343
<u>(5) A board of health of a city or general health district;</u>	31344
<u>(6) A county department of job and family services;</u>	31345
<u>(7) A nonprofit organization with experience serving</u>	31346
<u>children;</u>	31347
<u>(8) A public hospital agency.</u>	31348
<u>(D) At the end of each fiscal year, each city, local,</u>	31349
<u>exempted village, or joint vocational school district, community</u>	31350
<u>school, and STEM school shall submit a report to the department of</u>	31351
<u>education describing the initiative or initiatives on which the</u>	31352
<u>district's or school's student wellness and success funds were</u>	31353
<u>spent during that fiscal year.</u>	31354
<b>Sec. 3317.40.</b> (A) As used in this section, "subgroup" means	31355
one of the following subsets of the entire student population of a	31356
school district or a school building:	31357
(1) Students with disabilities;	31358
(2) Economically disadvantaged students;	31359
(3) <del>Limited English proficient students</del> <u>learners;</u>	31360
(4) Students identified as gifted in superior cognitive	31361
ability and specific academic ability fields under Chapter 3324.	31362
of the Revised Code.	31363
(B) It is the intent of the general assembly that funds	31364
provided under this chapter shall be used for the provision of a	31365
system of common schools and the advancement of the knowledge of	31366

all students. As such, school districts and schools shall be held 31367  
accountable for those funds to ensure that all students are 31368  
provided an opportunity to graduate from high school prepared for 31369  
a career or for post-secondary education. 31370

(C) When funds are provided under this chapter specifically 31371  
for services for a subgroup of students, the general assembly has 31372  
determined that these students experience unique challenges 31373  
requiring additional resources and intends that the funds so 31374  
provided be used for services that will allow students in those 31375  
subgroups to master the knowledge base required for high school 31376  
graduation. 31377

(D) If a district or school fails to show satisfactory 31378  
achievement and progress, as determined by the state board of 31379  
education, for any subgroup of students based on performance 31380  
measures reported or graded under section 3302.03 of the Revised 31381  
Code, the district or school shall submit an improvement plan to 31382  
the department for approval. The plan may be included in any other 31383  
improvement plan required of the district or school under state or 31384  
federal law. The department may require that a plan required under 31385  
division (C) of this section include an agreement to partner with 31386  
another organization that has demonstrated the ability to improve 31387  
the educational outcome for that subgroup of students to provide 31388  
services to those students. The partner organization may be 31389  
another school, district, or other education provider. 31390

Not later than December 31, 2014, the state board of 31391  
education shall establish measures of satisfactory achievement and 31392  
progress, which include, but are not limited to, performance 31393  
measures under section 3302.03 of the Revised Code. The department 31394  
shall make the initial determination of satisfactory achievement 31395  
and progress under this section using those measures not later 31396  
than September 1, 2015, and then make determinations under this 31397  
section annually thereafter. 31398

The department shall publish a list of schools, school districts, and other educational providers that have demonstrated an ability to serve each subgroup of students.

Sec. 3317.60. (A)(1)(a) The office of budget and management shall, in consultation with the department of education, create an inventory of all state budget line items that, in the office's determination, provide funding services to children that includes all of the following information:

(i) The fiscal year 2018 funding for each line item;

(ii) A brief description of services provided by each line item;

(iii) Estimates of funding and program descriptions of all line items that are also used to fund other types of programs, including a description explaining how those different programs interact and for whom they are provided;

(iv) A preliminary analysis of policy implications regarding the potential creation and funding of "wrap-around services," as defined by the office, including health clinics provided in educational settings.

(b) The data shall be disaggregated into three categories based on students' age ranges as follows:

(i) Students receiving special education services for a disability specified in divisions (A) to (F) of section 3317.013 of the Revised Code between zero and twenty-one years of age;

(ii) Students not described by division (A)(1)(b)(i) of this section between zero and four years of age; and

(iii) Students not described in division (A)(1)(b)(i) of this section between five and eighteen years of age.

Additionally, the data shall be disaggregated into service

categories that may be provided by multiple agencies, funds, and line items, such as children's mental health, children's physical health, child nutrition, early childhood education, primary and secondary education, special education, juvenile detention services, and any other categories that receive significant state and federal funding. 31428  
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(c) The office shall submit the inventory to the individuals prescribed in division (B) of this section not later than December 31, 2020. 31434  
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(2) The department of education, in consultation with the joint education oversight committee, shall conduct an evaluation of all of the following topics regarding special education: 31437  
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(a) The categories of special education students specified under section 3317.013 of the Revised Code and the funding amounts corresponding to those categories; 31440  
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31442

(b) Best practices for providing education to special education students; 31443  
31444

(c) Protocols for providing treatment to special education students; 31445  
31446

(d) Technology to enhance the provision of special education; 31447

(e) Costs of providing special education. 31448

The department shall submit a report of its findings and recommendations to the individuals prescribed in division (B) of this section not later than December 31, 2020. 31449  
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(3) The joint education oversight committee shall, in collaboration with the department of education, the auditor of state, and a workgroup established by the committee that consists of educators, auditors, and employees of the department of education, review the funding reporting protocols and requirements for gifted services with the intention of recommending 31452  
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improvements regarding accountability for the spending of gifted funds paid to city, local, and exempted village school districts under section 3317.022 of the Revised Code. The committee shall submit a report of its findings and recommendations to the individuals prescribed in division (B) of this section not later than December 31, 2020.

(4) The joint education oversight committee shall, in consultation with the department of education, develop recommendations for an incentive program for school districts in rural areas of the state that provide services to students identified as gifted under division (A), (B), (C), or (D) of section 3324.03 of the Revised Code and submit a report of its findings to the individuals prescribed in division (B) of this section not later than December 31, 2020.

(5) The department of education shall, in consultation with the joint education oversight committee, conduct a study that does both of the following:

(a) Evaluates and determines the essential types and amounts of resources needed to provide economically disadvantaged students the emotional, social, and academic services necessary to ensure adequate opportunities for success.

(b) Evaluates and revises the current definition of "economically disadvantaged student."

The department shall submit a report of its findings to the individuals prescribed in division (B) of this section not later than December 31, 2020.

(6) The department of education shall, in consultation with the joint education oversight committee, the department of job and family services, and the auditor of state, conduct an evaluation of all of the following topics regarding preschool education:

(a) The cost effectiveness of continuing the existing

<u>multiple provider system;</u>	31489
<u>(b) Ways in which the existing system may be better</u>	31490
<u>coordinated and cost efficient;</u>	31491
<u>(c) Alternative ways in which the state can supply high</u>	31492
<u>quality preschool, especially for economically disadvantaged</u>	31493
<u>students.</u>	31494
<u>The department shall submit a report of its findings to the</u>	31495
<u>individuals prescribed in division (B) of this section not later</u>	31496
<u>than December 31, 2020.</u>	31497
<u>(7) The joint education oversight committee shall, in</u>	31498
<u>collaboration with the department of education, the auditor of</u>	31499
<u>state, and the Ohio educational service center association,</u>	31500
<u>conduct an evaluation of educational service centers, including</u>	31501
<u>all of the following:</u>	31502
<u>(a) Services provided;</u>	31503
<u>(b) Cost of existing services;</u>	31504
<u>(c) The ability to generate revenue for providing</u>	31505
<u>nonmandatory services and offset fixed costs with that revenue;</u>	31506
<u>(d) The average operating cost per pupil;</u>	31507
<u>(e) The effectiveness and efficiency of all educational</u>	31508
<u>service centers.</u>	31509
<u>The committee shall submit a report of its findings to the</u>	31510
<u>individuals prescribed in division (B) of this section not later</u>	31511
<u>than December 31, 2020.</u>	31512
<u>(8) The department of education shall, in consultation with</u>	31513
<u>the joint education oversight committee, evaluate the current</u>	31514
<u>funding amounts and required services for all categories of</u>	31515
<u>English language learners described in section 3317.016 of the</u>	31516
<u>Revised Code. The department shall submit a report of its findings</u>	31517
<u>to the individuals prescribed in division (B) of this section not</u>	31518

later than December 31, 2020. 31519

(B) Reports prepared under divisions (A)(1), (2), (3), (4), 31520  
(5), (6), (7), and (8) of this section shall be submitted to all 31521  
of the following: 31522

(1) The chair, vice chair, and ranking minority member of the 31523  
finance committee of the house of representatives and the senate; 31524

(2) The chair, vice chair, and ranking minority member of the 31525  
finance subcommittees regarding primary and secondary education of 31526  
the house of representatives and the senate; 31527

(3) The chair, vice chair, and ranking minority member of the 31528  
standing committee of the house of representatives and the senate 31529  
that consider legislation regarding primary and secondary 31530  
education; 31531

(4) The superintendent of public instruction; 31532

(5) The president of the state board of education. 31533

(C) It is the intent of the general assembly that the 31534  
recommendations developed under divisions (A)(2), (3), (4), (5), 31535  
(6), and (7) of this section be the basis of legislation enacted 31536  
by the general assembly in order to take effect for fiscal year 31537  
2022 and that the recommendations developed under division (A)(8) 31538  
of this section be the basis of legislation enacted by the general 31539  
assembly in order to take effect for fiscal year 2023. 31540

**Sec. 3317.61.** (A) The department of education, in 31541  
consultation with community school governing authorities and other 31542  
appropriate stakeholders, shall evaluate the cost of operating 31543  
community schools on a per-pupil or other reasonable basis as a 31544  
replacement for the discontinuance of a fixed per pupil formula 31545  
amount. 31546

(B) Not later than December 31, 2020, the department shall 31547  
submit its findings to all of the following: 31548

(1) The chair, vice chair, and ranking minority member of the 31549  
finance committee of the house of representatives and the senate; 31550

(2) The chair, vice chair, and ranking minority member of the 31551  
finance subcommittees regarding primary and secondary education of 31552  
the house of representatives and the senate; 31553

(3) The chair, vice chair, and ranking minority member of the 31554  
standing committee of the house of representatives and the senate 31555  
that consider legislation regarding primary and secondary 31556  
education; 31557

(4) The superintendent of public instruction; 31558

(5) The president of the state board of education. 31559

**Sec. 3317.62.** (A) A joint legislative task force to examine 31560  
transportation of community school and nonpublic school students 31561  
is hereby established and shall consist of six members, three of 31562  
whom shall be appointed by the speaker of the house of 31563  
representatives and three of whom shall be appointed by the 31564  
president of the senate. The speaker of the house of 31565  
representatives and president of the senate shall appoint a 31566  
chairperson and vice-chairperson or co-chairpersons for the task 31567  
force. 31568

(B) The task force, in consultation with the superintendent 31569  
of public instruction, the auditor of state, and other 31570  
stakeholders, shall study the transportation of such students and 31571  
determine methods to create greater efficiency and minimize costs 31572  
in transporting such students. The task force shall report its 31573  
findings to the speaker of the house of representatives and the 31574  
president of the senate not later than December 31, 2020. 31575

**Sec. 3318.036.** (A) For purposes of this section: 31576

(1) "Eligible school district" is a city, local, or exempted 31577

village school district that satisfies both of the following 31578  
conditions: 31579

(a) The district is either of the following: 31580

(i) A district that resulted from one of the following that 31581  
became effective between July 1, 2013, and June 30, 2018: 31582

~~(i)~~(I) A transfer of all of the territory of one school 31583  
district to another school district in accordance with section 31584  
3311.22, 3311.231, 3311.24, or 3311.38 of the Revised Code; 31585

~~(ii)~~(II) The merger of two or more districts in accordance 31586  
with section 3311.25 of the Revised Code; 31587

~~(iii)~~(III) The creation of a new local school district from 31588  
all of one or more local school districts in accordance with 31589  
section 3311.26 of the Revised Code; 31590

~~(iv)~~(IV) The consolidation of two or more school districts 31591  
under section 3311.37 of the Revised Code. 31592

(ii) A district that intends to build a new school building 31593  
on land originally owned by a state community college, as that 31594  
term is defined in section 3358.01 of the Revised Code, with the 31595  
intention of collaboratively working with the state community 31596  
college on workforce development programs and curriculum. 31597

(b) The district has demonstrated to the Ohio facilities 31598  
construction commission an efficient use of facility space, 31599  
including a reduction in the number of buildings used by students 31600  
and administrative staff. 31601

(2) "Basic project cost" and "required percentage of the 31602  
basic project cost" have the same meanings as in section 3318.01 31603  
of the Revised Code. 31604

(B) Notwithstanding anything to the contrary in this chapter: 31605

(1) If the commission determines that a district is an 31606  
eligible school district, the commission shall give that district 31607

first priority for funding for a project under sections 3318.01 to 31608  
3318.20 of the Revised Code as such funds become available, 31609  
regardless of the district's percentile rank under section 31610  
3318.011 of the Revised Code. If the district results from a 31611  
transfer, merger, consolidation, or creation of a new local 31612  
district that takes effect prior to April 6, 2017, the district's 31613  
portion of the basic project cost shall be the required percentage 31614  
of the basic project cost based on the percentile ranking of the 31615  
district that was transferred, merged, consolidated, or existed 31616  
prior to the creation of the new district that has the lowest 31617  
three-year average adjusted valuation per pupil, as calculated 31618  
under section 3318.011 of the Revised Code, on the date that the 31619  
transfer, merger, consolidation, or creation of the new district 31620  
became effective. 31621

(2) If an eligible school district is given priority under 31622  
division (B)(1) of this section, the commission may reduce that 31623  
district's portion of the basic project cost by twenty-five 31624  
percentage points from the portion determined under section 31625  
3318.032 of the Revised Code or, if the district results from a 31626  
transfer, merger, consolidation, or creation of a new local 31627  
district that takes effect prior to April 6, 2017, from the 31628  
portion determined under division (B)(1) of this section. At no 31629  
time, however, shall that district's portion of the basic project 31630  
cost be less than five per cent. 31631

(3) If an eligible school district is given priority under 31632  
division (B)(1) of this section, the commission may reduce that 31633  
district's portion of the basic project cost by ten percentage 31634  
points from the portion determined under section 3318.032 of the 31635  
Revised Code or, if the district results from a transfer, merger, 31636  
consolidation, or creation of a new local district that takes 31637  
effect prior to April 6, 2017, from the portion determined under 31638  
division (B)(1) of this section, if the district's project 31639

satisfies the following conditions: 31640

(a) The project involves construction of a building on land 31641  
owned by a state institution of higher education, as that term is 31642  
defined in section 3345.011 of the Revised Code, or on land 31643  
originally owned by a state community college, as that term is 31644  
defined in section 3358.01 of the Revised Code, with the intention 31645  
of collaboratively working with the state community college on 31646  
workforce development programs and curriculum, and the commission 31647  
approves the project. 31648

(b) The district and the state institution of higher 31649  
education enter into a written agreement regarding the continued 31650  
use of the institution's land by the district, and the commission 31651  
approves the agreement. Division (B)(3)(b) of this section does 31652  
not apply to a district that satisfies the condition described in 31653  
division (A)(1)(a)(ii) of this section. 31654

(c) On the date that the district and the state institution 31655  
of higher education enter into the written agreement described in 31656  
division (B)(3)(b) of this section, the state institution of 31657  
higher education is participating in the college credit plus 31658  
program established under Chapter 3365. of the Revised Code. 31659  
Division (B)(3)(c) of this section does not apply to a district 31660  
that satisfies the condition described in division (A)(1)(a)(ii) 31661  
of this section. 31662

At no time, however, shall that district's portion of the 31663  
basic project cost be less than five per cent. 31664

The reduction of the district's portion of the basic project 31665  
cost described in division (B)(3) of this section may be in 31666  
addition to a reduction of the district's portion of the basic 31667  
project cost under division (B)(2) of this section. 31668

(C) Except as provided in division (B) of this section, a 31669  
district's project undertaken pursuant to this section shall be 31670

subject to all other requirements in sections 3318.01 to 3318.20 31671  
of the Revised Code. 31672

Sec. 3318.037. (A) For purposes of this section: 31673

(1) "Basic project cost," "percentile," and "school 31674  
district's portion of the basic project cost" have the same 31675  
meanings as in section 3318.01 of the Revised Code. 31676

(2) "Eligible school district" is a city, local, or exempted 31677  
village school district that satisfies all of the following 31678  
conditions: 31679

(a) The district intends to build new classroom facilities on 31680  
land originally owned by a state community college, as that term 31681  
is defined in section 3358.01 of the Revised Code, with the 31682  
intention of collaboratively working with the state community 31683  
college on workforce development programs and curriculum. 31684

(b) The district has previously participated in the school 31685  
building assistance expedited local partnership program 31686  
established under section 3318.36 of the Revised Code but did not 31687  
construct any new facilities as part of that program. 31688

(c) The district reapplies for the expedited local 31689  
partnership program between January 1, 2019, and July 1, 2020. 31690

(B) Notwithstanding anything to the contrary in this chapter, 31691  
if an eligible school district reapplies for the expedited local 31692  
partnership program between January 1, 2019, and July 1, 2020, and 31693  
subsequently enters into a new agreement for that program, both of 31694  
the following shall occur: 31695

(1) The district shall retain its percentile ranking that was 31696  
determined at the time the district entered into its initial 31697  
agreement under the expedited local partnership program. 31698

(2) The Ohio facilities construction commission shall give 31699  
that district first priority for funding for a project under 31700

sections 3318.01 to 3318.20 of the Revised Code as such funds 31701  
become available, regardless of the district's percentile rank 31702  
under section 3318.011 of the Revised Code, and the district's 31703  
portion of the basic project cost under sections 3318.01 to 31704  
3318.20 of the Revised Code shall be the same percentage of the 31705  
basic project cost as under its initial agreement under the 31706  
expedited local partnership program. 31707

**Sec. 3318.36.** (A)(1) As used in this section: 31708

(a) "Ohio facilities construction commission," "classroom 31709  
facilities," "school district," "school district board," "net 31710  
bonded indebtedness," "required percentage of the basic project 31711  
costs," "basic project cost," "valuation," and "percentile" have 31712  
the same meanings as in section 3318.01 of the Revised Code. 31713

(b) "Required level of indebtedness" means five per cent of 31714  
the school district's valuation for the year preceding the year in 31715  
which the commission and school district enter into an agreement 31716  
under division (B) of this section, plus [two one-hundredths of 31717  
one per cent multiplied by (the percentile in which the district 31718  
ranks minus one)]. 31719

(c) "Local resources" means any moneys generated in any 31720  
manner permitted for a school district board to raise the school 31721  
district portion of a project undertaken with assistance under 31722  
sections 3318.01 to 3318.20 of the Revised Code. 31723

(2) For purposes of determining the required level of 31724  
indebtedness, the required percentage of the basic project costs 31725  
under division (C)(1) of this section, and priority for assistance 31726  
under sections 3318.01 to 3318.20 of the Revised Code, the 31727  
percentile ranking of a school district with which the commission 31728  
has entered into an agreement under this section between the first 31729  
day of July and the thirty-first day of August in each fiscal year 31730  
is the percentile ranking calculated for that district for the 31731

immediately preceding fiscal year, and the percentile ranking of a 31732  
school district with which the commission has entered into such 31733  
agreement between the first day of September and the thirtieth day 31734  
of June in each fiscal year is the percentile ranking calculated 31735  
for that district for the current fiscal year. 31736

(B)(1) There is hereby established the school building 31737  
assistance expedited local partnership program. Under the program, 31738  
the Ohio facilities construction commission may enter into an 31739  
agreement with the board of any school district under which the 31740  
board may proceed with the new construction or major repairs of a 31741  
part of the district's classroom facilities needs, as determined 31742  
under sections 3318.01 to 3318.20 of the Revised Code, through the 31743  
expenditure of local resources prior to the school district's 31744  
eligibility for state assistance under those sections, and may 31745  
apply that expenditure toward meeting the school district's 31746  
portion of the basic project cost of the total of the district's 31747  
classroom facilities needs, as recalculated under division (E) of 31748  
this section, when the district becomes eligible for state 31749  
assistance under sections 3318.01 to 3318.20 or section 3318.364 31750  
of the Revised Code. ~~Any~~ 31751

Any school district that is reasonably expected to receive 31752  
assistance under sections 3318.01 to 3318.20 of the Revised Code 31753  
within two fiscal years from the date the school district adopts 31754  
its resolution under division (B) of this section shall not be 31755  
eligible to participate in the program established under this 31756  
section unless that school district divides its project under 31757  
those sections into segments as authorized by section 3318.034 of 31758  
the Revised Code. In the case of a school district that has 31759  
segmented its project as authorized in section 3318.034 of the 31760  
Revised Code, the district shall select a discrete portion of one 31761  
or more future segments of its project, to which the district may 31762  
apply local resources under an agreement under this section prior 31763

to further state assistance for those future segments under 31764  
sections 3318.01 to 3318.20 of the Revised Code. 31765

(2) To participate in the program, a school district board 31766  
shall first adopt a resolution certifying to the commission the 31767  
board's intent to participate in the program. 31768

The resolution shall specify the approximate date that the 31769  
board intends to seek elector approval of any bond or tax measures 31770  
or to apply other local resources to use to pay the cost of 31771  
classroom facilities to be constructed under this section. The 31772  
resolution may specify the application of local resources or 31773  
elector-approved bond or tax measures after the resolution is 31774  
adopted by the board, and in such case the board may proceed with 31775  
a discrete portion of its project under this section as soon as 31776  
the commission and the controlling board have approved the basic 31777  
project cost of the district's classroom facilities needs as 31778  
specified in division (D) of this section. The board shall submit 31779  
its resolution to the commission not later than ten days after the 31780  
date the resolution is adopted by the board. 31781

The commission shall not consider any resolution that is 31782  
submitted pursuant to division (B)(2) of this section, as amended 31783  
by this amendment, sooner than September 14, 2000. 31784

(3) For purposes of determining when a district that enters 31785  
into an agreement under this section becomes eligible for 31786  
assistance under sections 3318.01 to 3318.20 of the Revised Code 31787  
or priority for assistance under section 3318.364 of the Revised 31788  
Code, the commission shall use the district's percentile ranking 31789  
determined at the time the district entered into the agreement 31790  
under this section, as prescribed by division (A)(2) of this 31791  
section. 31792

(4) Any project under this section shall comply with section 31793  
3318.03 of the Revised Code and with any specifications for plans 31794

and materials for classroom facilities adopted by the commission 31795  
under section 3318.04 of the Revised Code. 31796

(5) If a school district that enters into an agreement under 31797  
this section has not begun a project applying local resources as 31798  
provided for under that agreement at the time the district is 31799  
notified by the commission that it is eligible to receive state 31800  
assistance for its project under sections 3318.01 to 3318.20 of 31801  
the Revised Code or for a segment of its project, if the district 31802  
previously segmented its project as authorized in section 3318.034 31803  
of the Revised Code, all assessment and agreement documents 31804  
entered into under this section are void. 31805

(6) Only construction of or repairs to classroom facilities 31806  
that have been approved by the commission and have been therefore 31807  
included as part of a district's basic project cost qualify for 31808  
application of local resources under this section. 31809

(C) Based on the results of on-site visits and assessment, 31810  
the commission shall determine the basic project cost of the 31811  
school district's classroom facilities needs. The commission shall 31812  
determine the school district's portion of such basic project 31813  
cost, which shall be the greater of: 31814

(1) The required percentage of the basic project costs, 31815  
determined based on the school district's percentile ranking; 31816

(2) An amount necessary to raise the school district's net 31817  
bonded indebtedness, as of the fiscal year the commission and the 31818  
school district enter into the agreement under division (B) of 31819  
this section, to within five thousand dollars of the required 31820  
level of indebtedness. 31821

(D)(1) When the commission determines the basic project cost 31822  
of the classroom facilities needs of a school district and the 31823  
school district's portion of that basic project cost under 31824  
division (C) of this section, the project shall be conditionally 31825

approved. Such conditional approval shall be submitted to the 31826  
controlling board for approval thereof. The controlling board 31827  
shall forthwith approve or reject the commission's determination, 31828  
conditional approval, and the amount of the state's portion of the 31829  
basic project cost; however, no state funds shall be encumbered 31830  
under this section. Upon approval by the controlling board, the 31831  
school district board may identify a discrete part of its 31832  
classroom facilities needs, which shall include only new 31833  
construction of or additions or major repairs to a particular 31834  
building, to address with local resources. Upon identifying a part 31835  
of the school district's basic project cost to address with local 31836  
resources, the school district board may allocate any available 31837  
school district moneys to pay the cost of that identified part, 31838  
including the proceeds of an issuance of bonds if approved by the 31839  
electors of the school district. 31840

All local resources utilized under this division shall first 31841  
be deposited in the project construction account required under 31842  
section 3318.08 of the Revised Code. 31843

(2) Unless the school district board exercises its option 31844  
under division (D)(3) of this section, for a school district to 31845  
qualify for participation in the program authorized under this 31846  
section, one of the following conditions shall be satisfied: 31847

(a) The electors of the school district by a majority vote 31848  
shall approve the levy of taxes outside the ten-mill limitation 31849  
for a period of twenty-three years at the rate of not less than 31850  
one-half mill for each dollar of valuation to be used to pay the 31851  
cost of maintaining the classroom facilities included in the basic 31852  
project cost as determined by the commission. The form of the 31853  
ballot to be used to submit the question whether to approve the 31854  
tax required under this division to the electors of the school 31855  
district shall be the form for an additional levy of taxes 31856  
prescribed in section 3318.361 of the Revised Code, which may be 31857

combined in a single ballot question with the questions prescribed 31858  
under section 5705.218 of the Revised Code. 31859

(b) As authorized under division (C) of section 3318.05 of 31860  
the Revised Code, the school district board shall earmark from the 31861  
proceeds of a permanent improvement tax levied under section 31862  
5705.21 of the Revised Code, an amount equivalent to the 31863  
additional tax otherwise required under division (D)(2)(a) of this 31864  
section for the maintenance of the classroom facilities included 31865  
in the basic project cost as determined by the commission. 31866

(c) As authorized under section 3318.051 of the Revised Code, 31867  
the school district board shall, if approved by the commission, 31868  
annually transfer into the maintenance fund required under section 31869  
3318.05 of the Revised Code the amount prescribed in section 31870  
3318.051 of the Revised Code in lieu of the tax otherwise required 31871  
under division (D)(2)(a) of this section for the maintenance of 31872  
the classroom facilities included in the basic project cost as 31873  
determined by the commission. 31874

(d) If the school district board has rescinded the agreement 31875  
to make transfers under section 3318.051 of the Revised Code, as 31876  
provided under division (F) of that section, the electors of the 31877  
school district, in accordance with section 3318.063 of the 31878  
Revised Code, first shall approve the levy of taxes outside the 31879  
ten-mill limitation for the period specified in that section at a 31880  
rate of not less than one-half mill for each dollar of valuation. 31881

(e) The school district board shall apply the proceeds of a 31882  
tax to leverage bonds as authorized under section 3318.052 of the 31883  
Revised Code or dedicate a local donated contribution in the 31884  
manner described in division (B) of section 3318.084 of the 31885  
Revised Code in an amount equivalent to the additional tax 31886  
otherwise required under division (D)(2)(a) of this section for 31887  
the maintenance of the classroom facilities included in the basic 31888  
project cost as determined by the commission. 31889

(3) A school district board may opt to delay taking any of 31890  
the actions described in division (D)(2) of this section until the 31891  
school district becomes eligible for state assistance under 31892  
sections 3318.01 to 3318.20 of the Revised Code. In order to 31893  
exercise this option, the board shall certify to the commission a 31894  
resolution indicating the board's intent to do so prior to 31895  
entering into an agreement under division (B) of this section. 31896

(4) If pursuant to division (D)(3) of this section a district 31897  
board opts to delay levying an additional tax until the district 31898  
becomes eligible for state assistance, it shall submit the 31899  
question of levying that tax to the district electors as follows: 31900

(a) In accordance with section 3318.06 of the Revised Code if 31901  
it will also be necessary pursuant to division (E) of this section 31902  
to submit a proposal for approval of a bond issue; 31903

(b) In accordance with section 3318.361 of the Revised Code 31904  
if it is not necessary to also submit a proposal for approval of a 31905  
bond issue pursuant to division (E) of this section. 31906

(5) No state assistance under sections 3318.01 to 3318.20 of 31907  
the Revised Code shall be released until a school district board 31908  
that adopts and certifies a resolution under division (D) of this 31909  
section also demonstrates to the satisfaction of the commission 31910  
compliance with the provisions of division (D)(2) of this section. 31911

Any amount required for maintenance under division (D)(2) of 31912  
this section shall be deposited into a separate fund as specified 31913  
in division (B) of section 3318.05 of the Revised Code. 31914

(E)(1) If the school district becomes eligible for state 31915  
assistance under sections 3318.01 to 3318.20 of the Revised Code 31916  
for its entire project or for future segments, if the district 31917  
previously segmented its project as authorized in section 3318.034 31918  
of the Revised Code, based on its percentile ranking under 31919  
division (B)(3) of this section or is offered assistance under 31920

section 3318.364 of the Revised Code, the commission shall conduct 31921  
a new assessment of the school district's classroom facilities 31922  
needs and shall recalculate the basic project cost based on this 31923  
new assessment. The basic project cost recalculated under this 31924  
division shall include the amount of expenditures made by the 31925  
school district board under division (D)(1) of this section. The 31926  
commission shall then recalculate the school district's portion of 31927  
the new basic project cost, which shall be the percentage of the 31928  
original basic project cost assigned to the school district as its 31929  
portion under division (C) of this section. The commission shall 31930  
deduct the expenditure of school district moneys made under 31931  
division (D)(1) of this section from the school district's portion 31932  
of the basic project cost as recalculated under this division. If 31933  
the amount of school district resources applied by the school 31934  
district board to the school district's portion of the basic 31935  
project cost under this section is less than the total amount of 31936  
such portion as recalculated under this division, the school 31937  
district board by a majority vote of all of its members shall, if 31938  
it desires to seek state assistance under sections 3318.01 to 31939  
3318.20 of the Revised Code, adopt a resolution as specified in 31940  
section 3318.06 of the Revised Code to submit to the electors of 31941  
the school district the question of approval of a bond issue in 31942  
order to pay any additional amount of school district portion 31943  
required for state assistance. Any tax levy approved under 31944  
division (D) of this section satisfies the requirements to levy 31945  
the additional tax under section 3318.06 of the Revised Code. 31946

(2) If the amount of school district resources applied by the 31947  
school district board to the school district's portion of the 31948  
basic project cost under this section is more than the total 31949  
amount of such portion as recalculated under this division, within 31950  
one year after the school district's portion is recalculated under 31951  
division (E)(1) of this section the commission may grant to the 31952  
school district the difference between the two calculated 31953

portions, but at no time shall the commission expend any state 31954  
funds on a project in an amount greater than the state's portion 31955  
of the basic project cost as recalculated under this division. 31956

Any reimbursement under this division shall be only for local 31957  
resources the school district has applied toward construction cost 31958  
expenditures for the classroom facilities approved by the 31959  
commission, which shall not include any financing costs associated 31960  
with that construction. 31961

The school district board shall use any moneys reimbursed to 31962  
the district under this division to pay off any debt service the 31963  
district owes for classroom facilities constructed under its 31964  
project under this section before such moneys are applied to any 31965  
other purpose. However, the district board first may deposit 31966  
moneys reimbursed under this division into the district's general 31967  
fund or a permanent improvement fund to replace local resources 31968  
the district withdrew from those funds, as long as, and to the 31969  
extent that, those local resources were used by the district for 31970  
constructing classroom facilities included in the district's basic 31971  
project cost. 31972

**Sec. 3319.074.** (A) As used in this section: 31973

(1) "Core subject area" means reading and English language 31974  
arts, mathematics, science, social studies, foreign language, and 31975  
fine arts. 31976

(2) "Properly certified or licensed teacher" means a any of 31977  
the following individuals: 31978

(a) A classroom teacher who has successfully completed all 31979  
requirements for certification or licensure under this chapter 31980  
applicable to the subject areas and grade levels in which the 31981  
teacher provides instruction and the students to whom the teacher 31982  
provides the instruction; 31983

(b) The holder of an early childhood long-term substitute license issued under former section 3319.226 of the Revised Code who provides instruction to students in any of grades pre-kindergarten through three; 31984  
31985  
31986  
31987

(c) The holder of a valid middle-childhood, adolescence to young adult, or multi-age long-term substitute license issued under former section 3319.226 of the Revised Code who provides instruction in the subject for which that license was issued; 31988  
31989  
31990  
31991

(d) The holder of a valid license issued pursuant to section 3319.226 of the Revised Code, as it exists on or after the effective date of this amendment, who has satisfied the criteria contained in division (B)(1)(b) or (c) of that section. 31992  
31993  
31994  
31995

(3) "Properly certified paraprofessional" means a paraprofessional who holds an educational aide permit issued under section 3319.088 of the Revised Code and satisfies at least one of the following conditions: 31996  
31997  
31998  
31999

(a) Has a designation of "ESEA qualified" on the educational aide permit; 32000  
32001

(b) Has successfully completed at least two years of coursework at an accredited institution of higher education; 32002  
32003

(c) Holds an associate degree or higher from an accredited institution of higher education; 32004  
32005

(d) Meets a rigorous standard of quality as demonstrated by attainment of a qualifying score on an academic assessment specified by the department of education. 32006  
32007  
32008

(B) Beginning July 1, 2019, no city, exempted village, local, joint vocational, or cooperative education school district shall do either of the following: 32009  
32010  
32011

(1) Employ any classroom teacher to provide instruction in a core subject area to any student, unless such teacher is a 32012  
32013

properly certified or licensed teacher; 32014

(2) Employ any paraprofessional in a program supported with 32015  
funds received under Title I of the "Elementary and Secondary 32016  
Education Act of 1965," 20 U.S.C. 6301 et seq., to provide 32017  
academic support in a core subject area to any student, unless 32018  
such paraprofessional is a properly certified paraprofessional. 32019

(3) Except as described in division (D) of this section, 32020  
employ any individual to provide substitute instruction in a core 32021  
subject area to any student, unless such individual is a properly 32022  
certified or licensed teacher. 32023

(C) At the start of each school year, each school district 32024  
shall notify the parent or guardian of each student enrolled in 32025  
the district that the parent or guardian may request information 32026  
on the professional qualifications of each classroom teacher who 32027  
provides instruction to the student. The district shall provide 32028  
the information on each applicable teacher in a timely manner to 32029  
any parent or guardian who requests it. Such information shall 32030  
include at least the following: 32031

(1) Whether the teacher has satisfied all requirements for 32032  
certification or licensure under this chapter applicable to the 32033  
subject areas and grade levels in which the teacher provides 32034  
instruction and the students to whom the teacher provides the 32035  
instruction, or whether the teacher provides instruction under a 32036  
waiver of any such requirements; 32037

(2) Whether a paraprofessional provides any services to the 32038  
student and, if so, the qualifications of the paraprofessional. 32039

(D) A district may provisionally employ for a period not to 32040  
exceed sixty days an individual who has satisfied the criteria 32041  
prescribed in division (B)(1)(b) or (c) of section 3319.226 of the 32042  
Revised Code, provided that a substitute license is requested by 32043  
or on behalf of that individual on or before the individual's 32044

first day of employment. 32045

**Sec. 3319.226.** (A) Beginning July 1, 2019, the state board of 32046  
education shall issue educator licenses for substitute teaching 32047  
only under this section. 32048

(B) The state board shall adopt rules establishing standards 32049  
and requirements for obtaining a license under this section and 32050  
for renewal of the license. Except as provided in division (F) of 32051  
section 3319.229 of the Revised Code, the rules shall require an 32052  
applicant to hold a post-secondary degree, but not in any 32053  
specified subject area. The rules also shall allow the holder of a 32054  
license issued under this section to work: 32055

(1) For an unlimited number of school days if the license 32056  
holder has a one of the following: 32057

(a) A post-secondary degree in either education or a subject 32058  
area directly related to the subject of the class the license 32059  
holder will teach; 32060

(b) A baccalaureate degree from an accredited institution of 32061  
higher education with twelve semester hours in professional 32062  
education leading to a license to teach in any of grades 32063  
pre-kindergarten through three, provided that license holder will 32064  
be teaching one of those grades; 32065

(c) A baccalaureate degree from an accredited institution of 32066  
higher education with twenty semester hours in the subject area 32067  
directly related to the subject of the class the license holder 32068  
will teach. 32069

(2) For one full semester, subject to the approval of the 32070  
employing school district board of education, if the license 32071  
holder has a post-secondary degree in a subject area that is not 32072  
directly related to the subject of the class that the license 32073  
holder will teach. 32074

The district superintendent may request that the board 32075  
approve one or more additional subsequent semester-long periods of 32076  
teaching for the license holder. 32077

(C) Any license issued or renewed under former section 32078  
3319.226 of the Revised Code that was still in force on ~~the~~ 32079  
~~effective date of this section~~ November 2, 2018, shall remain in 32080  
force for the remainder of the term for which it was issued or 32081  
renewed. Upon the expiration of that term, the holder of that 32082  
license shall be subject to licensure under the rules adopted 32083  
under this section. 32084

(D) An application for licensure under this section made by 32085  
or on behalf of an individual who satisfies the criteria 32086  
prescribed in division (B)(1)(b) or (c) of this section who is 32087  
provisionally employed in accordance with division (D) of section 32088  
3319.074 of the Revised Code shall be granted within thirty days 32089  
after its submission. 32090

**Sec. 3319.26.** (A) The state board of education shall adopt 32091  
rules establishing the standards and requirements for obtaining an 32092  
alternative resident educator license for teaching in grades 32093  
kindergarten to twelve, or the equivalent, in a designated subject 32094  
area or in the area of intervention specialist, as defined by rule 32095  
of the state board. The rules shall also include the reasons for 32096  
which an alternative resident educator license may be renewed 32097  
under division (D) of this section. 32098

(B) The superintendent of public instruction and the 32099  
chancellor of ~~the Ohio board of regents~~ higher education jointly 32100  
shall develop an intensive pedagogical training institute to 32101  
provide instruction in the principles and practices of teaching 32102  
for individuals seeking an alternative resident educator license. 32103  
The instruction shall cover such topics as student development and 32104  
learning, pupil assessment procedures, curriculum development, 32105

classroom management, and teaching methodology. 32106

(C) The rules adopted under this section shall require 32107  
applicants for the alternative resident educator license to 32108  
satisfy the following conditions prior to issuance of the license, 32109  
but they shall not require applicants to have completed a major or 32110  
coursework in the subject area for which application is being 32111  
made: 32112

(1) Hold a minimum of a baccalaureate degree; 32113

(2) Successfully complete the pedagogical training institute 32114  
described in division (B) of this section or ~~a summer~~ the 32115  
preservice training ~~institute~~ provided to participants of a 32116  
teacher preparation program that ~~is operated by a nonprofit~~ 32117  
~~organization and~~ has been approved by the chancellor. The 32118  
chancellor shall approve any such program that requires 32119  
participants to hold a bachelor's degree; have a cumulative 32120  
undergraduate grade point average of at least 2.5 out of 4.0, or 32121  
its equivalent; and successfully complete the program's ~~summer~~ 32122  
preservice training ~~institute~~. 32123

(3) Pass an examination in the subject area for which 32124  
application is being made. 32125

(D) An alternative resident educator license shall be valid 32126  
for four years and shall be renewable for reasons specified by 32127  
rules adopted by the state board pursuant to division (A) of this 32128  
section. The state board, on a case-by-case basis, may extend the 32129  
license's duration as necessary to enable the license holder to 32130  
complete the Ohio teacher residency program established under 32131  
section 3319.223 of the Revised Code. 32132

(E) The rules shall require the holder of an alternative 32133  
resident educator license, as a condition of continuing to hold 32134  
the license, to do all of the following: 32135

(1) Participate in the Ohio teacher residency program; 32136

(2) Show satisfactory progress in taking and successfully completing one of the following:	32137 32138
(a) At least twelve additional semester hours, or the equivalent, of college coursework in the principles and practices of teaching in such topics as student development and learning, pupil assessment procedures, curriculum development, classroom management, and teaching methodology;	32139 32140 32141 32142 32143
(b) Professional development provided by a teacher preparation program that has been approved by the chancellor under division (C)(2) of this section.	32144 32145 32146
(3) Take an assessment of professional knowledge in the second year of teaching under the license.	32147 32148
(F) The rules shall provide for the granting of a professional educator license to a holder of an alternative resident educator license upon successfully completing all of the following:	32149 32150 32151 32152
(1) Four years of teaching under the alternative license;	32153
(2) The additional college coursework or professional development described in division (E)(2) of this section;	32154 32155
(3) The assessment of professional knowledge described in division (E)(3) of this section. The standards for successfully completing this assessment and the manner of conducting the assessment shall be the same as for any other individual who is required to take the assessment pursuant to rules adopted by the state board under section 3319.22 of the Revised Code.	32156 32157 32158 32159 32160 32161
(4) The Ohio teacher residency program;	32162
(5) All other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code.	32163 32164 32165
(G) A person who is assigned to teach in this state as a	32166

participant in the teach for America program or who has completed 32167  
two years of teaching in another state as a participant in that 32168  
program shall be eligible for a license only under section 32169  
3319.227 of the Revised Code and shall not be eligible for a 32170  
license under this section. 32171

**Sec. 3319.272.** (A) ~~As used in this section, the~~ The "bright 32172  
new leaders for Ohio schools program" ~~means the program created~~ 32173  
~~and implemented by the nonprofit corporation incorporated pursuant~~ 32174  
~~to section 3319.271 of the Revised Code to~~ administered by the 32175  
Ohio state university Fisher college of business and college 32176  
education and human ecology shall provide an alternative path for 32177  
individuals to receive training and development in the 32178  
administration of primary and secondary education and leadership, 32179  
enable those individuals to earn degrees and obtain licenses in 32180  
public school administration, and promote the placement of those 32181  
individuals in public schools that have a poverty percentage 32182  
greater than fifty per cent. 32183

(B) The state board of education shall issue ~~an alternative~~ 32184  
~~principal license or an administrator license, as applicable, a~~ 32185  
professional administrator license for grades pre-kindergarten 32186  
through twelve to an individual who successfully completes the 32187  
bright new leaders for Ohio schools program and satisfies the 32188  
requirements in rules adopted by the state board under division 32189  
(C) of this section. 32190

(C) The state board, in consultation with the ~~board of~~ 32191  
~~directors of the~~ bright new leaders for Ohio schools program, 32192  
shall adopt rules that prescribe the requirements for obtaining ~~an~~ 32193  
~~alternative principal license or an~~ a professional administrator 32194  
license for grades pre-kindergarten through twelve under this 32195  
section. The state board shall use the rules adopted under section 32196  
3319.27 of the Revised Code as guidance in developing the rules 32197

adopted under this division. 32198

**Sec. 3326.11.** Each science, technology, engineering, and 32199  
mathematics school established under this chapter and its 32200  
governing body shall comply with sections 9.90, 9.91, 109.65, 32201  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 32202  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 32203  
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 32204  
3313.482, 3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 32205  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 32206  
3313.6024, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 32207  
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 32208  
3313.667, 3313.668, 3313.67, 3313.671, 3313.672, 3313.673, 32209  
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 32210  
3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 3313.817, 32211  
3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 32212  
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 32213  
3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 32214  
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 32215  
5705.391 and Chapters 102., 117., 1347., 2744., 3307., 3309., 32216  
3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code 32217  
as if it were a school district. 32218

**Sec. 3326.31.** As used in sections 3326.31 to 3326.50 of the 32219  
Revised Code: 32220

(A)(1) "Category one career-technical education student" 32221  
means a student who is receiving the career-technical education 32222  
services described in division (A) of section 3317.014 of the 32223  
Revised Code. 32224

(2) "Category two career-technical student" means a student 32225  
who is receiving the career-technical education services described 32226  
in division (B) of section 3317.014 of the Revised Code. 32227

(3) "Category three career-technical student" means a student 32228  
who is receiving the career-technical education services described 32229  
in division (C) of section 3317.014 of the Revised Code. 32230

(4) "Category four career-technical student" means a student 32231  
who is receiving the career-technical education services described 32232  
in division (D) of section 3317.014 of the Revised Code. 32233

(5) "Category five career-technical education student" means 32234  
a student who is receiving the career-technical education services 32235  
described in division (E) of section 3317.014 of the Revised Code. 32236

(B)(1) "Category one ~~limited English proficient student~~ 32237  
learner" means a ~~limited~~ an English ~~proficient student~~ learner 32238  
described in division (A) of section 3317.016 of the Revised Code. 32239

(2) "Category two ~~limited English proficient student learner~~ 32240  
means a ~~limited~~ an English ~~proficient student~~ learner described in 32241  
division (B) of section 3317.016 of the Revised Code. 32242

(3) "Category three ~~limited English proficient student~~ 32243  
learner" means a ~~limited~~ an English ~~proficient student~~ learner 32244  
described in division (C) of section 3317.016 of the Revised Code. 32245

(C)(1) "Category one special education student" means a 32246  
student who is receiving special education services for a 32247  
disability specified in division (A) of section 3317.013 of the 32248  
Revised Code. 32249

(2) "Category two special education student" means a student 32250  
who is receiving special education services for a disability 32251  
specified in division (B) of section 3317.013 of the Revised Code. 32252

(3) "Category three special education student" means a 32253  
student who is receiving special education services for a 32254  
disability specified in division (C) of section 3317.013 of the 32255  
Revised Code. 32256

(4) "Category four special education student" means a student 32257

who is receiving special education services for a disability 32258  
specified in division (D) of section 3317.013 of the Revised Code. 32259

(5) "Category five special education student" means a student 32260  
who is receiving special education services for a disability 32261  
specified in division (E) of section 3317.013 of the Revised Code. 32262

(6) "Category six special education student" means a student 32263  
who is receiving special education services for a disability 32264  
specified in division (F) of section 3317.013 of the Revised Code. 32265

(D) "Formula amount" has the same meaning as in section 32266  
3317.02 of the Revised Code. 32267

(E) "IEP" means an individualized education program as 32268  
defined in section 3323.01 of the Revised Code. 32269

(F) "Resident district" means the school district in which a 32270  
student is entitled to attend school under section 3313.64 or 32271  
3313.65 of the Revised Code. 32272

(G) "State education aid" has the same meaning as in section 32273  
5751.20 of the Revised Code. 32274

**Sec. 3326.32.** Each science, technology, engineering, and 32275  
mathematics school shall report to the department of education, in 32276  
the form and manner required by the department, all of the 32277  
following information: 32278

(A) The total number of students enrolled in the school who 32279  
are residents of this state; 32280

(B) The number of students reported under division (A) of 32281  
this section who are receiving special education and related 32282  
services pursuant to an IEP; 32283

(C) For each student reported under division (B) of this 32284  
section, which category specified in divisions (A) to (F) of 32285  
section 3317.013 of the Revised Code applies to the student; 32286

(D) The full-time equivalent number of students reported 32287  
under division (A) of this section who are enrolled in 32288  
career-technical education programs or classes described in each 32289  
of divisions (A), (B), (C), (D), and (E) of section 3317.014 of 32290  
the Revised Code that are provided by the STEM school; 32291

(E) The number of students reported under division (A) of 32292  
this section who are ~~limited English proficient students~~ learners 32293  
and which category specified in divisions (A) to (C) of section 32294  
3317.016 of the Revised Code applies to each student; 32295

(F) The number of students reported under division (A) of 32296  
this section who are economically disadvantaged, as defined by the 32297  
department. A student shall not be categorically excluded from the 32298  
number reported under division (F) of this section based on 32299  
anything other than family income. 32300

(G) The resident district of each student reported under 32301  
division (A) of this section; 32302

(H) The total number of students enrolled in the school who 32303  
are not residents of this state and any additional information 32304  
regarding these students that the department requires the school 32305  
to report. The school shall not receive any payments under this 32306  
chapter for students reported under this division. 32307

(I) Any additional information the department determines 32308  
necessary to make payments under this chapter. 32309

**Sec. 3326.33.** For each student enrolled in a science, 32310  
technology, engineering, and mathematics school established under 32311  
this chapter, on a full-time equivalency basis, the department of 32312  
education annually shall deduct from the state education aid of a 32313  
student's resident school district and, if necessary, from the 32314  
payment made to the district under sections 321.24 and 323.156 of 32315  
the Revised Code and pay to the school the sum of the following: 32316

(A) An opportunity grant in an amount equal to the formula amount;	32317 32318
(B) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;	32319 32320 32321 32322
(C) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:	32323 32324 32325
(1) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	32326 32327 32328
(2) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	32329 32330 32331
(3) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	32332 32333 32334
(4) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	32335 32336 32337
(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	32338 32339 32340
(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	32341 32342 32343
(D) If the student is in kindergarten through third grade, \$320;	32344 32345
(E) If the student is economically disadvantaged, an amount	32346

equal to the following:	32347
\$272 X the resident district's economically disadvantaged index	32348
(F) <del>Limited</del> English <del>proficiency</del> <u>learner</u> funds, as follows:	32349
(1) If the student is a category one <del>limited</del> English <del>proficient student</del> <u>learner</u> , the amount specified in division (A) of section 3317.016 of the Revised Code;	32350 32351 32352
(2) If the student is a category two <del>limited</del> English <del>proficient student</del> <u>learner</u> , the amount specified in division (B) of section 3317.016 of the Revised Code;	32353 32354 32355
(3) If the student is a category three <del>limited</del> English <del>proficient student</del> <u>learner</u> , the amount specified in division (C) of section 3317.016 of the Revised Code.	32356 32357 32358
(G) Career-technical education funds as follows:	32359
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	32360 32361 32362
(2) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	32363 32364 32365
(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	32366 32367 32368
(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	32369 32370 32371
(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	32372 32373 32374
Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the	32375 32376

Revised Code. 32377

Sec. 3326.42. (A) As used in this section: 32378

(1) "Base per pupil amount" has the same meaning as in 32379  
section 3317.0219 of the Revised Code. 32380

(2) "Eligible school district" has the same meaning as in 32381  
division (C)(1) of section 3317.0219 of the Revised Code. 32382

(3) "Resident district" has the same meaning as in section 32383  
3326.31 of the Revised Code. 32384

(B) Subject to division (D) of this section, for fiscal years 32385  
2020 and 2021, the department of education shall calculate and pay 32386  
to each science, technology, engineering, and mathematics school 32387  
student wellness and success funds, on a full-time equivalency 32388  
basis, for each student enrolled in the school as of the school's 32389  
payment under section 3326.33 of the Revised Code in June of the 32390  
immediately preceding fiscal year in an amount equal to the 32391  
following: 32392

(The base per pupil amount of the student's resident district for 32393  
that fiscal year + the scaled amount of the student's resident 32394  
district, if any, computed under division (B)(4) of section 32395  
3317.0219 of the Revised Code) 32396

However, each science, technology, engineering, and 32397  
mathematics school shall receive a minimum payment of \$25,000, for 32398  
fiscal year 2020, or \$36,000 for fiscal year 2021. 32399

(C) Subject to division (D) of this section, for fiscal years 32400  
2020 and 2021, the department shall pay to each science, 32401  
technology, engineering, and mathematics school student wellness 32402  
and success enhancement funds, on a full-time equivalency basis, 32403  
for each student enrolled in the school as of the school's payment 32404  
under section 3326.33 of the Revised Code in June of the 32405  
immediately preceding fiscal year whose resident district is an 32406

eligible school district, in an amount equal to the following: 32407

The amount paid to the student's resident district under division 32408

(C)(2) of section 3317.0219 of the Revised Code for that fiscal 32409

year / the enrolled ADM of the student's resident district that 32410

was used for the second payment under Chapter 3317. of the Revised 32411

Code in June of the immediately preceding fiscal year 32412

(D) The department shall pay funds under divisions (B) and 32413

(C) of this section as follows: 32414

(1) One-half of the amount shall be paid not later than the 32415

thirty-first day of October of the fiscal year for which the 32416

payment is calculated. 32417

(2) One-half of the amount shall be paid not later than the 32418

twenty-eighth day of February of the fiscal year for which the 32419

payment is calculated. 32420

Upon making a payment for a fiscal year under this section, 32421

the department shall not make any reconciliations or adjustments 32422

to that payment. 32423

(E) A science, technology, engineering, and mathematics 32424

school that receives a payment under this section shall comply 32425

with section 3317.26 of the Revised Code. 32426

**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 32427

and division (D) of section 3311.52 of the Revised Code, this 32428

section and sections 3327.011, 3327.012, and 3327.02 of the 32429

Revised Code do not apply to any joint vocational or cooperative 32430

education school district. 32431

In all city, local, and exempted village school districts 32432

where resident school pupils in grades kindergarten through eight 32433

live more than two miles from the school for which the state board 32434

of education prescribes minimum standards pursuant to division (D) 32435

of section 3301.07 of the Revised Code and to which they are 32436

assigned by the board of education of the district of residence or 32437  
to and from the nonpublic or community school which they attend, 32438  
the board of education shall provide transportation for such 32439  
pupils to and from that school except as provided in section 32440  
3327.02 of the Revised Code. 32441

In all city, local, and exempted village school districts 32442  
where pupil transportation is required under a career-technical 32443  
plan approved by the state board of education under section 32444  
3313.90 of the Revised Code, for any student attending a 32445  
career-technical program operated by another school district, 32446  
including a joint vocational school district, as prescribed under 32447  
that section, the board of education of the student's district of 32448  
residence shall provide transportation from the public high school 32449  
operated by that district to which the student is assigned to the 32450  
career-technical program. 32451

In all city, local, and exempted village school districts, 32452  
the board may provide transportation for resident school pupils in 32453  
grades nine through twelve to and from the high school to which 32454  
they are assigned by the board of education of the district of 32455  
residence or to and from the nonpublic or community high school 32456  
which they attend for which the state board of education 32457  
prescribes minimum standards pursuant to division (D) of section 32458  
3301.07 of the Revised Code. 32459

A board of education shall not be required to transport 32460  
elementary or high school pupils to and from a nonpublic or 32461  
community school where such transportation would require more than 32462  
thirty minutes of direct travel time as measured by school bus 32463  
from the public school building to which the pupils would be 32464  
assigned if attending the public school designated by the district 32465  
of residence. 32466

Where it is impractical to transport a pupil by school 32467  
conveyance, a board of education may offer payment, in lieu of 32468

providing such transportation in accordance with section 3327.02 32469  
of the Revised Code. 32470

A board of education shall not be required to transport 32471  
elementary or high school pupils to and from a nonpublic or 32472  
community school on Saturday or Sunday, unless a board of 32473  
education and a nonpublic or community school have an agreement in 32474  
place to do so before the first day of July of the school year in 32475  
which the agreement takes effect. 32476

In all city, local, and exempted village school districts, 32477  
the board shall provide transportation for all children who are so 32478  
disabled that they are unable to walk to and from the school for 32479  
which the state board of education prescribes minimum standards 32480  
pursuant to division (D) of section 3301.07 of the Revised Code 32481  
and which they attend. In case of dispute whether the child is 32482  
able to walk to and from the school, the health commissioner shall 32483  
be the judge of such ability. In all city, exempted village, and 32484  
local school districts, the board shall provide transportation to 32485  
and from school or special education classes for mentally disabled 32486  
children in accordance with standards adopted by the state board 32487  
of education. 32488

When transportation of pupils is provided the conveyance 32489  
shall be run on a time schedule that shall be adopted and put in 32490  
force by the board not later than ten days after the beginning of 32491  
the school term. For pupils attending a nonpublic or community 32492  
school, the district's drop-off time may be up to thirty minutes 32493  
prior to the start of the school day for that school and the 32494  
pick-up time may be up to thirty minutes after the end of the 32495  
school day for that school. 32496

The cost of any transportation service authorized by this 32497  
section shall be paid first out of federal funds, if any, 32498  
available for the purpose of pupil transportation, and secondly 32499  
out of state appropriations, in accordance with regulations 32500

adopted by the state board of education. 32501

No transportation of any pupils shall be provided by any 32502  
board of education to or from any school which in the selection of 32503  
pupils, faculty members, or employees, practices discrimination 32504  
against any person on the grounds of race, color, religion, or 32505  
national origin. 32506

Sec. 3327.015. No board of education of a school district 32507  
shall reduce the transportation it provides to students the 32508  
district is not required to transport under section 3327.01 of the 32509  
Revised Code, but that the district chooses to transport, during a 32510  
school year after the first day of that school year. 32511

**Sec. 3327.10.** (A) No person shall be employed as driver of a 32512  
school bus or motor van, owned and operated by any school district 32513  
or educational service center or privately owned and operated 32514  
under contract with any school district or service center in this 32515  
state, who has not received a certificate from either the 32516  
educational service center governing board that has entered into 32517  
an agreement with the school district under section 3313.843 or 32518  
3313.845 of the Revised Code or the superintendent of the school 32519  
district, certifying that such person is at least eighteen years 32520  
of age and is of good moral character and is qualified physically 32521  
and otherwise for such position. The service center governing 32522  
board or the superintendent, as the case may be, shall provide for 32523  
an annual physical examination that conforms with rules adopted by 32524  
the state board of education of each driver to ascertain the 32525  
driver's physical fitness for such employment. ~~Any~~ The examination 32526  
shall be performed by one of the following: 32527

(1) A person licensed under Chapter 4731. or 4734. of the 32528  
Revised Code or by another state to practice medicine and surgery, 32529  
osteopathic medicine and surgery, or chiropractic; 32530

<u>(2) A physician assistant;</u>	32531
<u>(3) A certified nurse practitioner;</u>	32532
<u>(4) A clinical nurse specialist;</u>	32533
<u>(5) A certified nurse-midwife;</u>	32534
<u>(6) A medical examiner who is listed on the national registry</u>	32535
<u>of certified medical examiners established by the federal motor</u>	32536
<u>carrier safety administration in accordance with 49 C.F.R. part</u>	32537
<u>390.</u>	32538
<u>Any</u> certificate may be revoked by the authority granting the	32539
same on proof that the holder has been guilty of failing to comply	32540
with division (D)(1) of this section, or upon a conviction or a	32541
guilty plea for a violation, or any other action, that results in	32542
a loss or suspension of driving rights. Failure to comply with	32543
such division may be cause for disciplinary action or termination	32544
of employment under division (C) of section 3319.081, or section	32545
124.34 of the Revised Code.	32546
(B) No person shall be employed as driver of a school bus or	32547
motor van not subject to the rules of the department of education	32548
pursuant to division (A) of this section who has not received a	32549
certificate from the school administrator or contractor certifying	32550
that such person is at least eighteen years of age, is of good	32551
moral character, and is qualified physically and otherwise for	32552
such position. Each driver shall have an annual physical	32553
examination which conforms to the state highway patrol rules,	32554
ascertaining the driver's physical fitness for such employment.	32555
The examination shall be performed by one of the following:	32556
(1) A person licensed under Chapter 4731. or 4734. of the	32557
Revised Code or by another state to practice medicine and surgery,	32558
osteopathic medicine and surgery, or chiropractic;	32559
(2) A physician assistant;	32560

(3) A certified nurse practitioner;	32561
(4) A clinical nurse specialist;	32562
(5) A certified nurse-midwife;	32563
(6) A medical examiner who is listed on the national registry	32564
of certified medical examiners established by the federal motor	32565
carrier safety administration in accordance with 49 C.F.R. part	32566
390.	32567
Any written documentation of the physical examination shall	32568
be completed by the individual who performed the examination.	32569
Any certificate may be revoked by the authority granting the	32570
same on proof that the holder has been guilty of failing to comply	32571
with division (D)(2) of this section.	32572
(C) Any person who drives a school bus or motor van must give	32573
satisfactory and sufficient bond except a driver who is an	32574
employee of a school district and who drives a bus or motor van	32575
owned by the school district.	32576
(D) No person employed as driver of a school bus or motor van	32577
under this section who is convicted of a traffic violation or who	32578
has had the person's commercial driver's license suspended shall	32579
drive a school bus or motor van until the person has filed a	32580
written notice of the conviction or suspension, as follows:	32581
(1) If the person is employed under division (A) of this	32582
section, the person shall file the notice with the superintendent,	32583
or a person designated by the superintendent, of the school	32584
district for which the person drives a school bus or motor van as	32585
an employee or drives a privately owned and operated school bus or	32586
motor van under contract.	32587
(2) If employed under division (B) of this section, the	32588
person shall file the notice with the employing school	32589
administrator or contractor, or a person designated by the	32590

administrator or contractor. 32591

(E) In addition to resulting in possible revocation of a 32592  
certificate as authorized by divisions (A) and (B) of this 32593  
section, violation of division (D) of this section is a minor 32594  
misdemeanor. 32595

(F)(1) Not later than thirty days after June 30, 2007, each 32596  
owner of a school bus or motor van shall obtain the complete 32597  
driving record for each person who is currently employed or 32598  
otherwise authorized to drive the school bus or motor van. An 32599  
owner of a school bus or motor van shall not permit a person to 32600  
operate the school bus or motor van for the first time before the 32601  
owner has obtained the person's complete driving record. 32602  
Thereafter, the owner of a school bus or motor van shall obtain 32603  
the person's driving record not less frequently than semiannually 32604  
if the person remains employed or otherwise authorized to drive 32605  
the school bus or motor van. An owner of a school bus or motor van 32606  
shall not permit a person to resume operating a school bus or 32607  
motor van, after an interruption of one year or longer, before the 32608  
owner has obtained the person's complete driving record. 32609

(2) The owner of a school bus or motor van shall not permit a 32610  
person to operate the school bus or motor van for ten years after 32611  
the date on which the person pleads guilty to or is convicted of a 32612  
violation of section 4511.19 of the Revised Code or a 32613  
substantially equivalent municipal ordinance. 32614

(3) An owner of a school bus or motor van shall not permit 32615  
any person to operate such a vehicle unless the person meets all 32616  
other requirements contained in rules adopted by the state board 32617  
of education prescribing qualifications of drivers of school buses 32618  
and other student transportation. 32619

(G) No superintendent of a school district, educational 32620  
service center, community school, or public or private employer 32621

shall permit the operation of a vehicle used for pupil 32622  
transportation within this state by an individual unless both of 32623  
the following apply: 32624

(1) Information pertaining to that driver has been submitted 32625  
to the department of education, pursuant to procedures adopted by 32626  
that department. Information to be reported shall include the name 32627  
of the employer or school district, name of the driver, driver 32628  
license number, date of birth, date of hire, status of physical 32629  
evaluation, and status of training. 32630

(2) The most recent criminal records check required by 32631  
division (J) of this section has been completed and received by 32632  
the superintendent or public or private employer. 32633

(H) A person, school district, educational service center, 32634  
community school, nonpublic school, or other public or nonpublic 32635  
entity that owns a school bus or motor van, or that contracts with 32636  
another entity to operate a school bus or motor van, may impose 32637  
more stringent restrictions on drivers than those prescribed in 32638  
this section, in any other section of the Revised Code, and in 32639  
rules adopted by the state board. 32640

(I) For qualified drivers who, on July 1, 2007, are employed 32641  
by the owner of a school bus or motor van to drive the school bus 32642  
or motor van, any instance in which the driver was convicted of or 32643  
pleaded guilty to a violation of section 4511.19 of the Revised 32644  
Code or a substantially equivalent municipal ordinance prior to 32645  
two years prior to July 1, 2007, shall not be considered a 32646  
disqualifying event with respect to division (F) of this section. 32647

(J)(1) This division applies to persons hired by a school 32648  
district, educational service center, community school, chartered 32649  
nonpublic school, or science, technology, engineering, and 32650  
mathematics school established under Chapter 3326. of the Revised 32651  
Code to operate a vehicle used for pupil transportation. 32652

For each person to whom this division applies who is hired on 32653  
or after November 14, 2007, the employer shall request a criminal 32654  
records check in accordance with section 3319.39 of the Revised 32655  
Code and every six years thereafter. For each person to whom this 32656  
division applies who is hired prior to that date, the employer 32657  
shall request a criminal records check by a date prescribed by the 32658  
department of education and every six years thereafter. 32659

(2) This division applies to persons hired by a public or 32660  
private employer not described in division (J)(1) of this section 32661  
to operate a vehicle used for pupil transportation. 32662

For each person to whom this division applies who is hired on 32663  
or after November 14, 2007, the employer shall request a criminal 32664  
records check prior to the person's hiring and every six years 32665  
thereafter. For each person to whom this division applies who is 32666  
hired prior to that date, the employer shall request a criminal 32667  
records check by a date prescribed by the department and every six 32668  
years thereafter. 32669

(3) Each request for a criminal records check under division 32670  
(J) of this section shall be made to the superintendent of the 32671  
bureau of criminal identification and investigation in the manner 32672  
prescribed in section 3319.39 of the Revised Code, except that if 32673  
both of the following conditions apply to the person subject to 32674  
the records check, the employer shall request the superintendent 32675  
only to obtain any criminal records that the federal bureau of 32676  
investigation has on the person: 32677

(a) The employer previously requested the superintendent to 32678  
determine whether the bureau of criminal identification and 32679  
investigation has any information, gathered pursuant to division 32680  
(A) of section 109.57 of the Revised Code, on the person in 32681  
conjunction with a criminal records check requested under section 32682  
3319.39 of the Revised Code or under division (J) of this section. 32683

(b) The person presents proof that the person has been a 32684  
resident of this state for the five-year period immediately prior 32685  
to the date upon which the person becomes subject to a criminal 32686  
records check under this section. 32687

Upon receipt of a request, the superintendent shall conduct 32688  
the criminal records check in accordance with section 109.572 of 32689  
the Revised Code as if the request had been made under section 32690  
3319.39 of the Revised Code. However, as specified in division 32691  
(B)(2) of section 109.572 of the Revised Code, if the employer 32692  
requests the superintendent only to obtain any criminal records 32693  
that the federal bureau of investigation has on the person for 32694  
whom the request is made, the superintendent shall not conduct the 32695  
review prescribed by division (B)(1) of that section. 32696

(K)(1) Until the effective date of the amendments to rule 32697  
3301-83-23 of the Ohio Administrative Code required by the second 32698  
paragraph of division (E) of section 3319.39 of the Revised Code, 32699  
any person who is the subject of a criminal records check under 32700  
division (J) of this section and has been convicted of or pleaded 32701  
guilty to any offense described in division (B)(1) of section 32702  
3319.39 of the Revised Code shall not be hired or shall be 32703  
released from employment, as applicable, unless the person meets 32704  
the rehabilitation standards prescribed for nonlicensed school 32705  
personnel by rule 3301-20-03 of the Ohio Administrative Code. 32706

(2) Beginning on the effective date of the amendments to rule 32707  
3301-83-23 of the Ohio Administrative Code required by the second 32708  
paragraph of division (E) of section 3319.39 of the Revised Code, 32709  
any person who is the subject of a criminal records check under 32710  
division (J) of this section and has been convicted of or pleaded 32711  
guilty to any offense that, under the rule, disqualifies a person 32712  
for employment to operate a vehicle used for pupil transportation 32713  
shall not be hired or shall be released from employment, as 32714  
applicable, unless the person meets the rehabilitation standards 32715

prescribed by the rule. 32716

**Sec. 3328.24.** A college-preparatory boarding school 32717  
established under this chapter and its board of trustees shall 32718  
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 32719  
3301.0714, 3301.0729, 3301.948, 3313.536, 3313.6013, 3313.6021, 32720  
3313.6024, 3313.6411, 3313.668, 3313.7112, 3313.721, 3313.89, 32721  
3319.39, 3319.391, and 3319.46 and Chapter 3365. of the Revised 32722  
Code as if the school were a school district and the school's 32723  
board of trustees were a district board of education. 32724

**Sec. 3333.052.** (A) The chancellor of higher education, with 32725  
the assistance of the department of job and family services, shall 32726  
establish the community college acceleration program to enhance 32727  
financial, academic, and personal support services to students in 32728  
need of support from local social service agencies. The program 32729  
shall identify the services and resources available to assist 32730  
eligible students enrolled in a community college established 32731  
under Chapter 3354., a state community college established under 32732  
Chapter 3358., a technical college established under Chapter 32733  
3357., or a university branch campus established under Chapter 32734  
3355. of the Revised Code. 32735

(B) The chancellor shall adopt rules to administer the 32736  
program. The rules shall specify the types of services provided by 32737  
the program, which may include any of the following: 32738

(1) Comprehensive and personalized advisement; 32739

(2) Career counseling; 32740

(3) Tutoring; 32741

(4) Tuition waivers; 32742

(5) Financial assistance to defray the costs of 32743  
transportation and textbooks. 32744

Sec. 3333.26. (A) Any citizen of this state who has resided 32745  
within the state for one year, who was in the active service of 32746  
the United States as a soldier, sailor, nurse, or marine between 32747  
April 6, 1917, and November 11, 1918, and who has been honorably 32748  
discharged from that service, shall be admitted to any school, 32749  
college, or university that receives state funds in support 32750  
thereof, without being required to pay any tuition or 32751  
matriculation fee, but is not relieved from the payment of 32752  
laboratory or similar fees. 32753

(B)(1) As used in this division: 32754

(a) "Volunteer firefighter" has the meaning as in division 32755  
(B)(1) of section 146.01 of the Revised Code. 32756

(b) "Public service officer" means an Ohio firefighter, 32757  
volunteer firefighter, police officer, member of the state highway 32758  
patrol, employee designated to exercise the powers of police 32759  
officers pursuant to section 1545.13 of the Revised Code, or other 32760  
peace officer as defined by division (B) of section 2935.01 of the 32761  
Revised Code, or a person holding any equivalent position in 32762  
another state. 32763

(c) "Qualified former spouse" means the former spouse of a 32764  
public service officer, or of a member of the armed services of 32765  
the United States, who is the custodial parent of a minor child of 32766  
that marriage pursuant to an order allocating the parental rights 32767  
and responsibilities for care of the child issued pursuant to 32768  
section 3109.04 of the Revised Code. 32769

(d) "Operation enduring freedom" means that period of 32770  
conflict which began October 7, 2001, and ends on a date declared 32771  
by the president of the United States or the congress. 32772

(e) "Operation Iraqi freedom" means that period of conflict 32773  
which began March 20, 2003, and ends on a date declared by the 32774

president of the United States or the congress. 32775

(f) "Combat zone" means an area that the president of the 32776  
United States by executive order designates, for purposes of 26 32777  
U.S.C. 112, as an area in which armed forces of the United States 32778  
are or have engaged in combat. 32779

(2) Any resident of this state who is under twenty-six years 32780  
of age, or under thirty years of age if the resident has been 32781  
honorably discharged from the armed services of the United States, 32782  
who is the child of a public service officer killed in the line of 32783  
duty or of a member of the armed services of the United States 32784  
killed in the line of duty during operation enduring freedom or 32785  
operation Iraqi freedom, and who is admitted to any state 32786  
university or college as defined in division (A)(1) of section 32787  
3345.12 of the Revised Code, community college, state community 32788  
college, university branch, or technical college shall not be 32789  
required to pay any tuition or any student fee for up to four 32790  
academic years of education, which shall be at the undergraduate 32791  
level. 32792

A child of a member of the armed services of the United 32793  
States killed in the line of duty during operation enduring 32794  
freedom or operation Iraqi freedom is eligible for a waiver of 32795  
tuition and student fees under this division only if the student 32796  
is not eligible for a war orphans and severely disabled veterans' 32797  
children scholarship authorized by Chapter 5910. of the Revised 32798  
Code. In any year in which the war orphans and severely disabled 32799  
veterans' children scholarship board reduces the percentage of 32800  
tuition covered by a war orphans and severely disabled veterans' 32801  
children scholarship below one hundred per cent pursuant to 32802  
division (A) of section 5910.04 of the Revised Code, the waiver of 32803  
tuition and student fees under this division for a child of a 32804  
member of the armed services of the United States killed in the 32805  
line of duty during operation enduring freedom or operation Iraqi 32806

freedom shall be reduced by the same percentage. 32807

(3) Any resident of this state who is the spouse or qualified 32808  
former spouse of a public service officer killed in the line of 32809  
duty, and who is admitted to any state university or college as 32810  
defined in division (A)(1) of section 3345.12 of the Revised Code, 32811  
community college, state community college, university branch, or 32812  
technical college, shall not be required to pay any tuition or any 32813  
student fee for up to four academic years of education, which 32814  
shall be at the undergraduate level. 32815

(4) Any resident of this state who is the spouse or qualified 32816  
former spouse of a member of the armed services of the United 32817  
States killed in the line of duty while serving in a combat zone 32818  
after May 7, 1975, and who is admitted to any state university or 32819  
college as defined in division (A)(1) of section 3345.12 of the 32820  
Revised Code, community college, state community college, 32821  
university branch, or technical college, shall not be required to 32822  
pay any tuition or any student fee for up to four years of 32823  
academic education, which shall be at the undergraduate level. In 32824  
order to qualify under division (B)(4) of this section, the spouse 32825  
or qualified former spouse shall have been a resident of this 32826  
state at the time the member was killed in the line of duty. 32827

(C) Any institution that is not subject to division (B) of 32828  
this section and that holds a valid certificate of registration 32829  
issued under Chapter 3332. of the Revised Code, a valid 32830  
certificate issued under Chapter 4709. of the Revised Code, or a 32831  
valid license issued under Chapter 4713. of the Revised Code, or 32832  
that is nonprofit and has a certificate of authorization issued 32833  
under section 1713.02 of the Revised Code, or that is a private 32834  
institution exempt from regulation under Chapter 3332. of the 32835  
Revised Code as prescribed in section 3333.046 of the Revised 32836  
Code, which reduces tuition and student fees of a student who is 32837  
eligible to attend an institution of higher education under the 32838

provisions of division (B) of this section by an amount indicated 32839  
by the chancellor of higher education shall be eligible to receive 32840  
a grant in that amount from the chancellor. 32841

Each institution that enrolls students under division (B) of 32842  
this section shall report to the chancellor, by the first day of 32843  
July of each year, the number of students who were so enrolled and 32844  
the average amount of all such tuition and student fees waived 32845  
during the preceding year. The chancellor shall determine the 32846  
average amount of all such tuition and student fees waived during 32847  
the preceding year. The average amount of the tuition and student 32848  
fees waived under division (B) of this section during the 32849  
preceding year shall be the amount of grants that participating 32850  
institutions shall receive under this division during the current 32851  
year, but no grant under this division shall exceed the tuition 32852  
and student fees due and payable by the student prior to the 32853  
reduction referred to in this division. The grants shall be made 32854  
for four years of undergraduate education of an eligible student. 32855

**Sec. 3333.45.** (A) For purposes of this section, "eligible 32856  
institution of higher education" means any of the following: 32857

~~(1) A regionally accredited private, nonprofit institution of 32858  
higher education that is created by the governors of several 32859  
states. At least one of the governors of these states shall also 32860  
be a member of the institution's board of trustees. 32861~~

~~(2) A state institution of higher education, as that term is 32862  
defined in section 3345.011 of the Revised Code; 32863~~

~~(3)~~(2) A private, nonprofit institution of higher education 32864  
that has received a certificate of authorization under Chapter 32865  
1713. of the Revised Code. 32866

(B) The chancellor of higher education may recognize or 32867  
endorse an eligible institution of higher education for the 32868

purpose of providing competency-based education programs. 32869

~~(C) In recognizing or endorsing an eligible institution of 32870  
higher education described in division (A)(1) of this section, the 32871  
chancellor may specify all of the following: 32872~~

~~(1) The eligibility of students enrolled in the institution 32873  
for state student financial aid programs; 32874~~

~~(2) Any articulation and transfer policies of the chancellor 32875  
that apply to the institution; 32876~~

~~(3) The reporting requirements for the institution. 32877~~

~~(D) In recognizing or endorsing any eligible institution of 32878  
higher education, the chancellor may: 32879~~

~~(1) Recognize competency-based education as an important 32880  
component of this state's higher education system; 32881~~

~~(2) Eliminate any unnecessary barriers to the delivery of 32882  
competency-based education; 32883~~

~~(3) Facilitate opportunities to share best practices on the 32884  
delivery of competency-based education with any eligible 32885  
institution of higher education; 32886~~

~~(4) Establish any other requirements that the chancellor 32887  
determines are in the best interest of this state. 32888~~

~~(E) The chancellor shall not provide any public operating or 32889  
capital assistance to an eligible institution of higher education 32890  
described in division (A)(1) of this section for the purpose of 32891  
providing competency based education in this state. 32892~~

**Sec. 3333.59.** (A) As used in this section: 32893

(1) "Allocated state share of instruction" means, for any 32894  
fiscal year, the amount of the state share of instruction 32895  
appropriated to the department of higher education by the general 32896  
assembly that is allocated to a community or technical college or 32897

community or technical college district for such fiscal year.	32898
(2) "Issuing authority" has the same meaning as in section 154.01 of the Revised Code.	32899 32900
(3) "Bond service charges" has the same meaning as in section 154.01 of the Revised Code.	32901 32902
(4) "Chancellor" means the chancellor of higher education.	32903
(5) "Community or technical college" or "college" means any of the following state-supported or state-assisted institutions of higher education:	32904 32905 32906
(a) A community college as defined in section 3354.01 of the Revised Code;	32907 32908
(b) A technical college as defined in section 3357.01 of the Revised Code;	32909 32910
(c) A state community college as defined in section 3358.01 of the Revised Code.	32911 32912
(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:	32913 32914 32915
(a) A community college district as defined in section 3354.01 of the Revised Code;	32916 32917
(b) A technical college district as defined in section 3357.01 of the Revised Code;	32918 32919
(c) A state community college district as defined in section 3358.01 of the Revised Code.	32920 32921
(7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code.	32922 32923
(8) "Obligations" has the meaning as in section 154.01 or 3345.12 of the Revised Code, as the context requires.	32924 32925
(B) The board of trustees of any community or technical	32926

college district authorizing the issuance of obligations under 32927  
section 3354.12, 3354.121, 3357.11, 3357.112, ~~or~~ 3358.10, or 32928  
3358.11 of the Revised Code, or for whose benefit and on whose 32929  
behalf the issuing authority proposes to issue obligations under 32930  
section 154.25 of the Revised Code, may adopt a resolution 32931  
requesting the chancellor to enter into an agreement with the 32932  
community or technical college district and the primary paying 32933  
agent or fiscal agent for such obligations, providing for the 32934  
withholding and deposit of funds otherwise due the district or the 32935  
community or technical college it operates in respect of its 32936  
allocated state share of instruction, for the payment of bond 32937  
service charges on such obligations. 32938

The board of trustees shall deliver to the chancellor a copy 32939  
of the resolution and any additional pertinent information the 32940  
chancellor may require. 32941

The chancellor and the office of budget and management, and 32942  
the issuing authority in the case of obligations to be issued by 32943  
the issuing authority, shall evaluate each request received from a 32944  
community or technical college district under this section. The 32945  
chancellor, with the advice and consent of the director of budget 32946  
and management and the issuing authority in the case of 32947  
obligations to be issued by the issuing authority, shall approve 32948  
each request if all of the following conditions are met: 32949

(1) Approval of the request will enhance the marketability of 32950  
the obligations for which the request is made; 32951

(2) The chancellor and the office of budget and management, 32952  
and the issuing authority in the case of obligations to be issued 32953  
by the issuing authority, have no reason to believe the requesting 32954  
community or technical college district or the community or 32955  
technical college it operates will be unable to pay when due the 32956  
bond service charges on the obligations for which the request is 32957  
made, and bond service charges on those obligations are therefore 32958

not anticipated to be paid pursuant to this section from the 32959  
allocated state share of instruction for purposes of Section 17 of 32960  
Article VIII, Ohio Constitution. 32961

(3) Any other pertinent conditions established in rules 32962  
adopted under division (H) of this section. 32963

(C) If the chancellor approves the request of a community or 32964  
technical college district to withhold and deposit funds pursuant 32965  
to this section, the chancellor shall enter into a written 32966  
agreement with the district and the primary paying agent or fiscal 32967  
agent for the obligations, which agreement shall provide for the 32968  
withholding of funds pursuant to this section for the payment of 32969  
bond service charges on those obligations. The agreement may also 32970  
include both of the following: 32971

(1) Provisions for certification by the district to the 32972  
chancellor, prior to the deadline for payment of the applicable 32973  
bond service charges, whether the district and the community or 32974  
technical college it operates are able to pay those bond service 32975  
charges when due; 32976

(2) Requirements that the district or the community or 32977  
technical college it operates deposits amounts for the payment of 32978  
those bond service charges with the primary paying agent or fiscal 32979  
agent for the obligations prior to the date on which the bond 32980  
service charges are due to the owners or holders of the 32981  
obligations. 32982

(D) Whenever a district or the community or technical college 32983  
it operates notifies the chancellor that it will not be able to 32984  
pay the bond service charges when they are due, subject to the 32985  
withholding provisions of this section, or whenever the applicable 32986  
paying agent or fiscal agent notifies the chancellor that it has 32987  
not timely received from a district or from the college it 32988  
operates the full amount needed for payment of the bond service 32989

charges when due to the holders or owners of such obligations, the 32990  
chancellor shall immediately contact the district or college and 32991  
the paying agent or fiscal agent to confirm that the district and 32992  
the college are not able to make the required payment by the date 32993  
on which it is due. 32994

If the chancellor confirms that the district and the college 32995  
are not able to make the payment and the payment will not be made 32996  
pursuant to a credit enhancement facility, the chancellor shall 32997  
promptly pay to the applicable primary paying agent or fiscal 32998  
agent the lesser of the amount due for bond service charges or the 32999  
amount of the next periodic distribution scheduled to be made to 33000  
the district or to the college in respect of its allocated state 33001  
share of instruction. If this amount is insufficient to pay the 33002  
total amount then due the agent for the payment of bond service 33003  
charges, the chancellor shall continue to pay to the agent from 33004  
each periodic distribution thereafter, and until the full amount 33005  
due the agent for unpaid bond service charges is paid in full, the 33006  
lesser of the remaining amount due the agent for bond service 33007  
charges or the amount of the next periodic distribution scheduled 33008  
to be made to the district or college in respect of its allocated 33009  
state share of instruction. 33010

(E) The chancellor may make any payments under this section 33011  
by direct deposit of funds by electronic transfer. 33012

Any amount received by a paying agent or fiscal agent under 33013  
this section shall be applied only to the payment of bond service 33014  
charges on the obligations of the community or technical college 33015  
district or community or technical college subject to this section 33016  
or to the reimbursement of the provider of a credit enhancement 33017  
facility that has paid the bond service charges. 33018

(F) The chancellor may make payments under this section to 33019  
paying agents or fiscal agents during any fiscal biennium of the 33020  
state only from and to the extent that money is appropriated to 33021

the department by the general assembly for distribution during 33022  
such biennium for the state share of instruction and only to the 33023  
extent that a portion of the state share of instruction has been 33024  
allocated to the community or technical college district or 33025  
community or technical college. Obligations of the issuing 33026  
authority or of a community or technical college district to which 33027  
this section is made applicable do not constitute an obligation or 33028  
a debt or a pledge of the faith, credit, or taxing power of the 33029  
state, and the holders or owners of those obligations have no 33030  
right to have excises or taxes levied or appropriations made by 33031  
the general assembly for the payment of bond service charges on 33032  
the obligations, and the obligations shall contain a statement to 33033  
that effect. The agreement for or the actual withholding and 33034  
payment of money under this section does not constitute the 33035  
assumption by the state of any debt of a community or technical 33036  
college district or a community or technical college, and bond 33037  
service charges on the related obligations are not anticipated to 33038  
be paid from the state general revenue fund for purposes of 33039  
Section 17 of Article VIII, Ohio Constitution. 33040

(G) In the case of obligations subject to the withholding 33041  
provisions of this section, the issuing community or technical 33042  
college district, or the issuing authority in the case of 33043  
obligations issued by the issuing authority, shall appoint a 33044  
paying agent or fiscal agent who is not an officer or employee of 33045  
the district or college. 33046

(H) The chancellor, with the advice and consent of the office 33047  
of budget and management, may adopt reasonable rules not 33048  
inconsistent with this section for the implementation of this 33049  
section to secure payment of bond service charges on obligations 33050  
issued by a community or technical college district or by the 33051  
issuing authority for the benefit of a community or technical 33052  
college district or the community or technical college it 33053

operates. Those rules shall include criteria for the evaluation 33054  
and approval or denial of community or technical college district 33055  
requests for withholding under this section. 33056

(I) The authority granted by this section is in addition to 33057  
and not a limitation on any other authorizations granted by or 33058  
pursuant to law for the same or similar purposes. 33059

**Sec. 3333.65.** The chancellor of higher education shall 33060  
require each state university or college that the controlling 33061  
board approves to receive an award under the Ohio innovation 33062  
partnership to enter into an agreement governing the use of the 33063  
award. The agreement shall contain terms the chancellor determines 33064  
to be necessary, which shall include performance measures, 33065  
reporting requirements, and an obligation to fulfill pledges of 33066  
other institutional, public, or nonpublic resources for the 33067  
proposal. 33068

The chancellor may require a state university or college that 33069  
violates the terms of its agreement to repay the award plus 33070  
interest at the rate required by section 5703.47 of the Revised 33071  
Code to the chancellor only as the award and any interest due is 33072  
collected from a student for repayment. The chancellor shall not 33073  
hold a state university or college responsible for repayment to 33074  
the department of higher education until the state university or 33075  
college is able to obtain repayment from the student or if the 33076  
state university or college has certified collection of the 33077  
repayment to the attorney general and has sent a copy of the 33078  
certification to the chancellor. 33079

If the chancellor makes an award to a program or initiative 33080  
that is intended to be implemented by a state university or 33081  
college in collaboration with other state institutions of higher 33082  
education or nonpublic Ohio universities or colleges, the 33083  
chancellor may enter into an agreement with the collaborating 33084

universities or colleges that permits awards to be received 33085  
directly by the collaborating universities or colleges consistent 33086  
with the terms of the program or initiative. In that case, the 33087  
chancellor shall incorporate into the agreement terms consistent 33088  
with the requirements of this section. 33089

**Sec. 3345.48.** (A) As used in this section: 33090

(1) "Cohort" means a group of students who will complete 33091  
their bachelor's degree requirements and graduate from a state 33092  
university at the same time. A cohort may include transfer 33093  
students and other selected undergraduate student academic 33094  
programs as determined by the board of trustees of a state 33095  
university. 33096

(2) "Eligible student" means an undergraduate student who: 33097

(a) Is enrolled full-time in a bachelor's degree program at a 33098  
state university; 33099

(b) Is a resident of this state, as defined by the chancellor 33100  
of higher education under section 3333.31 of the Revised Code. 33101

(3) "State university" has the same meaning as in section 33102  
3345.011 of the Revised Code. 33103

(B) The board of trustees of ~~a~~ each state university ~~may~~ 33104  
shall establish an undergraduate tuition guarantee program that 33105  
allows eligible students in the same cohort to pay a fixed rate 33106  
for general and instructional fees for four years. A board of 33107  
trustees may include room and board and any additional fees in the 33108  
program. 33109

~~If the board of trustees chooses to establish such a program,~~ 33110  
The board shall adopt rules for the program that include, but 33111  
are not limited to, all of the following: 33112

(1) The number of credit hours required to earn an 33113  
undergraduate degree in each major; 33114

(2) A guarantee that the general and instructional fees for each student in the cohort shall remain constant for four years so long as the student complies with the requirements of the program, except that, notwithstanding any law to the contrary, the board may increase the guaranteed amount by up to six per cent above what has been charged in the previous academic year one time for the first cohort enrolled under the tuition guarantee program. If the board of trustees determines that economic conditions or other circumstances require an increase for the first cohort of above six per cent, the board shall submit a request to increase the amount by a specified percentage to the chancellor. The chancellor, based on information the chancellor requires from the board of trustees, shall approve or disapprove such a request. Thereafter, the board of trustees may increase the guaranteed amount by up to the sum of the following above what has been charged in the previous academic year one time per subsequent cohort:

(a) The average rate of inflation, as measured by the consumer price index prepared by the bureau of labor statistics of the United States department of labor (all urban consumers, all items), for the previous ~~sixty-month~~ thirty-six-month period; and

(b) The percentage amount the general assembly restrains increases on in-state undergraduate instructional and general fees for the applicable fiscal year. If the general assembly does not enact a limit on the increase of in-state undergraduate instructional and general fees, then no limit shall apply under this division for the cohort that first enrolls in any academic year for which the general assembly does not prescribe a limit.

If, beginning with the academic year that starts four years after September 29, 2013, the board of trustees determines that the general and instructional fees charged under the tuition guarantee have fallen significantly lower than those of other

state universities, the board of trustees may submit a request to 33147  
increase the amount charged to a cohort by a specified percentage 33148  
to the chancellor, who shall approve or disapprove such a request. 33149

(3) A benchmark by which the board sets annual increases in 33150  
general and instructional fees. This benchmark and any subsequent 33151  
change to the benchmark shall be subject to approval of the 33152  
chancellor. 33153

(4) Eligibility requirements for students to participate in 33154  
the program; 33155

(5) Student rights and privileges under the program; 33156

(6) Consequences to the university for students unable to 33157  
complete a degree program within four years, as follows: 33158

(a) For a student who could not complete the program in four 33159  
years due to a lack of available classes or space in classes 33160  
provided by the university, the university shall provide the 33161  
necessary course or courses for completion to the student free of 33162  
charge. 33163

(b) For a student who could not complete the program in four 33164  
years due to military service or other circumstances beyond a 33165  
student's control, as determined by the board of trustees, the 33166  
university shall provide the necessary course or courses for 33167  
completion to the student at the student's initial cohort rate. 33168

(c) For a student who did not complete the program in four 33169  
years for any other reason, as determined by the board of 33170  
trustees, the university shall provide the necessary course or 33171  
courses for completion to the student at a rate determined through 33172  
a method established by the board under division (B)(7) of this 33173  
section. 33174

(7) Guidelines for adjusting a student's annual charges if 33175  
the student, due to circumstances under the student's control, is 33176

unable to complete a degree program within four years; 33177

(8) A requirement that the rules adopted under division (B) 33178  
of this section be published or posted in the university handbook, 33179  
course catalog, and web site. 33180

~~(C) If a board of trustees implements a program under this~~ 33181  
~~section, the~~ The board shall submit the rules adopted under 33182  
division (B) of this section to the chancellor for approval before 33183  
beginning implementation of the program. 33184

The chancellor shall not unreasonably withhold approval of a 33185  
program if the program conforms in principle with the parameters 33186  
and guidelines of this section. 33187

(D) A board of trustees of a state university may establish 33188  
an undergraduate tuition guarantee program for nonresident 33189  
students. 33190

~~(E) Within five years after September 29, 2013, the~~ 33191  
~~chancellor shall publish on the chancellor's web site a report~~ 33192  
~~that includes all of the following:~~ 33193

~~(1) The state universities that have adopted an undergraduate~~ 33194  
~~tuition guarantee program under this section:~~ 33195

~~(2) The details of each undergraduate tuition guarantee~~ 33196  
~~program established under this section:~~ 33197

~~(3) Comparative data, including general and instructional~~ 33198  
~~fees, room and board, graduation rates, and retention rates, from~~ 33199  
~~all state universities.~~ 33200

~~(F)~~ Except as provided in this section, no other limitation 33201  
on the increase of in-state undergraduate instructional and 33202  
general fees shall apply to a state university that has 33203  
established an undergraduate tuition guarantee program under this 33204  
section. 33205

**Sec. 3353.07.** (A) There is hereby created the Ohio government 33206  
telecommunications service. The Ohio government telecommunications 33207  
service shall provide the state government and affiliated 33208  
organizations with multimedia support including audio, visual, and 33209  
internet services, multimedia streaming, and hosting multimedia 33210  
programs. 33211

Services relating to the official activities of the general 33212  
assembly and the executive offices provided by the Ohio government 33213  
telecommunications service shall be funded through grants to an 33214  
educational television broadcasting station that will manage the 33215  
staff and provide the services of the Ohio government 33216  
telecommunications service. The Ohio educational television 33217  
stations shall select a member station to manage the Ohio 33218  
government telecommunications service. The Ohio government 33219  
telecommunications service shall receive grants from, or contract 33220  
with, any of the three branches of Ohio government, and their 33221  
affiliates, to provide additional services. Services provided by 33222  
the Ohio government telecommunications service shall not be used 33223  
for political purposes included in campaign materials, or 33224  
otherwise used to influence an election, legislation, issue, 33225  
judicial decision, or other policy of state government. 33226

(B)(1) There is hereby created the legislative programming 33227  
committee of the Ohio government telecommunications service that 33228  
shall consist of the president of the senate, speaker of the house 33229  
of representatives, minority leader of the senate, and minority 33230  
leader of the house of representatives, or their designees, and 33231  
the clerks of the senate and house of representatives as 33232  
nonvoting, ex officio members. By a vote of a majority of its 33233  
members, the program committee may add additional members to the 33234  
committee. 33235

(2) The legislative programming committee shall adopt rules 33236

that govern the operation of the Ohio government 33237  
telecommunications service relating to the general assembly and 33238  
any affiliated organizations. 33239

(C) The Ohio government telecommunications service is 33240  
authorized to broadcast and record any committee meeting of the 33241  
senate or house of representatives as directed by the presiding 33242  
officer of the senate or house of representatives. 33243

As used in this division, "committee" and "meeting" have the 33244  
same meanings as in section 101.15 of the Revised Code. 33245

**Sec. 3358.02.** (A) A state community college district may be 33246  
created to take the place of a technical college or a university 33247  
branch with the approval of the ~~Ohio board of regents~~ chancellor 33248  
of higher education upon the proposal of the board of trustees of 33249  
a technical college district, or upon the proposal of the board of 33250  
trustees of a state university, or upon the joint proposal of both 33251  
such boards, and pursuant to an agreement entered into under 33252  
section 3358.05 of the Revised Code. A state community college 33253  
district may not be created to take the place of both a technical 33254  
college district and a university branch without the consent of 33255  
both boards of trustees. 33256

The attorney general shall be the attorney for each state 33257  
community college district and shall provide legal advice in all 33258  
matters relating to its powers and duties. 33259

(B)(1) Qualified electors residing in a county, or in two or 33260  
more contiguous counties, with a total population of at least one 33261  
hundred fifty thousand may, in the manner prescribed in division 33262  
(C) of section 3354.02 of the Revised Code, execute a petition 33263  
proposing the creation of a state community college district 33264  
within the territory of the county or counties. Upon the 33265  
certification to the ~~board of regents~~ chancellor that a majority 33266  
of the electors voting on the proposition in the territory in 33267

which the proposed college is to be located voted in favor 33268  
thereof, the ~~board~~ chancellor may create a state community college 33269  
district comprising the territory included in the petition. 33270

33271

(2) The board of county commissioners of a county in which 33272  
there is no university branch or technical college and which has a 33273  
population of not less than one hundred fifty thousand may, by 33274  
resolution approved by two-thirds of its members, propose the 33275  
creation of a state community college district within the county. 33276  
Upon certification to the ~~board of regents~~ chancellor of a copy of 33277  
such resolution, the ~~board~~ chancellor may create a state community 33278  
college district comprising a county. 33279

(3) The boards of county commissioners of any two or more 33280  
contiguous counties in which there is no university branch or 33281  
technical college and which have a combined population of not less 33282  
than one hundred fifty thousand may, by a resolution approved by 33283  
two-thirds of the members of each such board, jointly propose the 33284  
creation of a state community college district within the 33285  
territory of the counties. Upon certification to the ~~board of~~ 33286  
~~regents~~ chancellor of a copy of the resolution, the ~~board~~ 33287  
chancellor may create a state community college district 33288  
comprising the counties. 33289

(C) A state community college district may be expanded to 33290  
include one or more counties, by a majority vote of the board of 33291  
trustees and upon approval by the ~~board of regents~~ chancellor. 33292

(D) Upon a proposal of the board of trustees of a state 33293  
community college district, the board of regents may amend the 33294  
charter of a state community college to change it into a community 33295  
college as defined in section 3354.01 of the Revised Code, in 33296  
order to permit the college to seek a local levy. Such amendment 33297  
of the charter is effective immediately upon its acceptance by the 33298  
board of regents, and the state community college district shall 33299

thereupon become a community college district. If a levy is 33300  
defeated by the voters or if no levy is approved by the electors 33301  
within one year after the date the amendment takes effect, such 33302  
amendment becomes void, and the college shall thereupon become a a 33303  
state community college, and the district operating such college 33304  
shall become a state community college district. On the effective 33305  
date of a charter amendment the board of trustees of the state 33306  
community college district shall become the initial board of 33307  
trustees for the community college district to serve for the 33308  
balance of their existing terms, and the board or boards of county 33309  
commissioners from the counties involved shall fill the first six 33310  
vacancies occurring on the community college board, and thereafter 33311  
board members shall be appointed under section 3354.05 of the 33312  
Revised Code. If such an amendment takes effect and is 33313  
subsequently voided under this section, any persons appointed to 33314  
the board during the period the amendment was in effect shall be 33315  
considered members of the state community college district board, 33316  
and thereafter trustees shall be appointed in accordance with 33317  
section 3358.03 of the Revised Code. 33318

Within thirty days after approval by the board of regents of 33319  
a state community college district proposed under this section, 33320  
the board of regents shall file with the secretary of state a copy 33321  
of its certification or resolution creating the district. This 33322  
copy shall be recorded in the office of the secretary of state, 33323  
who shall then declare the district to be established. 33324

In addition to the process described in this division, a 33325  
state community college may seek a local levy in accordance with 33326  
section 3358.11 of the Revised Code for the purposes prescribed in 33327  
that section. 33328

**Sec. 3358.06.** (A)(1) The treasurer of each state community 33329  
college district shall be its fiscal officer, and the treasurer 33330

shall receive and disburse all funds under the direction of the 33331  
college president. No contract of the college's board of trustees 33332  
involving the expenditure of money shall become effective until 33333  
the treasurer certifies that there are funds of the board 33334  
otherwise uncommitted and sufficient to provide therefor, subject 33335  
to division (A)(2) of this section. 33336

When the treasurer ceases to hold the office, the treasurer 33337  
or the treasurer's legal representative shall deliver to the 33338  
treasurer's successor or the president all moneys, books, papers, 33339  
and other property of the college. 33340

Before entering upon the discharge of official duties, the 33341  
treasurer shall give bond to the state or be insured for the 33342  
faithful performance of official duties and the proper accounting 33343  
for all moneys coming into the treasurer's care. The amount of the 33344  
bond or insurance shall be determined by the board but shall not 33345  
be for a sum less than the estimated amount that may come into the 33346  
treasurer's control at any time, less any reasonable deductible. 33347

(2) If the board of trustees levies a tax under section 33348  
3358.11 of the Revised Code, the board and the treasurer are 33349  
subject to and shall comply with division (D) of section 5705.41 33350  
of the Revised Code. 33351

(B) The board of trustees may provide for the investment of 33352  
district funds. Investments may be made in securities of the 33353  
United States government or of its agencies or instrumentalities, 33354  
the treasurer of state's pooled investment program, obligations of 33355  
this state or any political subdivision of this state, 33356  
certificates of deposit of any national bank located in this 33357  
state, written repurchase agreements with any eligible Ohio 33358  
financial institution that is a member of the federal reserve 33359  
system or federal home loan bank, money market funds, or bankers 33360  
acceptances maturing in two hundred seventy days or less which are 33361  
eligible for purchase by the federal reserve system, as a reserve. 33362

Notwithstanding the foregoing or any provision of the Revised Code 33363  
to the contrary, the board of trustees of a state community 33364  
college district may provide for the investment of district funds 33365  
in any manner authorized under section 3345.05 of the Revised 33366  
Code. 33367

Sec. 3358.11. (A) In the same manner as a tax may be proposed 33368  
by a board of trustees of a community college district under 33369  
section 3354.12 of the Revised Code, the board of trustees of a 33370  
state community college district may adopt and certify a 33371  
resolution to the board of elections of one or more of the 33372  
counties comprising the state community college district directing 33373  
the board of elections to place on the ballot at any general or 33374  
special election the question of levying a tax in excess of the 33375  
ten-mill limitation on all the taxable property in that county or 33376  
those counties. The tax may be for any of the following purposes, 33377  
as stated in the resolution: 33378

(1) The acquisition of sites in that county or those 33379  
counties; 33380

(2) The erection, furnishing, and equipment of buildings in 33381  
that county or those counties; 33382

(3) The acquisition, construction, or improvement of any 33383  
property in that county or those counties which the board of 33384  
trustees of a state community college is authorized to acquire, 33385  
construct, or improve and which has an estimated life or 33386  
usefulness of five years or more as certified by the treasurer of 33387  
the board of trustees. 33388

The resolution shall declare that the proceeds of the levy or 33389  
issue may be used solely within the county or counties in which 33390  
the tax is levied and state the term of the tax, which may be for 33391  
any term authorized for a tax levied under section 3354.12 of the 33392  
Revised Code. The question of such a tax may not be submitted at 33393

more than two special elections held in any one calendar year. 33394  
Levies for a continuing period of time adopted under this section 33395  
may be reduced in accordance with section 5705.261 of the Revised 33396  
Code. 33397

The election shall be held, canvassed, and certified in the 33398  
manner provided for the submission of a tax levy under section 33399  
3354.12 of the Revised Code. A tax levied under this section may 33400  
be renewed in the same manner as a tax levied under section 33401  
3354.12 of the Revised Code or replaced in accordance with section 33402  
5705.192 of the Revised Code. 33403

If electors approve the levy, the board of trustees may 33404  
anticipate a fraction of the proceeds of the levy and may, from 33405  
time to time, issue anticipation notes in the same manner and 33406  
subject to the same limitations provided under section 3354.12 of 33407  
the Revised Code. 33408

(B) In accordance with Chapter 133. of the Revised Code, the 33409  
board of trustees of a state community college district may adopt 33410  
and certify a resolution to the board of elections of one or more 33411  
of the counties comprising the district directing the board of 33412  
elections to place on the ballot at any election authorized under 33413  
section 133.18 of the Revised Code both of the following 33414  
questions: 33415

(1) The question of issuing bonds for paying all or part of 33416  
the cost of the following: 33417

(a) The purchase of sites in that county or those counties; 33418

(b) The erection, furnishings, and equipment of buildings in 33419  
that county or those counties; 33420

(c) The acquisition or construction of any property in that 33421  
county or those counties which the board of trustees is authorized 33422  
to acquire or construct and which has an estimated life or 33423  
usefulness of five years or more as certified by the treasurer of 33424

the board of trustees. 33425

(2) The question of levying a tax in excess of the ten-mill limitation on all the taxable property in that county or those counties to pay the interest on and retire any bonds approved by the electors under division (B)(1) of this section. 33426  
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The election shall be held, canvassed, and certified in the manner provided for the submission of a bond issuance and tax levy under section 3354.11 of the Revised Code. Bonds approved by electors under division (B)(1) of this section may be issued for one or more improvements which the district is authorized to acquire or construct, notwithstanding the fact that such improvements may not be for more than one purpose under Chapter 133. of the Revised Code. 33430  
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Notes may be issued in anticipation of any bonds that may be approved by the electors under division (B)(1) of this section in the manner provided under section 133.22 of the Revised Code. 33438  
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For the purpose of applying Chapter 133. of the Revised Code to division (B) of this section, the treasurer of the state community college district shall be considered to be the district's fiscal officer, and the board of trustees of the state community college district shall be considered to be the taxing authority. 33441  
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(C) The board of trustees of a state community college district that levies a tax or proposes to levy a tax under division (A) or (B) of this section shall be considered to be a taxing authority, the county or counties in which the tax is levied shall be considered to be a subdivision, and the treasurer of the board of trustees shall be considered to be a fiscal officer for the purposes of Chapter 5705. of the Revised Code, except for section 5705.19 of the Revised Code. 33447  
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**Sec. 3365.03.** (A) A student enrolled in a public or nonpublic secondary school during the student's ninth, tenth, eleventh, or twelfth grade school year; a student enrolled in a nonchartered nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade school year; or a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may apply to and enroll in a college under the college credit plus program.

(1) In order for a public secondary school student to participate in the program, all of the following criteria shall be met:

(a) The student or the student's parent shall inform the principal, or equivalent, of the student's school by the first day of April of the student's intent to participate in the program during the following school year. Any student who fails to provide the notification by the required date may not participate in the program during the following school year without the written consent of the principal, or equivalent. If a student seeks consent from the principal after failing to provide notification by the required date, the principal shall notify the department of education of the student's intent to participate within ten days of the date on which the student seeks consent. If the principal does not provide written consent, the student may appeal the principal's decision to the governing entity of the school, except for a student who is enrolled in a school district, who may appeal the decision to the district superintendent. Not later than thirty days after the notification of the appeal, the district superintendent or governing entity shall hear the appeal and shall make a decision to either grant or deny that student's participation in the program. The decision of the district

superintendent or governing entity shall be final. 33487

(b) The student shall: 33488

(i) Apply to a public or a participating private college, or 33489  
an eligible out-of-state college participating in the program, in 33490  
accordance with the college's established procedures for 33491  
admission, pursuant to section 3365.05 of the Revised Code; 33492

(ii) As a condition of eligibility, be remediation-free, in 33493  
accordance with one of the assessments established under division 33494  
(F) of section 3345.061 of the Revised Code. However, a student 33495  
who scores within one standard error of measurement below the 33496  
remediation-free threshold for one of those assessments shall be 33497  
considered to have met this requirement if the student also 33498  
either: 33499

(I) Has a cumulative high school grade point average of at 33500  
least 3.0. If the student is seeking to participate under section 33501  
3365.033 of the Revised Code, the student must have an equivalent 33502  
cumulative grade point average in the applicable grade levels. 33503

(II) Receives a recommendation from a school counselor, 33504  
principal, or career-technical program advisor. 33505

(iii) Meet the college's and relevant academic program's 33506  
established standards for admission, enrollment, and course 33507  
placement, including course-specific capacity limitations, 33508  
pursuant to section 3365.05 of the Revised Code; 33509

(iv) Complete the free application for federal student aid 33510  
and provide proof of completion in a manner prescribed by the 33511  
chancellor of higher education in order to participate in grade 33512  
twelve or the equivalent. 33513

(c) The student shall elect at the time of enrollment to 33514  
participate under either division (A) or (B) of section 3365.06 of 33515  
the Revised Code for each course under the program. 33516

(d) The student and the student's parent shall sign a form, 33517  
provided by the school, stating that they have received the 33518  
counseling required under division (B) of section 3365.04 of the 33519  
Revised Code and that they understand the responsibilities they 33520  
must assume in the program. 33521

(2) In order for a nonpublic secondary school student, a 33522  
nonchartered nonpublic secondary school student, or a 33523  
home-instructed student to participate in the program, both of the 33524  
following criteria shall be met: 33525

(a) The student shall meet the criteria in divisions 33526  
(A)(1)(b) and (c) of this section. 33527

(b)(i) If the student is enrolled in a nonpublic secondary 33528  
school, that student shall send to the department of education a 33529  
copy of the student's acceptance from a college and an 33530  
application. The application shall be made on forms provided by 33531  
the state board of education and shall include information about 33532  
the student's proposed participation, including the school year in 33533  
which the student wishes to participate; and the semesters or 33534  
terms the student wishes to enroll during such year. The 33535  
department shall mark each application with the date and time of 33536  
receipt. 33537

(ii) If the student is enrolled in a nonchartered nonpublic 33538  
secondary school or is home-instructed, the parent or guardian of 33539  
that student shall notify the department by the first day of April 33540  
prior to the school year in which the student wishes to 33541  
participate. 33542

(B) Except as provided for in division (C) of this section 33543  
and in sections 3365.031 and 3365.032 of the Revised Code: 33544

(1) No public secondary school shall prohibit a student 33545  
enrolled in that school from participating in the program if that 33546  
student meets all of the criteria in division (A)(1) of this 33547

section. 33548

(2) No participating nonpublic secondary school shall 33549  
prohibit a student enrolled in that school from participating in 33550  
the program if the student meets all of the criteria in division 33551  
(A)(2) of this section and, if the student is enrolled under 33552  
division (B) of section 3365.06 of the Revised Code, the student 33553  
is awarded funding from the department in accordance with rules 33554  
adopted by the chancellor ~~of higher education~~, in consultation 33555  
with the superintendent of public instruction, pursuant to section 33556  
3365.071 of the Revised Code. 33557

(C) For purposes of this section, during the period of an 33558  
expulsion imposed by a public secondary school, a student is 33559  
ineligible to apply to enroll in a college under this section, 33560  
unless the student is admitted to another public secondary or 33561  
participating nonpublic secondary school. If a student is enrolled 33562  
in a college under this section at the time the student is 33563  
expelled, the student's status for the remainder of the college 33564  
term in which the expulsion is imposed shall be determined under 33565  
section 3365.032 of the Revised Code. 33566

(D) Upon a student's graduation from high school, 33567  
participation in the college credit plus program shall not affect 33568  
the student's eligibility at any public college for scholarships 33569  
or for other benefits or opportunities that are available to 33570  
first-time college students and are awarded by that college, 33571  
regardless of the number of credit hours that the student 33572  
completed under the program. 33573

(E) The college to which a student applies to participate 33574  
under this section shall pay for one assessment used to determine 33575  
that student's eligibility under this section. However, 33576  
notwithstanding anything to the contrary in Chapter 3365. of the 33577  
Revised Code, any additional assessments used to determine the 33578  
student's eligibility shall be the financial responsibility of the 33579

student. 33580

**Sec. 3501.12.** (A) The annual compensation of members of the 33581  
board of elections shall be determined on the basis of the 33582  
population of the county according to the next preceding federal 33583  
census, and shall be paid monthly out of the appropriations made 33584  
to the board and upon vouchers or payrolls certified by the 33585  
chairperson, or a member of the board designated by it, and 33586  
countersigned by the director or in the director's absence by the 33587  
deputy director. Upon presentation of any such voucher or payroll, 33588  
the county auditor shall issue a warrant upon the county treasurer 33589  
for the amount thereof as in the case of vouchers or payrolls for 33590  
county offices and the treasurer shall pay such warrant. 33591

(B) In calendar year 2018, the amount of annual compensation 33592  
of each member of the board of elections shall be ~~as follows~~ the 33593  
greater of the following: 33594

(1) ~~One~~ The sum of the following: 33595

(a) ~~One~~ hundred two dollars and forty-one cents for each full 33596  
one thousand of the first one hundred thousand population; 33597

~~(2)~~(b) Forty-eight dollars and seventy-nine cents for each 33598  
full one thousand of the second one hundred thousand population; 33599

~~(3)~~(c) Twenty-six dollars and fifty cents for each full one 33600  
thousand of the third one hundred thousand population; 33601

~~(4)~~(d) Eight dollars and thirteen cents for each full one 33602  
thousand above three hundred thousand population. 33603

(2) Six thousand dollars. 33604

(C) In calendar year 2019 and in each calendar year 33605  
thereafter through calendar year 2028, the annual compensation of 33606  
each member of the board shall be computed after increasing the 33607  
dollar amounts specified in ~~division~~ divisions (B)(1) and (2) of 33608  
this section by one and three-quarters per cent. 33609

~~Such compensation shall not be less than six thousand  
dollars.~~ 33610  
33611

(D) For the purposes of this section, members of boards of 33612  
elections shall be deemed to be appointed and not elected, and 33613  
therefore not subject to Section 20 of Article II of the Ohio 33614  
Constitution. 33615

**Sec. 3701.044.** When ~~the director of health or department of~~ 33616  
~~health is~~ required or authorized to conduct or administer an 33617  
examination or evaluation of ~~individuals~~ an individual for the 33618  
purpose of determining competency or ~~for the purpose of~~ issuing a 33619  
license, certificate, registration, or other authority to practice 33620  
or perform duties, the director of health or department of health 33621  
may ~~provide for the examination or evaluation by contracting~~ 33622  
contract with ~~any public or private~~ an entity to conduct or 33623  
administer the examination or evaluation. The contract may 33624  
authorize the entity to collect and retain, as all or part of the 33625  
entity's compensation under the contract, any fee paid by an 33626  
individual for the examination or evaluation. ~~An~~ The entity 33627  
~~authorized to collect and retain a fee~~ is not required to deposit 33628  
the fee into the state treasury. 33629

The director or department shall post to the department's web 33630  
site the dollar amounts for fees described in this section. Any 33631  
changes in fee amounts shall be posted to the web site not later 33632  
than thirty days before such changes are effective. 33633

Except when considered to be necessary by the director or 33634  
department, the director or department shall not disclose test 33635  
materials, examinations, or evaluation tools used in any 33636  
examination or evaluation the director or department conducts, 33637  
administers, or provides for by contract. The test materials, 33638  
examinations, and evaluation tools are not public records for the 33639  
purpose of section 149.43 of the Revised Code and are not subject 33640

to inspection or copying under section 1347.08 of the Revised Code. 33641  
33642

**Sec. 3701.139.** (A) Subject to division (B) of this section, 33643  
the director of health shall convene meetings with staff of the 33644  
department of health, department of medicaid, department of 33645  
administrative services, and commission on minority health to do 33646  
all of the following: 33647

(1) Assess the prevalence of all types of diabetes in this 33648  
state, including disparities in that prevalence among various 33649  
demographic populations and local jurisdictions; 33650

(2) Establish and reevaluate goals for each of the agencies 33651  
to reduce that prevalence; 33652

(3) Identify how to measure the progress achieved toward 33653  
attaining the goals established under division (A)(2) of this 33654  
section; 33655

(4) Establish and monitor the implementation of plans for 33656  
each agency to reduce the prevalence of all types of diabetes, 33657  
improve diabetes care, and control complications associated with 33658  
diabetes among the populations of concern to each agency; 33659

(5) Consider any other matter associated with reducing the 33660  
prevalence of all types of diabetes in this state that the 33661  
director considers appropriate; 33662

(6) Collect the information needed to prepare the reports 33663  
required by division (C) of this section. 33664

(B) The director shall convene the meetings required by 33665  
division (A) of this section at the director's discretion, but not 33666  
less than twice each calendar year. 33667

(C) Not later than the thirty-first day of January of ~~each~~ 33668  
~~even-numbered~~ every third year beginning in ~~2018~~ 2021, the 33669  
director shall submit a report to the general assembly in 33670

accordance with section 101.68 of the Revised Code that addresses 33671  
or contains all of the following for the ~~two-year~~ three-year 33672  
period preceding the report's submission: 33673

(1) The results of the assessment required by division (A)(1) 33674  
of this section; 33675

(2) The progress each agency has made toward achieving the 33676  
goals established under division (A)(2) of this section and 33677  
implementing the plans required by division (A)(4) of this 33678  
section; 33679

(3) An assessment of the health and financial impacts that 33680  
all types of diabetes have had on the state and local 33681  
jurisdictions, and, subject to division (D) of this section, each 33682  
agency specified in division (A) of this section; 33683

(4) A description of the efforts the agencies specified in 33684  
division (A) of this section have taken to coordinate programs 33685  
intended to prevent, treat, and manage all types of diabetes and 33686  
associated complications; 33687

(5) Recommendations for legislative policies to reduce the 33688  
impact that diabetes, pre-diabetes, and complications from 33689  
diabetes have on the citizens of this state, including specific 33690  
action steps that could be taken, the expected outcomes of the 33691  
action steps, and benchmarks for measuring progress toward 33692  
achieving the outcomes; 33693

(6) A budget proposal that identifies the needs and resources 33694  
required to implement the recommendations described in division 33695  
(C)(5) of this section, as well as estimates of the costs to 33696  
implement the recommendations; 33697

(7) Any other information concerning diabetes prevention, 33698  
treatment, or management in this state that the director considers 33699  
appropriate. 33700

(D) An agency-specific assessment required by division (C) of this section shall include all of the following:

(1) A list and description of each diabetes prevention or control program the agency administers, the number of individuals with each type of diabetes and their dependents who are impacted by each program, the expenses associated with administering each program, and the funds appropriated for each program, along with each funding source;

(2) A comparison of the expenses described in division (D)(1) of this section with the expenses the agency incurs in administering programs to reduce the prevalence of other chronic diseases and conditions;

(3) An evaluation of the benefits that have resulted from each program listed pursuant to division (D)(1) of this section.

(E) Nothing in this section requires the agencies specified in division (A) of this section to establish programs for diabetes prevention, treatment, and management that had not been initiated or funded prior to ~~the effective date of this section~~ April 6, 2017.

**Sec. 3701.24.** (A) As used in this section and sections 3701.241 to 3701.249 of the Revised Code:

(1) "AIDS" means the illness designated as acquired immunodeficiency syndrome.

(2) "HIV" means the human immunodeficiency virus identified as the causative agent of AIDS.

(3) "AIDS-related condition" means symptoms of illness related to HIV infection, including AIDS-related complex, that are confirmed by a positive HIV test.

(4) "HIV test" means any test for the antibody or antigen to HIV that has been approved by the director of health under

- division (B) of section 3701.241 of the Revised Code. 33731
- (5) "Health care facility" has the same meaning as in section 33732  
1751.01 of the Revised Code. 33733
- (6) "Director" means the director of health or any employee 33734  
of the department of health acting on the director's behalf. 33735
- (7) "Physician" means a person ~~who holds a current, valid~~ 33736  
~~certificate issued~~ authorized under Chapter 4731. of the Revised 33737  
Code ~~authorizing the~~ to practice ~~of~~ medicine ~~or~~ and surgery and ~~or~~ 33738  
osteopathic medicine and surgery. 33739
- (8) "Nurse" means a registered nurse or licensed practical 33740  
nurse who holds a license ~~or certificate~~ issued under Chapter 33741  
4723. of the Revised Code. 33742
- (9) "Anonymous test" means an HIV test administered so that 33743  
the individual to be tested can give informed consent to the test 33744  
and receive the results by means of a code system that does not 33745  
link the identity of the individual tested to the request for the 33746  
test or the test results. 33747
- (10) "Confidential test" means an HIV test administered so 33748  
that the identity of the individual tested is linked to the test 33749  
but is held in confidence to the extent provided by sections 33750  
3701.24 to 3701.248 of the Revised Code. 33751
- (11) "Health care provider" means an individual who provides 33752  
diagnostic, evaluative, or treatment services. Pursuant to Chapter 33753  
119. of the Revised Code, the director may adopt rules further 33754  
defining the scope of the term "health care provider." 33755
- (12) "Significant exposure to body fluids" means a 33756  
percutaneous or mucous membrane exposure of an individual to the 33757  
blood, semen, vaginal secretions, or spinal, synovial, pleural, 33758  
peritoneal, pericardial, or amniotic fluid of another individual. 33759
- (13) "Emergency medical services worker" means all of the 33760

following:	33761
(a) A peace officer;	33762
(b) An employee of an emergency medical service organization as defined in section 4765.01 of the Revised Code;	33763 33764
(c) A firefighter employed by a political subdivision;	33765
(d) A volunteer firefighter, emergency operator, or rescue operator;	33766 33767
(e) An employee of a private organization that renders rescue services, emergency medical services, or emergency medical transportation to accident victims and persons suffering serious illness or injury.	33768 33769 33770 33771
(14) "Peace officer" has the same meaning as in division (A) of section 109.71 of the Revised Code, except that it also includes a sheriff and the superintendent and troopers of the state highway patrol.	33772 33773 33774 33775
(B) Persons designated by rule adopted by the director under section 3701.241 of the Revised Code shall report promptly every case of AIDS, every AIDS-related condition, and every confirmed positive HIV test to the department of health on forms and in a manner prescribed by the director. In each county the director shall designate the health commissioner of a health district in the county to receive the reports.	33776 33777 33778 33779 33780 33781 33782
(C) No person shall fail to comply with the reporting requirements established under division (B) of this section.	33783 33784
(D) Information reported under this section that identifies an individual is confidential and may be released only with the written consent of the individual except as the director determines necessary to ensure the accuracy of the information, as necessary to provide treatment to the individual, as ordered by a court pursuant to section 3701.243 or 3701.247 of the Revised	33785 33786 33787 33788 33789 33790

Code, or pursuant to a search warrant or a subpoena issued by or 33791  
at the request of a grand jury, prosecuting attorney, city 33792  
director of law or similar chief legal officer of a municipal 33793  
corporation, or village solicitor, in connection with a criminal 33794  
investigation or prosecution. Information that does not identify 33795  
an individual may be released in summary, statistical, or 33796  
aggregate form. 33797

**Sec. 3701.262.** (A) As used in this section: 33798

(1) "Physician" means a person ~~who holds a valid certificate~~ 33799  
~~issued~~ authorized under Chapter 4731. of the Revised Code 33800  
~~authorizing the person~~ to practice medicine and surgery or 33801  
osteopathic medicine and surgery. 33802

(2) "Dentist" means a person who is licensed under Chapter 33803  
4715. of the Revised Code to practice dentistry. 33804

(3) "Hospital" has the same meaning as in section 3727.01 of 33805  
the Revised Code. 33806

(4) "Cancer" includes those diseases specified by rule of the 33807  
director of health under division (B)(2) of this section. 33808

(B) The director of health shall adopt rules in accordance 33809  
with Chapter 119. of the Revised Code to do all of the following: 33810

(1) Establish the Ohio cancer incidence surveillance system 33811  
required by section 3701.261 of the Revised Code; 33812

(2) Specify the types of cancer and other tumorous and 33813  
precancerous diseases to be reported to the department of health 33814  
under division (D) of this section; 33815

(3) Establish reporting requirements for information 33816  
concerning diagnosed cancer cases as the director considers 33817  
necessary to conduct epidemiologic surveys of cancer in this 33818  
state; 33819

(4) Establish standards that must be met by research projects 33820  
to be eligible to receive information concerning individual cancer 33821  
patients from the department of health. 33822

(C) The department of health shall record in the registry all 33823  
reports of cancer received by it. In the development and 33824  
administration of the cancer registry the department may use 33825  
information compiled by public or private cancer registries and 33826  
may contract for the collection and analysis of, and research 33827  
related to, the information recorded under this section. 33828

(D)(1) Each physician, dentist, hospital, or person providing 33829  
diagnostic or treatment services to patients with cancer shall 33830  
report each case of cancer to the department. Any person required 33831  
to report pursuant to this section may elect to report to the 33832  
department through an existing cancer registry if the registry 33833  
meets the reporting standards established by the director and 33834  
reports to the department. 33835

(2) No person shall fail to make the cancer reports required 33836  
by division (D)(1) of this section. 33837

(E) All physicians, dentists, hospitals, or persons providing 33838  
diagnostic or treatment services to patients with cancer shall 33839  
grant to the department or its authorized representative access to 33840  
all records that identify cases of cancer or establish 33841  
characteristics of cancer, the treatment of cancer, or the medical 33842  
status of any identified cancer patient. 33843

(F) The Arthur G. James cancer hospital and Richard J. Solove 33844  
research institute of the Ohio state university, shall analyze and 33845  
evaluate the cancer reports collected pursuant to this section. 33846  
The department shall publish and make available to the public 33847  
reports summarizing the information collected. Reports shall be 33848  
made on a calendar year basis and published not later than ninety 33849  
days after the end of each calendar year. 33850

(G) Furnishing information, including records, reports, 33851  
statements, notes, memoranda, or other information, to the 33852  
department of health, either voluntarily or as required by this 33853  
section, or to a person or governmental entity designated as a 33854  
medical research project by the department, does not subject a 33855  
physician, dentist, hospital, or person providing diagnostic or 33856  
treatment services to patients with cancer to liability in an 33857  
action for damages or other relief for furnishing the information. 33858

(H) This section does not affect the authority of any person 33859  
or facility providing diagnostic or treatment services to patients 33860  
with cancer to maintain facility-based tumor registries, in 33861  
addition to complying with the reporting requirements of this 33862  
section. 33863

**Sec. 3701.351.** (A) The governing body of every hospital shall 33864  
set standards and procedures to be applied by the hospital and its 33865  
medical staff in considering and acting upon applications for 33866  
staff membership or professional privileges. These standards and 33867  
procedures shall be available for public inspection. 33868

(B) The governing body of any hospital, in considering and 33869  
acting upon applications for staff membership or professional 33870  
privileges within the scope of the applicants' respective 33871  
licensures, shall not discriminate against a qualified person 33872  
solely on the basis of whether that person is ~~certified~~ licensed 33873  
to practice medicine, osteopathic medicine, or podiatry, is 33874  
licensed to practice dentistry or psychology, or is licensed to 33875  
practice nursing as an advanced practice registered nurse. Staff 33876  
membership or professional privileges shall be considered and 33877  
acted on in accordance with standards and procedures established 33878  
under division (A) of this section. This section does not permit a 33879  
psychologist to admit a patient to a hospital in violation of 33880  
section 3727.06 of the Revised Code. 33881

(C) The governing body of any hospital that is licensed to provide maternity services, in considering and acting upon applications for clinical privileges, shall not discriminate against a qualified person solely on the basis that the person is authorized to practice nurse-midwifery. An application from a certified nurse-midwife who is not employed by the hospital shall contain the name of a physician member of the hospital's medical staff who holds clinical privileges in obstetrics at that hospital and who has agreed to be the collaborating physician for the applicant in accordance with section 4723.43 of the Revised Code.

(D) Any person may apply to the court of common pleas for temporary or permanent injunctions restraining a violation of division (A), (B), or (C) of this section. This action is an additional remedy not dependent on the adequacy of the remedy at law.

(E)(1) If a hospital does not provide or permit the provision of any diagnostic or treatment service for mental or emotional disorders or any other service that may be legally performed by a psychologist licensed under Chapter 4732. of the Revised Code, this section does not require the hospital to provide or permit the provision of any such service and the hospital shall be exempt from requirements of this section pertaining to psychologists.

(2) This section does not impair the right of a hospital to enter into an employment, personal service, or any other kind of contract with a licensed psychologist, upon any such terms as the parties may mutually agree, for the provision of any service that may be legally performed by a licensed psychologist.

**Sec. 3701.36.** (A) As used in this section and in sections 3701.361 and 3701.362 of the Revised Code, "palliative care" has the same meaning as in section 3712.01 of the Revised Code.

(B) There is hereby created the palliative care and quality

of life interdisciplinary council. Subject to division (C) of this 33913  
section, members of the council shall be appointed by the director 33914  
of health and include individuals with expertise in palliative 33915  
care who represent the following professions or constituencies: 33916

(1) Physicians authorized under Chapter 4731. of the Revised 33917  
Code to practice medicine and surgery or osteopathic medicine and 33918  
surgery, including those who are board-certified in pediatrics and 33919  
those who are board-certified in psychiatry, as those designations 33920  
are issued by a medical specialty certifying board recognized by 33921  
the American board of medical specialties or American osteopathic 33922  
association; 33923

(2) Physician assistants licensed under Chapter 4730. of the 33924  
Revised Code; 33925

(3) Advanced practice registered nurses licensed under 33926  
Chapter 4723. of the Revised Code who are designated as clinical 33927  
nurse specialists or certified nurse practitioners; 33928

(4) Registered nurses and licensed practical nurses licensed 33929  
under Chapter 4723. of the Revised Code; 33930

(5) Pharmacists licensed under Chapter 4729. of the Revised 33931  
Code; 33932

(6) Psychologists licensed under Chapter 4732. of the Revised 33933  
Code; 33934

(7) Licensed professional clinical counselors or licensed 33935  
professional counselors licensed under Chapter 4757. of the 33936  
Revised Code; 33937

(8) Independent social workers or social workers licensed 33938  
under Chapter 4757. of the Revised Code; 33939

(9) Marriage and family therapists licensed under Chapter 33940  
4757. of the Revised Code; 33941

(10) Child life specialists; 33942

- (11) Clergy or spiritual advisers; 33943
- (12) Exercise physiologists; 33944
- (13) Health insurers; 33945
- (14) Patients; 33946
- (15) Family caregivers. 33947

The council's membership also may include employees of 33948  
agencies of this state that administer programs pertaining to 33949  
palliative care or are otherwise concerned with the delivery of 33950  
palliative care in this state. 33951

(C) The council's membership shall include individuals who 33952  
have worked with various age groups, including children and the 33953  
elderly. The council's membership also shall include individuals 33954  
who have experience or expertise in various palliative care 33955  
delivery models, including acute care, long-term care, hospice 33956  
care, home health agency services, home-based care, and spiritual 33957  
care. At least two members shall be physicians who are 33958  
board-certified in hospice and palliative care by a medical 33959  
specialty certifying board recognized by the American board of 33960  
medical specialties or American osteopathic association. At least 33961  
one member shall be employed as an administrator of a hospital or 33962  
system of hospitals in this state or be a professional specified 33963  
in divisions (B)(1) to (10) or division (B)(12) of this section 33964  
who treats patients as an employee or contractor of such a 33965  
hospital or system of hospitals. 33966

Not more than twenty individuals shall serve as members of 33967  
the council at any one time. Not more than two members shall be 33968  
employed by the same health care facility or provider or practice 33969  
at or for the same health care facility or provider. 33970

In making appointments to the council, the director shall 33971  
seek to include as members individuals who represent underserved 33972

areas of the state and to have all geographic areas of the state 33973  
represented. 33974

(D) The director shall make initial appointments to the 33975  
council not later than ninety days after ~~the effective date of~~ 33976  
~~this section~~ March 20, 2019. Terms of office shall be three years. 33977  
Each member shall hold office from the date of appointment until 33978  
the end of the term for which the member was appointed. In the 33979  
event of death, removal, resignation, or incapacity of a council 33980  
member, the director shall appoint a successor who shall hold 33981  
office for the remainder of the term for which the successor's 33982  
predecessor was appointed. A member shall continue in office 33983  
subsequent to the expiration date of the member's term until the 33984  
member's successor takes office or until a period of sixty days 33985  
has elapsed, whichever occurs first. 33986

The council shall meet at the call of the director, but not 33987  
less than twice annually. The council shall select annually from 33988  
among its members a chairperson and vice-chairperson, whose duties 33989  
shall be established by the council. 33990

Each member shall serve without compensation, except to the 33991  
extent that serving on the council is considered part of the 33992  
member's regular employment duties. 33993

(E) The council shall do all of the following: 33994

(1) Consult with and advise the director on matters related 33995  
to the establishment, maintenance, operation, and evaluation of 33996  
palliative care initiatives in this state; 33997

(2) Consult with the department of health for purposes of its 33998  
implementation of section 3701.361 of the Revised Code; 33999

(3) Identify national organizations that have established 34000  
standards of practice and best practice models for palliative 34001  
care; 34002

(4) Identify initiatives established at the national and state levels aimed at integrating palliative care into the health care system and enhancing the use and development of palliative care; 34003  
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34005  
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(5) Establish guidelines for health care facilities and providers to use under section 3701.362 of the Revised Code in identifying patients and residents who could benefit from palliative care; 34007  
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(6) On or before December 31 of each year, prepare and submit to the governor, general assembly, director of health, director of aging, superintendent of insurance, and medicaid director, ~~and executive director of the office of health transformation~~ a report of recommendations for improving the provision of palliative care in this state. 34011  
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The council shall submit the report to the general assembly in accordance with section 101.68 of the Revised Code. 34017  
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(F) The department of health shall provide to the council the administrative support necessary to execute its duties. At the request of the council, the department shall examine potential sources of funding to assist with any duties described in this section or sections 3701.361 and 3701.362 of the Revised Code. 34019  
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(G) The council is not subject to sections 101.82 to 101.87 of the Revised Code. 34024  
34025

**Sec. 3701.501.** (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders specified in rules, adopted pursuant to this section. 34026  
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(2) Division (A)(1) of this section does not apply in either of the following circumstances: 34030  
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(a) If the parents of the child object to the screening on 34032

the grounds that it conflicts with their religious tenets and 34033  
practices; 34034

(b) With respect to the screening for Krabbe disease 34035  
described in division (C)(1)(b) of this section, if the parents of 34036  
the child communicate their decision to forgo the screening. 34037

(B) There is hereby created the newborn screening advisory 34038  
council to advise the director of health regarding the screening 34039  
of newborn children for genetic, endocrine, and metabolic 34040  
disorders. The council shall engage in an ongoing review of the 34041  
newborn screening requirements established under this section and 34042  
shall provide recommendations and reports to the director as the 34043  
director requests and as the council considers necessary. The 34044  
director may assign other duties to the council, as the director 34045  
considers appropriate. 34046

The council shall consist of fourteen members appointed by 34047  
the director. In making appointments, the director shall select 34048  
individuals and representatives of entities with interest and 34049  
expertise in newborn screening, including such individuals and 34050  
entities as health care professionals, hospitals, children's 34051  
hospitals, regional genetic centers, regional sickle cell centers, 34052  
newborn screening coordinators, and members of the public. 34053

The department of health shall provide meeting space, staff 34054  
services, and other technical assistance required by the council 34055  
in carrying out its duties. Members of the council shall serve 34056  
without compensation, but shall be reimbursed for their actual and 34057  
necessary expenses incurred in attending meetings of the council 34058  
or performing assignments for the council. 34059

The council is not subject to sections 101.82 to 101.87 of 34060  
the Revised Code. 34061

(C)(1)(a) Subject to division (C)(1)(b) of this section, the 34062  
director of health shall adopt rules in accordance with Chapter 34063

119. of the Revised Code specifying the disorders for which each 34064  
newborn child must be screened. 34065

(b) In adopting the rules, the director shall specify Krabbe 34066  
disease as a disorder for which a newborn child who is born on or 34067  
after July 1, 2016, must be screened. ~~The rules shall limit the~~ 34068  
~~screening requirement for Krabbe disease to the process known as~~ 34069  
~~"first tier testing," which is a screening for Krabbe disease that~~ 34070  
~~is accomplished by measuring galactocerebrosidase activity using~~ 34071  
~~mass spectrometry.~~ 34072

(2) The newborn screening advisory council shall evaluate 34073  
genetic, metabolic, and endocrine disorders to assist the director 34074  
in determining which disorders should be included in the 34075  
screenings required under this section. In determining whether a 34076  
disorder should be included, the council shall consider all of the 34077  
following: 34078

(a) The disorder's incidence, mortality, and morbidity; 34079

(b) Whether the disorder causes disability if diagnosis, 34080  
treatment, and early intervention are delayed; 34081

(c) The potential for successful treatment of the disorder; 34082

(d) The expected benefits to children and society in relation 34083  
to the risks and costs associated with screening for the disorder; 34084

(e) Whether a screening for the disorder can be conducted 34085  
without taking an additional blood sample or specimen. 34086

(3) Based on the considerations specified in division (C)(2) 34087  
of this section, the council shall make recommendations to the 34088  
director of health for the adoption of rules under division (C)(1) 34089  
of this section. The director shall promptly and thoroughly review 34090  
each recommendation the council submits. 34091

(D) The director shall adopt rules in accordance with Chapter 34092  
119. of the Revised Code establishing standards and procedures for 34093

the screenings required by this section. The rules shall include standards and procedures for all of the following:

(1) Causing rescreenings to be performed when initial screenings have abnormal results;

(2) Designating the person or persons who will be responsible for causing screenings and rescreenings to be performed;

(3) Giving to the parents of a child notice of the required initial screening and the possibility that rescreenings may be necessary;

(4) Communicating to the parents of a child the results of the child's screening and any rescreenings that are performed;

(5) Giving notice of the results of an initial screening and any rescreenings to the person who caused the child to be screened or rescreened, or to another person or government entity when the person who caused the child to be screened or rescreened cannot be contacted;

(6) Referring children who receive abnormal screening or rescreening results to providers of follow-up services, including the services made available through funds disbursed under division (F) of this section.

(E)(1) Except as provided in divisions (E)(2) and (3) of this section, all newborn screenings required by this section shall be performed by the public health laboratory authorized under section 3701.22 of the Revised Code.

(2) If the director determines that the public health laboratory is unable to perform screenings for all of the disorders specified in the rules adopted under division (C) of this section, the director shall select another laboratory to perform the screenings. The director shall select the laboratory by issuing a request for proposals. The director may accept

proposals submitted by laboratories located outside this state. At 34124  
the conclusion of the selection process, the director shall enter 34125  
into a written contract with the selected laboratory. If the 34126  
director determines that the laboratory is not complying with the 34127  
terms of the contract, the director shall immediately terminate 34128  
the contract and another laboratory shall be selected and 34129  
contracted with in the same manner. 34130

(3) Any rescreening caused to be performed pursuant to this 34131  
section may be performed by the public health laboratory or one or 34132  
more other laboratories designated by the director. Any laboratory 34133  
the director considers qualified to perform rescreenings may be 34134  
designated, including a laboratory located outside this state. If 34135  
more than one laboratory is designated, the person responsible for 34136  
causing a rescreening to be performed is also responsible for 34137  
selecting the laboratory to be used. 34138

(F)(1) The director shall adopt rules in accordance with 34139  
Chapter 119. of the Revised Code establishing a fee that shall be 34140  
charged and collected in addition to or in conjunction with any 34141  
laboratory fee that is charged and collected for performing the 34142  
screenings required by this section. The fee, which shall be not 34143  
less than fourteen dollars, shall be disbursed as follows: 34144

(a) Not less than ten dollars and twenty-five cents shall be 34145  
deposited in the state treasury to the credit of the genetics 34146  
services fund, which is hereby created. Not less than seven 34147  
dollars and twenty-five cents of each fee credited to the genetics 34148  
services fund shall be used to defray the costs of the programs 34149  
authorized by section 3701.502 of the Revised Code. Not less than 34150  
three dollars from each fee credited to the genetics services fund 34151  
shall be used to defray costs of phenylketonuria programs. 34152

(b) Not less than three dollars and seventy-five cents shall 34153  
be deposited into the state treasury to the credit of the sickle 34154  
cell fund, which is hereby created. Money credited to the sickle 34155

cell fund shall be used to defray costs of programs authorized by 34156  
section 3701.131 of the Revised Code. 34157

(2) In adopting rules under division (F)(1) of this section, 34158  
the director shall not establish a fee that differs according to 34159  
whether a screening is performed by the public health laboratory 34160  
or by another laboratory selected by the director pursuant to 34161  
division (E)(2) of this section. 34162

**Sec. 3701.571.** (A) The director of health shall adopt rules 34163  
pursuant to Chapter 119. of the Revised Code that establish a 34164  
graduated system of fines based on the scope and severity of 34165  
violations and the history of compliance, not to exceed seven 34166  
hundred fifty dollars per incident, and in an adjudication under 34167  
Chapter 119. of the Revised Code, may impose a fine against any 34168  
person who violates division (C) of section 3701.23, division (C) 34169  
of section 3701.232, division (C) of section 3701.24, ~~division (B)~~ 34170  
~~of section 3701.25,~~ or division (B) of section 3707.06 of the 34171  
Revised Code or against any poison prevention and treatment center 34172  
or other health-related entity that fails to comply with division 34173  
(C) of section 3701.201 of the Revised Code. 34174

(B) On request of the director, the attorney general shall 34175  
bring and prosecute to judgment a civil action to collect any fine 34176  
imposed under division (A) of this section that remains unpaid. 34177

(C) All fines collected under this section shall be deposited 34178  
into the state treasury to the credit of the general operations 34179  
fund created under section 3701.83 of the Revised Code. 34180

**Sec. 3701.601.** There is hereby created in the state treasury 34181  
the breast and cervical cancer project income tax contribution 34182  
fund, which shall consist of money contributed to it under section 34183  
5747.113 of the Revised Code and of contributions made directly to 34184  
it. Any person may contribute directly to the fund in addition to 34185

or independently of the income tax refund contribution system 34186  
established in section 5747.113 of the Revised Code. 34187

The director of health shall distribute the contributed funds 34188  
to the Ohio breast and cervical cancer project administered under 34189  
section 3701.144 of the Revised Code. The contributed funds shall 34190  
be used specifically for the provision of breast and cervical 34191  
cancer screening, diagnostic, and outreach services to uninsured 34192  
and under-insured women who meet the eligibility requirements 34193  
specified in that section. The breast and cervical cancer project, 34194  
through its regional agencies, shall use the contributed funds to 34195  
pay for services provided directly by personnel of ~~local~~ 34196  
departments health facilities operated by boards of health, free 34197  
clinics as defined in section 3701.071 of the Revised Code, 34198  
mammography services providers, radiology services providers, 34199  
federally qualified health centers as defined by section 3701.047 34200  
of the Revised Code, rural health centers, or other community 34201  
health centers. 34202

**Sec. 3701.602.** (A) As used in this section, "eligible 34203  
nonprofit corporation" means a nonprofit corporation that meets 34204  
all of the following requirements: 34205

(1) The nonprofit corporation is exempt from federal income 34206  
taxation under subsection 501(c)(3) of the Internal Revenue Code. 34207

(2) For at least ten years before ~~the effective date of this~~ 34208  
~~section~~ September 29, 2015, the primary purpose of the nonprofit 34209  
corporation, or the nonprofit corporation's predecessor in 34210  
interest, has been granting the wishes of individuals under the 34211  
age of eighteen who have been diagnosed with a life-threatening 34212  
medical condition. 34213

(3) The nonprofit corporation has spent at least ~~one million~~ 34214  
two hundred fifty thousand dollars per year for each of the last 34215

three years in furtherance of the purpose described in division 34216  
(A)(2) of this section. 34217

(B) There is hereby created in the state treasury the wishes 34218  
for sick children income tax contribution fund, which shall 34219  
consist of money contributed to it under section 5747.113 of the 34220  
Revised Code and of contributions made directly to it. Any person 34221  
may contribute directly to the fund in addition to or 34222  
independently of the income tax refund contribution system 34223  
established in section 5747.113 of the Revised Code. 34224

The department of health shall distribute all funds 34225  
contributed under this section to an eligible nonprofit 34226  
corporation that will use the contributions to grant the wishes of 34227  
individuals who are under the age of eighteen, are residents of 34228  
this state, and have been diagnosed with a life-threatening 34229  
medical condition. Not later than six months after ~~the effective~~ 34230  
~~date of this section~~ September 29, 2015, the department shall 34231  
develop guidelines under which an eligible nonprofit corporation 34232  
may apply to receive funding under this section. 34233

**Sec. 3701.611.** (A) ~~Not later than six months after April 6,~~ 34234  
~~2017, the~~ The department of health ~~and the department of~~ 34235  
~~developmental disabilities~~ shall create a central intake and 34236  
referral system for ~~the state's part C early intervention services~~ 34237  
~~program and~~ all home visiting programs operating in this state. 34238  
~~The system shall comply with all regulations governing the part C~~ 34239  
~~early intervention program for infants and toddlers with~~ 34240  
~~disabilities that are promulgated under the "Individuals with~~ 34241  
~~Disabilities Education Act of 1997," 20 U.S.C. 1400, as amended.~~ 34242  
Through a competitive bidding process, the department of health 34243  
~~and department of developmental disabilities~~ may select one or 34244  
more persons or government entities to operate the system. 34245

(B) If the department of health ~~and department of~~ 34246

~~developmental disabilities choose~~ chooses to select one or more 34247  
system operators as described in division (A) of this section, a 34248  
contract with any system operator shall require that the system do 34249  
both of the following: 34250

(1) Serve as a single point of entry for access, assessment, 34251  
and referral of families to appropriate home visiting services ~~and~~ 34252  
~~part C early intervention services~~ based on each family's location 34253  
of residence; 34254

(2) Use a standardized form or other mechanism to assess for 34255  
each family member's risk factors and social determinants of 34256  
health, as well as ensure that the family is referred to the 34257  
appropriate home visiting ~~or part C early intervention~~ program ~~or~~ 34258  
service, which may include a program that uses home visiting 34259  
contractors who provide services within a community HUB that fully 34260  
or substantially complies with the pathways community HUB 34261  
certification standards developed by the pathways community HUB 34262  
institute. 34263

(C) The standardized form or other mechanism described in 34264  
division (B)(2) of this section shall be agreed to by the home 34265  
visiting consortium created under section 3701.612 of the Revised 34266  
Code ~~and the early intervention services advisory council created~~ 34267  
~~under section 5123.0422 of the Revised Code.~~ 34268

(D) A contract entered into under division (B) of this 34269  
section shall require a system operator to issue an annual report 34270  
to the department of health ~~and department of developmental~~ 34271  
~~disabilities~~ that includes data regarding referrals made by the 34272  
central intake and referral system, costs associated with the 34273  
referrals, and the quality of services received by families who 34274  
were referred to services through the system. The report shall be 34275  
distributed to the home visiting consortium created under section 34276  
3701.612 of the Revised Code ~~and the early intervention services~~ 34277  
~~advisory council created under section 5123.0422 of the Revised~~ 34278

Code. 34279

(E) ~~The department of health and department of developmental disabilities shall share any funding made available to each department for local outreach and child find efforts after creating the central intake and referral system described in division (A) of this section.~~ 34280  
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~~(F)~~ Nothing in this section is intended to do any of the 34285  
following: 34286

(1) Prohibit the department of health ~~or department of developmental disabilities~~ from using alternative promotional 34287  
materials or names for the central intake and referral system; 34288  
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(2) Require the use of help me grow program promotional 34290  
materials or names; 34291

(3) Prohibit providers, central coordinators, the department 34292  
of health, ~~the department of developmental disabilities,~~ or 34293  
stakeholders from using the help me grow name for promotional 34294  
materials for ~~both the home visiting and part C early intervention services components.~~ 34295  
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**Sec. 3701.612.** (A) The Ohio home visiting consortium is 34297  
hereby created. The purpose of the consortium is to ensure that 34298  
home visiting services provided by home visiting programs 34299  
operating in this state, as well as home visiting services 34300  
provided or arranged for by medicaid managed care organizations, 34301  
are high-quality and delivered through evidence-based or 34302  
innovative, promising home visiting models, including models used 34303  
by home visiting contractors who provide services within one or 34304  
more community HUBs that fully or substantially comply with the 34305  
pathways community HUB certification standards developed by the 34306  
pathways community HUB institute. It is the intent of the general 34307  
assembly that all home visiting services provided in this state do 34308

both of the following: 34309

(1) Improve health, educational, and social outcomes for expectant and new parents and young children; 34310  
34311

(2) Promote safe, connected families and communities in which children are able to grow up healthy and ready to learn. 34312  
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(B)(1) In furtherance of the consortium's purpose, the consortium shall do both of the following: 34314  
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(a) Make recommendations to the department of health, department of medicaid, department of mental health and addiction services, and department of developmental disabilities regarding how to leverage all funding sources available for home visiting services, including medicaid, to accomplish both of the following in this state: 34316  
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(i) Expand the use of evidence-based home visiting program models, including models used by home visiting contractors who provide services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute; 34322  
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(ii) Initiate, as pilot projects, innovative, promising home visiting models. 34327  
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(b) Make recommendations to the department of medicaid on the terms to be included in contracts the department enters into with medicaid managed care organizations under section 5167.10 of the Revised Code to ensure that the organizations are providing or arranging for the medicaid recipients enrolled in their ~~organizations~~ medicaid MCO plans, as defined in section 5167.01 of the Revised Code, to receive home visiting services that are delivered as part of the home visiting program models described in divisions (B)(1)(a)(i) and (ii) of this section. 34329  
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(2) The consortium may recommend a standardized form or other 34338

mechanism to assess family risk factors and social determinants of health for purposes of the central intake and referral system described in section 3701.611 of the Revised Code. 34339  
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(C) The consortium shall consist of the following members: 34342

(1) The director of health or the director's designee; 34343

(2) The medicaid director or the director's designee; 34344

(3) The director of mental health and addiction services or the director's designee; 34345  
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(4) The director of developmental disabilities or the director's designee; 34347  
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(5) The executive director of the commission on minority health or the executive director's designee; 34349  
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(6) A member of the commission on infant mortality who is not a legislator or an individual specified under this division; 34351  
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(7) One individual who represents medicaid managed care organizations, recommended by the board of trustees of the Ohio association of health plans; 34353  
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(8) One individual who represents county boards of developmental disabilities, recommended by the Ohio association of county boards of developmental disabilities; 34356  
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(9) A home visiting contractor who provides services within the help me grow program through a contract, grant, or other agreement with the department of health; 34359  
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(10) A home visiting contractor who provides services within one or more community HUBs that fully or substantially comply with the pathways community HUB certification standards developed by the pathways community HUB institute through a contract, grant, or other agreement with the commission on minority health; 34362  
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(11) An individual who receives home visiting services from 34367

the help me grow program; 34368

~~(11)~~(12) An individual who receives home visiting services 34369  
from a home visiting contractor who provides services within one 34370  
or more community HUBs that fully or substantially comply with the 34371  
pathways community HUB certification standards developed by the 34372  
pathways community HUB institute; 34373

(13) Two members of the senate, one from the majority party 34374  
and one from the minority party, each appointed by the senate 34375  
president; 34376

~~(12)~~(14) Two members of the house of representatives, one 34377  
from the majority party and one from the minority party, each 34378  
appointed by the speaker of the house of representatives. 34379

(D) The consortium members described in divisions (C)~~(6)~~ ~~to~~ 34380  
~~(11)~~(10) and (12) of this section shall be appointed not later 34381  
than thirty days after ~~the effective date of this section~~ the 34382  
effective date of this amendment. An appointed member shall hold 34383  
office until a successor is appointed. A vacancy shall be filled 34384  
in the same manner as the original appointment. 34385

The director of health shall serve as the chairperson of the 34386  
consortium. 34387

A member shall serve without compensation except to the 34388  
extent that serving on the consortium is considered part of the 34389  
member's regular duties of employment. 34390

(E) The consortium shall meet at the call of the director of 34391  
health but not less than once each calendar quarter. The 34392  
consortium's first meeting shall occur not later than sixty days 34393  
after ~~the effective date of this section~~ April 6, 2017. 34394

(F) The department of health shall provide meeting space and 34395  
staff and other administrative support for the consortium. 34396

(G) The consortium is not subject to sections 101.82 to 34397

101.87 of the Revised Code.	34398
<b>Sec. 3701.68.</b> (A) As used in this section:	34399
(1) "Academic medical center" means a medical school and its affiliated teaching hospitals.	34400 34401
(2) "State registrar" has the same meaning as in section 3705.01 of the Revised Code.	34402 34403
(B) There is hereby created the commission on infant mortality. The commission shall do all of the following:	34404 34405
(1) Conduct a complete inventory of services provided or administered by the state that are available to address the infant mortality rate in this state;	34406 34407 34408
(2) For each service identified under division (B)(1) of this section, determine both of the following:	34409 34410
(a) The sources of the funds that are used to pay for the service;	34411 34412
(b) Whether the service and its funding sources have a connection with programs provided or administered by local or community-based public or private entities and, to the extent they do not, whether they should.	34413 34414 34415 34416
(3) With assistance from academic medical centers, track and analyze infant mortality rates by county for the purpose of determining the impact of state and local initiatives to reduce those rates.	34417 34418 34419 34420
(C) The commission shall consist of the following members:	34421
(1) Two members of the senate, one from the majority party and one from the minority party, each appointed by the senate president;	34422 34423 34424
(2) Two members of the house of representatives, one from the majority party and one from the minority party, each appointed by	34425 34426

the speaker of the house of representatives;	34427
(3) The <del>executive director of the office of health</del>	34428
<del>transformation or the executive director's</del> <u>governor or the</u>	34429
<u>governor's</u> designee;	34430
(4) The medicaid director or the director's designee;	34431
(5) The director of health or the director's designee;	34432
(6) The director of developmental disabilities or the	34433
director's designee;	34434
(7) The executive director of the commission on minority	34435
health or the executive director's designee;	34436
(8) The attorney general or the attorney general's designee;	34437
(9) A health commissioner of a city or general health	34438
district, appointed by the governor;	34439
(10) A coroner, deputy coroner, or other person who conducts	34440
death scene investigations, appointed by the governor;	34441
(11) An individual who represents the Ohio hospital	34442
association, appointed by the association's president;	34443
(12) An individual who represents the Ohio children's	34444
hospital association, appointed by the association's president;	34445
(13) Two individuals who represent community-based programs	34446
that serve pregnant women or new mothers whose infants tend to be	34447
at a higher risk for infant mortality, appointed by the governor.	34448
(D) <del>The commission members described in divisions (C)(1),</del>	34449
<del>(2), (9), (10), (11), (12), and (13) of this section shall be</del>	34450
<del>appointed not later than thirty days after March 19, 2015. An</del>	34451
appointed <u>commission</u> member shall hold office until a successor is	34452
appointed. A vacancy shall be filled in the same manner as the	34453
original appointment.	34454
From among the members, the president of the senate and	34455

speaker of the house of representatives shall appoint two to serve 34456  
as co-chairpersons of the commission. The co-chairpersons, upon 34457  
mutual agreement, may appoint additional members to the 34458  
commission. 34459

A member shall serve without compensation except to the 34460  
extent that serving on the commission is considered part of the 34461  
member's regular duties of employment. 34462

(E) The commission may request assistance from the staff of 34463  
the legislative service commission. 34464

(F) For purposes of division (B)(3) of this section, the 34465  
state registrar shall ensure that the commission and academic 34466  
medical centers located in this state have access to any 34467  
electronic system of vital records the state registrar or 34468  
department of health maintains, including the Ohio public health 34469  
information warehouse. Not later than six months after March 19, 34470  
2015, the commission on infant mortality shall prepare a written 34471  
report of its findings and recommendations concerning the matters 34472  
described in division (B) of this section. On completion, the 34473  
commission shall submit the report to the governor and, in 34474  
accordance with section 101.68 of the Revised Code, the general 34475  
assembly. 34476

(G) The president of the senate and speaker of the house of 34477  
representatives shall determine the responsibilities of the 34478  
commission following submission of the report under division (F) 34479  
of this section. 34480

(H) The commission is not subject to sections 101.82 to 34481  
101.87 of the Revised Code. 34482

(I) The commission shall provide information to the Ohio 34483  
housing finance agency for the purposes of division (A) of section 34484  
175.14 of the Revised Code. 34485

~~Sec. 3701.95. (A) As used in this section, "government program providing public benefits" has the same meaning as in section 191.01 of the Revised Code.~~ 34486  
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~~(B)~~ The director of health shall identify each government program providing benefits, other than the help me grow program established by the department of health pursuant to section 3701.61 of the Revised Code, that has the goal of reducing infant mortality and negative birth outcomes or the goal of reducing disparities among women who are pregnant or capable of becoming pregnant and who belong to a racial or ethnic minority. A program shall be identified only if it provides education, ~~training~~, and support services related to those goals to program participants in their homes. The director may consult with the Ohio partnership to build stronger families for assistance with identifying the programs. 34489  
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~~(C)~~(B) An administrator of a program identified under division ~~(B)~~(A) of this section shall report to the director data on program performance indicators that are used to assess progress toward achieving program goals. The administrator shall report the data in the format and within the time frames specified in rules adopted under division ~~(D)~~(C) of this section. Using the data reported under this division, the director shall prepare an annual report assessing the performance of each government program identified pursuant to division ~~(B)~~(A) of this section during the immediately preceding twelve-month period. In addition, the report shall summarize and provide an analysis of the information contained in the "information for medical and health use only" section of the birth records for individuals born during the prior twelve-month period. 34501  
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The director shall provide a copy of the report to the general assembly and the joint medicaid oversight committee. The 34515  
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copy to the general assembly shall be provided in accordance with 34517  
section 101.68 of the Revised Code. 34518

~~(D)~~(C) The director shall adopt rules specifying program 34519  
performance indicators on which data must be reported by the 34520  
administrators described in division ~~(C)~~(B) of this section as 34521  
well as the format and time frames in which the data must be 34522  
reported. To the extent possible, the program performance 34523  
indicators specified in the rules shall be consistent with federal 34524  
reporting requirements for federally funded home visiting 34525  
services. The rules shall be adopted in accordance with Chapter 34526  
119. of the Revised Code. 34527

**Sec. 3701.99.** (A) Whoever violates division (C) of section 34528  
3701.23, division (C) of section 3701.232, division (C) of section 34529  
3701.24, ~~division (B) of section 3701.25,~~ division (D)(2) of 34530  
section 3701.262, or sections 3701.46 to 3701.55 of the Revised 34531  
Code is guilty of a minor misdemeanor on a first offense; on each 34532  
subsequent offense, the person is guilty of a misdemeanor of the 34533  
fourth degree. 34534

(B) Whoever violates section 3701.82 of the Revised Code is 34535  
guilty of a misdemeanor of the first degree. 34536

(C) Whoever violates section 3701.352 or 3701.81 of the 34537  
Revised Code is guilty of a misdemeanor of the second degree. 34538

**Sec. 3702.12.** Initial rules for each activity specified in 34539  
section 3702.11 of the Revised Code and for each health care 34540  
facility ~~listed as defined~~ in ~~division (A)(4) of~~ section 3702.30 34541  
of the Revised Code shall be adopted using the procedure 34542  
prescribed by this section. 34543

The director of health shall file proposed rules in 34544  
accordance with section 119.03 of the Revised Code. If, prior to 34545  
expiration of the time for legislative review and invalidation 34546

under division (I) of that section, the joint committee on agency 34547  
rule review recommends the adoption of a concurrent resolution 34548  
invalidating a proposed rule, the director shall withdraw the 34549  
proposed rule, revise it, and refile it as if it were a newly 34550  
proposed rule; the director shall not file the proposed rule in 34551  
final form. A proposed rule that the director refiles following a 34552  
recommendation for a concurrent resolution of invalidation shall 34553  
be treated, for purposes of determining the time for legislative 34554  
review and invalidation under section 119.03 of the Revised Code, 34555  
as if it were a newly proposed rule. If, after filing the revised 34556  
proposed rule, the joint committee again recommends the adoption 34557  
of a concurrent resolution of invalidation, the director shall 34558  
file the revised proposed rule in final form in accordance with 34559  
section 111.15 of the Revised Code, and the rule shall take effect 34560  
in accordance with that section. 34561

If, prior to expiration of the time for legislative review 34562  
and invalidation, the joint committee does not recommend the 34563  
adoption of a concurrent resolution invalidating a proposed rule 34564  
or revised proposed rule filed in accordance with section 119.03 34565  
of the Revised Code, the director shall file the rule in final 34566  
form in accordance with section 119.04 of the Revised Code, and 34567  
the rule shall take effect in accordance with that section. 34568

Initial rules adopted for each activity specified in section 34569  
3702.11 of the Revised Code shall include rules pertaining to all 34570  
of the matters required by section 3702.16 of the Revised Code. 34571

Initial rules shall not be adopted as emergency rules. 34572

**Sec. 3702.13.** After the adoption, in accordance with section 34573  
3702.12 of the Revised Code, of initial rules applicable to an 34574  
activity specified in section 3702.11 of the Revised Code or a 34575  
health care facility listed as defined in ~~division (A)(4) of~~ 34576  
section 3702.30 of the Revised Code, any amendments to the rules 34577

applicable to that activity or facility, including enactment of 34578  
new rules or amendments or rescissions of existing rules, shall be 34579  
adopted in accordance with Chapter 119. of the Revised Code. 34580

**Sec. 3702.30.** (A) As used in this section: 34581

(1) "Ambulatory surgical facility" means a facility, ~~whether~~ 34582  
~~or not part of the same organization as a hospital, that is~~ 34583  
~~located in a building distinct from another in which inpatient~~ 34584  
~~care is provided~~ surgical services are provided to patients who do 34585  
not require hospitalization for inpatient care, the duration of 34586  
services for any patient does not extend beyond twenty-four hours 34587  
after the patient's admission, and to which any of the following 34588  
apply: 34589

(a) ~~Outpatient surgery is routinely performed in the~~ 34590  
~~facility, and the facility functions separately from a hospital's~~ 34591  
~~inpatient surgical service and from the offices of private~~ 34592  
~~physicians, podiatrists, and dentists~~ The surgical services are 34593  
provided in a building that is separate from another building in 34594  
which inpatient care is provided, regardless of whether the 34595  
separate building is part of the same organization as the building 34596  
in which inpatient care is provided. 34597

(b) ~~Anesthesia is administered in the facility by an~~ 34598  
~~anesthesiologist or certified registered nurse anesthetist, and~~ 34599  
~~the facility functions separately from a hospital's inpatient~~ 34600  
~~surgical service and from the offices of private physicians,~~ 34601  
~~podiatrists, and dentists.~~ 34602

(c) ~~The facility applies to be certified by the United States~~ 34603  
~~centers for medicare and medicaid services as an ambulatory~~ 34604  
~~surgical center for purposes of reimbursement under Part B of the~~ 34605  
~~medicare program, Part B of Title XVIII of the "Social Security~~ 34606  
~~Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended.~~ 34607

~~(d) The facility applies to be certified by a national accrediting body approved by the centers for medicare and medicaid services for purposes of deemed compliance with the conditions for participating in the medicare program as an ambulatory surgical center.~~ 34608  
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~~(e) The facility bills or receives from any third party payer, governmental health care program, or other person or government entity any ambulatory surgical facility fee that is billed or paid in addition to any fee for professional services. The surgical services are provided within a building in which inpatient care is provided and the entity that operates the portion of the building where the surgical services are provided is not the entity that operates the remainder of the building.~~ 34613  
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~~(f)(c) The facility is held out to any person or government entity as an ambulatory surgical facility or similar facility by means of signage, advertising, or other promotional efforts.~~ 34621  
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"Ambulatory surgical facility" does not include a hospital emergency department or an office of a physician, podiatrist, or dentist. 34624  
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~~(2) "Ambulatory surgical facility fee" means a fee for certain overhead costs associated with providing surgical services in an outpatient setting. A fee is an ambulatory surgical facility fee only if it directly or indirectly pays for costs associated with any of the following:~~ 34627  
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34629  
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~~(a) Use of operating and recovery rooms, preparation areas, and waiting rooms and lounges for patients and relatives;~~ 34632  
34633

~~(b) Administrative functions, record keeping, housekeeping, utilities, and rent;~~ 34634  
34635

~~(c) Services provided by nurses, pharmacists, orderlies, technical personnel, and others involved in patient care related to providing surgery.~~ 34636  
34637  
34638

~~"Ambulatory surgical facility fee" does not include any additional payment in excess of a professional fee that is provided to encourage physicians, podiatrists, and dentists to perform certain surgical procedures in their office or their group practice's office rather than a health care facility, if the purpose of the additional fee is to compensate for additional cost incurred in performing office-based surgery.~~

~~(3) "Governmental health care program" has the same meaning as in section 4731.65 of the Revised Code.~~

~~(4) "Health care facility" means any of the following:~~

~~(a) An ambulatory surgical facility;~~

~~(b) A freestanding dialysis center;~~

~~(c) A freestanding inpatient rehabilitation facility;~~

~~(d) A freestanding birthing center;~~

~~(e) A freestanding radiation therapy center;~~

~~(f) A freestanding or mobile diagnostic imaging center.~~

~~(5) "Third party payer" has the same meaning as in section 3901.38 of the Revised Code.~~

(B) By rule adopted in accordance with sections 3702.12 and 3702.13 of the Revised Code, the director of health shall establish quality standards for health care facilities. The standards may incorporate accreditation standards or other quality standards established by any entity recognized by the director.

In the case of an ambulatory surgical facility, the standards shall require the ambulatory surgical facility to maintain an infection control program. The purposes of the program are to minimize infections and communicable diseases and facilitate a functional and sanitary environment consistent with standards of professional practice. To achieve these purposes, ambulatory surgical facility staff managing the program shall create and

administer a plan designed to prevent, identify, and manage 34669  
infections and communicable diseases; ensure that the program is 34670  
directed by a qualified professional trained in infection control; 34671  
ensure that the program is an integral part of the ambulatory 34672  
surgical facility's quality assessment and performance improvement 34673  
program; and implement in an expeditious manner corrective and 34674  
preventive measures that result in improvement. 34675

(C) Every ambulatory surgical facility shall require that 34676  
each physician who practices at the facility comply with all 34677  
relevant provisions in the Revised Code that relate to the 34678  
obtaining of informed consent from a patient. 34679

(D) The director shall issue a license to each health care 34680  
facility that makes application for a license and demonstrates to 34681  
the director that it meets the quality standards established by 34682  
the rules adopted under division (B) of this section and satisfies 34683  
the informed consent compliance requirements specified in division 34684  
(C) of this section. 34685

(E)(1) Except as provided in division (H) of this section and 34686  
in section 3702.301 of the Revised Code, no health care facility 34687  
shall operate without a license issued under this section. 34688

The general assembly does not intend for the provisions of 34689  
this section or section 3702.301 of the Revised Code that 34690  
establish health care facility licensing requirements or 34691  
exemptions to have an effect on any third-party payments that may 34692  
be available for the services provided by either a licensed health 34693  
care facility or an entity exempt from licensure. 34694

(2) If the department of health finds that a physician who 34695  
practices at a health care facility is not complying with any 34696  
provision of the Revised Code related to the obtaining of informed 34697  
consent from a patient, the department shall report its finding to 34698  
the state medical board, the physician, and the health care 34699

facility. 34700

(3) ~~This division~~ Division (E)(2) of this section does not 34701  
create, and shall not be construed as creating, a new cause of 34702  
action or substantive legal right against a health care facility 34703  
and in favor of a patient who allegedly sustains harm as a result 34704  
of the failure of the patient's physician to obtain informed 34705  
consent from the patient prior to performing a procedure on or 34706  
otherwise caring for the patient in the health care facility. 34707

(F) The rules adopted under division (B) of this section 34708  
shall include all of the following: 34709

(1) Provisions governing application for, renewal, 34710  
suspension, and revocation of a license under this section; 34711

(2) Provisions governing orders issued pursuant to section 34712  
3702.32 of the Revised Code for a health care facility to cease 34713  
its operations or to prohibit certain types of services provided 34714  
by a health care facility; 34715

(3) Provisions governing the imposition under section 3702.32 34716  
of the Revised Code of civil penalties for violations of this 34717  
section or the rules adopted under this section, including a scale 34718  
for determining the amount of the penalties; 34719

(4) Provisions specifying the form inspectors must use when 34720  
conducting inspections of ambulatory surgical facilities. 34721

(G) An ambulatory surgical facility that performs or induces 34722  
abortions shall comply with section 3701.791 of the Revised Code. 34723

(H) The following entities are not required to obtain a 34724  
license as a freestanding diagnostic imaging center issued under 34725  
this section: 34726

(1) A hospital registered under section 3701.07 of the 34727  
Revised Code that provides diagnostic imaging; 34728

(2) An entity that is reviewed as part of a hospital 34729

accreditation or certification program and that provides	34730
diagnostic imaging;	34731
(3) An ambulatory surgical facility that provides diagnostic	34732
imaging in conjunction with or during any portion of a surgical	34733
procedure.	34734
<b>Sec. 3702.51.</b> As used in sections 3702.51 to 3702.62 of the	34735
Revised Code:	34736
(A) "Applicant" means any person that submits an application	34737
for a certificate of need and who is designated in the application	34738
as the applicant.	34739
(B) "Person" means any individual, corporation, business	34740
trust, estate, firm, partnership, association, joint stock	34741
company, insurance company, government unit, or other entity.	34742
(C) "Certificate of need" means a written approval granted by	34743
the director of health to an applicant to authorize conducting a	34744
reviewable activity.	34745
(D) "Service area" means the current and projected primary	34746
and secondary service areas to which the long-term care facility	34747
is, or will be, providing long-term care services.	34748
(E) "Primary service area" means the geographic region,	34749
usually comprised of the Ohio zip code in which the long-term care	34750
facility is located and contiguous zip codes, from which	34751
approximately seventy-five to eighty per cent of the facility's	34752
residents currently originate or are expected to originate.	34753
(F) "Secondary service area" means the geographic region,	34754
usually comprised of Ohio zip codes not included in the primary	34755
service area, excluding isolated exceptions, from which the	34756
facility's remaining residents currently originate or are expected	34757
to originate.	34758
(G) "Third-party payer" means a health insuring corporation	34759

licensed under Chapter 1751. of the Revised Code, a health 34760  
maintenance organization as defined in division (I) of this 34761  
section, an insurance company that issues sickness and accident 34762  
insurance in conformity with Chapter 3923. of the Revised Code, a 34763  
state-financed health insurance program under Chapter 3701. or 34764  
4123. of the Revised Code, the medicaid program, or any 34765  
self-insurance plan. 34766

(H) "Government unit" means the state and any county, 34767  
municipal corporation, township, or other political subdivision of 34768  
the state, or any department, division, board, or other agency of 34769  
the state or a political subdivision. 34770

(I) "Health maintenance organization" means a public or 34771  
private organization organized under the law of any state that is 34772  
qualified under section 1310(d) of Title XIII of the "Public 34773  
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 34774

(J) "Existing long-term care facility" means either of the 34775  
following: 34776

(1) A long-term care facility that is licensed or otherwise 34777  
authorized to operate in this state in accordance with applicable 34778  
law, including a county home or a county nursing home that is 34779  
certified under Title XVIII or Title XIX of the "Social Security 34780  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, is staffed 34781  
and equipped to provide long-term care services, and is actively 34782  
providing long-term care services; 34783

(2) A long-term care facility that is licensed or otherwise 34784  
authorized to operate in this state in accordance with applicable 34785  
law, including a county home or a county nursing home that is 34786  
certified under Title XVIII or Title XIX of the "Social Security 34787  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or that has 34788  
beds registered under section 3701.07 of the Revised Code as 34789  
skilled nursing beds or long-term care beds and has provided 34790

long-term care services for at least three hundred sixty-five 34791  
consecutive days within the twenty-four months immediately 34792  
preceding the date a certificate of need application is filed with 34793  
the director of health. 34794

(K) "State" means the state of Ohio, including, but not 34795  
limited to, the general assembly, the supreme court, the offices 34796  
of all elected state officers, and all departments, boards, 34797  
offices, commissions, agencies, institutions, and other 34798  
instrumentalities of the state of Ohio. "State" does not include 34799  
political subdivisions. 34800

(L) "Political subdivision" means a municipal corporation, 34801  
township, county, school district, and all other bodies corporate 34802  
and politic responsible for governmental activities only in 34803  
geographic areas smaller than that of the state to which the 34804  
sovereign immunity of the state attaches. 34805

(M) "Affected person" means: 34806

(1) An applicant for a certificate of need, including an 34807  
applicant whose application was reviewed comparatively with the 34808  
application in question; 34809

(2) The person that requested the reviewability ruling in 34810  
question; 34811

(3) Any person that resides or regularly uses long-term care 34812  
facilities within the service area served or to be served by the 34813  
long-term care services that would be provided under the 34814  
certificate of need or reviewability ruling in question; 34815

(4) Any long-term care facility that is located in the 34816  
service area where the long-term care services would be provided 34817  
under the certificate of need or reviewability ruling in question; 34818

(5) Third-party payers that reimburse long-term care 34819  
facilities for services in the service area where the long-term 34820

care services would be provided under the certificate of need or 34821  
reviewability ruling in question. 34822

(N) "Long-term care facility" means, ~~except as provided in~~ 34823  
~~section 3702.594 of the Revised Code,~~ any of the following: 34824

(1) A nursing home licensed under section 3721.02 of the 34825  
Revised Code or by a political subdivision certified under section 34826  
3721.09 of the Revised Code; 34827

(2) The portion of any facility, including a county home or 34828  
county nursing home, that is certified as a skilled nursing 34829  
facility or a nursing facility under Title XVIII or XIX of the 34830  
"Social Security Act"; 34831

(3) The portion of any hospital that contains beds registered 34832  
under section 3701.07 of the Revised Code as skilled nursing beds 34833  
or long-term care beds. 34834

(O) "Long-term care bed" or "bed" means a bed that is 34835  
categorized as one of the following: 34836

(1) A bed that is located in a facility that is a nursing 34837  
home licensed under section 3721.02 of the Revised Code or a 34838  
facility licensed by a political subdivision certified under 34839  
section 3721.09 of the Revised Code and is included in the 34840  
authorized maximum licensed capacity of the facility; 34841

(2) A bed that is located in the portion of any facility, 34842  
including a county home or county nursing home, that is certified 34843  
as a skilled nursing facility under the medicare program or a 34844  
nursing facility under the medicaid program and is included in the 34845  
authorized maximum certified capacity of that portion of the 34846  
facility; 34847

(3) A bed that is registered under section 3701.07 of the 34848  
Revised Code as a skilled nursing bed, a long-term care bed, or a 34849  
special skilled nursing bed; 34850

(4) A bed in a county home or county nursing home that has  
been certified under section 5155.38 of the Revised Code as having  
been in operation on July 1, 1993, and is eligible for licensure  
as a nursing home bed;

(5) A bed held as an approved bed under a certificate of need  
approved by the director.

A bed cannot simultaneously be both a bed described in  
division (O)(1), (2), (3), or (4) of this section and a bed  
described in division (O)(5) of this section.

(P) "Reviewability ruling" means a ruling issued by the  
director of health under division (A) of section 3702.52 of the  
Revised Code as to whether a particular proposed project is or is  
not a reviewable activity.

(Q) "County nursing home" has the same meaning as in section  
5155.31 of the Revised Code.

(R) "Principal participant" means both of the following:

(1) A person who has an ownership or controlling interest of  
at least five per cent in an applicant, in a long-term care  
facility that is the subject of an application for a certificate  
of need, or in the owner or operator of the applicant or such a  
facility;

(2) An officer, director, trustee, or general partner of an  
applicant, of a long-term care facility that is the subject of an  
application for a certificate of need, or of the owner or operator  
of the applicant or such a facility.

(S) "Actual harm but not immediate jeopardy deficiency" means  
a deficiency that, under 42 C.F.R. 488.404, either constitutes a  
pattern of deficiencies resulting in actual harm that is not  
immediate jeopardy or represents widespread deficiencies resulting  
in actual harm that is not immediate jeopardy.

(T) "Immediate jeopardy deficiency" means a deficiency that, 34881  
under 42 C.F.R. 488.404, either constitutes a pattern of 34882  
deficiencies resulting in immediate jeopardy to resident health or 34883  
safety or represents widespread deficiencies resulting in 34884  
immediate jeopardy to resident health or safety. 34885

(U) "Existing bed" or "existing long-term care bed" means a 34886  
bed from an existing long-term care facility, a bed described in 34887  
division (O)(5) of this section, or a bed correctly reported as a 34888  
long-term care bed pursuant to section 5155.38 of the Revised 34889  
Code. 34890

**Sec. 3702.52.** The director of health shall administer a state 34891  
certificate of need program in accordance with sections 3702.51 to 34892  
3702.62 of the Revised Code and rules adopted under those 34893  
sections. Administration of the program shall include both a 34894  
standard review process and an expedited review process. 34895

(A) The director shall issue rulings on whether a particular 34896  
proposed project is a reviewable activity. The director shall 34897  
issue a ruling not later than forty-five days after receiving a 34898  
request for a ruling accompanied by the information needed to make 34899  
the ruling, except that if an expedited review is requested, the 34900  
ruling shall be issued not later than thirty days after receiving 34901  
the request for a ruling accompanied by the information needed to 34902  
make the ruling. If the director does not issue a ruling in the 34903  
required time, the project shall be considered to have been ruled 34904  
not a reviewable activity. 34905

(B)(1) Each application for a certificate of need shall be 34906  
submitted to the director on forms and in the manner prescribed by 34907  
the director. An application for which expedited review is 34908  
requested must meet the same requirements as all other 34909  
applications. 34910

Each application shall include a plan for obligating the 34911

capital expenditures or implementing the proposed project on a 34912  
timely basis in accordance with section 3702.524 of the Revised 34913  
Code. Each application shall also include all other information 34914  
required by rules adopted under division (B) of section 3702.57 of 34915  
the Revised Code. 34916

(2) Each application shall be accompanied by the application 34917  
fee established in rules adopted under division (G) of section 34918  
3702.57 of the Revised Code. Application fees received by the 34919  
director under this division shall be deposited into the state 34920  
treasury to the credit of the certificate of need fund, which is 34921  
hereby created. The director shall use the fund only to pay the 34922  
costs of administering sections 3702.11 to 3702.20, 3702.30, and 34923  
3702.51 to 3702.62 of the Revised Code and rules adopted under 34924  
those sections. An application fee is nonrefundable unless the 34925  
director determines that the application cannot be accepted. 34926

(3) The director shall review applications for certificates 34927  
of need. As part of a review, the director shall determine whether 34928  
an application is complete. The director shall not consider an 34929  
application to be complete unless the application meets all 34930  
criteria for a complete application specified in rules adopted 34931  
under section 3702.57 of the Revised Code. For an application 34932  
being considered under the standard review process, the director 34933  
shall mail to the applicant a written notice that the application 34934  
is complete, or a written request for additional information, not 34935  
later than thirty days after receiving an application or a 34936  
response to an earlier request for information. For an application 34937  
for which expedited review is requested, the director's notice or 34938  
request shall be mailed not later than fourteen days after the 34939  
director receives the application or a response to an earlier 34940  
request for information. Except as provided in section 3702.522 of 34941  
the Revised Code, the director shall not make more than two 34942  
requests for additional information. ~~The~~ For either the standard 34943

or expedited review process, the director shall make a final 34944  
determination regarding an application's completeness and issue a 34945  
notice of the determination not later than one hundred eighty days 34946  
after the date the director received the initial application. 34947

The director's determination that an application is not 34948  
complete is final and not subject to appeal. 34949

(4) Except as necessary to comply with a subpoena issued 34950  
under division (F) of this section, after a notice of completeness 34951  
has been received, no person shall make revisions to information 34952  
that was submitted to the director before the director mailed the 34953  
notice of completeness or knowingly discuss in person or by 34954  
telephone the merits of the application with the director. A 34955  
person may supplement an application after a notice of 34956  
completeness has been received by submitting clarifying 34957  
information to the director. 34958

(C) All of the following apply to the process of granting or 34959  
denying a certificate of need: 34960

(1) If the project proposed in a certificate of need 34961  
application meets all of the applicable certificate of need 34962  
criteria for approval under sections 3702.51 to 3702.62 of the 34963  
Revised Code and the rules adopted under those sections, the 34964  
director shall grant a certificate of need for all or part of the 34965  
project that is the subject of the application by the applicable 34966  
deadline specified in division (C)(4) of this section or any 34967  
extension of it under division (C)(5) of this section. 34968

(2) The director's grant of a certificate of need does not 34969  
affect, and sets no precedent for, the director's decision to 34970  
grant or deny other applications for similar reviewable 34971  
activities. 34972

(3) Any affected person may submit written comments regarding 34973  
an application. The director shall consider all written comments 34974

received by the forty-fifth day after the application is submitted 34975  
to the director, except that to be considered in an expedited 34976  
review, written comments must be received by the twenty-first day 34977  
after the application is submitted. 34978

(4) Except as provided in division (C)(5) of this section, 34979  
the director shall grant or deny certificate of need applications 34980  
not later than sixty days after mailing the notice of completeness 34981  
unless the application is receiving expedited review. If the 34982  
application is receiving expedited review, the director shall 34983  
grant or deny the application not later than forty-five days after 34984  
mailing the notice of completeness. 34985

(5) Except as otherwise provided in division (C)(6) of this 34986  
section, the director or the applicant may extend the deadline 34987  
prescribed in division (C)(4) of this section once, for no longer 34988  
than thirty days, by written notice before the end of the deadline 34989  
prescribed by division (C)(4) of this section. An extension by the 34990  
director under division (C)(5) of this section shall apply to all 34991  
applications that are in comparative review. 34992

(6) No applicant in a comparative review may extend the 34993  
deadline specified in division (C)(4) of this section. 34994

(7) If the director does not grant or deny the certificate by 34995  
the applicable deadline specified in division (C)(4) of this 34996  
section or any extension of it under division (C)(5) of this 34997  
section, the certificate shall be considered to have been granted. 34998

(8) In granting a certificate of need, the director shall 34999  
specify as the maximum capital expenditure the certificate holder 35000  
may obligate under the certificate a figure equal to one hundred 35001  
ten per cent of the approved project cost. 35002

(9) In granting a certificate of need, the director may grant 35003  
the certificate with conditions that must be met by the holder of 35004  
the certificate. 35005

(D) When a certificate of need is granted for a project under 35006  
which beds are to be relocated, upon completion of the project for 35007  
which the certificate of need was granted a number of beds equal 35008  
to the number of beds relocated shall cease to be operated in the 35009  
long-term care facility from which they are relocated, except that 35010  
the beds may continue to be operated for not more than fifteen 35011  
days to allow relocation of residents to the facility to which the 35012  
beds have been relocated. Notwithstanding section 3721.03 of the 35013  
Revised Code, if the relocated beds are in a home licensed under 35014  
Chapter 3721. of the Revised Code, the facility's license is 35015  
automatically reduced by the number of beds relocated effective 35016  
fifteen days after the beds are relocated. If the beds are in a 35017  
facility that is certified as a skilled nursing facility or 35018  
nursing facility under Title XVIII or XIX of the "Social Security 35019  
Act," the certification for the beds shall be surrendered. If the 35020  
beds are registered under section 3701.07 of the Revised Code as 35021  
skilled nursing beds or long-term care beds, the director shall 35022  
remove the beds from registration not later than fifteen days 35023  
after the beds are relocated. 35024

(E) During the period beginning with the granting of a 35025  
certificate of need and ending five years after implementation of 35026  
the reviewable activity for which the certificate was granted, the 35027  
director shall monitor the activities of the person granted the 35028  
certificate to determine whether the reviewable activity is 35029  
conducted in substantial accordance with the certificate. A 35030  
reviewable activity shall not be determined to be not in 35031  
substantial accordance with the certificate of need solely because 35032  
of either of the following: 35033

(1) A decrease in bed capacity; 35034

(2) A change in the owner or operator of the facility unless 35035  
any of the circumstances specified in division (B) of section 35036  
3702.59 of the Revised Code apply to the new owner or operator. 35037

(F) When reviewing applications for certificates of need, 35038  
considering appeals under section 3702.60 of the Revised Code, or 35039  
monitoring activities of persons granted certificates of need, the 35040  
director may issue and enforce, in the manner provided in section 35041  
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 35042  
compel a person to testify and produce documents relevant to 35043  
review of the application, consideration of the appeal, or 35044  
monitoring of the activities. In addition, the director or the 35045  
director's designee may visit the sites where the activities are 35046  
or will be conducted. 35047

(G) The director may withdraw certificates of need. 35048

(H) All long-term care facilities shall submit to the 35049  
director, upon request, any information prescribed by rules 35050  
adopted under division (H) of section 3702.57 of the Revised Code 35051  
that is necessary to conduct reviews of certificate of need 35052  
applications and to develop criteria for reviews. 35053

(I) Any decision to grant or deny a certificate of need shall 35054  
consider the special needs and circumstances resulting from moral 35055  
and ethical values and the free exercise of religious rights of 35056  
long-term care facilities administered by religious organizations, 35057  
and the special needs and circumstances of inner city and rural 35058  
communities. 35059

**Sec. 3702.57.** (A) The director of health shall adopt rules 35060  
establishing procedures and criteria for reviews of applications 35061  
for certificates of need and issuance, denial, or withdrawal of 35062  
certificates. 35063

(1) In adopting rules that establish criteria for reviews of 35064  
applications of certificates of need, the director shall consider 35065  
the availability of and need for long-term care beds to provide 35066  
care and treatment to persons diagnosed as having traumatic brain 35067  
injuries and shall prescribe criteria for reviewing applications 35068

that propose to add long-term care beds to provide care and 35069  
treatment to persons diagnosed as having traumatic brain injuries. 35070

(2) The criteria for reviews of applications for certificates 35071  
of need shall relate to the need for the reviewable activity and 35072  
shall pertain to all of the following matters: 35073

(a) The impact of the reviewable activity on the cost and 35074  
quality of long-term care services in the relevant service area, 35075  
including, but not limited, to the historical and projected 35076  
utilization of the services to which the application pertains and 35077  
the effect of the reviewable activity on utilization of other 35078  
providers of similar services; 35079

(b) The quality of the services to be provided as the result 35080  
of the activity, as evidenced by the historical performance of the 35081  
persons that will be involved in providing the services and by the 35082  
provisions that are proposed in the application to ensure quality, 35083  
including but not limited to adequate available personnel, 35084  
available ancillary and support services, available equipment, 35085  
size and configuration of physical plant, and relations with other 35086  
providers; 35087

(c) The impact of the reviewable activity on the availability 35088  
and accessibility of the type of services proposed in the 35089  
application to the population of the relevant service area, and 35090  
the level of access to the services proposed in the application 35091  
that will be provided to medically underserved individuals such as 35092  
recipients of public assistance and individuals who have no health 35093  
insurance or whose health insurance is insufficient; 35094

(d) The activity's short- and long-term financial feasibility 35095  
and cost-effectiveness, the impact of the activity on the 35096  
applicant's costs and charges, and a comparison of the applicant's 35097  
costs and charges with those of providers of similar services in 35098  
the applicant's proposed service area; 35099

(e) The advantages, disadvantages, and costs of alternatives to the reviewable activity;	35100 35101
(f) The impact of the activity on all other providers of similar services in the relevant service area, including the impact on their utilization, market share, and financial status;	35102 35103 35104
(g) The historical performance of the applicant and related or affiliated parties in complying with previously granted certificates of need and any applicable certification, accreditation, or licensure requirements;	35105 35106 35107 35108
(h) The historical performance of the applicant and related or affiliated parties in providing cost-effective long-term care services;	35109 35110 35111
(i) The special needs and circumstances of the applicant or population proposed to be served by the proposed project, including research activities, prevalence of particular diseases, unusual demographic characteristics, cost-effective contractual affiliations, and other special circumstances;	35112 35113 35114 35115 35116
(j) The appropriateness of the zoning status of the proposed site of the activity;	35117 35118
(k) The participation by the applicant in research conducted by the United States food and drug administration or clinical trials sponsored by the national institutes of health.	35119 35120 35121
(3) The criteria for reviews of applications shall include a formula for determining each county's long-term care bed need for purposes of section 3702.593 of the Revised Code and may include other formulas for determining need for beds.	35122 35123 35124 35125
Any rules prescribing criteria that establish ratios of beds to population shall specify the bases for establishing the ratios or mitigating factors or exceptions to the ratios.	35126 35127 35128
(B) The director shall adopt rules specifying all of the	35129

following:	35130
(1) Information that must be provided in applications for certificates of need;	35131 35132
(2) Procedures for reviewing applications for completeness of information;	35133 35134
(3) Criteria for determining that the application is complete;	35135 35136
<u>(4) Procedures for making a final determination regarding an application's completeness and issuing a notice of the determination in accordance with division (B)(3) of section 3702.52 of the Revised Code.</u>	35137 35138 35139 35140
(C) The director shall adopt rules specifying requirements that holders of certificates of need must meet in order for the certificates to remain valid and establishing definitions and requirements for obligation of capital expenditures and implementation of projects authorized by certificates of need.	35141 35142 35143 35144 35145
(D) The director shall adopt rules establishing criteria and procedures under which the director of health may withdraw a certificate of need if the holder fails to meet requirements for continued validity of the certificate.	35146 35147 35148 35149
(E) The director shall adopt rules establishing procedures under which the department of health shall monitor project implementation activities of holders of certificates of need. The rules adopted under this division also may establish procedures for monitoring implementation activities of persons that have received nonreviewability rulings.	35150 35151 35152 35153 35154 35155
(F) The director shall adopt rules establishing procedures under which the director of health shall review certificates of need whose holders exceed or appear likely to exceed an expenditure maximum specified in a certificate.	35156 35157 35158 35159

(G) The director shall adopt rules establishing certificate of need application fees sufficient to pay the costs incurred by the department for administering sections 3702.51 to 3702.62 of the Revised Code. Unless rules are adopted under this division establishing different application fees, the application fee for a project not involving a capital expenditure shall be three thousand dollars and the application fee for a project involving a capital expenditure shall be nine-tenths of one per cent of the capital expenditure proposed subject to a minimum of three thousand dollars and a maximum of twenty thousand dollars.

(H) The director shall adopt rules specifying information that is necessary to conduct reviews of certificate of need applications and to develop criteria for reviews that long-term care facilities are to submit to the director under division (H) of section 3702.52 of the Revised Code.

(I) The director shall adopt rules defining "affiliated person," "related person," and "ultimate controlling interest" for purposes of section 3702.523 of the Revised Code.

(J) The director shall adopt rules prescribing requirements for holders of certificates of need to demonstrate to the director under section 3702.525 of the Revised Code that reasonable progress is being made toward completion of the reviewable activity and establishing standards by which the director shall determine whether reasonable progress is being made.

(K) The director shall adopt rules establishing procedures for providing administrative reviews for purposes of appeals made under division (A) of section 3702.60 of the Revised Code.

(L) The director shall adopt all rules under divisions (A) to ~~(J)~~(K) of this section in accordance with Chapter 119. of the Revised Code. The director may adopt other rules as necessary to carry out the purposes of sections 3702.51 to 3702.62 of the

Revised Code. 35191

**Sec. 3702.59.** (A) The director of health shall accept for 35192  
review certificate of need applications as provided in sections 35193  
3702.592, and 3702.593, ~~and 3702.594~~ of the Revised Code. 35194

(B)(1) The director shall not approve an application for a 35195  
certificate of need for the addition of long-term care beds to an 35196  
existing long-term care facility or for the development of a new 35197  
long-term care facility if any of the following apply: 35198

(a) The existing long-term care facility in which the beds 35199  
are being placed has one or more waivers for life safety code 35200  
deficiencies, one or more state fire code violations, or one or 35201  
more state building code violations, and the project identified in 35202  
the application does not propose to correct all life safety code 35203  
deficiencies for which a waiver has been granted, all state fire 35204  
code violations, and all state building code violations at the 35205  
existing long-term care facility in which the beds are being 35206  
placed; 35207

(b) During the sixty-month period preceding the filing of the 35208  
application, a notice of proposed license revocation was issued 35209  
under section 3721.03 of the Revised Code for the existing 35210  
long-term care facility in which the beds are being placed or a 35211  
nursing home owned or operated by the applicant or a principal 35212  
participant, unless in the case of such a nursing home ~~the~~ either 35213  
of the following applies: 35214

(i) The notice was issued solely because the nursing home had 35215  
already closed or ceased operations; 35216

(ii) The department of health did not provide the owner of 35217  
the nursing home with copies of the inspection or survey reports 35218  
giving rise to the proposed license revocation before the notice 35219  
was issued. 35220

(c) During the period that precedes the filing of the application and is encompassed by the three most recent standard surveys of the existing long-term care facility in which the beds are being placed, any of the following occurred:

(i) The facility was cited on three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies.

(ii) The facility was cited on two or more separate occasions for final, nonappealable immediate jeopardy deficiencies.

(iii) The facility was cited on two separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency.

(d) More than two nursing homes owned or operated in this state by the applicant or a principal participant or, if the applicant or a principal participant owns or operates more than twenty nursing homes in this state, more than ten per cent of those nursing homes, were each cited during the period that precedes the filing of the application for the certificate of need and is encompassed by the three most recent standard surveys of the nursing homes that were so cited in any of the following manners:

(i) On three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies;

(ii) On two or more separate occasions for final, nonappealable immediate jeopardy deficiencies;

(iii) On two separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies and on one occasion for a final, nonappealable immediate jeopardy deficiency.

(2) In applying divisions (B)(1)(a) to (d) of this section,

the director shall not consider deficiencies or violations cited 35251  
before the applicant or a principal participant acquired or began 35252  
to own or operate the long-term care facility at which the 35253  
deficiencies or violations were cited. The director may disregard 35254  
deficiencies and violations cited after the long-term care 35255  
facility was acquired or began to be operated by the applicant or 35256  
a principal participant if the deficiencies or violations were 35257  
attributable to circumstances that arose under the previous owner 35258  
or operator and the applicant or principal participant has 35259  
implemented measures to alleviate the circumstances. In the case 35260  
of an application proposing development of a new long-term care 35261  
facility by relocation of beds, the director shall not consider 35262  
deficiencies or violations that were solely attributable to the 35263  
physical plant of the existing long-term care facility from which 35264  
the beds are being relocated. 35265

(C) The director also shall accept for review any application 35266  
for the conversion of infirmary beds to long-term care beds if the 35267  
infirmary meets all of the following conditions: 35268

(1) Is operated exclusively by a religious order; 35269

(2) Provides care exclusively to members of religious orders 35270  
who take vows of celibacy and live by virtue of their vows within 35271  
the orders as if related; 35272

(3) Was providing care exclusively to members of such a 35273  
religious order on January 1, 1994. 35274

(D) Notwithstanding division (C)(2) of this section, a 35275  
facility that has been granted a certificate of need under 35276  
division (C) of this section may provide care to any of the 35277  
following family members of the individuals described in division 35278  
(C)(2) of this section: mothers, fathers, brothers, sisters, 35279  
brothers-in-law, sisters-in-law, or children. Such a facility may 35280  
also provide care to any individual who has been designated an 35281

associate member by the religious order that operates the 35282  
facility. 35283

The long-term care beds in a facility that have been granted 35284  
a certificate of need under division (C) of this section may not 35285  
be relocated pursuant to sections 3702.592 ~~to 3702.594~~ and 35286  
3702.593 of the Revised Code. 35287

**Sec. 3702.593.** (A) At the times specified in this section, 35288  
the director of health shall accept, for review under section 35289  
3702.52 of the Revised Code, certificate of need applications for 35290  
any of the following purposes if the proposed increase in beds is 35291  
attributable solely to relocation of existing beds from an 35292  
existing long-term care facility in a county with excess beds to a 35293  
long-term care facility in a county in which there are fewer 35294  
long-term care beds than the county's bed need: 35295

(1) Approval of beds in a new long-term care facility or an 35296  
increase of beds in an existing long-term care facility if the 35297  
beds are proposed to be licensed as nursing home beds under 35298  
Chapter 3721. of the Revised Code; 35299

(2) Approval of beds in a new county home or new county 35300  
nursing home, or an increase of beds in an existing county home or 35301  
existing county nursing home if the beds are proposed to be 35302  
certified as skilled nursing facility beds under the medicare 35303  
program, Title XVIII of the "Social Security Act," 49 Stat. 286 35304  
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 35305  
the medicaid program, Title XIX of the "Social Security Act," 49 35306  
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 35307

(3) An increase of hospital beds registered pursuant to 35308  
section 3701.07 of the Revised Code as long-term care beds. 35309

(B) For the purpose of implementing this section, the 35310  
director shall do all of the following: 35311

(1) Not later than April 1, 2012, and every four years 35312  
thereafter, determine the long-term care bed supply for each 35313  
county, which shall consist of all of the following: 35314

(a) Nursing home beds licensed under Chapter 3721. of the 35315  
Revised Code; 35316

(b) Beds certified as skilled nursing facility beds under the 35317  
medicare program or nursing facility beds under the medicaid 35318  
program; 35319

(c) Beds in any portion of a hospital that are properly 35320  
registered under section 3701.07 of the Revised Code as skilled 35321  
nursing beds, long-term care beds, or special skilled nursing 35322  
beds; 35323

(d) Beds in a county home or county nursing home that are 35324  
certified under section 5155.38 of the Revised Code as having been 35325  
in operation on July 1, 1993, and are eligible for licensure as 35326  
nursing home beds; 35327

(e) Beds described in division (O)(5) of section 3702.51 of 35328  
the Revised Code. 35329

(2) Determine the long-term care bed occupancy rate for the 35330  
state at the time the determination is made; 35331

(3) For each county, determine the county's bed need by 35332  
identifying the number of long-term care beds that would be needed 35333  
in the county in order for the statewide occupancy rate for a 35334  
projected population aged sixty-five and older to be ninety per 35335  
cent. 35336

In determining each county's bed need, the director shall use 35337  
the formula developed in rules adopted under section 3702.57 of 35338  
the Revised Code. A determination shall be made every four years. 35339  
After each determination is made, the director shall publish the 35340  
county's bed need on the web site maintained by the department of 35341

health. 35342

(C) The director's consideration of a certificate of need 35343  
that would increase the number of beds in a county shall be 35344  
consistent with the county's bed need determined under division 35345  
(B) of this section ~~except as follows:~~ 35346

~~(1) If a county's occupancy rate is less than eighty five per 35347  
cent, the county shall be considered to have no need for 35348  
additional beds. 35349~~

~~(2) Even if a county is determined not to need any additional 35350  
long term care beds, the director may approve an increase in beds 35351  
equal to up to ten per cent of the county's bed supply if the 35352  
county's occupancy rate is greater than ninety per cent. 35353~~

(D)(1) The review period for the first review process shall 35354  
begin July 1, 2010, and end June 30, 2012. The next review period 35355  
shall begin July 1, 2012, and end June 30, 2016. Thereafter, the 35356  
review period for each comparative review process shall begin on 35357  
the first day of July following the end of the previous review 35358  
period and shall be four years. 35359

(2) ~~Certificate~~ Except as provided in division (D)(3) of this 35360  
section, certificate of need applications shall be accepted during 35361  
the first month of the review period and reviewed through the 35362  
thirtieth day of April of the following year. 35363

~~(3) Except for the first review period after October 16, 35364  
2009, each review period may consist of two phases. The first 35365  
phase of the review period shall be the period during which the 35366  
director accepts and reviews certificate of need applications as 35367  
provided in division (D)(2) of this section. If the director 35368  
determines that there will be acceptance and review of additional 35369  
certificate of need applications, the second phase of the review 35370  
period shall begin on the first day of July of the third year of 35371  
the review period. The second phase shall be limited to acceptance 35372~~

~~and review of applications for redistribution of beds made~~ 35373  
~~available pursuant to division (I) of this section. During the~~ 35374  
~~period between the first and second phases of the review period,~~ 35375  
~~the director shall act in accordance with division (I) of this~~ 35376  
~~section~~ The director shall accept certificate of need applications 35377  
from January 1, 2020, through January 31, 2020. 35378

(E) The director shall consider certificate of need 35379  
applications in accordance with all of the following: 35380

(1) The number of beds approved for a county shall include 35381  
only beds available for relocation from another county and shall 35382  
not exceed the bed need of the receiving county; 35383

(2) The director shall consider the existence of community 35384  
resources serving persons who are age sixty-five or older or 35385  
disabled that are demonstrably effective in providing alternatives 35386  
to long-term care facility placement. 35387

(3) The director shall approve relocation of beds from a 35388  
county only if, after the relocation, the number of beds remaining 35389  
in the county will exceed the county's bed need by at least one 35390  
hundred beds; 35391

(4) The director shall approve relocation of beds from a 35392  
long-term care facility only if, after the relocation, the number 35393  
of beds in the facility's service area is at least equal to the 35394  
state bed need rate. For purposes of this division, a facility's 35395  
service area shall be either of the following: 35396

(a) The census tract in which the facility is located, if the 35397  
facility is located in an area designated by the United States 35398  
secretary of health and human services as a health professional 35399  
shortage area under the "Public Health Service Act," 88 Stat. 682 35400  
(1944), 42 U.S.C. 254(e), as amended; 35401

(b) The area that is within a fifteen-mile radius of the 35402  
facility's location, if the facility is not located in a health 35403

professional shortage area. 35404

(F) Applications made under this section are subject to 35405  
comparative review if two or more applications are submitted 35406  
during the same review period and any of the following applies: 35407

(1) The applications propose to relocate beds from the same 35408  
county and the number of beds for which certificates of need are 35409  
being requested totals more than the number of beds available in 35410  
the county from which the beds are to be relocated. 35411

(2) The applications propose to relocate beds to the same 35412  
county and the number of beds for which certificates of need are 35413  
being requested totals more than the number of beds needed in the 35414  
county to which the beds are to be relocated. 35415

(3) The applications propose to relocate beds from the same 35416  
service area and the number of beds left in the service area from 35417  
which the beds are being relocated would be less than the state 35418  
bed need rate determined by the director. 35419

(G) In determining which applicants should receive preference 35420  
in the comparative review process, the director shall consider all 35421  
of the following as weighted priorities: 35422

(1) Whether the beds will be part of a continuing care 35423  
retirement community; 35424

(2) Whether the beds will serve an underserved population, 35425  
such as low-income individuals, individuals with disabilities, or 35426  
individuals who are members of racial or ethnic minority groups; 35427

(3) Whether the project in which the beds will be included 35428  
will provide alternatives to institutional care, such as adult 35429  
day-care, home health care, respite or hospice care, mobile meals, 35430  
residential care, independent living, or congregate living 35431  
services; 35432

(4) Whether the long-term care facility's owner or operator 35433

will participate in medicaid waiver programs for alternatives to institutional care; 35434  
35435

(5) Whether the project in which the beds will be included will reduce alternatives to institutional care by converting residential care beds or other alternative care beds to long-term care beds; 35436  
35437  
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(6) Whether the facility in which the beds will be placed has positive resident and family satisfaction surveys; 35440  
35441

(7) Whether the facility in which the beds will be placed has fewer than fifty long-term care beds; 35442  
35443

(8) Whether the long-term care facility in which the beds will be placed is located within the service area of a hospital and is designed to accept patients for rehabilitation after an in-patient hospital stay; 35444  
35445  
35446  
35447

(9) Whether the long-term care facility in which the beds will be placed is or proposes to become a nurse aide training and testing site; 35448  
35449  
35450

(10) The rating, under the centers for medicare and medicaid services' five star nursing home quality rating system, of the long-term care facility in which the beds will be placed. 35451  
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35453

(H) A person who has submitted an application under this section that is not subject to comparative review may revise the site of the proposed project pursuant to section 3702.522 of the Revised Code. 35454  
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(I) When a certificate of need application is approved ~~during the initial phase of a four year review period~~, in addition to the actions required by division (D) of section 3702.52 of the Revised Code, the long-term care facility from which the beds were relocated shall reduce the number of beds operated in the facility by a number of beds equal to at least ten per cent of the number 35458  
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35463

of beds relocated. If these beds are in a home licensed under 35464  
Chapter 3721. of the Revised Code, the long-term care facility 35465  
shall have the beds removed from the license. If the beds are in a 35466  
facility that is certified as a skilled nursing facility or 35467  
nursing facility under Title XVIII or XIX of the "Social Security 35468  
Act," the facility shall surrender the certification of these 35469  
beds. If the beds are registered as skilled nursing beds or 35470  
long-term care beds under section 3701.07 of the Revised Code, the 35471  
long-term care facility shall surrender the registration for these 35472  
beds. This reduction shall be made not later than the completion 35473  
date of the project for which the beds were relocated. 35474

(J)(1) Once approval of certificate of need applications in 35475  
~~the first phase of~~ a four-year review period is complete, the 35476  
director shall make a new determination of the bed need for each 35477  
county by reducing the county's bed need by the number of beds 35478  
approved for relocation to the county. The new bed-need 35479  
determination shall be made not later than the first day of April 35480  
of the third year of the review period. 35481

(2) The director may publish on the department's web site the 35482  
~~remaining updated~~ bed need for counties that ~~will be considered~~ 35483  
~~for redistribution of beds that, in accordance with division (I)~~ 35484  
~~of this section, have ceased or will cease to be operated. The~~ 35485  
~~director shall base the determination of whether to include a~~ 35486  
~~county on all of the following:~~ 35487

~~(a) The statewide number of beds that, in accordance with~~ 35488  
~~division (I) of this section, have ceased or will cease to be~~ 35489  
~~operated;~~ 35490

~~(b) The county's remaining bed need;~~ 35491

~~(c) The county's bed occupancy rate.~~ 35492

~~(K) If the director publishes the remaining bed need for a~~ 35493  
~~county under division (J)(2) of this section, the director may,~~ 35494

~~beginning on the first day of the second phase of the review 35495  
period, accept certificate of need applications for redistribution 35496  
to long term care facilities in that county of beds that have 35497  
ceased or will cease operation in accordance with division (I) of 35498  
this section. The total number of beds approved for redistribution 35499  
in the second phase of a review period shall not exceed the number 35500  
that have ceased or will cease operation in accordance with 35501  
division (I) of this section. Beds that are not approved for 35502  
redistribution during the second phase of a review period shall 35503  
not be available for redistribution at any future time had a new 35504  
determination. 35505~~

**Sec. 3702.60.** (A) Any affected person who is other than a 35506  
certificate of need applicant may appeal ~~a reviewability ruling to 35507  
the director of health in accordance with Chapter 119. of the 35508  
Revised Code~~ a reviewability ruling made by the director or a 35509  
decision issued by the director to grant or deny a certificate of 35510  
need application, and the director shall provide an ~~adjudication 35511  
hearing~~ administrative review in accordance with ~~that chapter 35512  
rules adopted under section 3702.57 of the Revised Code.~~ An 35513  
affected person may appeal the director's ruling in the 35514  
adjudication hearing to the tenth district court of appeals The 35515  
affected person appealing the director's reviewability ruling or 35516  
decision to grant or deny a certificate of need application must 35517  
prove by a preponderance of the evidence that the director's 35518  
ruling or decision is not in accordance with sections 3702.52 to 35519  
3702.62 of the Revised Code or rules adopted under those sections. 35520  
The administrative review decision shall be made not later than 35521  
sixty days after receiving notification of the appeal. The 35522  
administrative review decision is final and not subject to appeal. 35523

(B) The certificate of need applicant ~~or another affected 35524  
person~~ may appeal to the director in accordance with Chapter 119. 35525  
of the Revised Code a decision issued by the director to ~~grant or 35526~~

deny a certificate of need application, and the director shall 35527  
provide an adjudication hearing in accordance with that chapter. 35528  
The certificate of need applicant ~~or other affected person~~ that 35529  
appeals the director's decision to ~~grant or~~ deny a certificate of 35530  
need application must prove by a preponderance of the evidence 35531  
that the director's decision is not in accordance with sections 35532  
3702.52 to 3702.62 of the Revised Code or rules adopted under 35533  
those sections. The certificate of need applicant ~~or an affected~~ 35534  
~~person~~ that was a party to and participated in an adjudication 35535  
hearing conducted under this division may appeal to the tenth 35536  
district court of appeals the decision issued by the director 35537  
following the adjudication hearing. 35538

(C) The certificate of need holder may appeal to the director 35539  
in accordance with Chapter 119. of the Revised Code a decision 35540  
issued by the director under section 3702.52 or 3702.525 of the 35541  
Revised Code to withdraw a certificate of need, and the director 35542  
shall provide an adjudication hearing in accordance with that 35543  
chapter. The person may appeal the director's ruling in the 35544  
adjudication hearing to the tenth district court of appeals. 35545

(D) Any person determined by the director to have violated 35546  
section 3702.53 of the Revised Code may appeal that determination, 35547  
or the penalties imposed under section 3702.54 or 3702.541 of the 35548  
Revised Code, to the director in accordance with Chapter 119. of 35549  
the Revised Code, and the director shall provide an adjudication 35550  
hearing in accordance with that chapter. The person may appeal the 35551  
director's ruling in the adjudication hearing to the tenth 35552  
district court of appeals. 35553

(E) Each person appealing under this section to the director 35554  
shall file with the director, not later than thirty days after the 35555  
decision, ruling, or determination of the director was mailed, a 35556  
notice of appeal designating the decision, ruling, or 35557  
determination appealed from. 35558

(F) Each person appealing under this section to the tenth district court of appeals shall file with the court, not later than ~~thirty~~ fourteen days after the date the director's adjudication order was mailed, a notice of appeal designating the order appealed from. The appellant also shall file notice with the director not later than thirty days after the date the order was mailed.

(1) Not later than thirty days after receipt of the notice of appeal, the director shall prepare and certify to the court the complete record of the proceedings out of which the appeal arises. The expense of preparing and transcribing the record shall be taxed as part of the costs of the appeal. In the event that the record or a part thereof is not certified within the time prescribed by this division, the appellant may apply to the court for an order that the record be certified.

(2) In hearing the appeal, the court shall consider only the evidence contained in the record certified to it by the director. The court may remand the matter to the director for the admission of additional evidence on a finding that the additional evidence is material, newly discovered, and could not with reasonable diligence have been ascertained before the hearing before the director. Except as otherwise provided by statute, the court shall give the hearing on the appeal preference over all other civil matters, irrespective of the position of the proceedings on the calendar of the court.

(3) The court shall affirm the director's order if it finds, upon consideration of the entire record and any additional evidence admitted under division (F)(2) of this section, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such a finding, it shall reverse, vacate, or modify the order.

(4) If the court determines that the director committed

material procedural error, the court shall remand the matter to 35591  
the director for further consideration or action. 35592

(G) The court may award reasonable attorney's fees against 35593  
the appellant if it determines that the appeal was frivolous. 35594  
Sections 119.092, 119.093, and 2335.39 of the Revised Code do not 35595  
apply to adjudication hearings under this section or section 35596  
3702.52 of the Revised Code and judicial appeals under this 35597  
section. 35598

(H) No person may intervene in an appeal brought under this 35599  
section. 35600

**Sec. 3702.967.** The director of health may accept gifts of 35601  
money from any source for the implementation and administration of 35602  
sections 3702.96 to 3702.965 of the Revised Code. 35603

The director shall pay all gifts accepted under this section 35604  
~~into the state treasury, to the credit of the dental hygiene~~ 35605  
~~resource shortage area fund, which is hereby created,~~ and all 35606  
damages collected under division (C)(3) of section 3702.965 of the 35607  
Revised Code, ~~into the state treasury,~~ to the credit of the dental 35608  
hygienist loan repayment fund, which is hereby created. 35609

The director shall use the ~~dental hygiene resource shortage~~ 35610  
~~area~~ and dental hygienist loan repayment ~~funds~~ fund for the 35611  
implementation and administration of sections 3702.96 to 3702.967 35612  
of the Revised Code. 35613

**Sec. 3704.01.** As used in this chapter: 35614

(A) "Administrator" means the administrator of the United 35615  
States environmental protection agency or the chief executive of 35616  
any successor federal agency responsible for implementation of the 35617  
federal Clean Air Act. 35618

(B) "Air contaminant" means particulate matter, dust, fumes, 35619

gas, mist, radionuclides, smoke, vapor, or odorous substances, or 35620  
any combination thereof, but does not mean emissions from 35621  
agricultural production activities, as defined in section 929.01 35622  
of the Revised Code, that are consistent with generally accepted 35623  
agricultural practices, were established prior to adjacent 35624  
nonagricultural activities, have no substantial, adverse effect on 35625  
the public health, safety, or welfare, do not result from the 35626  
negligent or other improper operations of any such agricultural 35627  
activities, and would not be required to obtain a Title V permit. 35628  
For the purposes of this chapter, agricultural production 35629  
activities do not include the installation and operation of 35630  
off-farm facilities for the storage or processing of agricultural 35631  
products, including, but not limited to, alfalfa dehydrating 35632  
facilities, rendering plants, and feed and grain mills, elevators, 35633  
and terminals. 35634

(C) "Air contaminant source" means each separate operation or 35635  
activity that results or may result in the emission of any air 35636  
contaminant. 35637

(D) "Air pollution" means the presence in the ambient air of 35638  
one or more air contaminants or any combination thereof in 35639  
sufficient quantity and of such characteristics and duration as is 35640  
or threatens to be injurious to human health or welfare, plant or 35641  
animal life, or property, or as unreasonably interferes with the 35642  
comfortable enjoyment of life or property. 35643

(E) "Ambient air" means that portion of the atmosphere 35644  
outside of buildings and other enclosures, stacks, or ducts that 35645  
surrounds human, plant, or animal life or property. 35646

(F) "Best available technology" means any combination of work 35647  
practices, raw material specifications, throughput limitations, 35648  
source design characteristics, an evaluation of the annualized 35649  
cost per ton of pollutant removed, and air pollution control 35650  
devices that have been previously demonstrated to the director of 35651

environmental protection to operate satisfactorily in this state 35652  
or other states with similar air quality on substantially similar 35653  
air pollution sources. 35654

(G) "Change within a permitted facility" means, within the 35655  
context of the Title V permit program established under section 35656  
3704.036 of the Revised Code, a change that is limited by a 35657  
federally enforceable provision of an applicable Title V permit 35658  
and that does not include physical, production, or other changes 35659  
that are neither addressed nor limited by the federally 35660  
enforceable portion of a Title V permit unless the change would 35661  
result in a violation of a federally enforceable requirement or a 35662  
modification under Title I of the federal Clean Air Act or would 35663  
be subject to any requirements under Title IV of that act. 35664

(H) "Emit" or "emission" means the release into the ambient 35665  
air of an air contaminant. 35666

(I) "Emission limitation" and "emission standard" mean a 35667  
requirement that limits the quantity, rate, or concentration of 35668  
emissions of air contaminants, including any requirement relating 35669  
to the operation or maintenance of an air contaminant source. 35670

(J) "Facility," for the purposes of the Title V permit 35671  
program established under section 3704.036 of the Revised Code, 35672  
means all of the emitting activities that are located on 35673  
contiguous or adjacent properties that are under the control of 35674  
the same person or persons or are under common control and that 35675  
are in the same major group as described in the standard 35676  
Industrial Classification Manual, 1987. 35677

(K) "Federal Clean Air Act" means "Air Quality Act of 1967," 35678  
81 Stat. 485, 42 U.S.C. 1857, as amended by "Clean Air Act 35679  
Amendments of 1970," 84 Stat. 1676, 42 U.S.C. 1857, "Act of 35680  
November 18, 1971," 85 Stat. 464, 42 U.S.C. 1857, "Act of April 9, 35681  
1973," 87 Stat. 11, 42 U.S.C. 1857, "Act of June 24, 1974," 88 35682

Stat. 248, 42 U.S.C. 1857, "Clean Air Act Amendments of 1977," 91 35683  
Stat. 685, 42 U.S.C. 7401, "Safe Drinking Water Act Amendments of 35684  
1977," 91 Stat. 1393, 42 U.S.C. 7401, "Clean Air Act Amendments of 35685  
1990," 104 Stat. 2399, 42 U.S.C.A. 7401, and any other amendments 35686  
that have been or may hereafter be adopted, or any supplements to 35687  
those acts and laws of the United States that have been or may 35688  
hereafter be enacted in substitution therefor, together with any 35689  
regulations that have been or may hereafter be adopted by the 35690  
administrator by virtue of and in accordance with those acts and 35691  
laws. Reference to a particular title or section of the federal 35692  
Clean Air Act includes any amendments that have been or may 35693  
hereafter be enacted in substitution therefor and any regulations 35694  
pertaining to the title or section that have been or may hereafter 35695  
be adopted by the administrator by virtue of and in accordance 35696  
with the federal Clean Air Act. 35697

(L) "Hazardous air pollutant" means any pollutant listed 35698  
under section 112(b) of the federal Clean Air Act. 35699

(M) "Implementation plan" means a program for the prevention 35700  
and abatement of air pollution in the state that has been 35701  
promulgated or approved by the administrator pursuant to the 35702  
federal Clean Air Act. 35703

(N) "Local air pollution control authority" includes all of 35704  
the following unless terminated by the political subdivisions 35705  
represented thereby: 35706

(1) All of the following agencies representing the following 35707  
political subdivisions, as those agencies existed on July 1, 1993: 35708

(a) The Akron regional air quality management district 35709  
representing Medina, Summit, and Portage counties; 35710

(b) The Canton city health department representing Stark 35711  
county; 35712

(c) The Hamilton county department of environmental services, 35713

southwest Ohio air quality agency representing Butler, Warren, Hamilton, and Clermont counties;	35714 35715
(d) The city of Cleveland division of the environment representing Cuyahoga county;	35716 35717
(e) The regional air pollution control agency representing Darke, Preble, Miami, Montgomery, Clark, and Greene counties;	35718 35719
(f) The Lake county general health district representing Lake and Geauga counties;	35720 35721
(g) The Portsmouth city health department representing Brown, Adams, Scioto, and Lawrence counties;	35722 35723
(h) The city of Toledo division of pollution control representing Lucas county and the city of Rossford in Wood county+;	35724 35725
<del>(i) The Mahoning Trumbull air pollution control agency, city of Youngstown, representing Trumbull and Mahoning counties.</del>	35726 35727
(2) Any successor to an existing local air pollution control authority listed in divisions (N)(1)(a) to (i) of this section that results from a change in the political subdivisions comprising the local air pollution control authority through the withdrawal of a political subdivision from membership in the local air pollution control authority or the inclusion of an additional political subdivision in the membership of the local air pollution control authority;	35728 35729 35730 35731 35732 35733 35734 35735
(3) Any new local air pollution control authority established on or after July 1, 1993, by one or more political subdivisions of this state for the purposes of exercising the powers reserved to political subdivisions of this state under division (A) of section 3704.11 of the Revised Code.	35736 35737 35738 35739 35740
(O) "Person" means the federal government or any agency thereof, the state or any agency thereof, any political subdivision or any agency thereof, or any public or private	35741 35742 35743

corporation, individual, partnership, or other entity. 35744

(P) "Research and development sources" means sources whose 35745  
activities are conducted for nonprofit scientific or educational 35746  
purposes; sources whose activities are conducted to test more 35747  
efficient production processes or methods for preventing or 35748  
reducing adverse environmental impacts, provided that the 35749  
activities do not include the production of an intermediate or 35750  
final product for sale or exchange for commercial profit, except 35751  
in a de minimis manner; a research or laboratory source the 35752  
primary purpose of which is to conduct research and development 35753  
into new processes and products, that is operated under the close 35754  
supervision of technically trained personnel, and that is not 35755  
engaged in the manufacture of products for sale or exchange for 35756  
commercial profit, except in a de minimis manner; the temporary 35757  
use of normal production sources in a research and development 35758  
mode to test the technical or commercial viability of alternative 35759  
raw materials or production processes, provided that the use does 35760  
not include the production of an intermediate or final product for 35761  
sale or exchange for commercial profit, except in a de minimis 35762  
manner; the experimental firing of any fuel or combination of 35763  
fuels in a boiler, heater, furnace, or dryer for the purpose of 35764  
conducting research and development of more efficient combustion 35765  
or more effective prevention or control of air pollutant 35766  
emissions, provided that, during those periods of research and 35767  
development, the heat generated is not used for normal production 35768  
purposes or for producing a product for sale or exchange for 35769  
commercial profit, except in a de minimis manner; and such other 35770  
similar sources as the director may prescribe by rule. 35771

(Q) "Responsible official" means one of the following, as 35772  
applicable: 35773

(1) For a corporation: a president, secretary, treasurer, or 35774  
vice-president of the corporation in charge of a principal 35775

business function, any other person who performs similar policy or 35776  
decision-making functions for the corporation, or a duly 35777  
authorized representative of any such person if the representative 35778  
is responsible for the overall operation of one or more 35779  
manufacturing, production, or operating facilities applying for or 35780  
subject to a Title V permit and if one of the following applies: 35781

(a) The facilities employ more than two hundred fifty 35782  
individuals or have gross annual sales or expenditures exceeding 35783  
twenty-five million dollars, in second quarter 1980 dollars; 35784

(b) The delegation of authority to the representative is 35785  
approved in advance by the director. 35786

(2) For a partnership or sole proprietorship: a general 35787  
partner or the proprietor, respectively. 35788

(3) For the federal government or any agency thereof, the 35789  
state or any agency thereof, a political subdivision or any agency 35790  
thereof, or any other public agency, either a principal executive 35791  
officer or authorized elected official. For the purposes of this 35792  
division, a principal executive officer of a federal agency 35793  
includes the chief executive officer having responsibility for the 35794  
overall operation of a principal geographic unit of the agency. 35795

(4) For affected sources, both of the following: 35796

(a) The designated representative insofar as actions, 35797  
standards, requirements, or prohibitions under Title IV of the 35798  
federal Clean Air Act or regulations adopted under it are 35799  
concerned; 35800

(b) The designated representative for any other purposes 35801  
under 40 C.F.R. part 70. 35802

(R) "Small business stationary source" means any building, 35803  
structure, facility, or installation that emits any federally 35804  
regulated air pollutant and is owned or operated by a person who 35805

employs one hundred or fewer individuals; is a small business 35806  
concern as defined in the "Small Business Act," 72 Stat. 384 35807  
(1958), 15 U.S.C.A. 632, as amended; is not a major stationary 35808  
source as defined in section 302(j) of the federal Clean Air Act; 35809  
does not emit fifty tons or more per year of any federally 35810  
regulated air pollutant or any hazardous air pollutant; and emits 35811  
less than seventy-five tons per year of all federally regulated 35812  
air pollutants. 35813

(S) "Title V permit" means an operating permit required to be 35814  
issued by the state under section 502 of the federal Clean Air Act 35815  
and issued under section 3704.036 of the Revised Code and rules 35816  
adopted under it. 35817

(T) For the purposes of the Title V permit program 35818  
established under this chapter and rules adopted under it, all 35819  
terms defined in 40 C.F.R. part 70 have the same meaning as in 35820  
that part. 35821

**Sec. 3704.111.** (A) Not later than October 1, 1993, the 35822  
director of environmental protection shall enter into a delegation 35823  
agreement with each local air pollution control authority listed 35824  
in divisions (N)(1)(a) to ~~(i)~~(h) of section 3704.01 of the Revised 35825  
Code under which the local air pollution control authority agrees 35826  
to perform on behalf of the environmental protection agency air 35827  
pollution control regulatory services within the political 35828  
subdivision represented by the local air pollution control 35829  
authority. The director may enter into such a delegation agreement 35830  
with a local air pollution control authority established on or 35831  
after the effective date of this section, subject to the condition 35832  
established in division (B) of this section. Each delegation 35833  
agreement shall be self-renewing on an annual basis on the first 35834  
day of October of each year. The terms of each such delegation 35835  
agreement shall remain unchanged from year to year unless they are 35836

amended by mutual agreement of the director and the local air pollution control authority. 35837  
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(B) The director may conduct a periodic performance evaluation of the air pollution control program operated by each local air pollution control authority. Based upon the findings of such a performance evaluation, the director may terminate or refuse to renew the delegation agreement with a local air pollution control authority if the director determines that the local air pollution control authority is not adequately performing its obligations under the agreement. 35839  
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(C) The director may enter into contracts for payments to local air pollution control authorities from moneys credited to the clean air fund created in section 3704.035 of the Revised Code, subject to the limitation specified in that section, and any other moneys appropriated by the general assembly for that purpose. The director shall distribute the moneys available for making payments to the local air pollution control authorities pursuant to such contracts equitably among the local air pollution control authorities based upon the amount of local funding and the workload of each local air pollution control authority, including, without limitation, population served, number of air permits issued for both new and existing sources, land area, and number of air contaminant sources. The director biennially shall review the workload of each local air pollution control authority and shall determine the percentage of the moneys available for the purpose of making payments under the contracts. In determining the percentage of those moneys that is to be so distributed, the director shall consider the recommendations of the local air pollution control authorities. 35847  
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(D) The director may modify a contract between the director and a local air pollution control authority to authorize the local air pollution control authority to perform air pollution control 35866  
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activities outside the geographic boundaries of that local air 35869  
pollution control authority. 35870

**Sec. 3704.14.** (A)(1) If the director of environmental 35871  
protection determines that implementation of a motor vehicle 35872  
inspection and maintenance program is necessary for the state to 35873  
effectively comply with the federal Clean Air Act after June 30, 35874  
~~2015~~ 2019, the director may provide for the implementation of the 35875  
program in those counties in this state in which such a program is 35876  
federally mandated. Upon making such a determination, the director 35877  
of environmental protection may request the director of 35878  
administrative services to extend the terms of the contract that 35879  
was entered into under the authority of Am. Sub. H.B. ~~153~~ 64 of 35880  
the ~~129th~~ 131st general assembly. Upon receiving the request, the 35881  
director of administrative services shall extend the contract, 35882  
beginning on July 1, ~~2015~~ 2019, in accordance with this section. 35883  
The contract shall be extended for a period of up to twenty-four 35884  
months with the contractor who conducted the motor vehicle 35885  
inspection and maintenance program under that contract. 35886

(2) Prior to the expiration of the contract extension that is 35887  
authorized by division (A)(1) of this section, the director of 35888  
environmental protection shall request the director of 35889  
administrative services to enter into a contract with a vendor to 35890  
operate a decentralized motor vehicle inspection and maintenance 35891  
program in each county in this state in which such a program is 35892  
federally mandated through June 30, ~~2019~~ 2023, with an option for 35893  
the state to renew the contract for a period of up to twenty-four 35894  
months through June 30, ~~2021~~ 2025. The contract shall ensure that 35895  
the decentralized motor vehicle inspection and maintenance program 35896  
achieves at least the same emission reductions as achieved by the 35897  
program operated under the authority of the contract that was 35898  
extended under division (A)(1) of this section. The director of 35899  
administrative services shall select a vendor through a 35900

competitive selection process in compliance with Chapter 125. of 35901  
the Revised Code. 35902

(3) Notwithstanding any law to the contrary, the director of 35903  
administrative services shall ensure that a competitive selection 35904  
process regarding a contract to operate a decentralized motor 35905  
vehicle inspection and maintenance program in this state 35906  
incorporates the following, which shall be included in the 35907  
contract: 35908

(a) For purposes of expanding the number of testing locations 35909  
for consumer convenience, a requirement that the vendor utilize 35910  
established local businesses, auto repair facilities, or leased 35911  
properties to operate state-approved inspection and maintenance 35912  
testing facilities; 35913

(b) A requirement that the vendor selected to operate the 35914  
program provide notification of the program's requirements to each 35915  
owner of a motor vehicle that is required to be inspected under 35916  
the program. The contract shall require the notification to be 35917  
provided not later than sixty days prior to the date by which the 35918  
owner of the motor vehicle is required to have the motor vehicle 35919  
inspected. The director of environmental protection and the vendor 35920  
shall jointly agree on the content of the notice. However, the 35921  
notice shall include at a minimum the locations of all inspection 35922  
facilities within a specified distance of the address that is 35923  
listed on the owner's motor vehicle registration; 35924

(c) A requirement that the vendor comply with testing 35925  
methodology and supply the required equipment approved by the 35926  
director of environmental protection as specified in the 35927  
competitive selection process in compliance with Chapter 125. of 35928  
the Revised Code. 35929

(4) A decentralized motor vehicle inspection and maintenance 35930  
program operated under this section shall comply with division (B) 35931

of this section. The director of environmental protection shall 35932  
administer the decentralized motor vehicle inspection and 35933  
maintenance program operated under this section. 35934

(B) The decentralized motor vehicle inspection and 35935  
maintenance program authorized by this section, at a minimum, 35936  
shall do all of the following: 35937

(1) Comply with the federal Clean Air Act; 35938

(2) Provide for the issuance of inspection certificates; 35939

(3) Provide for a new car exemption for motor vehicles four 35940  
years old or newer and provide that a new motor vehicle is exempt 35941  
for four years regardless of whether legal title to the motor 35942  
vehicle is transferred during that period. 35943

(C) The director of environmental protection shall adopt 35944  
rules in accordance with Chapter 119. of the Revised Code that the 35945  
director determines are necessary to implement this section. The 35946  
director may continue to implement and enforce rules pertaining to 35947  
the motor vehicle inspection and maintenance program previously 35948  
implemented under former section 3704.14 of the Revised Code as 35949  
that section existed prior to its repeal and reenactment by Am. 35950  
Sub. H.B. 66 of the 126th general assembly, provided that the 35951  
rules do not conflict with this section. 35952

(D) There is hereby created in the state treasury the auto 35953  
emissions test fund, which shall consist of money received by the 35954  
director from any cash transfers, state and local grants, and 35955  
other contributions that are received for the purpose of funding 35956  
the program established under this section. The director of 35957  
environmental protection shall use money in the fund solely for 35958  
the implementation, supervision, administration, operation, and 35959  
enforcement of the motor vehicle inspection and maintenance 35960  
program established under this section. Money in the fund shall 35961  
not be used for either of the following: 35962

(1) To pay for the inspection costs incurred by a motor vehicle dealer so that the dealer may provide inspection certificates to an individual purchasing a motor vehicle from the dealer when that individual resides in a county that is subject to the motor vehicle inspection and maintenance program;

(2) To provide payment for more than one free passing emissions inspection or a total of three emissions inspections for a motor vehicle in any three-hundred-sixty-five-day period. The owner or lessee of a motor vehicle is responsible for inspection fees that are related to emissions inspections beyond one free passing emissions inspection or three total emissions inspections in any three-hundred-sixty-five-day period. Inspection fees that are charged by a contractor conducting emissions inspections under a motor vehicle inspection and maintenance program shall be approved by the director of environmental protection.

(E) The motor vehicle inspection and maintenance program established under this section expires upon the termination of all contracts entered into under this section and shall not be implemented beyond the final date on which termination occurs.

**Sec. 3705.07.** (A) The local registrar of vital statistics shall number consecutively each fetal death and death certificate printed on paper that the local registrar receives from the electronic death registration system (EDRS) maintained by the department of health. The number assigned to each certificate shall be the one provided by EDRS. Such local registrar shall sign the local registrar's name in attest to the date of filing in the local office. The local registrar shall make a complete and accurate copy of each fetal death and death certificate printed on paper that is filed. Each paper copy shall be filed and preserved as the local record until the electronic information regarding the event has been completed and made available in EDRS and EDRS is

capable of issuing a complete and accurate electronic copy of the certificate. The local record may be a photographic, electronic, or other reproduction. The local registrar shall transmit to the state office of vital statistics all original fetal death and death certificates received using the state transmittal schedule specified by the department of health. The local registrar shall immediately notify the health commissioner with jurisdiction in the registration district of the receipt of a death certificate attesting that death resulted from a communicable disease.

The office of vital statistics shall carefully examine the records and certificates received from local registrars of vital statistics and shall secure any further information that may be necessary to make each record and certificate complete and satisfactory. It shall arrange and preserve the records and certificates, or reproductions of them produced pursuant to section 3705.03 of the Revised Code, in a systematic manner and shall maintain a permanent index of all births, fetal deaths, and deaths registered, which shall show the name of the child or deceased person, place and date of birth or death, and number of the certificate.

(B)(1) The office of vital statistics shall make available ~~to the division of child support in the department of job and family services~~ all social security numbers that accompany a birth certificate submitted for filing under division (H) of section 3705.09 or section 3705.10 of the Revised Code or that accompany a death certificate registered under section 3705.16 of the Revised Code to both of the following:

(a) For the purpose of child support enforcement, the division of child support in the department of job and family services;

(b) For the purpose of eligibility determinations for medical assistance programs as defined in section 5160.01 of the Revised

Code, the department of medicaid. 36026

(2) The office of vital statistics also shall make available 36027  
to the division of child support in the department of job and 36028  
family services any other information recorded in the birth record 36029  
that may enable the division to use the social security numbers 36030  
provided under division (B)(1) of this section to obtain the 36031  
location of the father of the child whose birth certificate was 36032  
accompanied by the social security number or to otherwise enforce 36033  
a child support order pertaining to that child or any other child. 36034

**Sec. 3705.09.** (A) A birth certificate for each live birth in 36035  
this state shall be filed in the registration district in which it 36036  
occurs within ten calendar days after such birth and shall be 36037  
registered if it has been completed and filed in accordance with 36038  
this section. 36039

(B) When a birth occurs in or en route to an institution, the 36040  
person in charge of the institution or a designated representative 36041  
shall obtain the personal data, prepare the certificate, and 36042  
complete and certify the facts of birth on the certificate within 36043  
ten calendar days. The physician or certified nurse-midwife in 36044  
attendance shall be listed on the birth record. 36045

(C) When a birth occurs outside an institution, the birth 36046  
certificate shall be prepared and filed by one of the following in 36047  
the indicated order of priority: 36048

(1) The physician or certified nurse-midwife in attendance at 36049  
or immediately after the birth; 36050

(2) Any other person in attendance at or immediately after 36051  
the birth; 36052

(3) The father; 36053

(4) The mother; 36054

(5) The person in charge of the premises where the birth 36055

occurred. 36056

(D) Either of the parents of the child or other informant 36057  
shall attest to the accuracy of the personal data entered on the 36058  
birth certificate in time to permit the filing of the certificate 36059  
within the ten days prescribed in this section. 36060

(E) When a birth occurs in a moving conveyance within the 36061  
United States and the child is first removed from the conveyance 36062  
in this state, the birth shall be registered in this state and the 36063  
place where it is first removed shall be considered the place of 36064  
birth. When a birth occurs on a moving conveyance while in 36065  
international waters or air space or in a foreign country or its 36066  
air space and the child is first removed from the conveyance in 36067  
this state, the birth shall be registered in this state but the 36068  
record shall show the actual place of birth insofar as can be 36069  
determined. 36070

(F)(1) If the mother of a child was married at the time of 36071  
either conception or birth or between conception and birth, the 36072  
child shall be registered in the surname designated by the mother, 36073  
and the name of the husband shall be entered on the certificate as 36074  
the father of the child. The presumption of paternity shall be in 36075  
accordance with section 3111.03 of the Revised Code. 36076

(2) If the mother was not married at the time of conception 36077  
or birth or between conception and birth, the child shall be 36078  
registered by the surname designated by the mother. The name of 36079  
the father of such child shall also be inserted on the birth 36080  
certificate if both the mother and the father sign an 36081  
acknowledgement of paternity affidavit before the birth record has 36082  
been sent to the local registrar. If the father is not named on 36083  
the birth certificate pursuant to division (F)(1) or (2) of this 36084  
section, no other information about the father shall be entered on 36085  
the record. 36086

(G) When a man is presumed, found, or declared to be the father of a child, according to section 2105.26, sections 3111.01 to 3111.18, former section 3111.21, or sections 3111.38 to 3111.54 of the Revised Code, or the father has acknowledged the child as his child in an acknowledgment of paternity, and the acknowledgment has become final pursuant to section 2151.232, 3111.25, or 3111.821 of the Revised Code, and documentary evidence of such fact is submitted to the department of health in such form as the director may require, a new birth record shall be issued by the department which shall have the same overall appearance as the record which would have been issued under this section if a marriage had occurred before the birth of such child. Where handwriting is required to effect such appearance, the department shall supply it. Upon the issuance of such new birth record, the original birth record shall cease to be a public record. Except as provided in division (C) of section 3705.091 of the Revised Code, the original record and any documentary evidence supporting the new registration of birth shall be placed in an envelope which shall be sealed by the department and shall not be open to inspection or copy unless so ordered by a court of competent jurisdiction.

(H) Every birth certificate filed under this section on or after July 1, 1990, shall be accompanied by all social security numbers that have been issued to the parents of the child, unless the division of child support in the department of job and family services, acting in accordance with regulations prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 42 U.S.C.A. 405, as amended, finds good cause for not requiring that the numbers be furnished with the certificate. The parents' social security numbers shall not be recorded on the certificate. No social security number obtained under this division shall be used for any purpose other than ~~child support enforcement~~ the purposes specified in division (B)(1) of section 3705.07 of the Revised

Code. 36120

**Sec. 3705.10.** Any birth certificate submitted for filing 36121  
eleven or more days after the birth occurred constitutes a delayed 36122  
birth registration. A delayed birth certificate may be filed in 36123  
accordance with rules which shall be adopted by the director of 36124  
health. The rules shall include, but not be limited to, all of the 36125  
following requirements for each delayed birth certificate filed on 36126  
or after July 1, 1990: 36127

(A) The certificate shall be accompanied by all social 36128  
security numbers that have been issued to the parents of the 36129  
child, unless the division of child support in the department of 36130  
job and family services, acting in accordance with regulations 36131  
prescribed under the "Family Support Act of 1988," 102 Stat. 2353, 36132  
42 U.S.C.A. 405, as amended, finds good cause for not requiring 36133  
that the numbers be furnished with the certificate. 36134

(B) The parents' social security numbers shall not be 36135  
recorded on the certificate. 36136

(C) No social security number obtained under this section 36137  
shall be used for any purpose other than ~~child support enforcement~~ 36138  
the purposes specified in division (B)(1) of section 3705.07 of 36139  
the Revised Code. 36140

**Sec. 3706.25.** As used in sections 3706.25 to ~~3706.30~~ 3706.29 36141  
of the Revised Code: 36142

(A) "Advanced energy project" means any technologies, 36143  
products, activities, or management practices or strategies that 36144  
facilitate the generation or use of electricity or energy and that 36145  
reduce or support the reduction of energy consumption or support 36146  
the production of clean, renewable energy for industrial, 36147  
distribution, commercial, institutional, governmental, research, 36148  
not-for-profit, or residential energy users including, but not 36149

limited to, advanced energy resources and renewable energy 36150  
resources. "Advanced energy project" includes any project 36151  
described in division (A), (B), or (C) of section 4928.621 of the 36152  
Revised Code. 36153

(B) "Advanced energy resource" means any of the following: 36154

(1) Any method or any modification or replacement of any 36155  
property, process, device, structure, or equipment that increases 36156  
the generation output of an electric generating facility to the 36157  
extent such efficiency is achieved without additional carbon 36158  
dioxide emissions by that facility; 36159

(2) Any distributed generation system consisting of customer 36160  
cogeneration technology, primarily to meet the energy needs of the 36161  
customer's facilities; 36162

(3) Advanced nuclear energy technology consisting of 36163  
generation III technology as defined by the nuclear regulatory 36164  
commission; other, later technology; or significant improvements 36165  
to existing facilities; 36166

(4) Any fuel cell used in the generation of electricity, 36167  
including, but not limited to, a proton exchange membrane fuel 36168  
cell, phosphoric acid fuel cell, molten carbonate fuel cell, or 36169  
solid oxide fuel cell; 36170

(5) Advanced solid waste or construction and demolition 36171  
debris conversion technology, including, but not limited to, 36172  
advanced stoker technology, and advanced fluidized bed 36173  
gasification technology, that results in measurable greenhouse gas 36174  
emissions reductions as calculated pursuant to the United States 36175  
environmental protection agency's waste reduction model (WARM). 36176

(C) "Air contaminant source" has the same meaning as in 36177  
section 3704.01 of the Revised Code. 36178

(D) "Cogeneration technology" means technology that produces 36179

electricity and useful thermal output simultaneously. 36180

(E) "Renewable energy resource" means solar photovoltaic or 36181  
solar thermal energy, wind energy, power produced by a 36182  
hydroelectric facility, power produced by a run-of-the-river 36183  
hydroelectric facility placed in service on or after January 1, 36184  
1980, that is located within this state, relies upon the Ohio 36185  
river, and operates, or is rated to operate, at an aggregate 36186  
capacity of forty or more megawatts, geothermal energy, fuel 36187  
derived from solid wastes, as defined in section 3734.01 of the 36188  
Revised Code, through fractionation, biological decomposition, or 36189  
other process that does not principally involve combustion, 36190  
biomass energy, energy produced by cogeneration technology that is 36191  
placed into service on or before December 31, 2015, and for which 36192  
more than ninety per cent of the total annual energy input is from 36193  
combustion of a waste or byproduct gas from an air contaminant 36194  
source in this state, which source has been in operation since on 36195  
or before January 1, 1985, provided that the cogeneration 36196  
technology is a part of a facility located in a county having a 36197  
population of more than three hundred sixty-five thousand but less 36198  
than three hundred seventy thousand according to the most recent 36199  
federal decennial census, biologically derived methane gas, heat 36200  
captured from a generator of electricity, boiler, or heat 36201  
exchanger fueled by biologically derived methane gas, or energy 36202  
derived from nontreated by-products of the pulping process or wood 36203  
manufacturing process, including bark, wood chips, sawdust, and 36204  
lignin in spent pulping liquors. "Renewable energy resource" 36205  
includes, but is not limited to, any fuel cell used in the 36206  
generation of electricity, including, but not limited to, a proton 36207  
exchange membrane fuel cell, phosphoric acid fuel cell, molten 36208  
carbonate fuel cell, or solid oxide fuel cell; wind turbine 36209  
located in the state's territorial waters of Lake Erie; methane 36210  
gas emitted from an abandoned coal mine; storage facility that 36211  
will promote the better utilization of a renewable energy resource 36212

that primarily generates off peak; or distributed generation 36213  
system used by a customer to generate electricity from any such 36214  
energy. As used in this division, "hydroelectric facility" means a 36215  
hydroelectric generating facility that is located at a dam on a 36216  
river, or on any water discharged to a river, that is within or 36217  
bordering this state or within or bordering an adjoining state and 36218  
meets all of the following standards: 36219

(1) The facility provides for river flows that are not 36220  
detrimental for fish, wildlife, and water quality, including 36221  
seasonal flow fluctuations as defined by the applicable licensing 36222  
agency for the facility. 36223

(2) The facility demonstrates that it complies with the water 36224  
quality standards of this state, which compliance may consist of 36225  
certification under Section 401 of the "Clean Water Act of 1977," 36226  
91 Stat. 1598, 1599, 33 U.S.C. 1341, and demonstrates that it has 36227  
not contributed to a finding by this state that the river has 36228  
impaired water quality under Section 303(d) of the "Clean Water 36229  
Act of 1977," 114 Stat. 870, 33 U.S.C. 1313. 36230

(3) The facility complies with mandatory prescriptions 36231  
regarding fish passage as required by the federal energy 36232  
regulatory commission license issued for the project, regarding 36233  
fish protection for riverine, anadromous, and catadromous fish. 36234

(4) The facility complies with the recommendations of the 36235  
Ohio environmental protection agency and with the terms of its 36236  
federal energy regulatory commission license regarding watershed 36237  
protection, mitigation, or enhancement, to the extent of each 36238  
agency's respective jurisdiction over the facility. 36239

(5) The facility complies with provisions of the "Endangered 36240  
Species Act of 1973," 87 Stat. 884, 16 U.S.C. 1531 to 1544, as 36241  
amended. 36242

(6) The facility does not harm cultural resources of the 36243

area. This can be shown through compliance with the terms of its 36244  
federal energy regulatory commission license or, if the facility 36245  
is not regulated by that commission, through development of a plan 36246  
approved by the Ohio historic preservation office, to the extent 36247  
it has jurisdiction over the facility. 36248

(7) The facility complies with the terms of its federal 36249  
energy regulatory commission license or exemption that are related 36250  
to recreational access, accommodation, and facilities or, if the 36251  
facility is not regulated by that commission, the facility 36252  
complies with similar requirements as are recommended by resource 36253  
agencies, to the extent they have jurisdiction over the facility; 36254  
and the facility provides access to water to the public without 36255  
fee or charge. 36256

(8) The facility is not recommended for removal by any 36257  
federal agency or agency of any state, to the extent the 36258  
particular agency has jurisdiction over the facility. 36259

**Sec. 3706.29.** The Ohio air quality development authority 36260  
shall, in accordance with Chapter 119. of the Revised Code, adopt 36261  
any rules necessary to implement ~~section 166.30~~ and sections 36262  
3706.25 to 3706.28 of the Revised Code. 36263

**Sec. 3710.01.** As used in this chapter: 36264

(A) "Asbestos" means the asbestiform varieties of serpentine 36265  
(chrysotile), riebeckite (crocidolite), cummingtonite-grunerite, 36266  
anthophyllite, and actinolite-tremolite as determined using the 36267  
method specified in 40 C.F.R. Part 763, Subpart E, Appendix E, 36268  
Section 1, Polarized Light Microscopy (PLM). 36269

(B) "Asbestos hazard abatement activity" means any activity 36270  
involving the removal, renovation, enclosure, repair, ~~or~~ 36271  
encapsulation, or operations and maintenance of reasonably related 36272  
friable asbestos-containing materials in an amount greater than 36273

~~fifty three linear feet or fifty three square feet. "Asbestos hazard abatement activity" also includes any such activity involving such asbestos-containing materials in an amount of fifty linear or fifty square feet or less if, when combined with any other reasonably related activity in terms of time and location of the activity, the total amount is in an amount greater than fifty linear or fifty square feet.~~

(C) "Asbestos hazard abatement contractor" means a business entity or public entity that engages in or intends to engage in asbestos hazard abatement ~~activities~~ projects and that employs or supervises one or more asbestos hazard abatement specialists for asbestos hazard abatement activities. "Asbestos hazard abatement contractor" does not mean an employee of an asbestos hazard abatement contractor, a general contractor who subcontracts to an asbestos hazard abatement contractor an asbestos hazard abatement ~~activity~~ project, or any individual who engages in an asbestos hazard abatement ~~activity~~ project in the individual's own home.

(D) "Asbestos hazard abatement project" means one or more asbestos hazard abatement activities ~~that are~~ the sum total of which is greater than fifty linear feet or fifty square feet of friable asbestos-containing materials and is conducted by one asbestos hazard abatement contractor ~~and that are reasonably related to each other.~~ "Asbestos hazard abatement project" includes any such activity involving such friable asbestos-containing materials in an amount of fifty linear feet or fifty square feet or less if, when combined with any other reasonably related activity in terms of time or location of the activity, the total amount is in an amount greater than fifty linear feet or fifty square feet.

(E) "Asbestos hazard abatement specialist" means a person with responsibility for the oversight or supervision of asbestos hazard abatement activities, including asbestos hazard abatement

project managers, hazard abatement project supervisors and 36306  
foremen, and employees of school districts or other governmental 36307  
or public entities who coordinate or directly supervise or oversee 36308  
asbestos hazard abatement activities performed by school district, 36309  
governmental, or other public employees in school district, 36310  
governmental, or other public buildings. 36311

(F) "Asbestos hazard evaluation specialist" means a person 36312  
responsible for the inspection, identification, detection, and 36313  
assessment of asbestos-containing materials or suspect 36314  
asbestos-containing materials, the determination of appropriate 36315  
response actions, or the preparation of asbestos management plans 36316  
for the purpose of protecting the public health from the hazards 36317  
associated with exposure to asbestos, including the performance of 36318  
air and bulk sampling. This category of specialists includes 36319  
inspectors, management planners, health professionals, industrial 36320  
hygienists, private consultants, or other individuals involved in 36321  
asbestos risk identification or assessment or regulatory 36322  
activities. 36323

(G) "Business entity" means a partnership, firm, association, 36324  
corporation, sole proprietorship, or other business concern. 36325

(H) "Public entity" means the state or any of its political 36326  
subdivisions or any agency or instrumentality of either. 36327

(I) "License" means a document issued by the director of 36328  
environmental protection to a business entity or public entity 36329  
affirming that the entity has met the requirements set forth in 36330  
this chapter to engage in asbestos hazard abatement ~~activities~~ 36331  
projects as an asbestos hazard abatement contractor. 36332

(J) "Certificate" means: 36333

(1) A document issued by the director to an individual 36334  
affirming that the individual has successfully completed the 36335  
training and other requirements set forth in this chapter to 36336

qualify as an asbestos hazard abatement specialist, an asbestos 36337  
hazard evaluation specialist, an asbestos hazard abatement worker, 36338  
an asbestos hazard abatement project designer, an asbestos hazard 36339  
abatement air-monitoring technician, an approved asbestos hazard 36340  
training provider, or other category of asbestos hazard specialist 36341  
that the director establishes by rule; or 36342

(2) A document issued by a training institution in accordance 36343  
with rules adopted by the director affirming that an individual 36344  
has successfully completed the instruction required in all 36345  
categories as provided in sections 3710.07 and 3710.10 of the 36346  
Revised Code. 36347

(K) "Person" means any individual, business entity, 36348  
governmental body, or other public or private entity. 36349

(L) "Encapsulate" means to coat, bind, or resurface walls, 36350  
ceilings, pipes, or other structures for asbestos-containing 36351  
materials with suitable products to prevent friable asbestos from 36352  
becoming airborne. 36353

(M) "Friable asbestos-containing material" means friable 36354  
asbestos material as defined in rules adopted under Chapter 3704. 36355  
of the Revised Code. 36356

(N) "Enclosure" means the permanent confinement of friable 36357  
asbestos-containing materials with an airtight barrier in an area 36358  
not used as an air plenum. 36359

(O) "Renovation" means altering a facility or one or more 36360  
facility components in any way, including the stripping or removal 36361  
of friable asbestos-containing material from a facility component. 36362

(P) "Asbestos hazard abatement worker" means the person 36363  
responsible in a nonsupervisory capacity for the performance of an 36364  
asbestos hazard abatement activity. 36365

(Q) "Asbestos hazard abatement project designer" means the 36366

person responsible for the oversight of an asbestos hazard 36367  
abatement activity or the determination of the workscope, work 36368  
sequence, or performance standards for an asbestos hazard 36369  
abatement activity, including preparation of specifications, 36370  
plans, and contract documents. 36371

(R) "Clearance air sampling" means an air sampling performed 36372  
after the completion of any asbestos hazard abatement ~~activity~~ 36373  
project and prior to the reoccupation of the contained work area 36374  
by the public and conducted for the purpose of protecting the 36375  
public from the health hazards associated with exposure to friable 36376  
asbestos-containing material. 36377

(S) "Asbestos hazard abatement air-monitoring technician" 36378  
means the person who is responsible for environmental monitoring 36379  
or work area clearance air sampling, including air monitoring 36380  
performed to determine completion of response actions under the 36381  
rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United 36382  
States environmental protection agency pursuant to the "Asbestos 36383  
Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 36384  
2970. "Asbestos hazard abatement air-monitoring technician" does 36385  
not mean an industrial hygienist ~~or industrial hygienist in~~ 36386  
~~training~~, certified by the American board of industrial hygiene. 36387

**Sec. 3710.04.** (A) To qualify for an asbestos hazard abatement 36388  
contractor's license, a business entity or public entity shall 36389  
meet the requirements of this section. 36390

(B) Each employee or agent of the business entity or public 36391  
entity applying for a license who will come in contact with 36392  
asbestos or will be responsible for an asbestos hazard abatement 36393  
~~project~~ activity shall: 36394

(1) Be familiar with all applicable state and federal 36395  
standards for asbestos hazard abatement projects; 36396

(2) Have successfully completed the course of instruction on asbestos hazard abatement activities, for their particular certification, approved by the Ohio environmental protection agency pursuant to section 3710.10 of the Revised Code, have passed an examination approved by the agency, and demonstrate to the agency that the employee or agent is capable of complying with all applicable standards of this state, the United States environmental protection agency, and the United States occupational safety and health administration.

(C) A business entity or public entity applying for an asbestos hazard abatement contractor's license shall, in addition to the other requirements of this section, provide at least one asbestos hazard abatement specialist, certified pursuant to this chapter and the rules adopted under it, for each asbestos hazard abatement project, and demonstrate to the satisfaction of the Ohio environmental protection agency that the applicant:

(1) Has access to at least one asbestos disposal site approved by the agency that is sufficient for the deposit of all asbestos waste that the applicant will generate during the term of the license;

(2) Is sufficiently qualified to safely remove asbestos, demonstrated by reliability as an asbestos hazard abatement contractor, possesses a work program that prevents the contamination or recontamination of the environment and protects the public health from the hazards of exposure to asbestos, possesses evidence of certification of each individual employee or agent who will be responsible for others who may come in contact with friable asbestos-containing materials, possesses evidence of training of workers required by section 3710.07 of the Revised Code, and has prior successful experience in asbestos hazard abatement projects or equivalent qualifications as determined in accordance with rules adopted by the director of environmental

protection; 36429

(3) Possesses a worker protection program consistent with 36430  
requirements established by the director if the contractor is a 36431  
public entity, and a worker protection program consistent with the 36432  
requirements of the United States occupational safety and health 36433  
administration if the contractor is a business entity; 36434

(4) Is registered as a business entity with the secretary of 36435  
state. 36436

(D) No applicant for licensure as an asbestos hazard 36437  
abatement contractor, in order to meet the requirements of this 36438  
chapter, shall list an employee of another contractor. 36439

(E) The business entity or public entity shall meet any other 36440  
standards that the director, by rule, sets. 36441

(F) Nothing in this chapter or the rules adopted pursuant 36442  
thereto relating to asbestos hazard abatement project designers 36443  
shall be interpreted as authorizing or permitting an individual 36444  
who is certified as an asbestos hazard abatement project designer 36445  
to perform the services of a registered architect or professional 36446  
engineer unless that person is registered under Chapter 4703. or 36447  
4733. of the Revised Code to perform such services. 36448

**Sec. 3710.05.** (A) Except as otherwise provided in this 36449  
chapter, no person shall engage in any asbestos hazard abatement 36450  
activities in this state unless licensed or certified pursuant to 36451  
this chapter. 36452

(B) To apply for licensure as an asbestos hazard abatement 36453  
contractor or certification as an asbestos hazard abatement 36454  
specialist, an asbestos hazard evaluation specialist, an asbestos 36455  
hazard abatement project designer, or an asbestos hazard abatement 36456  
air-monitoring technician, a person shall do all of the following: 36457

(1) Submit a completed application to the director of 36458

environmental protection, on a form provided by the agency; 36459

(2) Pay the requisite fee as provided in division (D) of this 36460  
section; 36461

(3) Submit any other information the director by rule 36462  
requires. 36463

(C) The application form for a business entity or public 36464  
entity applying for an asbestos hazard abatement contractor's 36465  
license shall include all of the following: 36466

(1) A description of the protective clothing and respirators 36467  
that the public entity will use to comply with rules adopted by 36468  
the director and that the business entity will use to comply with 36469  
requirements of the United States occupational safety and health 36470  
administration; 36471

(2) A description of procedures the business entity or public 36472  
entity will use for the selection, utilization, handling, removal, 36473  
and disposal of clothing to prevent contamination or 36474  
recontamination of the environment and to protect the public 36475  
health from the hazards associated with exposure to asbestos; 36476

(3) The name and address of each asbestos disposal site that 36477  
the business entity or public entity might use during the year; 36478

(4) A description of the site decontamination procedures that 36479  
the business entity or public entity will use; 36480

(5) A description of the asbestos hazard abatement procedures 36481  
that the business entity or public entity will use; 36482

(6) A description of the procedures that the business entity 36483  
or public entity will use for handling waste containing asbestos; 36484

(7) A description of the air-monitoring procedures that the 36485  
business entity or public entity will use to prevent contamination 36486  
or recontamination of the environment and to protect the public 36487  
health from the hazards of exposure to asbestos; 36488

(8) A description of the final clean-up procedures that the business entity or public entity will use;	36489 36490
(9) A list of all partners, owners, and officers of the business entity along with their social security numbers;	36491 36492
(10) The federal tax identification number of the business entity or the public entity.	36493 36494
(D) The fees to be charged to each public entity, except for the agency, and each business entity and their employees and agents for licensure, certification, approval, and renewal of licenses, certifications, and approvals granted under this chapter, subject to division (A)(4) of section 3710.02 of the Revised Code, are:	36495 36496 36497 36498 36499 36500
(1) Seven hundred fifty dollars for asbestos hazard abatement contractors;	36501 36502
(2) Two hundred dollars for asbestos hazard abatement project designers;	36503 36504
(3) Fifty dollars for asbestos hazard abatement workers;	36505
(4) Two hundred dollars for asbestos hazard abatement specialists;	36506 36507
(5) Two hundred dollars for asbestos hazard evaluation specialists; and	36508 36509
(6) Nine hundred dollars for approval or renewal of asbestos hazard training providers.	36510 36511
(E) Notwithstanding division (A) of this section, no business entity <del>which that</del> engages in asbestos hazard abatement <del>activities</del> <u>projects</u> solely at its own place of business is required to be licensed as an asbestos hazard abatement contractor provided that the business entity is required to and does comply with all applicable standards of the United States environmental protection agency and the United States occupational safety and health	36512 36513 36514 36515 36516 36517 36518

administration and provided further that all persons employed by 36519  
the business entity on the ~~activity~~ project meet the requirements 36520  
of this chapter. 36521

**Sec. 3710.051.** No ~~person~~ asbestos hazard abatement contractor 36522  
shall enter into an agreement to perform any aspect of an asbestos 36523  
hazard abatement project unless the agreement is written and 36524  
contains at least all of the following: 36525

(A) A requirement that all persons working on the project are 36526  
licensed or certified by the director of environmental protection 36527  
as required by this chapter; 36528

(B) A requirement that all project clearance levels and 36529  
sampling be in accordance with rules adopted by the director; 36530

(C) A requirement that all clearance air-monitoring be 36531  
conducted by asbestos hazard abatement air-monitoring technicians 36532  
or asbestos hazard evaluation specialists certified by the 36533  
director. 36534

**Sec. 3710.06.** (A) Within fifteen business days after 36535  
receiving an application, the director of environmental protection 36536  
shall acknowledge receipt of the application and notify the 36537  
applicant of any deficiency in the application. Within sixty 36538  
calendar days after receiving a completed application, including 36539  
all additional information requested by the director, the director 36540  
shall issue a license or certificate or deny the application. The 36541  
director shall issue only one license or certificate that is in 36542  
effect at one time to a business entity and its principal officers 36543  
and a public entity and its principal officers. 36544

(B)(1) The director shall deny an application if it 36545  
determines that the applicant has not demonstrated the ability to 36546  
comply fully with all applicable federal and state requirements 36547  
and all requirements, procedures, and standards established by the 36548

director in this chapter, Chapter 3704. of the Revised Code, or 36549  
rules adopted under those chapters, as those chapters and rules 36550  
pertain to asbestos. 36551

(2) The director shall deny any application for an asbestos 36552  
hazard abatement contractor's license if the applicant or an 36553  
officer or employee of the applicant has been convicted of a 36554  
felony or found liable in a civil proceeding under any state or 36555  
federal law designed to protect the environment. 36556

(3) The director shall send all denials of an application by 36557  
certified mail to the applicant. If the director receives a timely 36558  
request for a hearing from the applicant on the proposed denial of 36559  
an application, the director shall hold a hearing in accordance 36560  
with Chapter 119. of the Revised Code, as provided in division (A) 36561  
of section 3710.13 of the Revised Code. 36562

(C) In an emergency that results from a sudden, unexpected 36563  
event that is not a planned asbestos hazard abatement project, the 36564  
director may waive the requirements for a license ~~or certificate~~. 36565  
For the purposes of this division, "emergency" includes operations 36566  
necessitated by nonroutine failures of equipment or by actions of 36567  
fire and emergency medical personnel pursuant to duties within 36568  
their official capacities. Any person who performs an asbestos 36569  
hazard abatement ~~activity~~ project under emergency conditions shall 36570  
notify the director within three days after performance thereof. 36571

(D) Each license or certificate issued under this chapter 36572  
expires one year after the date of issue, but each licensee or 36573  
certificate holder may apply to the environmental protection 36574  
agency for the extension of the holder's license or certificate 36575  
under the standard renewal procedures of Chapter 4745. of the 36576  
Revised Code. 36577

To qualify for renewal of a license or certificate issued 36578  
under this chapter, each licensee or certificate holder shall send 36579

the appropriate renewal fee set forth in division (D) of section 3710.05 of the Revised Code or as adopted by rule by the director pursuant to division (A)(4) of section 3710.02 of the Revised Code.

Certificate holders also shall successfully complete an annual renewal course approved by the agency pursuant to section 3710.10 of the Revised Code.

(E) The director may charge a fee in addition to those specified in division (D) of section 3710.05 of the Revised Code or in rules adopted by the director pursuant to division (A)(4) of section 3710.02 of the Revised Code if the licensee or certificate holder applies for renewal after the expiration thereof or requests a reissuance of any license or certificate, provided that no such fee shall exceed the original fees by more than fifty per cent.

**Sec. 3710.07.** (A) Prior to engaging in any asbestos hazard abatement project, an asbestos hazard abatement contractor shall do all of the following:

(1) Prepare a written respiratory protection program as defined by the director of environmental protection pursuant to rule, and make the program available to the environmental protection agency, and workers at the job site if the contractor is a public entity or prepare a written respiratory protection program, consistent with 29 C.F.R. 1910.134 and make the program available to the agency, and workers at the job site if the contractor is a business entity;

(2) Ensure that each worker who will be involved in any asbestos hazard abatement project has been examined within the preceding year and has been declared by a physician to be physically capable of working while wearing a respirator;

(3) Ensure that each of the contractor's employees or agents who will come in contact with asbestos-containing materials or will be responsible for an asbestos hazard abatement project receives the appropriate certification or licensure required by this chapter and the following training:

(a) An initial course approved by the agency pursuant to section 3710.10 of the Revised Code, completed before engaging in any asbestos hazard abatement ~~project~~ activity; and

(b) An annual review course approved by the agency pursuant to section 3710.10 of the Revised Code.

(B) After obtaining or renewing a license, an asbestos hazard abatement contractor shall notify the agency, on a form approved by the director, at least ten working days before beginning each asbestos hazard abatement project conducted during the term of the contractor's license.

(C) In addition to any other fee imposed under this chapter, an asbestos hazard abatement contractor shall pay, at the time of providing notice under division (B) of this section, the agency a fee of sixty-five dollars for each asbestos hazard abatement project conducted.

**Sec. 3710.08.** (A) An asbestos hazard abatement contractor engaging in any asbestos hazard abatement project shall, during the course of the project:

(1) Conduct each project in a manner that is in compliance with the requirements the director of environmental protection adopts pursuant to section 3704.03 of the Revised Code and the asbestos requirements of the United States occupational safety and health administration set forth in 29 C.F.R. 1926.1101;

(2) Comply with all applicable rules adopted by the director of environmental protection pursuant to sections 3704.03 and

3710.02 of the Revised Code. 36640

(B) An asbestos hazard abatement contractor that is a public 36641  
entity shall: 36642

(1) Provide workers with protective clothing and equipment 36643  
and ensure that the workers involved in any asbestos hazard 36644  
abatement project use the items properly. Protective clothing and 36645  
equipment shall include: 36646

(a) Respirators approved by the national institute of 36647  
occupational safety and health. These respirators shall be fit 36648  
tested in accordance with requirements of the United States 36649  
occupational safety and health administration set forth in 29 36650  
C.F.R. 1926.1101. At the request of an employee, the asbestos 36651  
hazard abatement contractor shall provide the employee with a 36652  
powered air purifying respirator, in which case, the testing 36653  
requirements of division (B)(1)(a) of this section do not apply. 36654

(b) Items required by the director by rule as provided in 36655  
division (A)(7) of section 3710.02 of the Revised Code. 36656

(2) Comply with all applicable standards of conduct and 36657  
requirements adopted by the director pursuant to section 3710.02 36658  
of the Revised Code. 36659

(C) An asbestos hazard abatement specialist engaging in any 36660  
asbestos hazard abatement ~~project~~ activity shall, during the 36661  
course of the ~~project~~ activity: 36662

(1) Conduct each ~~project~~ activity in a manner that will meet 36663  
decontamination procedures, project containment procedures, and 36664  
asbestos fiber dispersal methods as provided in division (A)(6) of 36665  
section 3710.02 of the Revised Code; 36666

(2) Ensure that workers utilize, handle, remove, and dispose 36667  
of the disposable clothing provided by abatement contractors in a 36668  
manner that will prevent contamination or recontamination of the 36669

environment and protect the public health from the hazards of exposure to asbestos; 36670  
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(3) Ensure that workers utilize protective clothing and equipment and comply with the applicable health and safety standards set forth in division (A) of section 3710.08 of the Revised Code; 36672  
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(4) Ensure that there is no smoking, eating, or drinking in the work area; 36676  
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(5) Comply with all applicable standards of conduct and requirements adopted by the director pursuant to sections 3704.03 and 3710.02 of the Revised Code. 36678  
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(D) An asbestos hazard evaluation specialist engaged in the identification, detection, and assessment of asbestos-containing materials, the determination of appropriate response actions, or other activities associated with an abatement project or the preparation of management plans, shall comply with the applicable standards of conduct and requirements adopted by the director pursuant to sections 3704.03 and 3710.02 of the Revised Code. 36681  
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(E) Every asbestos hazard abatement worker shall comply with all applicable standards adopted by the director pursuant to sections 3704.03 and 3710.02 of the Revised Code. 36688  
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~~(F) The director may, on a case by case basis, approve an alternative to the worker protection requirements of divisions (A), (B), and (C) of this section for an asbestos hazard abatement project conducted by a public entity, provided that the asbestos hazard abatement contractor submits the alternative procedure to the director in writing and demonstrates to the satisfaction of the director that the proposed alternative procedure provides equivalent worker protection.~~ 36691  
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**Sec. 3710.12.** Subject to section 3710.13 of the Revised Code, 36699

the director of environmental protection may deny, suspend, or 36700  
revoke any license or certificate, or renewal thereof, if the 36701  
licensee or certificate holder: 36702

(A) Fraudulently or deceptively obtains or attempts to obtain 36703  
a license or certificate; 36704

(B) Fails at any time to meet the qualifications for a 36705  
license or certificate; 36706

(C) Is violating or threatening to violate any provisions of 36707  
any of the following: 36708

(1) This chapter, Chapters 3704. and 3745. of the Revised 36709  
Code, or the rules of the director adopted pursuant to those 36710  
chapters, as those chapters and rules pertain to asbestos; 36711

(2) The "National Emission Standard for Hazardous Air 36712  
Pollutants" regulations of the United States environmental 36713  
protection agency as the regulations pertain to asbestos; 36714

(3) The regulations of the United States occupational safety 36715  
and health administration as the regulations pertain to asbestos; 36716

(4) The regulations adopted by the United States 36717  
environmental protection agency pursuant to the "Asbestos Hazard 36718  
Emergency Response Act," Title II of the "Federal Toxic Substances 36719  
Control Act," 90 Stat. 2003, 15 U.S.C. 2641 et seq. (1986). 36720

**Sec. 3711.02.** (A) Except as provided in division (B) of this 36721  
section, no person shall operate any of the following, unless the 36722  
person holds the appropriate license issued under this chapter and 36723  
the license is valid: 36724

(1) A maternity unit; 36725

(2) A newborn care nursery; 36726

(3) A maternity home. 36727

(B) Division (A) of this section does not apply to a health 36728

care facility, as defined in ~~division (A)(4) of~~ section 3702.30 of 36729  
the Revised Code. 36730

**Sec. 3713.022.** (A) No person shall recklessly manufacture, 36731  
offer for sale, sell, deliver, or possess for the purpose of 36732  
manufacturing, selling, or delivering a mesh crib liner intended 36733  
for placement between a crib mattress and one or more of the 36734  
crib's inner sides that does not comply with consumer product 36735  
safety standards governing such liners that are promulgated after 36736  
October 9, 2016, by the United States consumer product safety 36737  
commission (pursuant to section 104 of the "Consumer Product 36738  
Safety Improvement Act of 2008," 15 U.S.C. 2056a, as amended) for 36739  
the purpose of ensuring sufficient permeability and breathability 36740  
so as to prevent infant suffocation. 36741

(B) In the absence of standards described in division (A) of 36742  
this section, ~~no person shall, beginning three years after the~~ 36743  
~~effective date of this section, recklessly~~ a person may 36744  
manufacture, offer for sale, sell, deliver, or possess for the 36745  
purpose of manufacturing, selling, or delivering a mesh crib 36746  
liner. 36747

(C) The superintendent of industrial compliance shall issue a 36748  
notice of violation to any person found to have violated division 36749  
(A) ~~or (B)~~ of this section. 36750

**Sec. 3713.99.** (A) Whoever violates division (A), (B), or (D) 36751  
of section 3713.02 of the Revised Code is guilty of a misdemeanor 36752  
of the fourth degree. 36753

(B) Whoever violates division (C) of section 3713.02 of the 36754  
Revised Code is guilty of a misdemeanor of the third degree. 36755

(C) A person who, after receiving a notice issued under 36756  
division (B) of section 3713.021 of the Revised Code or division 36757  
~~(B) or~~ (C) of section 3713.022 of the Revised Code, continues to 36758

violate the applicable division of either of those sections is 36759  
subject to a fine of not more than five hundred dollars. Each day 36760  
of violation constitutes a separate offense. 36761

Sec. 3721.026. (A) If the operation of a nursing home is 36762  
assigned or transferred to a different person, the person to whom 36763  
the operation is assigned or transferred must, before the director 36764  
of health may issue a license authorizing the person to operate 36765  
the nursing home, submit to the director documentation showing 36766  
that the person meets all of the following requirements: 36767

(1) Unless the assignment or transfer is in the form of a 36768  
lease of the nursing home, the person has financial resources that 36769  
the director determines are sufficient to cover any reasonably 36770  
anticipated revenue shortfall for at least twelve months after the 36771  
assignment or transfer. 36772

(2) If the assignment or transfer is in the form of a lease 36773  
of the nursing home, either of the following applies to the 36774  
person: 36775

(a) The person has obtained a bond that has a term of at 36776  
least twelve months, has an annual renewal, and is for an amount 36777  
not less than one million dollars. 36778

(b) If the person is unable to obtain a bond that meets the 36779  
requirements of division (A)(2)(a) of this section at a cost the 36780  
director determines to be reasonable or operates other nursing 36781  
homes in this state, the person has financial resources that the 36782  
director determines are sufficient to cover any reasonably 36783  
anticipated revenue shortfall for at least twelve months after the 36784  
assignment or transfer. 36785

(3) The person has at least five years of experience as an 36786  
operator, manager, or administrator of a nursing home. 36787

(4) The person has plans for quality assurance and risk 36788

management for the nursing home. 36789

(5) The person has general and professional liability insurance coverage that provides coverage of at least one million dollars per occurrence and three million dollars aggregate. 36790  
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(B) The documentation required by divisions (A)(1) and (2)(b) of this section shall include projected financial statements for the nursing home for the twelve-month period after the assignment or transfer of the operation of the nursing home. 36793  
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The documentation required by division (A)(3) of this section shall include a list of each currently or previously licensed nursing home located in this or another state in which the person has or previously had any percentage of ownership. The percentage of ownership may have been in the operation, real property, or both of the nursing home. 36797  
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(C) The requirements established by this section are in addition to the other requirements established by this chapter and the rules adopted under it for a license to operate a nursing home. 36803  
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**Sec. 3721.03.** (A) As used in this section, "person" has the same meaning as in section 1.59 of the Revised Code. 36807  
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(B) The director of health shall enforce the provisions of sections 3721.01 to 3721.13 and 3721.99 of the Revised Code and may issue orders to secure compliance with the provisions of these sections and the rules adopted under them. The director may hold hearings, issue subpoenas, compel testimony, and make adjudications. 36809  
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The director may issue an order revoking a license in the event the director finds, upon hearing or opportunity afforded pursuant to Chapter 119. of the Revised Code, that any of the following apply to a person, county home, or district home 36815  
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licensed under section 3721.07 of the Revised Code: 36819

(1) Has violated any of the provisions of Chapter 3721. of 36820  
the Revised Code or rules adopted by the director under it; 36821

(2) Has violated any order issued by the director; 36822

(3) Is not, or any of its principals are not suitable, 36823  
morally or financially to operate such an institution; 36824

(4) Is not furnishing humane, kind, and adequate treatment 36825  
and care; 36826

(5) Has had a long-standing pattern of violations of this 36827  
chapter or the rules adopted under it that has caused physical, 36828  
emotional, mental, or psychosocial harm to one or more residents. 36829

Upon the issuance of any order of revocation, the person 36830  
whose license is revoked, or the county home or district home that 36831  
has its license revoked, may appeal in accordance with Chapter 36832  
119. of the Revised Code. 36833

(C) Once the director notifies a person, county home, or 36834  
district home licensed to operate a home that the license may be 36835  
revoked or issues any order under this section, the person, county 36836  
home, or district home shall not assign or transfer to another 36837  
person or entity the right to operate the home, unless the notice 36838  
or order is issued solely because the home has already closed or 36839  
ceased operations or a certificate of need application has been 36840  
filed with the director prior to the notification. This 36841  
prohibition shall remain in effect until proceedings under Chapter 36842  
119. of the Revised Code concerning the order or license 36843  
revocation have been concluded ~~or the director notifies the~~ 36844  
~~person, county home, or district home that the prohibition has~~ 36845  
~~been lifted.~~ 36846

If a license is revoked under this section, the former 36847  
license holder shall not assign or transfer or consent to 36848

assignment or transfer of the right to operate the home. Any 36849  
attempted assignment or transfer to another person or entity is 36850  
void. 36851

On revocation of a license, the former licensee shall take 36852  
all necessary steps to cease operation of the home. 36853

The director of health shall not accept a certificate of need 36854  
application under section 3702.52 of the Revised Code regarding a 36855  
home if the license to operate the home has been revoked under 36856  
this section. 36857

Sec. 3723.081. The director of health shall not require a 36858  
licensed radon mitigation specialist to be physically present for 36859  
supervision purposes when radon mitigation is performed. However, 36860  
the director may require such a specialist to be physically 36861  
present immediately before and after radon mitigation is 36862  
performed. 36863

Sec. 3727.49. (A) As used in this section: 36864

(1) "Freestanding emergency department" means a facility that 36865  
provides emergency care and is structurally separate and distinct 36866  
from a hospital, as defined in section 3727.01 of the Revised 36867  
Code. 36868

(2) "Health benefit plan" has the same meaning as in section 36869  
3922.01 of the Revised Code. 36870

(B)(1) Unless a freestanding emergency department chooses to 36871  
act under division (B)(2) of this section, the freestanding 36872  
emergency department shall post, in a conspicuous place in an area 36873  
of the facility accessible to the public, a notice that does all 36874  
of the following: 36875

(a) Identifies the facility as a freestanding emergency 36876  
department; 36877

(b) Specifies that the facility or a health care professional providing services at the facility may not be a participating provider in the provider network established by the patient's health benefit plan; 36878  
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(c) Specifies that a health care professional providing services at the facility may charge separately from the facility for the services provided to the patient; 36882  
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(d) Lists each health benefit plan in which the facility is a participating provider in the provider network established by the plan or states that the facility is not a participating provider in any provider network established by any health benefit plan. 36885  
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(2) If a freestanding emergency department is a participating provider in one or more health benefit plan provider networks, the freestanding emergency department may do both of the following in lieu of posting the notice described in division (B)(1) of this section: 36889  
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(a) Post a notice on the facility's internet web site listing each health benefit plan in which the facility is a participating provider in the provider network established by the plan; 36894  
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(b) Provide each patient with written confirmation specifying whether the facility is a participating provider in the provider network established by the patient's health benefit plan. 36897  
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(C) A freestanding emergency department shall use the national provider identifier, as assigned to the freestanding emergency department by the national provider system pursuant to 45 C.F.R. 162.408, on all claims for payment for health care services or goods. 36900  
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(D) The director of health may apply to the court of common pleas of the county in which a freestanding emergency department is located for a temporary or permanent injunction restraining the freestanding emergency department from failure to comply with this 36905  
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section. 36909

**Sec. 3734.01.** As used in this chapter: 36910

(A) "Board of health" means the board of health of a city or 36911  
general health district or the authority having the duties of a 36912  
board of health in any city as authorized by section 3709.05 of 36913  
the Revised Code. 36914

(B) "Director" means the director of environmental 36915  
protection. 36916

(C) "Health district" means a city or general health district 36917  
as created by or under authority of Chapter 3709. of the Revised 36918  
Code. 36919

(D) "Agency" means the environmental protection agency. 36920

(E) "Solid wastes" means such unwanted residual solid or 36921  
semisolid material as results from industrial, commercial, 36922  
agricultural, and community operations, excluding earth or 36923  
material from construction, mining, or demolition operations, or 36924  
other waste materials of the type that normally would be included 36925  
in demolition debris, nontoxic fly ash and bottom ash, including 36926  
at least ash that results from the combustion of coal and ash that 36927  
results from the combustion of coal in combination with scrap 36928  
tires where scrap tires comprise not more than fifty per cent of 36929  
heat input in any month, spent nontoxic foundry sand, nontoxic, 36930  
nonhazardous, unwanted fired and unfired, glazed and unglazed, 36931  
structural products made from shale and clay products, and slag 36932  
and other substances that are not harmful or inimical to public 36933  
health, and includes, but is not limited to, garbage, scrap tires, 36934  
combustible and noncombustible material, street dirt, and debris. 36935  
"Solid wastes" does not include any material that is an infectious 36936  
waste or a hazardous waste. 36937

(F) "Disposal" means the discharge, deposit, injection, 36938

dumping, spilling, leaking, emitting, or placing of any solid 36939  
wastes or hazardous waste into or on any land or ground or surface 36940  
water or into the air, except if the disposition or placement 36941  
constitutes storage or treatment or, if the solid wastes consist 36942  
of scrap tires, the disposition or placement constitutes a 36943  
beneficial use or occurs at a scrap tire recovery facility 36944  
licensed under section 3734.81 of the Revised Code. "Disposal" 36945  
does not include the process of converting post-use polymers and 36946  
recoverable feedstocks using gasification or pyrolysis. 36947

(G) "Person" includes the state, any political subdivision 36948  
and other state or local body, the United States and any agency or 36949  
instrumentality thereof, and any legal entity defined as a person 36950  
under section 1.59 of the Revised Code. 36951

(H) "Open burning" means the burning of solid wastes in an 36952  
open area or burning of solid wastes in a type of chamber or 36953  
vessel that is not approved or authorized in rules adopted by the 36954  
director under section 3734.02 of the Revised Code or, if the 36955  
solid wastes consist of scrap tires, in rules adopted under 36956  
division (V) of this section or section 3734.73 of the Revised 36957  
Code, or the burning of treated or untreated infectious wastes in 36958  
an open area or in a type of chamber or vessel that is not 36959  
approved in rules adopted by the director under section 3734.021 36960  
of the Revised Code. 36961

(I) "Open dumping" means the depositing of solid wastes into 36962  
a body or stream of water or onto the surface of the ground at a 36963  
site that is not licensed as a solid waste facility under section 36964  
3734.05 of the Revised Code or, if the solid wastes consist of 36965  
scrap tires, as a scrap tire collection, storage, monocell, 36966  
monofill, or recovery facility licensed under section 3734.81 of 36967  
the Revised Code; the depositing of solid wastes that consist of 36968  
scrap tires onto the surface of the ground at a site or in a 36969  
manner not specifically identified in divisions (C)(2) to (5), 36970

(7), or (10) of section 3734.85 of the Revised Code; the 36971  
depositing of untreated infectious wastes into a body or stream of 36972  
water or onto the surface of the ground; or the depositing of 36973  
treated infectious wastes into a body or stream of water or onto 36974  
the surface of the ground at a site that is not licensed as a 36975  
solid waste facility under section 3734.05 of the Revised Code. 36976

(J) "Hazardous waste" means any waste or combination of 36977  
wastes in solid, liquid, semisolid, or contained gaseous form that 36978  
in the determination of the director, because of its quantity, 36979  
concentration, or physical or chemical characteristics, may do 36980  
either of the following: 36981

(1) Cause or significantly contribute to an increase in 36982  
mortality or an increase in serious irreversible or incapacitating 36983  
reversible illness; 36984

(2) Pose a substantial present or potential hazard to human 36985  
health or safety or to the environment when improperly stored, 36986  
treated, transported, disposed of, or otherwise managed. 36987

"Hazardous waste" includes any substance identified by 36988  
regulation as hazardous waste under the "Resource Conservation and 36989  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 36990  
amended, and does not include any substance that is subject to the 36991  
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 36992  
amended. 36993

(K) "Treat" or "treatment," when used in connection with 36994  
hazardous waste, means any method, technique, or process, 36995  
including neutralization, designed to change the physical, 36996  
chemical, or biological character or composition of any hazardous 36997  
waste so as to neutralize the waste; recover energy or material 36998  
resources from the waste; render the waste nonhazardous or less 36999  
hazardous, safer to transport, store, or dispose of, or amenable 37000  
for recovery or storage; or reduce the volume of the waste. When 37001

used in connection with infectious wastes, "treat" or "treatment" 37002  
means any method, technique, or process that renders the wastes 37003  
noninfectious so that it is no longer an infectious waste and is 37004  
no longer an infectious substance as defined in applicable federal 37005  
law, including, without limitation, steam sterilization and 37006  
incineration, and, in the instance of wastes identified in 37007  
division (R)(7) of this section, to substantially reduce or 37008  
eliminate the potential for the wastes to cause lacerations or 37009  
puncture wounds. 37010

(L) "Manifest" means the form used for identifying the 37011  
quantity, composition, origin, routing, and destination of 37012  
hazardous waste during its transportation from the point of 37013  
generation to the point of disposal, treatment, or storage. 37014

(M) ~~"Storage," when~~ (1) When used in connection with 37015  
hazardous waste, "storage" means the holding of hazardous waste 37016  
for a temporary period in such a manner that it remains 37017  
retrievable and substantially unchanged physically and chemically 37018  
and, at the end of the period, is treated; disposed of; stored 37019  
elsewhere; or reused, recycled, or reclaimed in a beneficial 37020  
manner. ~~When~~ 37021

(2) When used in connection with ~~solid wastes that consist of~~ 37022  
scrap tires, "storage" means the holding of scrap tires for a 37023  
temporary period in such a manner that they remain retrievable 37024  
and, at the end of that period, are beneficially used; stored 37025  
elsewhere; placed in a scrap tire monocell or monofill facility 37026  
licensed under section 3734.81 of the Revised Code; processed at a 37027  
scrap tire recovery facility licensed under that section or a 37028  
solid waste incineration or energy recovery facility subject to 37029  
regulation under this chapter; or transported to a scrap tire 37030  
monocell, monofill, or recovery facility, any other solid waste 37031  
facility authorized to dispose of scrap tires, or a facility that 37032  
will beneficially use the scrap tires, that is located in another 37033

state and is operating in compliance with the laws of the state in 37034  
which the facility is located. 37035

(3) When used in connection with recoverable feedstocks or 37036  
post-use polymers, "storage" means holding recoverable feedstocks 37037  
or post-use polymers for a period of less than ninety days, 37038  
provided all of the following apply: 37039

(a) The recoverable feedstocks or post-use polymers remain 37040  
retrievable and substantially unchanged physically and chemically. 37041

(b) The storage of recoverable feedstocks or post-use 37042  
polymers does not cause a nuisance. 37043

(c) The storage of recoverable feedstocks or post-use 37044  
polymers does not pose a threat from vectors. 37045

(d) The storage of recoverable feedstocks or post-use 37046  
polymers does not adversely impact public health, safety, or the 37047  
environment. 37048

(e) Prior to the end of the storage period of less than 37049  
ninety days, the recoverable feedstocks or post-use polymers are 37050  
converted using gasification or pyrolysis. 37051

(N) "Facility" means any site, location, tract of land, 37052  
installation, or building used for incineration, composting, 37053  
sanitary landfilling, or other methods of disposal of solid wastes 37054  
or, if the solid wastes consist of scrap tires, for the 37055  
collection, storage, or processing of the solid wastes; for the 37056  
transfer of solid wastes; for the treatment of infectious wastes; 37057  
or for the storage, treatment, or disposal of hazardous waste. 37058

(O) "Closure" means the time at which a hazardous waste 37059  
facility will no longer accept hazardous waste for treatment, 37060  
storage, or disposal, the time at which a solid waste facility 37061  
will no longer accept solid wastes for transfer or disposal or, if 37062  
the solid wastes consist of scrap tires, for storage or 37063

processing, or the effective date of an order revoking the permit 37064  
for a hazardous waste facility or the registration certificate, 37065  
permit, or license for a solid waste facility, as applicable. 37066  
"Closure" includes measures performed to protect public health or 37067  
safety, to prevent air or water pollution, or to make the facility 37068  
suitable for other uses, if any, including, but not limited to, 37069  
the removal of processing residues resulting from solid wastes 37070  
that consist of scrap tires; the establishment and maintenance of 37071  
a suitable cover of soil and vegetation over cells in which 37072  
hazardous waste or solid wastes are buried; minimization of 37073  
erosion, the infiltration of surface water into such cells, the 37074  
production of leachate, and the accumulation and runoff of 37075  
contaminated surface water; the final construction of facilities 37076  
for the collection and treatment of leachate and contaminated 37077  
surface water runoff, except as otherwise provided in this 37078  
division; the final construction of air and water quality 37079  
monitoring facilities, except as otherwise provided in this 37080  
division; the final construction of methane gas extraction and 37081  
treatment systems; or the removal and proper disposal of hazardous 37082  
waste or solid wastes from a facility when necessary to protect 37083  
public health or safety or to abate or prevent air or water 37084  
pollution. With regard to a solid waste facility that is a scrap 37085  
tire facility, "closure" includes the final construction of 37086  
facilities for the collection and treatment of leachate and 37087  
contaminated surface water runoff and the final construction of 37088  
air and water quality monitoring facilities only if those actions 37089  
are determined to be necessary. 37090

(P) "Premises" means either of the following: 37091

(1) Geographically contiguous property owned by a generator; 37092

(2) Noncontiguous property that is owned by a generator and 37093  
connected by a right-of-way that the generator controls and to 37094  
which the public does not have access. Two or more pieces of 37095

property that are geographically contiguous and divided by public 37096  
or private right-of-way or rights-of-way are a single premises. 37097

(Q) "Post-closure" means that period of time following 37098  
closure during which a hazardous waste facility is required to be 37099  
monitored and maintained under this chapter and rules adopted 37100  
under it, including, without limitation, operation and maintenance 37101  
of methane gas extraction and treatment systems, or the period of 37102  
time after closure during which a scrap tire monocell or monofill 37103  
facility licensed under section 3734.81 of the Revised Code is 37104  
required to be monitored and maintained under this chapter and 37105  
rules adopted under it. 37106

(R) "Infectious wastes" means any wastes or combination of 37107  
wastes that include cultures and stocks of infectious agents and 37108  
associated biologicals, human blood and blood products, and 37109  
substances that were or are likely to have been exposed to or 37110  
contaminated with or are likely to transmit an infectious agent or 37111  
zoonotic agent, including all of the following: 37112

(1) Laboratory wastes; 37113

(2) Pathological wastes; 37114

(3) Animal blood and blood products; 37115

(4) Animal carcasses and parts; 37116

(5) Waste materials from the rooms of humans, or the 37117  
enclosures of animals, that have been isolated because of 37118  
diagnosed communicable disease that are likely to transmit 37119  
infectious agents. Such waste materials from the rooms of humans 37120  
do not include any wastes of patients who have been placed on 37121  
blood and body fluid precautions under the universal precaution 37122  
system established by the centers for disease control in the 37123  
public health service of the United States department of health 37124  
and human services, except to the extent specific wastes generated 37125  
under the universal precautions system have been identified as 37126

infectious wastes by rules adopted under division (R)(7) of this section. 37127  
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(6) Sharp wastes used in the treatment, diagnosis, or inoculation of human beings or animals; 37129  
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(7) Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that the director of health, by rules adopted in accordance with Chapter 119. of the Revised Code, identifies as infectious wastes after determining that the wastes present a substantial threat to human health when improperly managed because they are contaminated with, or are likely to be contaminated with, infectious agents. 37131  
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As used in this division, "blood products" does not include patient care waste such as bandages or disposable gowns that are lightly soiled with blood or other body fluids unless those wastes are soiled to the extent that the generator of the wastes determines that they should be managed as infectious wastes. 37140  
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(S) "Infectious agent" means a type of microorganism, pathogen, virus, or proteinaceous infectious particle that can cause or significantly contribute to disease in or death of human beings. 37145  
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(T) "Zoonotic agent" means a type of microorganism, pathogen, or virus that causes disease in vertebrate animals, is transmissible to human beings, and can cause or significantly contribute to disease in or death of human beings. 37149  
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(U) "Solid waste transfer facility" means any site, location, tract of land, installation, or building that is used or intended to be used primarily for the purpose of transferring solid wastes that were generated off the premises of the facility from vehicles or containers into other vehicles for transportation to a solid 37153  
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waste disposal facility. "Solid waste transfer facility" does not 37158  
include any facility that consists solely of portable containers 37159  
that have an aggregate volume of fifty cubic yards or less nor any 37160  
facility where legitimate recycling activities are conducted. 37161

(V) "Beneficially use" includes: 37162

(1) With regard to scrap tires, to use a scrap tire in a 37163  
manner that results in a commodity for sale or exchange or in any 37164  
other manner authorized as a beneficial use in rules adopted by 37165  
the director in accordance with Chapter 119. of the Revised Code; 37166

(2) With regard to material from a horizontal well that has 37167  
come in contact with a refined oil-based substance and that is not 37168  
technologically enhanced naturally occurring radioactive material, 37169  
to use the material in any manner authorized as a beneficial use 37170  
in rules adopted by the director under section 3734.125 of the 37171  
Revised Code. 37172

(W) "Commercial car," "commercial tractor," "farm machinery," 37173  
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 37174  
the same meanings as in section 4501.01 of the Revised Code. 37175

(X) "Construction equipment" means road rollers, traction 37176  
engines, power shovels, power cranes, and other equipment used in 37177  
construction work, or in mining or producing or processing 37178  
aggregates, and not designed for or used in general highway 37179  
transportation. 37180

(Y) "Motor vehicle salvage dealer" has the same meaning as in 37181  
section 4738.01 of the Revised Code. 37182

(Z) "Scrap tire" means an unwanted or discarded tire. 37183

(AA) "Scrap tire collection facility" means any facility that 37184  
meets all of the following qualifications: 37185

(1) The facility is used for the receipt and storage of whole 37186  
scrap tires from the public prior to their transportation to a 37187

scrap tire storage, monocell, monofill, or recovery facility 37188  
licensed under section 3734.81 of the Revised Code; a solid waste 37189  
incineration or energy recovery facility subject to regulation 37190  
under this chapter; a premises within the state where the scrap 37191  
tires will be beneficially used; or a scrap tire storage, 37192  
monocell, monofill, or recovery facility, any other solid waste 37193  
disposal facility authorized to dispose of scrap tires, or a 37194  
facility that will beneficially use the scrap tires, that is 37195  
located in another state, and that is operating in compliance with 37196  
the laws of the state in which the facility is located. 37197

(2) The facility exclusively stores scrap tires in portable 37198  
containers. 37199

(3) The aggregate storage of the portable containers in which 37200  
the scrap tires are stored does not exceed five thousand cubic 37201  
feet. 37202

(BB) "Scrap tire monocell facility" means an individual site 37203  
within a solid waste landfill that is used exclusively for the 37204  
environmentally sound storage or disposal of whole scrap tires or 37205  
scrap tires that have been shredded, chipped, or otherwise 37206  
mechanically processed. 37207

(CC) "Scrap tire monofill facility" means an engineered 37208  
facility used or intended to be used exclusively for the storage 37209  
or disposal of scrap tires, including at least facilities for the 37210  
submergence of whole scrap tires in a body of water. 37211

(DD) "Scrap tire recovery facility" means any facility, or 37212  
portion thereof, for the processing of scrap tires for the purpose 37213  
of extracting or producing usable products, materials, or energy 37214  
from the scrap tires through a controlled combustion process, 37215  
mechanical process, or chemical process. "Scrap tire recovery 37216  
facility" includes any facility that uses the controlled 37217  
combustion of scrap tires in a manufacturing process to produce 37218

process heat or steam or any facility that produces usable heat or 37219  
electric power through the controlled combustion of scrap tires in 37220  
combination with another fuel, but does not include any solid 37221  
waste incineration or energy recovery facility that is designed, 37222  
constructed, and used for the primary purpose of incinerating 37223  
mixed municipal solid wastes and that burns scrap tires in 37224  
conjunction with mixed municipal solid wastes, or any tire 37225  
retreading business, tire manufacturing finishing center, or tire 37226  
adjustment center having on the premises of the business a single, 37227  
covered scrap tire storage area at which not more than four 37228  
thousand scrap tires are stored. 37229

(EE) "Scrap tire storage facility" means any facility where 37230  
whole scrap tires are stored prior to their transportation to a 37231  
scrap tire monocell, monofill, or recovery facility licensed under 37232  
section 3734.81 of the Revised Code; a solid waste incineration or 37233  
energy recovery facility subject to regulation under this chapter; 37234  
a premises within the state where the scrap tires will be 37235  
beneficially used; or a scrap tire storage, monocell, monofill, or 37236  
recovery facility, any other solid waste disposal facility 37237  
authorized to dispose of scrap tires, or a facility that will 37238  
beneficially use the scrap tires, that is located in another 37239  
state, and that is operating in compliance with the laws of the 37240  
state in which the facility is located. 37241

(FF) "Used oil" means any oil that has been refined from 37242  
crude oil, or any synthetic oil, that has been used and, as a 37243  
result of that use, is contaminated by physical or chemical 37244  
impurities. "Used oil" includes only those substances identified 37245  
as used oil by the United States environmental protection agency 37246  
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 37247  
U.S.C.A. 6901a, as amended. 37248

(GG) "Accumulated speculatively" has the same meaning as in 37249  
rules adopted by the director under section 3734.12 of the Revised 37250

Code.	37251
(HH) "Horizontal well" has the same meaning as in section 1509.01 of the Revised Code.	37252 37253
(II) "Technologically enhanced naturally occurring radioactive material" has the same meaning as in section 3748.01 of the Revised Code.	37254 37255 37256
<u>(JJ) "Post-use polymer" means a plastic polymer to which both of the following apply:</u>	37257 37258
<u>(1) It is derived from any source and is not being used for its original intended purpose.</u>	37259 37260
<u>(2) Its use or intended use is to manufacture crude oil, fuels, other raw materials, intermediate products, or final products using pyrolysis or gasification. "Post-use polymer" may contain incidental contaminants or impurities, such as paper labels or metal rings.</u>	37261 37262 37263 37264 37265
<u>(KK) "Pyrolysis" means a process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, and are then cooled, condensed, and converted to one of the following:</u>	37266 37267 37268 37269
<u>(1) Crude oil, diesel, gasoline, home heating oil, or another fuel;</u>	37270 37271
<u>(2) Feedstocks;</u>	37272
<u>(3) Diesel and gasoline blendstocks;</u>	37273
<u>(4) Chemicals, waxes, or lubricants;</u>	37274
<u>(5) Other raw materials, intermediate products, or final products.</u>	37275 37276
<u>(LL) "Gasification" means a process through which recoverable feedstocks are heated and converted into a fuel-gas mixture in an oxygen-deficient atmosphere, and the mixture is converted into</u>	37277 37278 37279

fuel, including ethanol and transportation fuel, chemicals, or 37280  
other chemical feedstocks. 37281

(MM) "Recoverable feedstock" means one or more of the 37282  
following materials, derived from nonrecycled waste, that have 37283  
been processed for use as a feedstock in a gasification facility: 37284

(1) Post-use polymers; 37285

(2) Materials concerning which the United States 37286  
environmental protection agency has made a non-waste determination 37287  
under 40 C.F.R. 241.3(c) or has otherwise determined are not solid 37288  
waste. 37289

**Sec. 3734.57.** (A) The following fees are hereby levied on the 37290  
transfer or disposal of solid wastes in this state: 37291

(1) Ninety cents per ton through June 30, ~~2020~~ 2022, twenty 37292  
cents of the proceeds of which shall be deposited in the state 37293  
treasury to the credit of the hazardous waste facility management 37294  
fund created in section 3734.18 of the Revised Code and seventy 37295  
cents of the proceeds of which shall be deposited in the state 37296  
treasury to the credit of the hazardous waste clean-up fund 37297  
created in section 3734.28 of the Revised Code; 37298

(2) An additional seventy-five cents per ton through June 30, 37299  
~~2020~~ 2022, the proceeds of which shall be deposited in the state 37300  
treasury to the credit of the waste management fund created in 37301  
section 3734.061 of the Revised Code. 37302

(3) An additional two dollars and eighty-five cents per ton 37303  
through June 30, ~~2020~~ 2022, the proceeds of which shall be 37304  
deposited in the state treasury to the credit of the environmental 37305  
protection fund created in section 3745.015 of the Revised Code; 37306

(4) An additional twenty-five cents per ton through June 30, 37307  
~~2020~~ 2022, the proceeds of which shall be deposited in the state 37308  
treasury to the credit of the soil and water conservation district 37309

assistance fund created in section 940.15 of the Revised Code. 37310

In the case of solid wastes that are taken to a solid waste 37311  
transfer facility located in this state prior to being transported 37312  
for disposal at a solid waste disposal facility located in this 37313  
state or outside of this state, the fees levied under this 37314  
division shall be collected by the owner or operator of the 37315  
transfer facility as a trustee for the state. The amount of fees 37316  
required to be collected under this division at such a transfer 37317  
facility shall equal the total tonnage of solid wastes received at 37318  
the facility multiplied by the fees levied under this division. In 37319  
the case of solid wastes that are not taken to a solid waste 37320  
transfer facility located in this state prior to being transported 37321  
to a solid waste disposal facility, the fees shall be collected by 37322  
the owner or operator of the solid waste disposal facility as a 37323  
trustee for the state. The amount of fees required to be collected 37324  
under this division at such a disposal facility shall equal the 37325  
total tonnage of solid wastes received at the facility that was 37326  
not previously taken to a solid waste transfer facility located in 37327  
this state multiplied by the fees levied under this division. Fees 37328  
levied under this division do not apply to materials separated 37329  
from a mixed waste stream for recycling by a generator or 37330  
materials removed from the solid waste stream through recycling, 37331  
as "recycling" is defined in rules adopted under section 3734.02 37332  
of the Revised Code. 37333

The owner or operator of a solid waste transfer facility or 37334  
disposal facility, as applicable, shall prepare and file with the 37335  
director of environmental protection each month a return 37336  
indicating the total tonnage of solid wastes received at the 37337  
facility during that month and the total amount of the fees 37338  
required to be collected under this division during that month. In 37339  
addition, the owner or operator of a solid waste disposal facility 37340  
shall indicate on the return the total tonnage of solid wastes 37341

received from transfer facilities located in this state during 37342  
that month for which the fees were required to be collected by the 37343  
transfer facilities. The monthly returns shall be filed on a form 37344  
prescribed by the director. Not later than thirty days after the 37345  
last day of the month to which a return applies, the owner or 37346  
operator shall mail to the director the return for that month 37347  
together with the fees required to be collected under this 37348  
division during that month as indicated on the return or may 37349  
submit the return and fees electronically in a manner approved by 37350  
the director. If the return is filed and the amount of the fees 37351  
due is paid in a timely manner as required in this division, the 37352  
owner or operator may retain a discount of three-fourths of one 37353  
per cent of the total amount of the fees that are required to be 37354  
paid as indicated on the return. 37355

The owner or operator may request an extension of not more 37356  
than thirty days for filing the return and remitting the fees, 37357  
provided that the owner or operator has submitted such a request 37358  
in writing to the director together with a detailed description of 37359  
why the extension is requested, the director has received the 37360  
request not later than the day on which the return is required to 37361  
be filed, and the director has approved the request. If the fees 37362  
are not remitted within thirty days after the last day of the 37363  
month to which the return applies or are not remitted by the last 37364  
day of an extension approved by the director, the owner or 37365  
operator shall not retain the three-fourths of one per cent 37366  
discount and shall pay an additional ten per cent of the amount of 37367  
the fees for each month that they are late. For purposes of 37368  
calculating the late fee, the first month in which fees are late 37369  
begins on the first day after the deadline has passed for timely 37370  
submitting the return and fees, and one additional month shall be 37371  
counted every thirty days thereafter. 37372

The owner or operator of a solid waste facility may request a 37373

refund or credit of fees levied under this division and remitted 37374  
to the director that have not been paid to the owner or operator. 37375  
Such a request shall be made only if the fees have not been 37376  
collected by the owner or operator, have become a debt that has 37377  
become worthless or uncollectable for a period of six months or 37378  
more, and may be claimed as a deduction, including a deduction 37379  
claimed if the owner or operator keeps accounts on an accrual 37380  
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 37381  
U.S.C. 166, as amended, and regulations adopted under it. Prior to 37382  
making a request for a refund or credit, an owner or operator 37383  
shall make reasonable efforts to collect the applicable fees. A 37384  
request for a refund or credit shall not include any costs 37385  
resulting from those efforts to collect unpaid fees. 37386

A request for a refund or credit of fees shall be made in 37387  
writing, on a form prescribed by the director, and shall be 37388  
supported by evidence that may be required in rules adopted by the 37389  
director under this chapter. After reviewing the request, and if 37390  
the request and evidence submitted with the request indicate that 37391  
a refund or credit is warranted, the director shall grant a refund 37392  
to the owner or operator or shall permit a credit to be taken by 37393  
the owner or operator on a subsequent monthly return submitted by 37394  
the owner or operator. The amount of a refund or credit shall not 37395  
exceed an amount that is equal to ninety days' worth of fees owed 37396  
to an owner or operator by a particular debtor of the owner or 37397  
operator. A refund or credit shall not be granted by the director 37398  
to an owner or operator more than once in any twelve-month period 37399  
for fees owed to the owner or operator by a particular debtor. 37400

If, after receiving a refund or credit from the director, an 37401  
owner or operator receives payment of all or part of the fees, the 37402  
owner or operator shall remit the fees with the next monthly 37403  
return submitted to the director together with a written 37404  
explanation of the reason for the submittal. 37405

For purposes of computing the fees levied under this division 37406  
or division (B) of this section, any solid waste transfer or 37407  
disposal facility that does not use scales as a means of 37408  
determining gate receipts shall use a conversion factor of three 37409  
cubic yards per ton of solid waste or one cubic yard per ton for 37410  
baled waste, as applicable. 37411

The fees levied under this division and divisions (B) and (C) 37412  
of this section are in addition to all other applicable fees and 37413  
taxes and shall be paid by the customer or a political subdivision 37414  
to the owner or operator of a solid waste transfer or disposal 37415  
facility. In the alternative, the fees shall be paid by a customer 37416  
or political subdivision to a transporter of waste who 37417  
subsequently transfers the fees to the owner or operator of such a 37418  
facility. The fees shall be paid notwithstanding the existence of 37419  
any provision in a contract that the customer or a political 37420  
subdivision may have with the owner or operator or with a 37421  
transporter of waste to the facility that would not require or 37422  
allow such payment regardless of whether the contract was entered 37423  
prior to or after October 16, 2009. For those purposes, "customer" 37424  
means a person who contracts with, or utilizes the solid waste 37425  
services of, the owner or operator of a solid waste transfer or 37426  
disposal facility or a transporter of solid waste to such a 37427  
facility. 37428

(B) For the purposes specified in division (G) of this 37429  
section, the solid waste management policy committee of a county 37430  
or joint solid waste management district may levy fees upon the 37431  
following activities: 37432

(1) The disposal at a solid waste disposal facility located 37433  
in the district of solid wastes generated within the district; 37434

(2) The disposal at a solid waste disposal facility within 37435  
the district of solid wastes generated outside the boundaries of 37436  
the district, but inside this state; 37437

(3) The disposal at a solid waste disposal facility within 37438  
the district of solid wastes generated outside the boundaries of 37439  
this state. 37440

The solid waste management plan of the county or joint 37441  
district approved under section 3734.521 or 3734.55 of the Revised 37442  
Code and any amendments to it, or the resolution adopted under 37443  
this division, as appropriate, shall establish the rates of the 37444  
fees levied under divisions (B)(1), (2), and (3) of this section, 37445  
if any, and shall specify whether the fees are levied on the basis 37446  
of tons or cubic yards as the unit of measurement. A solid waste 37447  
management district that levies fees under this division on the 37448  
basis of cubic yards shall do so in accordance with division (A) 37449  
of this section. 37450

The fee levied under division (B)(1) of this section shall be 37451  
not less than one dollar per ton nor more than two dollars per 37452  
ton, the fee levied under division (B)(2) of this section shall be 37453  
not less than two dollars per ton nor more than four dollars per 37454  
ton, and the fee levied under division (B)(3) of this section 37455  
shall be not more than the fee levied under division (B)(1) of 37456  
this section. 37457

Prior to the approval of the solid waste management plan of a 37458  
district under section 3734.55 of the Revised Code, the solid 37459  
waste management policy committee of a district may levy fees 37460  
under this division by adopting a resolution establishing the 37461  
proposed amount of the fees. Upon adopting the resolution, the 37462  
committee shall deliver a copy of the resolution to the board of 37463  
county commissioners of each county forming the district and to 37464  
the legislative authority of each municipal corporation and 37465  
township under the jurisdiction of the district and shall prepare 37466  
and publish the resolution and a notice of the time and location 37467  
where a public hearing on the fees will be held. Upon adopting the 37468  
resolution, the committee shall deliver written notice of the 37469

adoption of the resolution; of the amount of the proposed fees; 37470  
and of the date, time, and location of the public hearing to the 37471  
director and to the fifty industrial, commercial, or institutional 37472  
generators of solid wastes within the district that generate the 37473  
largest quantities of solid wastes, as determined by the 37474  
committee, and to their local trade associations. The committee 37475  
shall make good faith efforts to identify those generators within 37476  
the district and their local trade associations, but the 37477  
nonprovision of notice under this division to a particular 37478  
generator or local trade association does not invalidate the 37479  
proceedings under this division. The publication shall occur at 37480  
least thirty days before the hearing. After the hearing, the 37481  
committee may make such revisions to the proposed fees as it 37482  
considers appropriate and thereafter, by resolution, shall adopt 37483  
the revised fee schedule. Upon adopting the revised fee schedule, 37484  
the committee shall deliver a copy of the resolution doing so to 37485  
the board of county commissioners of each county forming the 37486  
district and to the legislative authority of each municipal 37487  
corporation and township under the jurisdiction of the district. 37488  
Within sixty days after the delivery of a copy of the resolution 37489  
adopting the proposed revised fees by the policy committee, each 37490  
such board and legislative authority, by ordinance or resolution, 37491  
shall approve or disapprove the revised fees and deliver a copy of 37492  
the ordinance or resolution to the committee. If any such board or 37493  
legislative authority fails to adopt and deliver to the policy 37494  
committee an ordinance or resolution approving or disapproving the 37495  
revised fees within sixty days after the policy committee 37496  
delivered its resolution adopting the proposed revised fees, it 37497  
shall be conclusively presumed that the board or legislative 37498  
authority has approved the proposed revised fees. The committee 37499  
shall determine if the resolution has been ratified in the same 37500  
manner in which it determines if a draft solid waste management 37501  
plan has been ratified under division (B) of section 3734.55 of 37502

the Revised Code. 37503

The committee may amend the schedule of fees levied pursuant 37504  
to a resolution adopted and ratified under this division by 37505  
adopting a resolution establishing the proposed amount of the 37506  
amended fees. The committee may repeal the fees levied pursuant to 37507  
such a resolution by adopting a resolution proposing to repeal 37508  
them. Upon adopting such a resolution, the committee shall proceed 37509  
to obtain ratification of the resolution in accordance with this 37510  
division. 37511

Not later than fourteen days after declaring the new fees to 37512  
be ratified or the fees to be repealed under this division, the 37513  
committee shall notify by certified mail the owner or operator of 37514  
each solid waste disposal facility that is required to collect the 37515  
fees of the ratification and the amount of the fees or of the 37516  
repeal of the fees. Collection of any fees shall commence or 37517  
collection of repealed fees shall cease on the first day of the 37518  
second month following the month in which notification is sent to 37519  
the owner or operator. 37520

Fees levied under this division also may be established, 37521  
amended, or repealed by a solid waste management policy committee 37522  
through the adoption of a new district solid waste management 37523  
plan, the adoption of an amended plan, or the amendment of the 37524  
plan or amended plan in accordance with sections 3734.55 and 37525  
3734.56 of the Revised Code or the adoption or amendment of a 37526  
district plan in connection with a change in district composition 37527  
under section 3734.521 of the Revised Code. 37528

Not later than fourteen days after the director issues an 37529  
order approving a district's solid waste management plan, amended 37530  
plan, or amendment to a plan or amended plan that establishes, 37531  
amends, or repeals a schedule of fees levied by the district, the 37532  
committee shall notify by certified mail the owner or operator of 37533  
each solid waste disposal facility that is required to collect the 37534

fees of the approval of the plan or amended plan, or the amendment 37535  
to the plan, as appropriate, and the amount of the fees, if any. 37536  
In the case of an initial or amended plan approved under section 37537  
3734.521 of the Revised Code in connection with a change in 37538  
district composition, other than one involving the withdrawal of a 37539  
county from a joint district, the committee, within fourteen days 37540  
after the change takes effect pursuant to division (G) of that 37541  
section, shall notify by certified mail the owner or operator of 37542  
each solid waste disposal facility that is required to collect the 37543  
fees that the change has taken effect and of the amount of the 37544  
fees, if any. Collection of any fees shall commence or collection 37545  
of repealed fees shall cease on the first day of the second month 37546  
following the month in which notification is sent to the owner or 37547  
operator. 37548

If, in the case of a change in district composition involving 37549  
the withdrawal of a county from a joint district, the director 37550  
completes the actions required under division (G)(1) or (3) of 37551  
section 3734.521 of the Revised Code, as appropriate, forty-five 37552  
days or more before the beginning of a calendar year, the policy 37553  
committee of each of the districts resulting from the change that 37554  
obtained the director's approval of an initial or amended plan in 37555  
connection with the change, within fourteen days after the 37556  
director's completion of the required actions, shall notify by 37557  
certified mail the owner or operator of each solid waste disposal 37558  
facility that is required to collect the district's fees that the 37559  
change is to take effect on the first day of January immediately 37560  
following the issuance of the notice and of the amount of the fees 37561  
or amended fees levied under divisions (B)(1) to (3) of this 37562  
section pursuant to the district's initial or amended plan as so 37563  
approved or, if appropriate, the repeal of the district's fees by 37564  
that initial or amended plan. Collection of any fees set forth in 37565  
such a plan or amended plan shall commence on the first day of 37566  
January immediately following the issuance of the notice. If such 37567

an initial or amended plan repeals a schedule of fees, collection 37568  
of the fees shall cease on that first day of January. 37569

If, in the case of a change in district composition involving 37570  
the withdrawal of a county from a joint district, the director 37571  
completes the actions required under division (G)(1) or (3) of 37572  
section 3734.521 of the Revised Code, as appropriate, less than 37573  
forty-five days before the beginning of a calendar year, the 37574  
director, on behalf of each of the districts resulting from the 37575  
change that obtained the director's approval of an initial or 37576  
amended plan in connection with the change proceedings, shall 37577  
notify by certified mail the owner or operator of each solid waste 37578  
disposal facility that is required to collect the district's fees 37579  
that the change is to take effect on the first day of January 37580  
immediately following the mailing of the notice and of the amount 37581  
of the fees or amended fees levied under divisions (B)(1) to (3) 37582  
of this section pursuant to the district's initial or amended plan 37583  
as so approved or, if appropriate, the repeal of the district's 37584  
fees by that initial or amended plan. Collection of any fees set 37585  
forth in such a plan or amended plan shall commence on the first 37586  
day of the second month following the month in which notification 37587  
is sent to the owner or operator. If such an initial or amended 37588  
plan repeals a schedule of fees, collection of the fees shall 37589  
cease on the first day of the second month following the month in 37590  
which notification is sent to the owner or operator. 37591

If the schedule of fees that a solid waste management 37592  
district is levying under divisions (B)(1) to (3) of this section 37593  
is amended or repealed, the fees in effect immediately prior to 37594  
the amendment or repeal shall continue to be collected until 37595  
collection of the amended fees commences or collection of the 37596  
repealed fees ceases, as applicable, as specified in this 37597  
division. In the case of a change in district composition, money 37598  
so received from the collection of the fees of the former 37599

districts shall be divided among the resulting districts in 37600  
accordance with division (B) of section 343.012 of the Revised 37601  
Code and the agreements entered into under division (B) of section 37602  
343.01 of the Revised Code to establish the former and resulting 37603  
districts and any amendments to those agreements. 37604

For the purposes of the provisions of division (B) of this 37605  
section establishing the times when newly established or amended 37606  
fees levied by a district are required to commence and the 37607  
collection of fees that have been amended or repealed is required 37608  
to cease, "fees" or "schedule of fees" includes, in addition to 37609  
fees levied under divisions (B)(1) to (3) of this section, those 37610  
levied under section 3734.573 or 3734.574 of the Revised Code. 37611

(C) For the purposes of defraying the added costs to a 37612  
municipal corporation or township of maintaining roads and other 37613  
public facilities and of providing emergency and other public 37614  
services, and compensating a municipal corporation or township for 37615  
reductions in real property tax revenues due to reductions in real 37616  
property valuations resulting from the location and operation of a 37617  
solid waste disposal facility within the municipal corporation or 37618  
township, a municipal corporation or township in which such a 37619  
solid waste disposal facility is located may levy a fee of not 37620  
more than twenty-five cents per ton on the disposal of solid 37621  
wastes at a solid waste disposal facility located within the 37622  
boundaries of the municipal corporation or township regardless of 37623  
where the wastes were generated. 37624

The legislative authority of a municipal corporation or 37625  
township may levy fees under this division by enacting an 37626  
ordinance or adopting a resolution establishing the amount of the 37627  
fees. Upon so doing the legislative authority shall mail a 37628  
certified copy of the ordinance or resolution to the board of 37629  
county commissioners or directors of the county or joint solid 37630  
waste management district in which the municipal corporation or 37631

township is located or, if a regional solid waste management 37632  
authority has been formed under section 343.011 of the Revised 37633  
Code, to the board of trustees of that regional authority, the 37634  
owner or operator of each solid waste disposal facility in the 37635  
municipal corporation or township that is required to collect the 37636  
fee by the ordinance or resolution, and the director of 37637  
environmental protection. Although the fees levied under this 37638  
division are levied on the basis of tons as the unit of 37639  
measurement, the legislative authority, in its ordinance or 37640  
resolution levying the fees under this division, may direct that 37641  
the fees be levied on the basis of cubic yards as the unit of 37642  
measurement based upon a conversion factor of three cubic yards 37643  
per ton generally or one cubic yard per ton for baled wastes. 37644

Not later than five days after enacting an ordinance or 37645  
adopting a resolution under this division, the legislative 37646  
authority shall so notify by certified mail the owner or operator 37647  
of each solid waste disposal facility that is required to collect 37648  
the fee. Collection of any fee levied on or after March 24, 1992, 37649  
shall commence on the first day of the second month following the 37650  
month in which notification is sent to the owner or operator. 37651

(D)(1) The fees levied under divisions (A), (B), and (C) of 37652  
this section do not apply to the disposal of solid wastes that: 37653

(a) Are disposed of at a facility owned by the generator of 37654  
the wastes when the solid waste facility exclusively disposes of 37655  
solid wastes generated at one or more premises owned by the 37656  
generator regardless of whether the facility is located on a 37657  
premises where the wastes are generated; 37658

(b) Are generated from the combustion of coal, or from the 37659  
combustion of primarily coal, regardless of whether the disposal 37660  
facility is located on the premises where the wastes are 37661  
generated; 37662

(c) Are asbestos or asbestos-containing materials or products 37663  
disposed of at a construction and demolition debris facility that 37664  
is licensed under Chapter 3714. of the Revised Code or at a solid 37665  
waste facility that is licensed under this chapter. 37666

(2) Except as provided in section 3734.571 of the Revised 37667  
Code, any fees levied under division (B)(1) of this section apply 37668  
to solid wastes originating outside the boundaries of a county or 37669  
joint district that are covered by an agreement for the joint use 37670  
of solid waste facilities entered into under section 343.02 of the 37671  
Revised Code by the board of county commissioners or board of 37672  
directors of the county or joint district where the wastes are 37673  
generated and disposed of. 37674

(3) When solid wastes, other than solid wastes that consist 37675  
of scrap tires, are burned in a disposal facility that is an 37676  
incinerator or energy recovery facility, the fees levied under 37677  
divisions (A), (B), and (C) of this section shall be levied upon 37678  
the disposal of the fly ash and bottom ash remaining after burning 37679  
of the solid wastes and shall be collected by the owner or 37680  
operator of the sanitary landfill where the ash is disposed of. 37681

(4) When solid wastes are delivered to a solid waste transfer 37682  
facility, the fees levied under divisions (B) and (C) of this 37683  
section shall be levied upon the disposal of solid wastes 37684  
transported off the premises of the transfer facility for disposal 37685  
and shall be collected by the owner or operator of the solid waste 37686  
disposal facility where the wastes are disposed of. 37687

(5) The fees levied under divisions (A), (B), and (C) of this 37688  
section do not apply to sewage sludge that is generated by a waste 37689  
water treatment facility holding a national pollutant discharge 37690  
elimination system permit and that is disposed of through 37691  
incineration, land application, or composting or at another 37692  
resource recovery or disposal facility that is not a landfill. 37693

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(8) The director of environmental protection may issue an order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director of environmental protection, or the director of administrative services on behalf of the director of environmental protection for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director of environmental protection has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination. An order issued by the director of environmental protection under division (D)(8) of this section shall include a

determination that the amount of the fees not received by a solid waste management district as a result of the order will not adversely impact the implementation and financing of the district's approved solid waste management plan and any approved amendments to the plan. Such an order is a final action of the director of environmental protection.

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in

a similar capacity under a county charter, in a county district or 37758  
to the county treasurer or other official designated by the board 37759  
of directors in a joint district and kept in a separate and 37760  
distinct fund to the credit of the district. If a regional solid 37761  
waste management authority has been formed under section 343.011 37762  
of the Revised Code, moneys received by the board of trustees of 37763  
that regional authority under division (E) of this section shall 37764  
be kept by the board in a separate and distinct fund to the credit 37765  
of the district. Moneys in the special fund of the county or joint 37766  
district arising from the fees levied under division (B) of this 37767  
section and the fee levied under division (A) of section 3734.573 37768  
of the Revised Code shall be expended by the board of county 37769  
commissioners or directors of the district in accordance with the 37770  
district's solid waste management plan or amended plan approved 37771  
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 37772  
exclusively for the following purposes: 37773

(1) Preparation of the solid waste management plan of the 37774  
district under section 3734.54 of the Revised Code, monitoring 37775  
implementation of the plan, and conducting the periodic review and 37776  
amendment of the plan required by section 3734.56 of the Revised 37777  
Code by the solid waste management policy committee; 37778

(2) Implementation of the approved solid waste management 37779  
plan or amended plan of the district, including, without 37780  
limitation, the development and implementation of solid waste 37781  
recycling or reduction programs; 37782

(3) Providing financial assistance to boards of health within 37783  
the district, if solid waste facilities are located within the 37784  
district, for enforcement of this chapter and rules, orders, and 37785  
terms and conditions of permits, licenses, and variances adopted 37786  
or issued under it, other than the hazardous waste provisions of 37787  
this chapter and rules adopted and orders and terms and conditions 37788  
of permits issued under those provisions; 37789

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;	37790 37791 37792 37793 37794 37795
(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;	37796 37797 37798 37799 37800 37801
(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;	37802 37803 37804 37805
(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;	37806 37807 37808 37809 37810
(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;	37811 37812 37813 37814 37815 37816 37817 37818 37819
(9) Providing financial assistance to individual municipal	37820

corporations and townships within the district to defray their 37821  
added costs of maintaining roads and other public facilities and 37822  
of providing emergency and other public services resulting from 37823  
the location and operation within their boundaries of a 37824  
composting, energy or resource recovery, incineration, or 37825  
recycling facility that either is owned by the district or is 37826  
furnishing solid waste management facility or recycling services 37827  
to the district pursuant to a contract or agreement with the board 37828  
of county commissioners or directors of the district; 37829

(10) Payment of any expenses that are agreed to, awarded, or 37830  
ordered to be paid under section 3734.35 of the Revised Code and 37831  
of any administrative costs incurred pursuant to that section. In 37832  
the case of a joint solid waste management district, if the board 37833  
of county commissioners of one of the counties in the district is 37834  
negotiating on behalf of affected communities, as defined in that 37835  
section, in that county, the board shall obtain the approval of 37836  
the board of directors of the district in order to expend moneys 37837  
for administrative costs incurred. 37838

Prior to the approval of the district's solid waste 37839  
management plan under section 3734.55 of the Revised Code, moneys 37840  
in the special fund of the district arising from the fees shall be 37841  
expended for those purposes in the manner prescribed by the solid 37842  
waste management policy committee by resolution. 37843

Notwithstanding division (G)(6) of this section as it existed 37844  
prior to October 29, 1993, or any provision in a district's solid 37845  
waste management plan prepared in accordance with division 37846  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 37847  
prior to that date, any moneys arising from the fees levied under 37848  
division (B)(3) of this section prior to January 1, 1994, may be 37849  
expended for any of the purposes authorized in divisions (G)(1) to 37850  
(10) of this section. 37851

(H) The director shall adopt rules in accordance with Chapter 37852

119. of the Revised Code prescribing procedures for collecting and 37853  
forwarding the fees levied under divisions (B) and (C) of this 37854  
section to the boards of county commissioners or directors of 37855  
county or joint solid waste management districts and to the 37856  
treasurers or other officers of municipal corporations and the 37857  
fiscal officers of townships. The rules also shall prescribe the 37858  
dates for forwarding the fees to the boards and officials and may 37859  
prescribe any other requirements the director considers necessary 37860  
or appropriate to implement and administer divisions (A), (B), and 37861  
(C) of this section. 37862

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to 37863  
defray the cost of administering and enforcing the scrap tire 37864  
provisions of this chapter, rules adopted under those provisions, 37865  
and terms and conditions of orders, variances, and licenses issued 37866  
under those provisions; to abate accumulations of scrap tires; to 37867  
make grants supporting market development activities for scrap 37868  
tires and synthetic rubber from tire manufacturing processes and 37869  
tire recycling processes and to support scrap tire amnesty and 37870  
cleanup events; to make loans to promote the recycling or recovery 37871  
of energy from scrap tires; and to defray the costs of 37872  
administering and enforcing sections 3734.90 to 3734.9014 of the 37873  
Revised Code, a fee of fifty cents per tire is hereby levied on 37874  
the sale of tires. The proceeds of the fee shall be deposited in 37875  
the state treasury to the credit of the scrap tire management fund 37876  
created in section 3734.82 of the Revised Code. The fee is levied 37877  
from the first day of the calendar month that begins next after 37878  
thirty days from October 29, 1993, through June 30, ~~2020~~ 2022. 37879

(2) Beginning on July 1, 2011, and ending on June 30, ~~2020~~ 37880  
2022, there is hereby levied an additional fee of fifty cents per 37881  
tire on the sale of tires the proceeds of which shall be deposited 37882  
in the state treasury to the credit of the soil and water 37883  
conservation district assistance fund created in section 940.15 of 37884

the Revised Code. 37885

(B) Only one sale of the same article shall be used in 37886  
computing the amount of the fee due. 37887

**Sec. 3735.31.** A metropolitan housing authority created under 37888  
sections 3735.27 to 3735.50 of the Revised Code constitutes a body 37889  
corporate and politic. Nothing in this chapter shall limit the 37890  
authority of a metropolitan housing authority, or a nonprofit 37891  
corporation formed by a metropolitan housing authority to carry 37892  
out its functions, to compete for and perform federal housing 37893  
contracts or grants within or outside this state. To clear, plan, 37894  
redevelop, and rebuild slum areas within the district in which the 37895  
authority is created; to provide safe and sanitary housing 37896  
accommodations to families of low income within that district; to 37897  
make available, acquire, construct, improve, manage, lease, or own 37898  
mixed-use or mixed-income developments, or a combination of such 37899  
developments; or to accomplish any combination of the foregoing 37900  
public purposes, the authority may do any of the following: 37901

(A) Sue and be sued; have a seal; have corporate succession; 37902  
receive grants from state, federal, or other governments, or from 37903  
private sources; conduct investigations into housing and living 37904  
conditions; enter any buildings or property in order to conduct 37905  
its investigations; conduct examinations, subpoena, and require 37906  
the attendance of witnesses and the production of books and 37907  
papers; issue commissions for the examination of witnesses who are 37908  
out of the state or unable to attend before the authority or 37909  
excused from attendance; and in connection with these powers, any 37910  
member of the authority may administer oaths, take affidavits, and 37911  
issue subpoenas; 37912

(B) Determine what areas constitute slum areas, and prepare 37913  
plans for housing or other projects in those areas; purchase, 37914  
lease, sell, exchange, transfer, assign, or mortgage any property, 37915

real or personal, or any interest in that property, or acquire the 37916  
same by gift, bequest, or eminent domain; own, hold, clear, and 37917  
improve property; provide and set aside housing projects, or 37918  
dwelling units comprising portions of housing projects, designed 37919  
especially for the use of families, the head of which or the 37920  
spouse of which is sixty-five years of age or older; engage in, or 37921  
contract for, the construction, reconstruction, alteration, or 37922  
repair, or both, of any housing project or part of any housing 37923  
project; participate in partnerships or joint ventures relating to 37924  
the development of housing or projects with other public or 37925  
private entities; include in any contract let in connection with a 37926  
project, stipulations requiring that the contractor and any 37927  
subcontractors comply with requirements as to minimum wages and 37928  
maximum hours of labor, and comply with any conditions that the 37929  
federal government has attached to its financial aid of the 37930  
project; lease or operate, or both, any project, and establish or 37931  
revise schedules of rents for any projects or part of any project; 37932  
arrange with the county or municipal corporations, or both, for 37933  
the planning and replanning of streets, alleys, and other public 37934  
places or facilities in connection with any area or project; 37935  
borrow money upon its notes, debentures, or other evidences of 37936  
indebtedness, and secure the same by mortgages upon property held 37937  
or to be held by it, or by pledge of its revenues, or in any other 37938  
manner; invest any funds held in reserves or sinking funds or not 37939  
required for immediate disbursements; enter into a shared service 37940  
agreement with another metropolitan housing authority; execute 37941  
contracts and all other instruments necessary or convenient to the 37942  
exercise of the powers granted in this section; make, amend, and 37943  
repeal bylaws and rules to carry into effect its powers and 37944  
purposes; 37945

(C) Borrow money or accept grants or other financial 37946  
assistance from the federal government for or in aid of any 37947  
housing project within its territorial limits; take over or lease 37948

or manage any housing project or undertaking constructed or owned 37949  
by the federal government; comply with any conditions and enter 37950  
into any mortgages, trust indentures, leases, or agreements that 37951  
are necessary, convenient, or desirable; 37952

(D) Subject to section 3735.311 of the Revised Code, employ a 37953  
police force to protect the lives and property of the residents of 37954  
housing projects within the district, to preserve the peace in the 37955  
housing projects, and to enforce the laws, ordinances, and 37956  
regulations of this state and its political subdivisions in the 37957  
housing projects and, when authorized by law, outside the limits 37958  
of the housing projects. 37959

(E) Enter into an agreement with a county, municipal 37960  
corporation, or township in whose jurisdiction the metropolitan 37961  
housing authority is located that permits metropolitan housing 37962  
authority police officers employed under division (D) of this 37963  
section to exercise full arrest powers as provided in section 37964  
2935.03 of the Revised Code, perform any police function, exercise 37965  
any police power, or render any police service within specified 37966  
areas of the county, municipal corporation, or township for the 37967  
purpose of preserving the peace and enforcing all laws of the 37968  
state, ordinances of the municipal corporation, or regulations of 37969  
the township. 37970

**Sec. 3735.33.** Any two or more metropolitan housing 37971  
authorities created under sections 3735.27 to 3735.50 of the 37972  
Revised Code, may join or cooperate with one another in the 37973  
exercise, either jointly or otherwise, of any or all of their 37974  
powers relative to the purpose of financing as provided in 37975  
sections 3735.31 and 3735.45 to 3735.49 of the Revised Code. The 37976  
moneys received from such joint or cooperative financing may be 37977  
used for planning, undertaking, owning, constructing, operating, 37978  
or contracting with respect to a housing project or projects 37979

located within the area of operation of any one or more of the 37980  
authorities. An authority may by resolution prescribe and 37981  
authorize any other authority or authorities, joining or 37982  
cooperating with it, to act on its behalf with respect to any or 37983  
all powers relative to the purpose of financing, as its agent or 37984  
otherwise, in the name of the authority or authorities so joining 37985  
or cooperating, or in its own name. 37986

Any two or more metropolitan housing authorities created 37987  
under sections 3735.27 to 3735.50 of the Revised Code may enter 37988  
into a shared service agreement. 37989

A metropolitan housing authority may, directly or through its 37990  
subsidiaries or instrumentalities, provide, consult, sell, 37991  
license, transfer, or contract to provide to other metropolitan 37992  
housing authorities, public housing authorities, or other 37993  
organizations formed inside or outside of this state, or to 37994  
government agencies, housing-related knowledge, technology, 37995  
software, innovations, or expertise for any of the following: 37996

(A) The development or redevelopment of housing projects; 37997

(B) The performance of federal housing contracts or grants; 37998

(C) Any matter related to the efficient operation of housing 37999  
organizations; 38000

(D) The management or operation of a metropolitan housing 38001  
authority or redevelopment authority. 38002

**Sec. 3735.40.** As used in sections 3735.27, 3735.31, and 38003  
3735.40 to 3735.50 of the Revised Code: 38004

(A) "Federal government" includes the United States, the 38005  
federal works administrator, or any other agency or 38006  
instrumentality, corporate or otherwise, of the United States. 38007

(B) "Slum" has the meaning defined in section 1.08 of the 38008  
Revised Code. 38009

(C) "Housing project" or "project" means any of the following works or undertakings: 38010  
38011

(1) Demolish, clear, or remove buildings from any slum area. 38012  
Such work or undertaking may embrace the adaptation of such area 38013  
to public purposes, including parks or other recreational or 38014  
community purposes. 38015

(2) Provide decent, safe, and sanitary urban or rural 38016  
dwellings, apartments, or other living accommodations for persons 38017  
of low income. 38018

(3) Provide for buildings, land, equipment, facilities, and 38019  
other real or personal property for necessary, convenient, or 38020  
desirable appurtenances, streets, sewers, water service, parks, 38021  
site preparation, gardening, administrative, community, health, 38022  
recreational, educational, welfare, commercial, residential, or 38023  
other purposes. 38024

(4) Accomplish a combination of the foregoing. "Housing 38025  
project" also may be applied to the planning of the buildings and 38026  
improvements, the acquisition of property, the demolition of 38027  
existing structures, the construction, reconstruction, alteration, 38028  
and repair of the improvements, and all other work in connection 38029  
therewith. 38030

(D) "Families of low income" ~~means~~ and "persons of low 38031  
income" mean persons or families who lack the amount of income 38032  
which is necessary, as determined by the metropolitan housing 38033  
authority undertaking the housing project, to enable them, without 38034  
financial assistance, to live in decent, safe, and sanitary 38035  
dwellings, without overcrowding. The terms include persons or 38036  
families as defined by federal law or regulations who are eligible 38037  
for a federally derived rent subsidy. 38038

(E) "Families" means families consisting of two or more 38039  
persons, a single person who has attained the age at which an 38040

individual may elect to receive an old age benefit under Title II 38041  
of the "Social Security Act" or is under disability as defined in 38042  
section 223 of that act, 49 Stat. 622 (1935), 42 U.S.C.A. 401, as 38043  
amended, or the remaining member of a tenant family. 38044

(F) "Families" also means a single person discharged by the 38045  
head of a hospital pursuant to section 5122.21 of the Revised Code 38046  
after March 10, 1964. 38047

(G) "Mixed-income development" means a development that 38048  
includes decent, safe, and sanitary urban or rural dwellings, 38049  
apartments, or other living accommodations for persons or families 38050  
of varying incomes. 38051

(H) "Mixed-use development" means a development that is both 38052  
residential and nonresidential in character. 38053

**Sec. 3735.41.** Except as otherwise provided in section 3735.43 38054  
of the Revised Code, in the operation or management of housing 38055  
projects a metropolitan housing authority shall observe the 38056  
following with respect to rentals and tenant selection: 38057

(A)(1) It shall not provide a federally derived rent subsidy 38058  
to any tenant for any dwelling in a housing project if the persons 38059  
who would occupy the dwelling have an aggregate annual net income 38060  
that equals or exceeds the amount that the authority determines to 38061  
be necessary to enable such persons to do both of the following: 38062

(a) Secure safe, sanitary, and uncongested dwelling 38063  
accommodations within the area of operation of the authority; 38064

(b) Provide an adequate standard of living for themselves. 38065

(2) As used in this division, "aggregate annual net income" 38066  
means the aggregate annual income less the deductions and 38067  
exemptions from that income authorized by law or regulations 38068  
established by the United States department of housing and urban 38069  
development. 38070

(B) ~~It~~ (1) Except as provided in division (B)(2) of this section, it may rent or lease the dwelling accommodations therein only at rentals within the financial reach of persons who lack the amount of income which it determines, pursuant to division (A) of this section, to be necessary in order to obtain safe, sanitary, and uncongested dwelling accommodations within the area of operation of the authority and to provide an adequate standard of living. 38071  
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(2) It may rent or lease to nonresidential tenants and persons of varying incomes within a project, mixed-use development, or mixed-income development. 38079  
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(C) It may use a federally derived rent subsidy to rent or lease to a tenant a dwelling consisting of the number of rooms, but no greater number, which it considers necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding. 38082  
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Sections 3735.27 to 3735.50 of the Revised Code do not limit the power of an authority to vest in a bondholder the right, in the event of a default by such authority, to take possession of a housing project or cause the appointment of a receiver thereof or acquire title thereto through foreclosure proceedings, free from all the restrictions imposed by such sections. 38087  
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**Sec. 3735.661.** (A) For the purpose of determining the "first two amendments" referenced in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th general assembly, an amendment means any modification to an ordinance or resolution adopted under section 3735.66 of the Revised Code that does any of the following: 38093  
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(1) Expands the geographic size of a community reinvestment area; 38098  
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(2) Increases a property's or category of property's exempted 38100

percentage of assessed valuation, notwithstanding the requirements 38101  
of section 3735.66 of the Revised Code as that section existed on 38102  
July 21, 1994. Division (A)(2) of this section does not authorize 38103  
a municipal corporation or county to increase a property's or 38104  
category of property's exempted percentage of assessed valuation 38105  
pursuant to that section. 38106

(3) Increases the term of any tax exemption or category of 38107  
tax exemptions, except as provided in division (B)~~(6)~~(7) of this 38108  
section; 38109

(4) Extends the duration of a community reinvestment area; 38110

(5) Changes eligibility requirements for receiving tax 38111  
exemptions. 38112

(B) For the purpose of determining the "first two amendments" 38113  
in division (B) of Section 3 of Am. Sub. S.B. 19 of the 120th 38114  
general assembly, an amendment does not include any modification 38115  
to an ordinance or resolution adopted under section 3735.66 of the 38116  
Revised Code that does any of the following: 38117

(1) Restricts the availability of tax exemptions, including 38118  
any of the following: 38119

(a) Removes area from or decreases the geographic size of a 38120  
community reinvestment area; 38121

(b) Decreases a property's or category of property's exempted 38122  
percentage of assessed valuation, notwithstanding the requirements 38123  
of section 3735.66 of the Revised Code as that section existed on 38124  
July 21, 1994. Division (B)(1)(b) of this section does not 38125  
authorize a municipal corporation or county to decrease a 38126  
property's or category of property's exempted percentage of 38127  
assessed valuation pursuant to that section. 38128

(c) Decreases the term of any tax exemption or category of 38129  
exemption; 38130

(d) Shortens the period of time after which the granting of tax exemptions may be terminated.	38131 38132
(2) <u>Requires property owners or developers to enter into an agreement to provide a number of affordable housing units as a condition of granting, continuing, or revoking an exemption, and authorizing municipal or county officials to implement such conditions and agreements;</u>	38133 38134 38135 38136 38137
(3) Recognizes or confirms the continuing existence of a community reinvestment area, including by providing a date after which the area may be terminated;	38138 38139 38140
<del>(3)</del> (4) Recognizes or confirms a previously granted tax exemption;	38141 38142
<del>(4)</del> (5) Clarifies ambiguities or corrects defects in previously enacted ordinances or resolutions;	38143 38144
<del>(5)</del> (6) Makes modifications that are procedural or administrative, including changing the designation of a housing officer, the process for approving or appealing a tax exemption, or the amount of any application fee, or modifying a community reinvestment area housing council created under section 3735.69 of the Revised Code or a tax incentive review council under section 5709.85 of the Revised Code;	38145 38146 38147 38148 38149 38150 38151
<del>(6)</del> (7) Increases the term of tax exemption for remodeling to not more than that authorized by H.B. 463 of the 131st general assembly for an exemption application that has been filed but not yet granted, or has been filed, on or after April 6, 2017, or that is filed on or after any other later date, provided the maximum term of the exemption for such remodeling before the ordinance's or resolution's modification was the maximum term allowed under division (D)(1) or (2) of section 3735.67 of the Revised Code as that section existed before its amendment by H.B. 463 of the 131st general assembly.	38152 38153 38154 38155 38156 38157 38158 38159 38160 38161

Sec. 3738.01. (A) As used in this section and sections 38162  
3738.02 to 3738.09 of the Revised Code, "pregnancy-associated 38163  
death" means the death of a woman while pregnant or anytime within 38164  
one year of pregnancy regardless of cause. 38165

(B) There is hereby established in the department of health a 38166  
pregnancy-associated mortality review (PAMR) board to identify and 38167  
review all pregnancy-associated deaths statewide for the purpose 38168  
of reducing the incidence of those deaths. 38169

Sec. 3738.02. The PAMR board may not conduct a review of a 38170  
pregnancy-associated death while an investigation of the death or 38171  
prosecution of a person for causing the death is pending unless 38172  
the prosecuting attorney agrees to allow the review. The law 38173  
enforcement agency conducting the criminal investigation, on the 38174  
conclusion of the investigation, and the prosecuting attorney 38175  
prosecuting the case, on the conclusion of the prosecution, shall 38176  
notify the chairperson of the PAMR board of the conclusion. 38177

Sec. 3738.03. All of the following apply with respect to the 38178  
PAMR board: 38179

(A) The director of health shall appoint the board's members. 38180  
In doing so, the director shall make a good faith effort to select 38181  
members who represent all regions of the state and multiple areas 38182  
of expertise and constituencies concerned with the care of 38183  
pregnant and postpartum women. 38184

(B) The board, by a majority vote of a quorum of its members, 38185  
shall select an individual to serve as its chairperson. The board 38186  
may replace a chairperson in the same manner. 38187

(C) An appointed member shall hold office until a successor 38188  
is appointed. The director of health shall fill a vacancy as soon 38189  
as practicable. 38190

(D) A member shall not receive any compensation for, and shall not be paid for any expenses incurred pursuant to, fulfilling the member's duties on the board. 38191  
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(E) The board shall meet at the call of the board's chairperson as often as the chairperson determines necessary for timely completion of pregnancy-associated death reviews. The reviews shall be conducted in accordance with rules adopted under section 3738.09 of the Revised Code. 38194  
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(F) The department of health shall provide meeting space, staff services, and other technical assistance required by the board in carrying out its duties. 38199  
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**Sec. 3738.04.** The PAMR board shall seek to reduce the incidence of pregnancy-associated deaths in this state by doing all of the following: 38202  
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(A) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, and entities that serve pregnant and postpartum women and families; 38205  
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(B) Recommending and developing plans for implementing service and program changes, as well as changes to the groups, professions, agencies, and entities that serve pregnant and postpartum women and families; 38208  
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(C) Providing the department of health with aggregate data, trends, and patterns regarding pregnancy-associated deaths using data and other relevant information specified in rules adopted under section 3738.09 of the Revised Code; 38212  
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(D) Developing effective interventions to reduce the mortality of pregnant and postpartum women. 38216  
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**Sec. 3738.05.** (A) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, 38218  
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and except as provided in division (B) of this section, an 38220  
individual, government entity, agency that provides services 38221  
specifically to individuals or families, law enforcement agency, 38222  
health care provider, or other public or private entity that 38223  
provided services to a woman whose death is being reviewed by the 38224  
PAMR board shall submit to the board a copy of any record it 38225  
possesses that the board requests. In addition, such an individual 38226  
or entity may make available to the board additional information, 38227  
documents, or reports that could be useful to the board's 38228  
investigation. 38229

(B) No person, government entity, law enforcement agency, or 38230  
prosecuting attorney shall provide any information regarding a 38231  
pregnancy-associated death while an investigation of the death or 38232  
prosecution of a person for causing the death is pending unless 38233  
the prosecuting attorney agrees to allow the review. 38234

(C) A family member of the deceased may decline to 38235  
participate in an interview as part of the review process. In that 38236  
case, the review shall continue without the family member's 38237  
participation. 38238

**Sec. 3738.06.** (A) Any record, document, report, or other 38239  
information presented to the PAMR board, as well as all statements 38240  
made by board members during board meetings, all work products of 38241  
the board, and data submitted to the department of health by the 38242  
board, other than the triennial reports described in section 38243  
3738.08 of the Revised Code, are confidential and not a public 38244  
record under section 149.43 of the Revised Code. Such materials 38245  
shall be used by the board and department only in the exercise of 38246  
the proper functions of the board and department. 38247

(B) No person shall permit or encourage the unauthorized 38248  
dissemination of confidential information described in division 38249

<u>(A) of this section.</u>	38250
<u>(C) Whoever violates division (B) of this section is guilty of a misdemeanor of the second degree.</u>	38251 38252
<u>Sec. 3738.07. (A) An individual or public or private entity providing records, documents, reports, or other information to the PAMR board is immune from any civil liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of providing the records, documents, reports, or information to the board.</u>	38253 38254 38255 38256 38257 38258
<u>(B) Each board member is immune from any civil liability for injury, death, or loss to person or property that might otherwise be incurred or imposed as a result of the member's participation on the board.</u>	38259 38260 38261 38262
<u>Sec. 3738.08. (A) The PAMR board shall prepare a triennial report that does all of the following:</u>	38263 38264
<u>(1) Summarizes the board's findings from the reviews completed in the immediately preceding two calendar years, including any trends or patterns identified by the board;</u>	38265 38266 38267
<u>(2) Makes recommendations on how pregnancy-associated deaths may be prevented, including changes that should be made to policies and laws;</u>	38268 38269 38270
<u>(3) Includes any other information related to pregnancy-associated mortality the board considers useful.</u>	38271 38272
<u>(B) A report shall not contain individually identifiable information regarding any woman whose death was reviewed by the board.</u>	38273 38274 38275
<u>(C) The board shall submit a copy of each report to the director of health, the general assembly, and the governor. The copy to the general assembly shall be submitted in accordance with</u>	38276 38277 38278

section 101.68 of the Revised Code. The initial report shall be 38279  
submitted not later than March 1, 2020, with subsequent reports 38280  
submitted not later than March 1 every two years thereafter. 38281

The director shall make a copy of each report available on 38282  
the department of health's web site. 38283

(D) Reports prepared under this section are public records 38284  
under section 149.43 of the Revised Code. 38285

**Sec. 3738.09.** The director of health shall adopt rules that 38286  
are necessary for the implementation of sections 3738.01 to 38287  
3738.08 of the Revised Code, including rules that do all of the 38288  
following: 38289

(A) Establish a procedure for the PAMR board to follow in 38290  
conducting pregnancy-associated death reviews; 38291

(B) Specify the data and other relevant information the board 38292  
must use when conducting pregnancy-associated death reviews; 38293

(C) Establish guidelines for the board to follow to prevent 38294  
an unauthorized dissemination of confidential information in 38295  
violation of division (B) of section 3738.06 of the Revised Code. 38296

The rules shall be adopted in accordance with Chapter 119. of 38297  
the Revised Code. 38298

**Sec. 3742.03.** The director of health shall adopt rules in 38299  
accordance with Chapter 119. of the Revised Code for the 38300  
administration and enforcement of sections 3742.01 to 3742.19 and 38301  
3742.99 of the Revised Code. The rules shall specify all of the 38302  
following: 38303

(A) Procedures to be followed by a lead abatement contractor, 38304  
lead abatement project designer, lead abatement worker, lead 38305  
inspector, or lead risk assessor licensed under section 3742.05 of 38306  
the Revised Code for undertaking lead abatement activities and 38307

procedures to be followed by a clearance technician, lead 38308  
inspector, or lead risk assessor in performing a clearance 38309  
examination; 38310

(B)(1) Requirements for training and licensure, in addition 38311  
to those established under section 3742.08 of the Revised Code, to 38312  
include levels of training and periodic refresher training for 38313  
each class of worker, and to be used for licensure under section 38314  
3742.05 of the Revised Code. Except in the case of clearance 38315  
technicians, these requirements shall include at least twenty-four 38316  
classroom hours of training based on the Occupational Safety and 38317  
Health Act training program for lead set forth in 29 C.F.R. 38318  
1926.62. For clearance technicians, the training requirements to 38319  
obtain an initial license shall not exceed six hours and the 38320  
requirements for refresher training shall not exceed two hours 38321  
every four years. In establishing the training and licensure 38322  
requirements, the director shall consider the core of information 38323  
that is needed by all licensed persons, and establish the training 38324  
requirements so that persons who would seek licenses in more than 38325  
one area would not have to take duplicative course work. 38326

(2) Persons certified by the American board of industrial 38327  
hygiene as a certified industrial hygienist or as an industrial 38328  
hygienist-in-training, and persons registered as a sanitarian or 38329  
sanitarian-in-training under Chapter 4736. of the Revised Code, 38330  
shall be exempt from any training requirements for initial 38331  
licensure established under this chapter, but shall be required to 38332  
take any examinations for licensure required under section 3742.05 38333  
of the Revised Code. 38334

(C) Fees for licenses issued under section 3742.05 of the 38335  
Revised Code and for their renewal; 38336

(D) Procedures to be followed by lead inspectors, lead 38337  
abatement contractors, environmental lead analytical laboratories, 38338  
lead risk assessors, lead abatement project designers, and lead 38339

abatement workers to prevent public exposure to lead hazards and 38340  
ensure worker protection during lead abatement projects; 38341

(E)(1) Record-keeping and reporting requirements for clinical 38342  
laboratories, environmental lead analytical laboratories, lead 38343  
inspectors, lead abatement contractors, lead risk assessors, lead 38344  
abatement project designers, and lead abatement workers for lead 38345  
abatement projects and record-keeping and reporting requirements 38346  
for clinical laboratories, environmental lead analytical 38347  
laboratories, and clearance technicians for clearance 38348  
examinations; 38349

(2) Record-keeping and reporting requirements regarding lead 38350  
poisoning for physicians, ~~in addition to the requirements of~~ 38351  
~~section 3701.25 of the Revised Code;~~ 38352

(3) Information that is required to be reported under rules 38353  
based on divisions (E)(1) and (2) of this section and that is a 38354  
medical record is not a public record under section 149.43 of the 38355  
Revised Code and shall not be released, except in aggregate 38356  
statistical form. 38357

(F) Environmental sampling techniques for use in collecting 38358  
samples of air, water, dust, paint, and other materials; 38359

(G) Requirements for a respiratory protection plan prepared 38360  
in accordance with section 3742.07 of the Revised Code; 38361

(H) Requirements under which a manufacturer of encapsulants 38362  
must demonstrate evidence of the safety and durability of its 38363  
encapsulants by providing results of testing from an independent 38364  
laboratory indicating that the encapsulants meet the standards 38365  
developed by the "E06.23.30 task group on encapsulants," which is 38366  
the task group of the lead hazards associated with buildings 38367  
subcommittee of the performance of buildings committee of the 38368  
American society for testing and materials. 38369

Sec. 3742.04. (A) The director of health shall do all of the 38370  
following: 38371

(1) Administer and enforce the requirements of sections 38372  
3742.01 to 3742.19 and 3742.99 of the Revised Code and the rules 38373  
adopted pursuant to those sections; 38374

(2) Examine records and reports submitted by lead inspectors, 38375  
lead abatement contractors, lead risk assessors, lead abatement 38376  
project designers, lead abatement workers, and clearance 38377  
technicians in accordance with section 3742.05 of the Revised Code 38378  
to determine whether the requirements of this chapter are being 38379  
met; 38380

(3) Examine records and reports submitted by physicians, 38381  
pursuant to rules adopted under section 3742.03 of the Revised 38382  
Code and by clinical laboratories, and environmental lead 38383  
analytical laboratories under section ~~3701.25~~ or 3742.09 of the 38384  
Revised Code; 38385

(4) Issue approval to manufacturers of encapsulants that have 38386  
done all of the following: 38387

(a) Submitted an application for approval to the director on 38388  
a form prescribed by the director; 38389

(b) Paid the application fee established by the director; 38390

(c) Submitted results from an independent laboratory 38391  
indicating that the manufacturer's encapsulants satisfy the 38392  
requirements established in rules adopted under division (H) of 38393  
section 3742.03 of the Revised Code; 38394

(d) Complied with rules adopted by the director regarding 38395  
durability and safety to workers and residents. 38396

(5) Establish liaisons and cooperate with the directors or 38397  
agencies in states having lead abatement, licensing, 38398  
accreditation, certification, and approval programs to promote 38399

consistency between the requirements of this chapter and those of 38400  
other states in order to facilitate reciprocity of the programs 38401  
among states; 38402

(6) Establish a program to monitor and audit the quality of 38403  
work of lead inspectors, lead risk assessors, lead abatement 38404  
project designers, lead abatement contractors, lead abatement 38405  
workers, and clearance technicians. The director may refer 38406  
improper work discovered through the program to the attorney 38407  
general for appropriate action. 38408

(B) In addition to any other authority granted by this 38409  
chapter, the director of health may do any of the following: 38410

(1) Employ persons who have received training from a program 38411  
the director has determined provides the necessary background. The 38412  
appropriate training may be obtained in a state that has an 38413  
ongoing lead abatement program under which it conducts educational 38414  
programs. 38415

(2) Cooperate with the United States environmental protection 38416  
agency in any joint oversight procedures the agency may propose 38417  
for laboratories that offer lead analysis services and are 38418  
accredited under the agency's laboratory accreditation program; 38419

(3) Advise, consult, cooperate with, or enter into contracts 38420  
or cooperative agreements with any person, government entity, 38421  
interstate agency, or the federal government as the director 38422  
considers necessary to fulfill the requirements of this chapter 38423  
and the rules adopted under it. 38424

**Sec. 3742.18. (A)(1)** At the request of the director of 38425  
health, the attorney general may commence a civil action for civil 38426  
penalties and injunctive and other equitable relief against any 38427  
person who violates section 3742.02, 3742.06, or 3742.07 of the 38428  
Revised Code. The action shall be commenced in the court of common 38429

pleas of the county in which the violation occurred or is about to occur. 38430  
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(2) The court shall grant injunctive and other equitable relief on a showing that the person has violated or is about to violate section 3742.02, 3742.06, or 3742.07 of the Revised Code. On a finding of a violation, the court shall assess a civil penalty of not more than one thousand dollars. Each day a violation continues is a separate violation. All civil penalties collected by the court under this section shall be deposited into the state treasury to the credit of the lead abatement personnel licensing fund created under section 3742.19 of the Revised Code. 38432  
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(B) At the request of the director or a board of health, a prosecuting attorney, city director of law, village solicitor, or similar chief legal officer may commence a civil action for injunctive and other equitable relief against any person who violates or is about to violate an order issued by the director or board of health under section 3742.40 of the Revised Code. The court shall grant injunctive or other equitable relief on a showing that the person has violated or is about to violate the order. 38441  
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**Sec. 3742.32.** (A) The director of health shall appoint an advisory council to assist in the ongoing development and implementation of the child lead poisoning prevention program created under section 3742.31 of the Revised Code. The advisory council shall consist of the following members: 38450  
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(1) A representative of the department of medicaid; 38455

(2) A representative of the bureau of child care in the department of job and family services; 38456  
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(3) A representative of the department of environmental protection; 38458  
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(4) A representative of the department of education;	38460
(5) A representative of the development services agency;	38461
(6) A representative of the Ohio apartment owner's association;	38462 38463
(7) A representative of the Ohio <del>help end lead poisoning</del> <del>coalition</del> <u>healthy homes network</u> ;	38464 38465
(8) A representative of the Ohio environmental health association;	38466 38467
(9) An Ohio representative of the <del>national paint and</del> <u>American</u> coatings association;	38468 38469
<u>(10) A representative from Ohio realtors;</u>	38470
<u>(11) A representative of the Ohio housing finance agency;</u>	38471
<u>(12) A physician knowledgeable in the field of lead poisoning</u> <u>prevention;</u>	38472 38473
<u>(13) A representative of the public.</u>	38474
(B) The advisory council shall do both of the following:	38475
(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;	38476 38477 38478 38479
(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.	38480 38481 38482
(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.	38483 38484
<b>Sec. 3742.40.</b> If the owner and manager of a residential unit, child care facility, or school fails or refuses for any reason to comply with a lead hazard control order issued under section	38485 38486 38487

3742.37 of the Revised Code, the director of health or board of health that issued the order shall issue an order prohibiting the owner and manager from permitting the unit, facility, or school to be used ~~as a residential unit, child care facility, or school~~ for any purpose until the unit, facility, or school passes a clearance examination. On receipt of the order, the owner or manager shall take appropriate measures to notify each occupant, in the case of a residential unit, and the parent, guardian, or custodian of each child attending the facility or school, in the case of a child care facility or school, to vacate the unit, facility, or school until the unit, facility, or school passes a clearance examination. The director or board shall post a sign at the unit, facility, or school that warns the public that the unit, facility, or school has a lead hazard. The sign shall include a declaration that the unit, facility, or school is unsafe for human occupation, especially for children under six years of age and pregnant women. The director or board shall ensure that the sign remains posted at the unit, facility, or school and that the unit, facility, or school is not used ~~as a residential unit, child care facility, or school~~ until the unit, facility, or school passes a clearance examination.

**Sec. 3742.50.** (A) As used in this section:

(1) "Lead abatement costs" means costs incurred by a taxpayer for either of the following:

(a) A lead abatement specialist to conduct a lead risk assessment, a lead abatement project, or a clearance examination, provided the specialist is authorized under this chapter to conduct the respective task;

(b) Relocation costs incurred in the relocation of occupants of an eligible dwelling to achieve occupant protection, as

described in 24 C.F.R. 35.1345(a). 38518

"Lead abatement costs" do not include such costs for which 38519  
the taxpayer is reimbursed or such costs the taxpayer deducts or 38520  
excludes in computing the taxpayer's federal adjusted gross income 38521  
for federal income tax purposes or Ohio adjusted gross income as 38522  
determined under section 5747.01 of the Revised Code. 38523

(2) "Eligible dwelling" means a residential unit constructed 38524  
in this state before 1978. 38525

(3) "Lead abatement specialist" means an individual who holds 38526  
a valid license issued under section 3742.05 of the Revised Code. 38527

(4) "Taxable year" and "taxpayer" have the same meanings as 38528  
in section 5747.01 of the Revised Code. 38529

(B) A taxpayer who incurs lead abatement costs on an eligible 38530  
dwelling during a taxable year may apply to the director of health 38531  
for a lead abatement tax credit certificate. The applicant shall 38532  
list on the application the amount of lead abatement costs the 38533  
applicant incurred for the eligible dwelling during the taxable 38534  
year. The director, in consultation with the tax commissioner, 38535  
shall prescribe the form of a lead abatement tax credit 38536  
certificate, the manner by which an applicant shall apply for the 38537  
certificate, and requirements for the submission of any record or 38538  
other information an applicant must furnish with the application 38539  
to verify the lead abatement costs. 38540

(C)(1) Upon receipt of an application under division (B) of 38541  
this section, the director of health shall verify all of the 38542  
following: 38543

(a) The residential unit that is the subject of the 38544  
application is an eligible dwelling. 38545

(b) The taxpayer incurred lead abatement costs during the 38546  
taxable year related to the eligible dwelling. 38547

(c) The eligible dwelling has passed a clearance examination 38548  
in accordance with standards prescribed in rules adopted by the 38549  
director under section 3742.03 or 3742.45 of the Revised Code. 38550

(2) After verifying the conditions described in division 38551  
(C)(1) of this section, the director shall issue a lead abatement 38552  
tax credit certificate to the applicant equal to the lesser of (a) 38553  
the lead abatement costs incurred by the taxpayer on the eligible 38554  
dwelling during the taxable year, (b) the amount of lead abatement 38555  
costs listed on the application, or (c) ten thousand dollars, 38556  
subject to the limitation in division (C)(3) of this section. 38557

(3) The director may not issue more than five million dollars 38558  
in lead abatement tax credit certificates in any fiscal year. 38559

(D) The director of health, in consultation with the tax 38560  
commissioner, may adopt rules in accordance with Chapter 119. of 38561  
the Revised Code as necessary for the administration of this 38562  
section. 38563

**Sec. 3745.11.** (A) Applicants for and holders of permits, 38564  
licenses, variances, plan approvals, and certifications issued by 38565  
the director of environmental protection pursuant to Chapters 38566  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 38567  
to the environmental protection agency for each such issuance and 38568  
each application for an issuance as provided by this section. No 38569  
fee shall be charged for any issuance for which no application has 38570  
been submitted to the director. 38571

(B) Except as otherwise provided in division (C)(2) of this 38572  
section, beginning July 1, 1994, each person who owns or operates 38573  
an air contaminant source and who is required to apply for and 38574  
obtain a Title V permit under section 3704.036 of the Revised Code 38575  
shall pay the fees set forth in this division. For the purposes of 38576  
this division, total emissions of air contaminants may be 38577  
calculated using engineering calculations, emissions factors, 38578

material balance calculations, or performance testing procedures, 38579  
as authorized by the director. 38580

The following fees shall be assessed on the total actual 38581  
emissions from a source in tons per year of the regulated 38582  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 38583  
organic compounds, and lead: 38584

(1) Fifteen dollars per ton on the total actual emissions of 38585  
each such regulated pollutant during the period July through 38586  
December 1993, to be collected no sooner than July 1, 1994; 38587

(2) Twenty dollars per ton on the total actual emissions of 38588  
each such regulated pollutant during calendar year 1994, to be 38589  
collected no sooner than April 15, 1995; 38590

(3) Twenty-five dollars per ton on the total actual emissions 38591  
of each such regulated pollutant in calendar year 1995, and each 38592  
subsequent calendar year, to be collected no sooner than the 38593  
fifteenth day of April of the year next succeeding the calendar 38594  
year in which the emissions occurred. 38595

The fees levied under this division do not apply to that 38596  
portion of the emissions of a regulated pollutant at a facility 38597  
that exceed four thousand tons during a calendar year. 38598

(C)(1) The fees assessed under division (B) of this section 38599  
are for the purpose of providing funding for the Title V permit 38600  
program. 38601

(2) The fees assessed under division (B) of this section do 38602  
not apply to emissions from any electric generating unit 38603  
designated as a Phase I unit under Title IV of the federal Clean 38604  
Air Act prior to calendar year 2000. Those fees shall be assessed 38605  
on the emissions from such a generating unit commencing in 38606  
calendar year 2001 based upon the total actual emissions from the 38607  
generating unit during calendar year 2000 and shall continue to be 38608  
assessed each subsequent calendar year based on the total actual 38609

emissions from the generating unit during the preceding calendar year. 38610  
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(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice. 38612  
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(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule: 38620  
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Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 50	\$ 75	38634
50 or more, but less than 100	300	38635
100 or more	700	38636

(2) Except as provided in division (D)(3) of this section, beginning January 1, 2004, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the 38637  
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Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.03 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 10	\$ 100	38651
10 or more, but less than 50	200	38652
50 or more, but less than 100	300	38653
100 or more	700	38654

(3)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2020~~ 2022, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility	
Less than 10	\$ 170	38671
10 or more, but less than 20	340	38672
20 or more, but less than 30	670	38673

30 or more, but less than 40	1,010	38674
40 or more, but less than 50	1,340	38675
50 or more, but less than 60	1,680	38676
60 or more, but less than 70	2,010	38677
70 or more, but less than 80	2,350	38678
80 or more, but less than 90	2,680	38679
90 or more, but less than 100	3,020	38680
100 or more	3,350	38681

(4) The fees assessed under division (D)(1) of this section 38682  
shall be collected annually no sooner than the fifteenth day of 38683  
April, commencing in 1995. The fees assessed under division (D)(2) 38684  
of this section shall be collected annually no sooner than the 38685  
fifteenth day of April, commencing in 2005. The fees assessed 38686  
under division (D)(3) of this section shall be collected no sooner 38687  
than the fifteenth day of April, commencing in 2000. The fees 38688  
assessed under division (D) of this section in a calendar year 38689  
shall be based upon the sum of the actual emissions of those 38690  
regulated pollutants during the preceding calendar year. For the 38691  
purpose of division (D) of this section, emissions of air 38692  
contaminants may be calculated using engineering calculations, 38693  
emission factors, material balance calculations, or performance 38694  
testing procedures, as authorized by the director. The director, 38695  
by rule, may require persons who are required to pay the fees 38696  
assessed under division (D) of this section to pay those fees 38697  
biennially rather than annually. 38698

(E)(1) Consistent with the need to cover the reasonable costs 38699  
of the Title V permit program, the director annually shall 38700  
increase the fees prescribed in division (B) of this section by 38701  
the percentage, if any, by which the consumer price index for the 38702  
most recent calendar year ending before the beginning of a year 38703  
exceeds the consumer price index for calendar year 1989. Upon 38704  
calculating an increase in fees authorized by division (E)(1) of 38705  
this section, the director shall compile revised fee schedules for 38706

the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)		
Input capacity (maximum)		
(million British thermal units per hour)	Permit to install	
Greater than 0, but less than 10	\$ 200	
10 or more, but less than 100	400	
100 or more, but less than 300	1000	
300 or more, but less than 500	2250	
500 or more, but less than 1000	3750	
1000 or more, but less than 5000	6000	
5000 or more	9000	

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		38738
Generating capacity (mega watts)	Permit to install	38739
0 or more, but less than 10	\$ 25	38740
10 or more, but less than 25	150	38741
25 or more, but less than 50	300	38742
50 or more, but less than 100	500	38743
100 or more, but less than 250	1000	38744
250 or more	2000	38745
(3) Incinerators		38746
Input capacity (pounds per hour)	Permit to install	38747
0 to 100	\$ 100	38748
101 to 500	500	38749
501 to 2000	1000	38750
2001 to 20,000	1500	38751
more than 20,000	3750	38752
(4)(a) Process		38753
Process weight rate (pounds per hour)	Permit to install	38754
0 to 1000	\$ 200	38755
1001 to 5000	500	38756
5001 to 10,000	750	38757
10,001 to 50,000	1000	38758
more than 50,000	1250	38759
In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or process heater designed to provide direct heat or power to a process not designed to generate electricity shall be assessed a fee established in division (F)(4)(a) of this section. A combustion turbine or stationary internal combustion engine designed to generate electricity shall be assessed a fee established in division (F)(2) of this section.		38760
		38761
		38762
		38763
		38764
		38765
		38766
		38767
		38768
		38769

(b) Notwithstanding division (F)(4)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees set forth in division (F)(4)(c) of this section for a process used in any of the following industries, as identified by the applicable two-digit, three-digit, or four-digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1987, as revised:

- Major group 10, metal mining; 38780
- Major group 12, coal mining; 38781
- Major group 14, mining and quarrying of nonmetallic minerals; 38782
- Industry group 204, grain mill products; 38783
- 2873 Nitrogen fertilizers; 38784
- 2874 Phosphatic fertilizers; 38785
- 3281 Cut stone and stone products; 38786
- 3295 Minerals and earth, ground or otherwise treated; 38787
- 4221 Grain elevators (storage only); 38788
- 5159 Farm related raw materials; 38789
- 5261 Retail nurseries and lawn and garden supply stores. 38790

(c) The fees set forth in the following schedule apply to the issuance of a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code for a process identified in division (F)(4)(b) of this section:

Process weight rate (pounds per hour)	Permit to install	
0 to 10,000	\$ 200	38796
10,001 to 50,000	400	38797

50,001 to 100,000	500	38798
100,001 to 200,000	600	38799
200,001 to 400,000	750	38800
400,001 or more	900	38801
(5) Storage tanks		38802
Gallons (maximum useful capacity)	Permit to install	38803
0 to 20,000	\$ 100	38804
20,001 to 40,000	150	38805
40,001 to 100,000	250	38806
100,001 to 500,000	400	38807
500,001 or greater	750	38808
(6) Gasoline/fuel dispensing facilities		38809
For each gasoline/fuel		38810
dispensing facility (includes all	Permit to install	38811
units at the facility)	\$ 100	38812
(7) Dry cleaning facilities		38813
For each dry cleaning		38814
facility (includes all units	Permit to install	38815
at the facility)	\$ 100	38816
(8) Registration status		38817
For each source covered	Permit to install	38818
by registration status	\$ 75	38819
(G) An owner or operator who is responsible for an asbestos		38820
demolition or renovation project pursuant to rules adopted under		38821
section 3704.03 of the Revised Code shall pay, upon submitting a		38822
notification pursuant to rules adopted under that section, the		38823
fees set forth in the following schedule:		38824
Action	Fee	38825
Each notification	\$75	38826
Asbestos removal	\$3/unit	38827
Asbestos cleanup	\$4/cubic yard	38828

For purposes of this division, "unit" means any combination of 38829  
linear feet or square feet equal to fifty. 38830

(H) A person who is issued an extension of time for a permit 38831  
to install an air contaminant source pursuant to rules adopted 38832  
under division (F) of section 3704.03 of the Revised Code shall 38833  
pay a fee equal to one-half the fee originally assessed for the 38834  
permit to install under this section, except that the fee for such 38835  
an extension shall not exceed two hundred dollars. 38836

(I) A person who is issued a modification to a permit to 38837  
install an air contaminant source pursuant to rules adopted under 38838  
section 3704.03 of the Revised Code shall pay a fee equal to 38839  
one-half of the fee that would be assessed under this section to 38840  
obtain a permit to install the source. The fee assessed by this 38841  
division only applies to modifications that are initiated by the 38842  
owner or operator of the source and shall not exceed two thousand 38843  
dollars. 38844

(J) Notwithstanding division (F) of this section, a person 38845  
who applies for or obtains a permit to install pursuant to rules 38846  
adopted under division (F) of section 3704.03 of the Revised Code 38847  
after the date actual construction of the source began shall pay a 38848  
fee for the permit to install that is equal to twice the fee that 38849  
otherwise would be assessed under the applicable division unless 38850  
the applicant received authorization to begin construction under 38851  
division (W) of section 3704.03 of the Revised Code. This division 38852  
only applies to sources for which actual construction of the 38853  
source begins on or after July 1, 1993. The imposition or payment 38854  
of the fee established in this division does not preclude the 38855  
director from taking any administrative or judicial enforcement 38856  
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 38857  
of the Revised Code, or a rule adopted under any of them, in 38858  
connection with a violation of rules adopted under division (F) of 38859  
section 3704.03 of the Revised Code. 38860

As used in this division, "actual construction of the source" 38861  
means the initiation of physical on-site construction activities 38862  
in connection with improvements to the source that are permanent 38863  
in nature, including, without limitation, the installation of 38864  
building supports and foundations and the laying of underground 38865  
pipework. 38866

(K)(1) Money received under division (B) of this section 38867  
shall be deposited in the state treasury to the credit of the 38868  
Title V clean air fund created in section 3704.035 of the Revised 38869  
Code. Annually, not more than fifty cents per ton of each fee 38870  
assessed under division (B) of this section on actual emissions 38871  
from a source and received by the environmental protection agency 38872  
pursuant to that division may be transferred by the director using 38873  
an interstate transfer voucher to the state treasury to the credit 38874  
of the small business assistance fund created in section 3706.19 38875  
of the Revised Code. In addition, annually, the amount of money 38876  
necessary for the operation of the office of ombudsperson as 38877  
determined under division (B) of that section shall be transferred 38878  
to the state treasury to the credit of the small business 38879  
ombudsperson fund created by that section. 38880

(2) Money received by the agency pursuant to divisions (D), 38881  
(F), (G), (H), (I), and (J) of this section shall be deposited in 38882  
the state treasury to the credit of the non-Title V clean air fund 38883  
created in section 3704.035 of the Revised Code. 38884

(L)(1) A person applying for a plan approval for a wastewater 38885  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 38886  
of the Revised Code shall pay a nonrefundable fee of one hundred 38887  
dollars plus sixty-five one-hundredths of one per cent of the 38888  
estimated project cost through June 30, ~~2020~~ 2022, and a 38889  
nonrefundable application fee of one hundred dollars plus 38890  
two-tenths of one per cent of the estimated project cost on and 38891  
after July 1, ~~2020~~ 2022, except that the total fee shall not 38892

exceed fifteen thousand dollars through June 30, ~~2020~~ 2022, and 38893  
five thousand dollars on and after July 1, ~~2020~~ 2022. The fee 38894  
shall be paid at the time the application is submitted. 38895

(2) A person who has entered into an agreement with the 38896  
director under section 6111.14 of the Revised Code shall pay an 38897  
administrative service fee for each plan submitted under that 38898  
section for approval that shall not exceed the minimum amount 38899  
necessary to pay administrative costs directly attributable to 38900  
processing plan approvals. The director annually shall calculate 38901  
the fee and shall notify all persons who have entered into 38902  
agreements under that section, or who have applied for agreements, 38903  
of the amount of the fee. 38904

(3)(a)(i) Not later than January 30, ~~2019~~ 2020, and January 38905  
30, ~~2019~~ 2021, a person holding an NPDES discharge permit issued 38906  
pursuant to Chapter 6111. of the Revised Code with an average 38907  
daily discharge flow of five thousand gallons or more shall pay a 38908  
nonrefundable annual discharge fee. Any person who fails to pay 38909  
the fee at that time shall pay an additional amount that equals 38910  
ten per cent of the required annual discharge fee. 38911

(ii) The billing year for the annual discharge fee 38912  
established in division (L)(3)(a)(i) of this section shall consist 38913  
of a twelve-month period beginning on the first day of January of 38914  
the year preceding the date when the annual discharge fee is due. 38915  
In the case of an existing source that permanently ceases to 38916  
discharge during a billing year, the director shall reduce the 38917  
annual discharge fee, including the surcharge applicable to 38918  
certain industrial facilities pursuant to division (L)(3)(c) of 38919  
this section, by one-twelfth for each full month during the 38920  
billing year that the source was not discharging, but only if the 38921  
person holding the NPDES discharge permit for the source notifies 38922  
the director in writing, not later than the first day of October 38923  
of the billing year, of the circumstances causing the cessation of 38924

discharge. 38925

(iii) The annual discharge fee established in division 38926  
(L)(3)(a)(i) of this section, except for the surcharge applicable 38927  
to certain industrial facilities pursuant to division (L)(3)(c) of 38928  
this section, shall be based upon the average daily discharge flow 38929  
in gallons per day calculated using first day of May through 38930  
thirty-first day of October flow data for the period two years 38931  
prior to the date on which the fee is due. In the case of NPDES 38932  
discharge permits for new sources, the fee shall be calculated 38933  
using the average daily design flow of the facility until actual 38934  
average daily discharge flow values are available for the time 38935  
period specified in division (L)(3)(a)(iii) of this section. The 38936  
annual discharge fee may be prorated for a new source as described 38937  
in division (L)(3)(a)(ii) of this section. 38938

(b)(i) An NPDES permit holder that is a public discharger 38939  
shall pay the fee specified in the following schedule: 38940

Average daily	Fee due by	38941
discharge flow	January 30,	38942
	<del>2018</del> <u>2020</u> , and	38943
	January 30, <del>2019</del>	38944

	<u>2021</u>	
5,000 to 49,999	\$ 200	38945
50,000 to 100,000	500	38946
100,001 to 250,000	1,050	38947
250,001 to 1,000,000	2,600	38948
1,000,001 to 5,000,000	5,200	38949
5,000,001 to 10,000,000	10,350	38950
10,000,001 to 20,000,000	15,550	38951
20,000,001 to 50,000,000	25,900	38952
50,000,001 to 100,000,000	41,400	38953
100,000,001 or more	62,100	38954

(ii) Public dischargers owning or operating two or more 38955

publicly owned treatment works serving the same political 38956  
subdivision, as "treatment works" is defined in section 6111.01 of 38957  
the Revised Code, and that serve exclusively political 38958  
subdivisions having a population of fewer than one hundred 38959  
thousand persons shall pay an annual discharge fee under division 38960  
(L)(3)(b)(i) of this section that is based on the combined average 38961  
daily discharge flow of the treatment works. 38962

(c)(i) An NPDES permit holder that is an industrial 38963  
discharger, other than a coal mining operator identified by P in 38964  
the third character of the permittee's NPDES permit number, shall 38965  
pay the fee specified in the following schedule: 38966

Average daily	Fee due by	
discharge flow	January 30,	
	<del>2018</del> <u>2020</u> , and	
	January 30, <del>2019</del>	
	<u>2021</u>	
5,000 to 49,999	\$ 250	38971
50,000 to 250,000	1,200	38972
250,001 to 1,000,000	2,950	38973
1,000,001 to 5,000,000	5,850	38974
5,000,001 to 10,000,000	8,800	38975
10,000,001 to 20,000,000	11,700	38976
20,000,001 to 100,000,000	14,050	38977
100,000,001 to 250,000,000	16,400	38978
250,000,001 or more	18,700	38979

(ii) In addition to the fee specified in the above schedule, 38980  
an NPDES permit holder that is an industrial discharger classified 38981  
as a major discharger during all or part of the annual discharge 38982  
fee billing year specified in division (L)(3)(a)(ii) of this 38983  
section shall pay a nonrefundable annual surcharge of seven 38984  
thousand five hundred dollars not later than January 30, ~~2018~~ 38985  
2020, and not later than January 30, ~~2019~~ 2021. Any person who 38986

fails to pay the surcharge at that time shall pay an additional 38987  
amount that equals ten per cent of the amount of the surcharge. 38988

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 38989  
section, a public discharger, that is not a separate municipal 38990  
storm sewer system, identified by I in the third character of the 38991  
permittee's NPDES permit number and an industrial discharger 38992  
identified by I, J, L, V, W, X, Y, or Z in the third character of 38993  
the permittee's NPDES permit number shall pay a nonrefundable 38994  
annual discharge fee of one hundred eighty dollars not later than 38995  
January 30, ~~2018~~ 2020, and not later than January 30, ~~2019~~ 2021. 38996  
Any person who fails to pay the fee at that time shall pay an 38997  
additional amount that equals ten per cent of the required fee. 38998

(4) Each person obtaining an NPDES permit for municipal storm 38999  
water discharge shall pay a nonrefundable storm water annual 39000  
discharge fee of ten dollars per one-tenth of a square mile of 39001  
area permitted. The fee shall not exceed ten thousand dollars and 39002  
shall be payable on or before January 30, 2004, and the thirtieth 39003  
day of January of each year thereafter. Any person who fails to 39004  
pay the fee on the date specified in division (L)(4) of this 39005  
section shall pay an additional amount per year equal to ten per 39006  
cent of the annual fee that is unpaid. 39007

(5) The director shall transmit all moneys collected under 39008  
division (L) of this section to the treasurer of state for deposit 39009  
into the state treasury to the credit of the surface water 39010  
protection fund created in section 6111.038 of the Revised Code. 39011

(6) As used in this section: 39012

(a) "NPDES" means the federally approved national pollutant 39013  
discharge elimination system individual and general program for 39014  
issuing, modifying, revoking, reissuing, terminating, monitoring, 39015  
and enforcing permits and imposing and enforcing pretreatment 39016  
requirements under Chapter 6111. of the Revised Code and rules 39017

adopted under it. 39018

(b) "Public discharger" means any holder of an NPDES permit 39019  
identified by P in the second character of the NPDES permit number 39020  
assigned by the director. 39021

(c) "Industrial discharger" means any holder of an NPDES 39022  
permit identified by I in the second character of the NPDES permit 39023  
number assigned by the director. 39024

(d) "Major discharger" means any holder of an NPDES permit 39025  
classified as major by the regional administrator of the United 39026  
States environmental protection agency in conjunction with the 39027  
director. 39028

(M) Through June 30, ~~2020~~ 2022, a person applying for a 39029  
license or license renewal to operate a public water system under 39030  
section 6109.21 of the Revised Code shall pay the appropriate fee 39031  
established under this division at the time of application to the 39032  
director. Any person who fails to pay the fee at that time shall 39033  
pay an additional amount that equals ten per cent of the required 39034  
fee. The director shall transmit all moneys collected under this 39035  
division to the treasurer of state for deposit into the drinking 39036  
water protection fund created in section 6109.30 of the Revised 39037  
Code. 39038

Except as provided in divisions (M)(4) and (5) of this 39039  
section, fees required under this division shall be calculated and 39040  
paid in accordance with the following schedule: 39041

(1) For the initial license required under section 6109.21 of 39042  
the Revised Code for any public water system that is a community 39043  
water system as defined in section 6109.01 of the Revised Code, 39044  
and for each license renewal required for such a system prior to 39045  
January 31, ~~2020~~ 2022, the fee is: 39046

Number of service connections	Fee amount	
Not more than 49	\$ 112	39048

50 to 99	176	39049
Number of service connections	Average cost per connection	39050
100 to 2,499	\$ 1.92	39051
2,500 to 4,999	1.48	39052
5,000 to 7,499	1.42	39053
7,500 to 9,999	1.34	39054
10,000 to 14,999	1.16	39055
15,000 to 24,999	1.10	39056
25,000 to 49,999	1.04	39057
50,000 to 99,999	.92	39058
100,000 to 149,999	.86	39059
150,000 to 199,999	.80	39060
200,000 or more	.76	39061

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2020~~ 2022, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	39076
150 to 299	176	39077
300 to 749	384	39078
750 to 1,499	628	39079
1,500 to 2,999	1,268	39080

3,000 to 7,499	2,816	39081
7,500 to 14,999	5,510	39082
15,000 to 22,499	9,048	39083
22,500 to 29,999	12,430	39084
30,000 or more	16,820	39085

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2020~~ 2022, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	39098
2	112	39099
3	176	39100
4	278	39101
5	568	39102
System designated as using a surface water source	792	39103 39104

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section,

whichever is greater. 39112

(5) An applicant for an initial license who is proposing to 39113  
operate a new public water supply system shall submit a fee that 39114  
equals a prorated amount of the appropriate fee for the remainder 39115  
of the licensing year. 39116

(N)(1) A person applying for a plan approval for a public 39117  
water supply system under section 6109.07 of the Revised Code 39118  
shall pay a fee of one hundred fifty dollars plus thirty-five 39119  
hundredths of one per cent of the estimated project cost, except 39120  
that the total fee shall not exceed twenty thousand dollars 39121  
through June 30, ~~2020~~ 2022, and fifteen thousand dollars on and 39122  
after July 1, ~~2020~~ 2022. The fee shall be paid at the time the 39123  
application is submitted. 39124

(2) A person who has entered into an agreement with the 39125  
director under division (A)(2) of section 6109.07 of the Revised 39126  
Code shall pay an administrative service fee for each plan 39127  
submitted under that section for approval that shall not exceed 39128  
the minimum amount necessary to pay administrative costs directly 39129  
attributable to processing plan approvals. The director annually 39130  
shall calculate the fee and shall notify all persons that have 39131  
entered into agreements under that division, or who have applied 39132  
for agreements, of the amount of the fee. 39133

(3) Through June 30, ~~2020~~ 2022, the following fee, on a per 39134  
survey basis, shall be charged any person for services rendered by 39135  
the state in the evaluation of laboratories and laboratory 39136  
personnel for compliance with accepted analytical techniques and 39137  
procedures established pursuant to Chapter 6109. of the Revised 39138  
Code for determining the qualitative characteristics of water: 39139

microbiological		39140
MMO-MUG	\$2,000	39141
MF	2,100	39142

MMO-MUG and MF	2,550	39143
organic chemical	5,400	39144
trace metals	5,400	39145
standard chemistry	2,800	39146
limited chemistry	1,550	39147

On and after July 1, ~~2020~~ 2022, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	39150
organic chemicals	3,500	39151
trace metals	3,500	39152
standard chemistry	1,800	39153
limited chemistry	1,000	39154

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2020~~ 2022, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay eighteen hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means microfiltration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director to take an examination for certification as an operator of a water supply

system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time the application is submitted, shall pay a fee in accordance with the following schedule through November 30, ~~2020~~ 2022:

Class A operator	\$ 80	39177
Class I operator	105	39178
Class II operator	120	39179
Class III operator	130	39180
Class IV operator	145	39181

On and after December 1, ~~2020~~ 2022, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$ 50	39184
Class I operator	70	39185
Class II operator	80	39186
Class III operator	90	39187
Class IV operator	100	39188

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	39197
Class I operator	35	39198
Class II operator	45	39199
Class III operator	55	39200
Class IV operator	65	39201

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a

certification renewal fee in accordance with the following 39205  
schedule: 39206

Class A operator	\$45	39207
Class I operator	55	39208
Class II operator	65	39209
Class III operator	75	39210
Class IV operator	85	39211

A person who requests a replacement certificate shall pay a 39212  
fee of twenty-five dollars at the time the request is made. 39213

Any person applying to be a water supply system or wastewater 39214  
treatment system examination provider shall pay an application fee 39215  
of five hundred dollars. Any person approved by the director as a 39216  
water supply system or wastewater treatment system examination 39217  
provider shall pay an annual fee that is equal to ten per cent of 39218  
the fees that the provider assesses and collects for administering 39219  
water supply system or wastewater treatment system certification 39220  
examinations in this state for the calendar year. The fee shall be 39221  
paid not later than forty-five days after the end of a calendar 39222  
year. 39223

The director shall transmit all moneys collected under this 39224  
division to the treasurer of state for deposit into the drinking 39225  
water protection fund created in section 6109.30 of the Revised 39226  
Code. 39227

(P) Any person submitting an application for an industrial 39228  
water pollution control certificate under section 6111.31 of the 39229  
Revised Code, as that section existed before its repeal by H.B. 95 39230  
of the 125th general assembly, shall pay a nonrefundable fee of 39231  
five hundred dollars at the time the application is submitted. The 39232  
director shall transmit all moneys collected under this division 39233  
to the treasurer of state for deposit into the surface water 39234  
protection fund created in section 6111.038 of the Revised Code. A 39235  
person paying a certificate fee under this division shall not pay 39236

an application fee under division (S)(1) of this section. On and 39237  
after June 26, 2003, persons shall file such applications and pay 39238  
the fee as required under sections 5709.20 to 5709.27 of the 39239  
Revised Code, and proceeds from the fee shall be credited as 39240  
provided in section 5709.212 of the Revised Code. 39241

(Q) Except as otherwise provided in division (R) of this 39242  
section, a person issued a permit by the director for a new solid 39243  
waste disposal facility other than an incineration or composting 39244  
facility, a new infectious waste treatment facility other than an 39245  
incineration facility, or a modification of such an existing 39246  
facility that includes an increase in the total disposal or 39247  
treatment capacity of the facility pursuant to Chapter 3734. of 39248  
the Revised Code shall pay a fee of ten dollars per thousand cubic 39249  
yards of disposal or treatment capacity, or one thousand dollars, 39250  
whichever is greater, except that the total fee for any such 39251  
permit shall not exceed eighty thousand dollars. A person issued a 39252  
modification of a permit for a solid waste disposal facility or an 39253  
infectious waste treatment facility that does not involve an 39254  
increase in the total disposal or treatment capacity of the 39255  
facility shall pay a fee of one thousand dollars. A person issued 39256  
a permit to install a new, or modify an existing, solid waste 39257  
transfer facility under that chapter shall pay a fee of two 39258  
thousand five hundred dollars. A person issued a permit to install 39259  
a new or to modify an existing solid waste incineration or 39260  
composting facility, or an existing infectious waste treatment 39261  
facility using incineration as its principal method of treatment, 39262  
under that chapter shall pay a fee of one thousand dollars. The 39263  
increases in the permit fees under this division resulting from 39264  
the amendments made by Amended Substitute House Bill 592 of the 39265  
117th general assembly do not apply to any person who submitted an 39266  
application for a permit to install a new, or modify an existing, 39267  
solid waste disposal facility under that chapter prior to 39268  
September 1, 1987; any such person shall pay the permit fee 39269

established in this division as it existed prior to June 24, 1988. 39270  
In addition to the applicable permit fee under this division, a 39271  
person issued a permit to install or modify a solid waste facility 39272  
or an infectious waste treatment facility under that chapter who 39273  
fails to pay the permit fee to the director in compliance with 39274  
division (V) of this section shall pay an additional ten per cent 39275  
of the amount of the fee for each week that the permit fee is 39276  
late. 39277

Permit and late payment fees paid to the director under this 39278  
division shall be credited to the general revenue fund. 39279

(R)(1) A person issued a registration certificate for a scrap 39280  
tire collection facility under section 3734.75 of the Revised Code 39281  
shall pay a fee of two hundred dollars, except that if the 39282  
facility is owned or operated by a motor vehicle salvage dealer 39283  
licensed under Chapter 4738. of the Revised Code, the person shall 39284  
pay a fee of twenty-five dollars. 39285

(2) A person issued a registration certificate for a new 39286  
scrap tire storage facility under section 3734.76 of the Revised 39287  
Code shall pay a fee of three hundred dollars, except that if the 39288  
facility is owned or operated by a motor vehicle salvage dealer 39289  
licensed under Chapter 4738. of the Revised Code, the person shall 39290  
pay a fee of twenty-five dollars. 39291

(3) A person issued a permit for a scrap tire storage 39292  
facility under section 3734.76 of the Revised Code shall pay a fee 39293  
of one thousand dollars, except that if the facility is owned or 39294  
operated by a motor vehicle salvage dealer licensed under Chapter 39295  
4738. of the Revised Code, the person shall pay a fee of fifty 39296  
dollars. 39297

(4) A person issued a permit for a scrap tire monocell or 39298  
monofill facility under section 3734.77 of the Revised Code shall 39299  
pay a fee of ten dollars per thousand cubic yards of disposal 39300

capacity or one thousand dollars, whichever is greater, except 39301  
that the total fee for any such permit shall not exceed eighty 39302  
thousand dollars. 39303

(5) A person issued a registration certificate for a scrap 39304  
tire recovery facility under section 3734.78 of the Revised Code 39305  
shall pay a fee of one hundred dollars. 39306

(6) A person issued a permit for a scrap tire recovery 39307  
facility under section 3734.78 of the Revised Code shall pay a fee 39308  
of one thousand dollars. 39309

(7) In addition to the applicable registration certificate or 39310  
permit fee under divisions (R)(1) to (6) of this section, a person 39311  
issued a registration certificate or permit for any such scrap 39312  
tire facility who fails to pay the registration certificate or 39313  
permit fee to the director in compliance with division (V) of this 39314  
section shall pay an additional ten per cent of the amount of the 39315  
fee for each week that the fee is late. 39316

(8) The registration certificate, permit, and late payment 39317  
fees paid to the director under divisions (R)(1) to (7) of this 39318  
section shall be credited to the scrap tire management fund 39319  
created in section 3734.82 of the Revised Code. 39320

(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), 39321  
(P), and (S)(2) of this section, division (A)(2) of section 39322  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 39323  
and rules adopted under division (T)(1) of this section, any 39324  
person applying for a registration certificate under section 39325  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 39326  
variance, or plan approval under Chapter 3734. of the Revised Code 39327  
shall pay a nonrefundable fee of fifteen dollars at the time the 39328  
application is submitted. 39329

(b) Except as otherwise provided, any person applying for a 39330  
permit, variance, or plan approval under Chapter 6109. or 6111. of 39331

the Revised Code shall pay a nonrefundable application fee of one 39332  
hundred dollars at the time the application is submitted through 39333  
June 30, ~~2020~~ 2022, and a nonrefundable application fee of fifteen 39334  
dollars at the time the application is submitted on and after July 39335  
1, ~~2020~~ 2022. 39336

(c)(i) Except as otherwise provided in divisions 39337  
(S)(1)(c)(iii) and (iv) of this section, through June 30, ~~2020~~ 39338  
2022, any person applying for an NPDES permit under Chapter 6111. 39339  
of the Revised Code shall pay a nonrefundable application fee of 39340  
two hundred dollars at the time of application for the permit. On 39341  
and after July 1, ~~2020~~ 2022, such a person shall pay a 39342  
nonrefundable application fee of fifteen dollars at the time of 39343  
application. 39344

(ii) In addition to the nonrefundable application fee, any 39345  
person applying for an NPDES permit under Chapter 6111. of the 39346  
Revised Code shall pay a design flow discharge fee based on each 39347  
point source to which the issuance is applicable in accordance 39348  
with the following schedule: 39349

Design flow discharge (gallons per day)	Fee	
0 to <del>1000</del> <u>1,000</u>	\$ 0	39351
1,001 to <del>5000</del> <u>5,000</u>	100	39352
5,001 to 50,000	200	39353
50,001 to 100,000	300	39354
100,001 to 300,000	525	39355
over 300,000	750	39356

(iii) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 39357  
section, the application and design flow discharge fee for an 39358  
NPDES permit for a public discharger identified by the letter I in 39359  
the third character of the NPDES permit number shall not exceed 39360  
nine hundred fifty dollars. 39361

(iv) Notwithstanding divisions (S)(1)(c)(i) and (ii) of this 39362  
section, the application and design flow discharge fee for an 39363

NPDES permit for a coal mining operation regulated under Chapter 39364  
1513. of the Revised Code shall not exceed four hundred fifty 39365  
dollars per mine. 39366

(v) A person issued a modification of an NPDES permit shall 39367  
pay a nonrefundable modification fee equal to the application fee 39368  
and one-half the design flow discharge fee based on each point 39369  
source, if applicable, that would be charged for an NPDES permit, 39370  
except that the modification fee shall not exceed six hundred 39371  
dollars. 39372

(d) In addition to the application fee established under 39373  
division (S)(1)(c)(i) of this section, any person applying for an 39374  
NPDES general storm water construction permit shall pay a 39375  
nonrefundable fee of twenty dollars per acre for each acre that is 39376  
permitted above five acres at the time the application is 39377  
submitted. However, the per acreage fee shall not exceed three 39378  
hundred dollars. In addition to the application fee established 39379  
under division (S)(1)(c)(i) of this section, any person applying 39380  
for an NPDES general storm water industrial permit shall pay a 39381  
nonrefundable fee of one hundred fifty dollars at the time the 39382  
application is submitted. 39383

(e) The director shall transmit all moneys collected under 39384  
division (S)(1) of this section pursuant to Chapter 6109. of the 39385  
Revised Code to the treasurer of state for deposit into the 39386  
drinking water protection fund created in section 6109.30 of the 39387  
Revised Code. 39388

(f) The director shall transmit all moneys collected under 39389  
division (S)(1) of this section pursuant to Chapter 6111. of the 39390  
Revised Code and under division (S)(3) of this section to the 39391  
treasurer of state for deposit into the surface water protection 39392  
fund created in section 6111.038 of the Revised Code. 39393

(g) If a registration certificate is issued under section 39394

3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 39395  
the application fee paid shall be deducted from the amount of the 39396  
registration certificate fee due under division (R)(1), (2), or 39397  
(5) of this section, as applicable. 39398

(h) If a person submits an electronic application for a 39399  
registration certificate, permit, variance, or plan approval for 39400  
which an application fee is established under division (S)(1) of 39401  
this section, the person shall pay all applicable fees as 39402  
expeditiously as possible after the submission of the electronic 39403  
application. An application for a registration certificate, 39404  
permit, variance, or plan approval for which an application fee is 39405  
established under division (S)(1) of this section shall not be 39406  
reviewed or processed until the applicable application fee, and 39407  
any other fees established under this division, are paid. 39408

(2) Division (S)(1) of this section does not apply to an 39409  
application for a registration certificate for a scrap tire 39410  
collection or storage facility submitted under section 3734.75 or 39411  
3734.76 of the Revised Code, as applicable, if the owner or 39412  
operator of the facility or proposed facility is a motor vehicle 39413  
salvage dealer licensed under Chapter 4738. of the Revised Code. 39414

(3) A person applying for coverage under an NPDES general 39415  
discharge permit for household sewage treatment systems shall pay 39416  
the following fees: 39417

(a) A nonrefundable fee of two hundred dollars at the time of 39418  
application for initial permit coverage; 39419

(b) A nonrefundable fee of one hundred dollars at the time of 39420  
application for a renewal of permit coverage. 39421

(T) The director may adopt, amend, and rescind rules in 39422  
accordance with Chapter 119. of the Revised Code that do all of 39423  
the following: 39424

(1) Prescribe fees to be paid by applicants for and holders 39425

of any license, permit, variance, plan approval, or certification 39426  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 39427  
the Revised Code that are not specifically established in this 39428  
section. The fees shall be designed to defray the cost of 39429  
processing, issuing, revoking, modifying, denying, and enforcing 39430  
the licenses, permits, variances, plan approvals, and 39431  
certifications. 39432

The director shall transmit all moneys collected under rules 39433  
adopted under division (T)(1) of this section pursuant to Chapter 39434  
6109. of the Revised Code to the treasurer of state for deposit 39435  
into the drinking water protection fund created in section 6109.30 39436  
of the Revised Code. 39437

The director shall transmit all moneys collected under rules 39438  
adopted under division (T)(1) of this section pursuant to Chapter 39439  
6111. of the Revised Code to the treasurer of state for deposit 39440  
into the surface water protection fund created in section 6111.038 39441  
of the Revised Code. 39442

(2) Exempt the state and political subdivisions thereof, 39443  
including education facilities or medical facilities owned by the 39444  
state or a political subdivision, or any person exempted from 39445  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 39446  
any fee required by this section; 39447

(3) Provide for the waiver of any fee, or any part thereof, 39448  
otherwise required by this section whenever the director 39449  
determines that the imposition of the fee would constitute an 39450  
unreasonable cost of doing business for any applicant, class of 39451  
applicants, or other person subject to the fee; 39452

(4) Prescribe measures that the director considers necessary 39453  
to carry out this section. 39454

(U) When the director reasonably demonstrates that the direct 39455  
cost to the state associated with the issuance of a permit, 39456

license, variance, plan approval, or certification exceeds the fee 39457  
for the issuance or review specified by this section, the director 39458  
may condition the issuance or review on the payment by the person 39459  
receiving the issuance or review of, in addition to the fee 39460  
specified by this section, the amount, or any portion thereof, in 39461  
excess of the fee specified under this section. The director shall 39462  
not so condition issuances for which a fee is prescribed in 39463  
division (S)(1)(c)(iii) of this section. 39464

(V) Except as provided in divisions (L), (M), (P), and (S) of 39465  
this section or unless otherwise prescribed by a rule of the 39466  
director adopted pursuant to Chapter 119. of the Revised Code, all 39467  
fees required by this section are payable within thirty days after 39468  
the issuance of an invoice for the fee by the director or the 39469  
effective date of the issuance of the license, permit, variance, 39470  
plan approval, or certification. If payment is late, the person 39471  
responsible for payment of the fee shall pay an additional ten per 39472  
cent of the amount due for each month that it is late. 39473

(W) As used in this section, "fuel-burning equipment," 39474  
"fuel-burning equipment input capacity," "incinerator," 39475  
"incinerator input capacity," "process," "process weight rate," 39476  
"storage tank," "gasoline dispensing facility," "dry cleaning 39477  
facility," "design flow discharge," and "new source treatment 39478  
works" have the meanings ascribed to those terms by applicable 39479  
rules or standards adopted by the director under Chapter 3704. or 39480  
6111. of the Revised Code. 39481

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 39482  
(J) of this section, and in any other provision of this section 39483  
pertaining to fees paid pursuant to Chapter 3704. of the Revised 39484  
Code: 39485

(1) "Facility," "federal Clean Air Act," "person," and "Title 39486  
V permit" have the same meanings as in section 3704.01 of the 39487  
Revised Code. 39488

(2) "Title V permit program" means the following activities	39489
as necessary to meet the requirements of Title V of the federal	39490
Clean Air Act and 40 C.F.R. part 70, including at least:	39491
(a) Preparing and adopting, if applicable, generally	39492
applicable rules or guidance regarding the permit program or its	39493
implementation or enforcement;	39494
(b) Reviewing and acting on any application for a Title V	39495
permit, permit revision, or permit renewal, including the	39496
development of an applicable requirement as part of the processing	39497
of a permit, permit revision, or permit renewal;	39498
(c) Administering the permit program, including the	39499
supporting and tracking of permit applications, compliance	39500
certification, and related data entry;	39501
(d) Determining which sources are subject to the program and	39502
implementing and enforcing the terms of any Title V permit, not	39503
including any court actions or other formal enforcement actions;	39504
(e) Emission and ambient monitoring;	39505
(f) Modeling, analyses, or demonstrations;	39506
(g) Preparing inventories and tracking emissions;	39507
(h) Providing direct and indirect support to small business	39508
stationary sources to determine and meet their obligations under	39509
the federal Clean Air Act pursuant to the small business	39510
stationary source technical and environmental compliance	39511
assistance program required by section 507 of that act and	39512
established in sections 3704.18, 3704.19, and 3706.19 of the	39513
Revised Code.	39514
(3) "Organic compound" means any chemical compound of carbon,	39515
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic	39516
carbides or carbonates, and ammonium carbonate.	39517
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)	39518

of this section, each sewage sludge facility shall pay a 39519  
nonrefundable annual sludge fee equal to three dollars and fifty 39520  
cents per dry ton of sewage sludge, including the dry tons of 39521  
sewage sludge in materials derived from sewage sludge, that the 39522  
sewage sludge facility treats or disposes of in this state. The 39523  
annual volume of sewage sludge treated or disposed of by a sewage 39524  
sludge facility shall be calculated using the first day of January 39525  
through the thirty-first day of December of the calendar year 39526  
preceding the date on which payment of the fee is due. 39527

(2)(a) Except as provided in division (Y)(2)(d) of this 39528  
section, each sewage sludge facility shall pay a minimum annual 39529  
sewage sludge fee of one hundred dollars. 39530

(b) The annual sludge fee required to be paid by a sewage 39531  
sludge facility that treats or disposes of exceptional quality 39532  
sludge in this state shall be thirty-five per cent less per dry 39533  
ton of exceptional quality sludge than the fee assessed under 39534  
division (Y)(1) of this section, subject to the following 39535  
exceptions: 39536

(i) Except as provided in division (Y)(2)(d) of this section, 39537  
a sewage sludge facility that treats or disposes of exceptional 39538  
quality sludge shall pay a minimum annual sewage sludge fee of one 39539  
hundred dollars. 39540

(ii) A sewage sludge facility that treats or disposes of 39541  
exceptional quality sludge shall not be required to pay the annual 39542  
sludge fee for treatment or disposal in this state of exceptional 39543  
quality sludge generated outside of this state and contained in 39544  
bags or other containers not greater than one hundred pounds in 39545  
capacity. 39546

A thirty-five per cent reduction for exceptional quality 39547  
sludge applies to the maximum annual fees established under 39548  
division (Y)(3) of this section. 39549

(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section.

(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows:

(a) Incineration: five thousand dollars;

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;

(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars.

(4)(a) In the case of an entity that generates sewage sludge 39581  
or a sewage sludge facility that treats sewage sludge and 39582  
transfers the sewage sludge to an incineration facility for 39583  
disposal, the incineration facility, and not the entity generating 39584  
the sewage sludge or the sewage sludge facility treating the 39585  
sewage sludge, shall pay the annual sludge fee for the tons of 39586  
sewage sludge that are transferred. However, the entity or 39587  
facility generating or treating the sewage sludge shall pay the 39588  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 39589  
of this section. 39590

(b) In the case of an entity that generates sewage sludge and 39591  
transfers the sewage sludge to a landfill for disposal or to a 39592  
sewage sludge facility for land reclamation or surface disposal, 39593  
the entity generating the sewage sludge, and not the landfill or 39594  
sewage sludge facility, shall pay the annual sludge fee for the 39595  
tons of sewage sludge that are transferred. 39596

(5) Not later than the first day of April of the calendar 39597  
year following March 17, 2000, and each first day of April 39598  
thereafter, the director shall issue invoices to persons who are 39599  
required to pay the annual sludge fee. The invoice shall identify 39600  
the nature and amount of the annual sludge fee assessed and state 39601  
the first day of May as the deadline for receipt by the director 39602  
of objections regarding the amount of the fee and the first day of 39603  
July as the deadline for payment of the fee. 39604

Not later than the first day of May following receipt of an 39605  
invoice, a person required to pay the annual sludge fee may submit 39606  
objections to the director concerning the accuracy of information 39607  
regarding the number of dry tons of sewage sludge used to 39608  
calculate the amount of the annual sludge fee or regarding whether 39609  
the sewage sludge qualifies for the exceptional quality sludge 39610  
discount established in division (Y)(2)(b) of this section. The 39611  
director may consider the objections and adjust the amount of the 39612

fee to ensure that it is accurate. 39613

If the director does not adjust the amount of the annual 39614  
sludge fee in response to a person's objections, the person may 39615  
appeal the director's determination in accordance with Chapter 39616  
119. of the Revised Code. 39617

Not later than the first day of June, the director shall 39618  
notify the objecting person regarding whether the director has 39619  
found the objections to be valid and the reasons for the finding. 39620  
If the director finds the objections to be valid and adjusts the 39621  
amount of the annual sludge fee accordingly, the director shall 39622  
issue with the notification a new invoice to the person 39623  
identifying the amount of the annual sludge fee assessed and 39624  
stating the first day of July as the deadline for payment. 39625

Not later than the first day of July, any person who is 39626  
required to do so shall pay the annual sludge fee. Any person who 39627  
is required to pay the fee, but who fails to do so on or before 39628  
that date shall pay an additional amount that equals ten per cent 39629  
of the required annual sludge fee. 39630

(6) The director shall transmit all moneys collected under 39631  
division (Y) of this section to the treasurer of state for deposit 39632  
into the surface water protection fund created in section 6111.038 39633  
of the Revised Code. The moneys shall be used to defray the costs 39634  
of administering and enforcing provisions in Chapter 6111. of the 39635  
Revised Code and rules adopted under it that govern the use, 39636  
storage, treatment, or disposal of sewage sludge. 39637

(7) Beginning in fiscal year 2001, and every two years 39638  
thereafter, the director shall review the total amount of moneys 39639  
generated by the annual sludge fees to determine if that amount 39640  
exceeded six hundred thousand dollars in either of the two 39641  
preceding fiscal years. If the total amount of moneys in the fund 39642  
exceeded six hundred thousand dollars in either fiscal year, the 39643

director, after review of the fee structure and consultation with 39644  
affected persons, shall issue an order reducing the amount of the 39645  
fees levied under division (Y) of this section so that the 39646  
estimated amount of moneys resulting from the fees will not exceed 39647  
six hundred thousand dollars in any fiscal year. 39648

If, upon review of the fees under division (Y)(7) of this 39649  
section and after the fees have been reduced, the director 39650  
determines that the total amount of moneys collected and 39651  
accumulated is less than six hundred thousand dollars, the 39652  
director, after review of the fee structure and consultation with 39653  
affected persons, may issue an order increasing the amount of the 39654  
fees levied under division (Y) of this section so that the 39655  
estimated amount of moneys resulting from the fees will be 39656  
approximately six hundred thousand dollars. Fees shall never be 39657  
increased to an amount exceeding the amount specified in division 39658  
(Y)(7) of this section. 39659

Notwithstanding section 119.06 of the Revised Code, the 39660  
director may issue an order under division (Y)(7) of this section 39661  
without the necessity to hold an adjudicatory hearing in 39662  
connection with the order. The issuance of an order under this 39663  
division is not an act or action for purposes of section 3745.04 39664  
of the Revised Code. 39665

(8) As used in division (Y) of this section: 39666

(a) "Sewage sludge facility" means an entity that performs 39667  
treatment on or is responsible for the disposal of sewage sludge. 39668

(b) "Sewage sludge" means a solid, semi-solid, or liquid 39669  
residue generated during the treatment of domestic sewage in a 39670  
treatment works as defined in section 6111.01 of the Revised Code. 39671  
"Sewage sludge" includes, but is not limited to, scum or solids 39672  
removed in primary, secondary, or advanced wastewater treatment 39673  
processes. "Sewage sludge" does not include ash generated during 39674

the firing of sewage sludge in a sewage sludge incinerator, grit 39675  
and screenings generated during preliminary treatment of domestic 39676  
sewage in a treatment works, animal manure, residue generated 39677  
during treatment of animal manure, or domestic septage. 39678

(c) "Exceptional quality sludge" means sewage sludge that 39679  
meets all of the following qualifications: 39680

(i) Satisfies the class A pathogen standards in 40 C.F.R. 39681  
503.32(a); 39682

(ii) Satisfies one of the vector attraction reduction 39683  
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 39684

(iii) Does not exceed the ceiling concentration limitations 39685  
for metals listed in table one of 40 C.F.R. 503.13; 39686

(iv) Does not exceed the concentration limitations for metals 39687  
listed in table three of 40 C.F.R. 503.13. 39688

(d) "Treatment" means the preparation of sewage sludge for 39689  
final use or disposal and includes, but is not limited to, 39690  
thickening, stabilization, and dewatering of sewage sludge. 39691

(e) "Disposal" means the final use of sewage sludge, 39692  
including, but not limited to, land application, land reclamation, 39693  
surface disposal, or disposal in a landfill or an incinerator. 39694

(f) "Land application" means the spraying or spreading of 39695  
sewage sludge onto the land surface, the injection of sewage 39696  
sludge below the land surface, or the incorporation of sewage 39697  
sludge into the soil for the purposes of conditioning the soil or 39698  
fertilizing crops or vegetation grown in the soil. 39699

(g) "Land reclamation" means the returning of disturbed land 39700  
to productive use. 39701

(h) "Surface disposal" means the placement of sludge on an 39702  
area of land for disposal, including, but not limited to, 39703  
monofills, surface impoundments, lagoons, waste piles, or 39704

dedicated disposal sites. 39705

(i) "Incinerator" means an entity that disposes of sewage 39706  
sludge through the combustion of organic matter and inorganic 39707  
matter in sewage sludge by high temperatures in an enclosed 39708  
device. 39709

(j) "Incineration facility" includes all incinerators owned 39710  
or operated by the same entity and located on a contiguous tract 39711  
of land. Areas of land are considered to be contiguous even if 39712  
they are separated by a public road or highway. 39713

(k) "Annual sludge fee" means the fee assessed under division 39714  
(Y)(1) of this section. 39715

(l) "Landfill" means a sanitary landfill facility, as defined 39716  
in rules adopted under section 3734.02 of the Revised Code, that 39717  
is licensed under section 3734.05 of the Revised Code. 39718

(m) "Preexisting land reclamation project" means a 39719  
property-specific land reclamation project that has been in 39720  
continuous operation for not less than five years pursuant to 39721  
approval of the activity by the director and includes the 39722  
implementation of a community outreach program concerning the 39723  
activity. 39724

**Sec. 3769.07. (A)** Except as otherwise provided in this 39725  
section, no permit shall be issued under sections 3769.01 to 39726  
3769.14 of the Revised Code, authorizing the conduct of a live 39727  
racing program for thoroughbred horses and quarter horses at any 39728  
place, track, or enclosure except between the hours of twelve noon 39729  
and seven p.m., for running horse-racing meetings, except that on 39730  
special events days running horse-racing meetings may begin at 39731  
nine a.m. by application to the state racing commission and except 39732  
that the seven p.m. time may be extended to eight p.m. on a Sunday 39733  
or holiday by application to the commission, and no permit shall 39734

be issued under those sections authorizing the conduct of a live 39735  
racing program for harness horses at any place, track, or 39736  
enclosure except between the hours of twelve noon and twelve 39737  
midnight for light harness horse-racing meetings. The seven p.m. 39738  
and eight p.m. closing times described in this section shall upon 39739  
application to the commission be extended to nine p.m. for any 39740  
running horse-racing meeting conducted between the fifteenth day 39741  
of May and the fifteenth day of September at a track that is 39742  
located more than twenty-five miles from a track located in this 39743  
state where a light harness horse-racing meeting, other than a 39744  
light harness horse-racing meeting at a county fair or independent 39745  
fair, is being conducted and that is located less than twenty-five 39746  
miles from a track located outside this state. A permit issued for 39747  
horse racing at a county fair shall authorize live horse racing to 39748  
begin at nine a.m. 39749

(B) No permit shall be granted for the holding or conducting 39750  
of a horse-racing meeting after the tenth day of December in any 39751  
calendar year, except for racing at winterized tracks. "Winterized 39752  
track" means a track with enclosed club house or grandstand, 39753  
all-weather racing track, heated facilities for jockeys or 39754  
drivers, backstretch facilities that are properly prepared for 39755  
winter racing, and adequate snow removal equipment available. 39756

(C) No permit shall be issued for more than an aggregate of 39757  
fifty-six racing days in any one calendar year, except that an 39758  
additional five days of racing may be approved by the commission 39759  
upon application by a permit holder and except that an additional 39760  
thirty days of racing may be granted for racing at any time after 39761  
the fifteenth day of October and prior to the fifteenth day of 39762  
March to a permit holder who has a winterized facility, but no 39763  
more than thirty such additional days may be issued at any one 39764  
track or enclosure. No more than an aggregate of fifty-six racing 39765  
days shall be issued in any one calendar year for any one race 39766

track, place, or enclosure, except for the additional five days of 39767  
racing for each permit holder which may be approved by the 39768  
commission pursuant to this section, except as provided in 39769  
sections 3769.071 and 3769.13 of the Revised Code, except for 39770  
racing days granted as a result of a winterized facility, and 39771  
except that the commission may issue a second permit for a maximum 39772  
of fifty-six racing days for any one track, place, or enclosure, 39773  
if the commission determines that the issuance of such second 39774  
permit is not against the public interest. No such second permit 39775  
shall be issued: 39776

~~(A)~~(1) For the operation of racing in any county with a 39777  
population of less than seven hundred thousand or for the 39778  
operation of racing in any county which has more than one race 39779  
track at which a racing meet has been authorized, except as 39780  
provided in this division and in sections 3769.071 and 3769.13 of 39781  
the Revised Code, in the same year by the commission. A second 39782  
permit issued pursuant to this division may be issued at either or 39783  
both race tracks in a county that has only two race tracks if a 39784  
racing meet has been authorized at both race tracks in the same 39785  
year by the commission and one race track has been authorized to 39786  
conduct thoroughbred racing meets and the other race track has 39787  
been authorized to conduct harness racing meets. When such second 39788  
permit is issued pursuant to this division for racing at the one 39789  
race track, racing shall not be conducted at that race track on 39790  
the same day that racing is conducted at the other race track in 39791  
the county except by mutual agreement of the two race tracks. 39792

~~(B)~~(2) To any corporation having one or more shareholders 39793  
owning an interest in any other permit issued by the commission 39794  
for the operation of racing, in the same year, at any other race 39795  
track, place, or enclosure in this state; 39796

~~(C)~~(3) To any person, association, or trust which owns, or 39797  
which has any members owning, an interest in any other permit 39798

issued by the commission for the operation of racing, in the same 39799  
year, at any other race track, place, or enclosure in this state. 39800

(D) No permit shall be issued so as to permit live racing 39801  
programs on the same hour at more than one track in one county or 39802  
on tracks in operation in 1975 within fifty miles of each other, 39803  
nor shall any other form of pari-mutuel wagering other than horse 39804  
racing be permitted within seventy-five miles of a track where 39805  
horse racing is being conducted, except that this provision shall 39806  
not apply to a horse-racing meeting held at the state fair or at a 39807  
fair conducted by a county agricultural society or at a fair 39808  
conducted by an independent agricultural society. Distribution of 39809  
days shall not apply to fairs or horse shows not required to 39810  
secure a permit under such section. ~~Notwithstanding~~ 39811

(E) ~~Notwithstanding any other contrary provision of this~~ 39812  
~~chapter, a~~The Revised Code: 39813

(1) No person, association, trust, or corporation may own or 39814  
operate or entity shall be issued permits to conduct horse-racing 39815  
meetings at more than two separate facilities in this state that 39816  
are conducting horse racing meetings at any one time. 39817

(2) No person or entity shall be issued permits to conduct 39818  
thoroughbred horse-racing meetings at more than one facility in 39819  
this state at any one time. 39820

(3) No person or entity shall be a management company for 39821  
persons or entities that have been issued permits to conduct 39822  
horse-racing meetings at more than two facilities in this state at 39823  
any one time. 39824

(4) A person or entity is not prohibited from owning more 39825  
than two facilities in this state at which horse-racing meetings 39826  
are conducted, so long as the person or entity is not in violation 39827  
of division (E)(1), (2), or (3) of this section. 39828

(F) A permit, granted under sections 3769.01 to 3769.14 of 39829

the Revised Code, shall be conspicuously displayed during the 39830  
horse-racing meeting in the principal office at such race track 39831  
and at all reasonable times shall be exhibited to any authorized 39832  
person requesting to see the same. 39833

**Sec. 3770.06.** (A) There is hereby created the state lottery 39834  
gross revenue fund, which shall be in the custody of the treasurer 39835  
of state but shall not be part of the state treasury. All gross 39836  
revenues received from sales of lottery tickets, fines, fees, and 39837  
related proceeds in connection with the statewide lottery and all 39838  
gross proceeds from statewide joint lottery games shall be 39839  
deposited into the fund. The treasurer of state shall invest any 39840  
portion of the fund not needed for immediate use in the same 39841  
manner as, and subject to all provisions of law with respect to 39842  
the investment of, state funds. The treasurer of state shall 39843  
disburse money from the fund on order of the director of the state 39844  
lottery commission or the director's designee. 39845

Except for gross proceeds from statewide joint lottery games, 39846  
all revenues of the state lottery gross revenue fund that are not 39847  
paid to holders of winning lottery tickets, that are not required 39848  
to meet short-term prize liabilities, that are not credited to 39849  
lottery sales agents in the form of bonuses, commissions, or 39850  
reimbursements, that are not paid to financial institutions to 39851  
reimburse those institutions for sales agent nonsufficient funds, 39852  
and that are collected from sales agents for remittance to 39853  
insurers under contract to provide sales agent bonding services 39854  
shall be transferred to the state lottery fund, which is hereby 39855  
created in the state treasury. In addition, all revenues of the 39856  
state lottery gross revenue fund that represent the gross proceeds 39857  
from the statewide joint lottery games and that are not paid to 39858  
holders of winning lottery tickets, that are not required to meet 39859  
short-term prize liabilities, that are not credited to lottery 39860  
sales agents in the form of bonuses, commissions, or 39861

reimbursements, and that are not necessary to cover operating 39862  
expenses associated with those games or to otherwise comply with 39863  
the agreements signed by the governor that the director enters 39864  
into under division (J) of section 3770.02 of the Revised Code or 39865  
the rules the commission adopts under division (B)(5) of section 39866  
3770.03 of the Revised Code shall be transferred to the state 39867  
lottery fund. All investment earnings of the fund shall be 39868  
credited to the fund. Moneys shall be disbursed from the fund 39869  
pursuant to vouchers approved by the director. Total disbursements 39870  
for monetary prize awards to holders of winning lottery tickets in 39871  
connection with the statewide lottery and purchases of goods and 39872  
services awarded as prizes to holders of winning lottery tickets 39873  
shall be of an amount equal to at least fifty per cent of the 39874  
total revenue accruing from the sale of lottery tickets. 39875

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 39876  
there is hereby established in the state treasury the lottery 39877  
profits education fund. Whenever, in the judgment of the director 39878  
of the state lottery commission, the amount to the credit of the 39879  
state lottery fund that does not represent proceeds from statewide 39880  
joint lottery games is in excess of that needed to meet the 39881  
maturing obligations of the commission and as working capital for 39882  
its further operations, the director of the state lottery 39883  
commission shall recommend the amount of the excess to be 39884  
transferred to the lottery profits education fund, and the 39885  
director of budget and management may transfer the excess to the 39886  
lottery profits education fund in connection with the statewide 39887  
lottery. In addition, whenever, in the judgment of the director of 39888  
the state lottery commission, the amount to the credit of the 39889  
state lottery fund that represents proceeds from statewide joint 39890  
lottery games equals the entire net proceeds of those games as 39891  
described in division (B)(5) of section 3770.03 of the Revised 39892  
Code and the rules adopted under that division, the director of 39893  
the state lottery commission shall recommend the amount of the 39894

proceeds to be transferred to the lottery profits education fund, 39895  
and the director of budget and management may transfer those 39896  
proceeds to the lottery profits education fund. Investment 39897  
earnings of the lottery profits education fund shall be credited 39898  
to the fund. 39899

The lottery profits education fund shall be used solely for 39900  
the support of elementary, secondary, vocational, and special 39901  
education programs as determined in appropriations made by the 39902  
general assembly, or as provided in applicable bond proceedings 39903  
for the payment of debt service on obligations issued to pay costs 39904  
of capital facilities, including those for a system of common 39905  
schools throughout the state pursuant to section 2n of Article 39906  
VIII, Ohio Constitution. When determining the availability of 39907  
money in the lottery profits education fund, the director of 39908  
budget and management may consider all balances and estimated 39909  
revenues of the fund. 39910

(C) There is hereby established in the state treasury the 39911  
deferred prizes trust fund. With the approval of the director of 39912  
budget and management, an amount sufficient to fund annuity prizes 39913  
shall be transferred from the state lottery fund and credited to 39914  
the trust fund. The treasurer of state shall credit all earnings 39915  
arising from investments purchased under this division to the 39916  
trust fund. Within sixty days after the end of each fiscal year, 39917  
the treasurer of state shall certify to the director of budget and 39918  
management whether the actuarial amount of the trust fund is 39919  
sufficient over the fund's life for continued funding of all 39920  
remaining deferred prize liabilities as of the last day of the 39921  
fiscal year just ended. Also, within that sixty days, the director 39922  
of budget and management shall certify the amount of investment 39923  
earnings necessary to have been credited to the trust fund during 39924  
the fiscal year just ending to provide for such continued funding 39925  
of deferred prizes. Any earnings credited in excess of the latter 39926

certified amount shall be transferred to the lottery profits 39927  
education fund. 39928

To provide all or a part of the amounts necessary to fund 39929  
deferred prizes awarded by the commission in connection with the 39930  
statewide lottery, the treasurer of state, in consultation with 39931  
the commission, may invest moneys contained in the deferred prizes 39932  
trust fund which represents proceeds from the statewide lottery in 39933  
obligations of the type permitted for the investment of state 39934  
funds but whose maturities are thirty years or less. 39935  
Notwithstanding the requirements of any other section of the 39936  
Revised Code, to provide all or part of the amounts necessary to 39937  
fund deferred prizes awarded by the commission in connection with 39938  
statewide joint lottery games, the treasurer of state, in 39939  
consultation with the commission, may invest moneys in the trust 39940  
fund which represent proceeds derived from the statewide joint 39941  
lottery games in accordance with the rules the commission adopts 39942  
under division (B)(5) of section 3770.03 of the Revised Code. 39943  
Investments of the trust fund are not subject to the provisions of 39944  
division (A)(10) of section 135.143 of the Revised Code limiting 39945  
to twenty-five per cent the amount of the state's total average 39946  
portfolio that may be invested in debt interests other than 39947  
commercial paper and limiting to five per cent the amount that may 39948  
be invested in debt interests, including commercial paper, of a 39949  
single issuer. 39950

All purchases made under this division shall be effected on a 39951  
delivery versus payment method and shall be in the custody of the 39952  
treasurer of state. 39953

The treasurer of state may retain an investment advisor, if 39954  
necessary. The commission shall pay any costs incurred by the 39955  
treasurer of state in retaining an investment advisor. 39956

(D) The auditor of state shall conduct annual audits of all 39957  
funds and any other audits as the auditor of state or the general 39958

assembly considers necessary. The auditor of state may examine all records, files, and other documents of the commission, and records of lottery sales agents that pertain to their activities as agents, for purposes of conducting authorized audits.

(E) The state lottery commission shall establish an internal audit plan before the beginning of each fiscal year, subject to the approval of the office of internal audit in the office of budget and management. At the end of each fiscal year, the commission shall prepare and submit an annual report to the office of internal audit for the office's review and approval, specifying the internal audit work completed by the end of that fiscal year and reporting on compliance with the annual internal audit plan.

(1) Except as provided in division (E)(2) of this section, any internal audit report and all work papers of the internal audit produced by commission staff are confidential and are not public records under section 149.43 of the Revised Code until the final report is submitted to the director and the chairperson of the commission.

(2) Any internal audit report or work paper that meets the definition of a security record or infrastructure record under section 149.433 of the Revised Code is not a public record under section 149.43 of the Revised Code.

(F) Whenever, in the judgment of the director of budget and management, an amount of net state lottery proceeds is necessary to be applied to the payment of debt service on obligations, all as defined in sections 151.01 and 151.03 of the Revised Code, the director shall transfer that amount directly from the state lottery fund or from the lottery profits education fund to the bond service fund defined in those sections. The provisions of this division are subject to any prior pledges or obligation of those amounts to the payment of bond service charges as defined in division (C) of section 3318.21 of the Revised Code, as referred

to in division (B) of this section. 39991

**Sec. 3772.19.** ~~A person~~ No casino operator shall ~~not~~ hold a 39992  
majority ownership interest in, ~~or be a management company for,~~ 39993  
more than two casino operator licenses or casino facilities at any 39994  
one time. ~~A person shall not hold a majority ownership interest~~ 39995  
~~in, or be a management company, for more than two tracks at which~~ 39996  
~~horse racing where the pari-mutuel system of wagering is conducted~~ 39997  
~~at any one time, of which not more than one shall be a track for~~ 39998  
~~thoroughbred horses.~~ No person shall be a management company for 39999  
casino operators licensed to operate more than two casino 40000  
facilities in this state at any one time. 40001

**Sec. 3781.03.** (A) The state fire marshal, the fire chief of a 40002  
municipal corporation that has a fire department, or the fire 40003  
chief of a township that has a fire department shall enforce the 40004  
provisions of this chapter and Chapter 3791. of the Revised Code 40005  
that relate to fire prevention. 40006

(B) ~~The~~ (1) Except as provided in division (B)(2) of this 40007  
section, the superintendent of industrial compliance, or the 40008  
building inspector or commissioner of buildings in a municipal 40009  
corporation, county, or township in which the building department 40010  
is certified by the board of building standards under section 40011  
3781.10 of the Revised Code shall enforce in the jurisdiction of 40012  
each entity all the provisions in this chapter and Chapter 3791. 40013  
of the Revised Code and any rules adopted pursuant to those 40014  
chapters that relate to the construction, arrangement, and 40015  
erection of all buildings or parts of buildings, as defined in 40016  
section 3781.06 of the Revised Code, including the sanitary 40017  
condition of those buildings in relation to heating and 40018  
ventilation. 40019

(2) The superintendent, or the building inspector or 40020

commissioner of buildings in a municipal corporation, county, or 40021  
township in which the building department is certified by the 40022  
superintendent under section 3781.43 of the Revised Code shall 40023  
enforce in the jurisdiction of each entity section 3781.41 of the 40024  
Revised Code. 40025

(C) The division of industrial compliance in the department 40026  
of commerce, boards of health of health districts, certified 40027  
departments of building inspection of municipal corporations, and 40028  
county building departments that have authority to perform 40029  
inspections pursuant to a contract under division (C)(1) of 40030  
section 3703.01 of the Revised Code, subject to Chapter 3703. of 40031  
the Revised Code, shall enforce this chapter and Chapter 3791. of 40032  
the Revised Code and the rules adopted pursuant to those chapters 40033  
that relate to plumbing. Building drains are considered plumbing 40034  
for the purposes of enforcement of those chapters. 40035

(D)(1) In accordance with Chapter 3703. of the Revised Code, 40036  
the department of the city engineer, in cities having such 40037  
departments, the boards of health of health districts, or the 40038  
sewer purveyor, as appropriate, shall have complete authority to 40039  
supervise and regulate the entire sewerage and drainage system in 40040  
the jurisdiction in which it is exercising the authority described 40041  
in this division, including the building sewer and all laterals 40042  
draining into the street sewers. 40043

(2) In accordance with Chapter 3703. of the Revised Code, the 40044  
department of the city engineer, the boards of health of health 40045  
districts, or the sewer purveyor, as appropriate, shall control 40046  
and supervise the installation and construction of all drains and 40047  
sewers that become a part of the sewerage system and shall issue 40048  
all the necessary permits and licenses for the construction and 40049  
installation of all building sewers and of all other lateral 40050  
drains that empty into the main sewers. The department of the city 40051  
engineer, the boards of health of health districts, and the sewer 40052

purveyor, as appropriate, shall keep a permanent record of the 40053  
installation and location of every drain and sewer of the drainage 40054  
and sewerage system of the jurisdiction in which it has exercised 40055  
the authority described in this division. 40056

(E) This section does not exempt any officer or department 40057  
from the obligation to enforce this chapter and Chapter 3791. of 40058  
the Revised Code. 40059

**Sec. 3781.06.** (A)(1) Any building that may be used as a place 40060  
of resort, assembly, education, entertainment, lodging, dwelling, 40061  
trade, manufacture, repair, storage, traffic, or occupancy by the 40062  
public, any residential building, and all other buildings or parts 40063  
and appurtenances of those buildings erected within this state, 40064  
shall be so constructed, erected, equipped, and maintained that 40065  
they shall be safe and sanitary for their intended use and 40066  
occupancy. 40067

(2) Nothing in sections 3781.06 to 3781.18, 3781.40 to 40068  
3781.43, and 3791.04 of the Revised Code shall be construed to 40069  
limit the power of the division of industrial compliance of the 40070  
department of commerce to adopt rules of uniform application 40071  
governing manufactured home parks pursuant to section 4781.26 of 40072  
the Revised Code. 40073

(B) Sections 3781.06 to 3781.18, 3781.40 to 3781.43, and 40074  
3791.04 of the Revised Code do not apply to either of the 40075  
following: 40076

(1) Buildings or structures that are incident to the use for 40077  
agricultural purposes of the land on which the buildings or 40078  
structures are located, provided those buildings or structures are 40079  
not used in the business of retail trade. For purposes of this 40080  
division, a building or structure is not considered used in the 40081  
business of retail trade if fifty per cent or more of the gross 40082  
income received from sales of products in the building or 40083

structure by the owner or operator is from sales of products 40084  
produced or raised in a normal crop year on farms owned or 40085  
operated by the seller. 40086

(2) Existing single-family, two-family, and three-family 40087  
detached dwelling houses for which applications have been 40088  
submitted to the director of job and family services pursuant to 40089  
section 5104.03 of the Revised Code for the purposes of operating 40090  
type A family day-care homes as defined in section 5104.01 of the 40091  
Revised Code. 40092

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 40093  
Revised Code: 40094

(1) "Agricultural purposes" include agriculture, farming, 40095  
dairying, pasturage, apiculture, algaculture meaning the farming 40096  
of algae, horticulture, floriculture, viticulture, ornamental 40097  
horticulture, olericulture, pomiculture, and animal and poultry 40098  
husbandry. 40099

(2) "Building" means any structure consisting of foundations, 40100  
walls, columns, girders, beams, floors, and roof, or a combination 40101  
of any number of these parts, with or without other parts or 40102  
appurtenances. 40103

(3) "Industrialized unit" means a building unit or assembly 40104  
of closed construction fabricated in an off-site facility, that is 40105  
substantially self-sufficient as a unit or as part of a greater 40106  
structure, and that requires transportation to the site of 40107  
intended use. "Industrialized unit" includes units installed on 40108  
the site as independent units, as part of a group of units, or 40109  
incorporated with standard construction methods to form a 40110  
completed structural entity. "Industrialized unit" does not 40111  
include a manufactured home as defined by division (C)(4) of this 40112  
section or a mobile home as defined by division (O) of section 40113  
4501.01 of the Revised Code. 40114

(4) "Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

(5) "Permanent foundation" means permanent masonry, concrete, or a footing or foundation approved by the division of industrial compliance of the department of commerce pursuant to Chapter 4781. of the Revised Code, to which a manufactured or mobile home may be affixed.

(6) "Permanently sited manufactured home" means a manufactured home that meets all of the following criteria:

(a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;

(b) The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet;

(c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;

(d) The structure was manufactured after January 1, 1995;

(e) The structure is not located in a manufactured home park as defined by section 4781.01 of the Revised Code.

(7) "Safe," with respect to a building, means it is free from

danger or hazard to the life, safety, health, or welfare of 40145  
persons occupying or frequenting it, or of the public and from 40146  
danger of settlement, movement, disintegration, or collapse, 40147  
whether such danger arises from the methods or materials of its 40148  
construction or from equipment installed therein, for the purpose 40149  
of lighting, heating, the transmission or utilization of electric 40150  
current, or from its location or otherwise. 40151

(8) "Sanitary," with respect to a building, means it is free 40152  
from danger or hazard to the health of persons occupying or 40153  
frequenting it or to that of the public, if such danger arises 40154  
from the method or materials of its construction or from any 40155  
equipment installed therein, for the purpose of lighting, heating, 40156  
ventilating, or plumbing. 40157

(9) "Residential building" means a one-family, two-family, or 40158  
three-family dwelling house, and any accessory structure 40159  
incidental to that dwelling house. "Residential building" includes 40160  
a one-family, two-family, or three-family dwelling house that is 40161  
used as a model to promote the sale of a similar dwelling house. 40162  
"Residential building" does not include an industrialized unit as 40163  
defined by division (C)(3) of this section, a manufactured home as 40164  
defined by division (C)(4) of this section, or a mobile home as 40165  
defined by division (O) of section 4501.01 of the Revised Code. 40166

(10) "Nonresidential building" means any building that is not 40167  
a residential building or a manufactured or mobile home. 40168

(11) "Accessory structure" means a structure that is attached 40169  
to a residential building and serves the principal use of the 40170  
residential building. "Accessory structure" includes, but is not 40171  
limited to, a garage, porch, or screened-in patio. 40172

**Sec. 3781.061.** Whenever a county zoning inspector under 40173  
section 303.16 of the Revised Code, or a township zoning inspector 40174  
under section 519.16 of the Revised Code, issues a zoning 40175

certificate that declares a specific building or structure is to 40176  
be used in agriculture, such building is not subject to sections 40177  
3781.06 to 3781.20, 3781.40 to 3781.43, or 3791.04 of the Revised 40178  
Code. 40179

**Sec. 3781.10.** (A)(1) The board of building standards shall 40180  
formulate and adopt rules governing the erection, construction, 40181  
repair, alteration, and maintenance of all buildings or classes of 40182  
buildings specified in section 3781.06 of the Revised Code, 40183  
including land area incidental to those buildings, the 40184  
construction of industrialized units, the installation of 40185  
equipment, and the standards or requirements for materials used in 40186  
connection with those buildings. The board shall incorporate those 40187  
rules into separate residential and nonresidential building codes. 40188  
The standards shall relate to the conservation of energy and the 40189  
safety and sanitation of those buildings. 40190

(2) The rules governing nonresidential buildings are the 40191  
lawful minimum requirements specified for those buildings and 40192  
industrialized units, except that no rule other than as provided 40193  
in division (C) of section 3781.108 of the Revised Code that 40194  
specifies a higher requirement than is imposed by any section of 40195  
the Revised Code is enforceable. The rules governing residential 40196  
buildings are uniform requirements for residential buildings in 40197  
any area with a building department certified to enforce the state 40198  
residential building code. In no case shall any local code or 40199  
regulation differ from the state residential building code unless 40200  
that code or regulation addresses subject matter not addressed by 40201  
the state residential building code or is adopted pursuant to 40202  
section 3781.01 of the Revised Code. 40203

(3) The rules adopted pursuant to this section are complete, 40204  
lawful alternatives to any requirements specified for buildings or 40205  
industrialized units in any section of the Revised Code. Except as 40206

otherwise provided in division (I) of this section, the board 40207  
shall, on its own motion or on application made under sections 40208  
3781.12 and 3781.13 of the Revised Code, formulate, propose, 40209  
adopt, modify, amend, or repeal the rules to the extent necessary 40210  
or desirable to effectuate the purposes of sections 3781.06 to 40211  
3781.18 of the Revised Code. 40212

(B) The board shall report to the general assembly proposals 40213  
for amendments to existing statutes relating to the purposes 40214  
declared in section 3781.06 of the Revised Code that public health 40215  
and safety and the development of the arts require and shall 40216  
recommend any additional legislation to assist in carrying out 40217  
fully, in statutory form, the purposes declared in that section. 40218  
The board shall prepare and submit to the general assembly a 40219  
summary report of the number, nature, and disposition of the 40220  
petitions filed under sections 3781.13 and 3781.14 of the Revised 40221  
Code. 40222

(C) On its own motion or on application made under sections 40223  
3781.12 and 3781.13 of the Revised Code, and after thorough 40224  
testing and evaluation, the board shall determine by rule that any 40225  
particular fixture, device, material, process of manufacture, 40226  
manufactured unit or component, method of manufacture, system, or 40227  
method of construction complies with performance standards adopted 40228  
pursuant to section 3781.11 of the Revised Code. The board shall 40229  
make its determination with regard to adaptability for safe and 40230  
sanitary erection, use, or construction, to that described in any 40231  
section of the Revised Code, wherever the use of a fixture, 40232  
device, material, method of manufacture, system, or method of 40233  
construction described in that section of the Revised Code is 40234  
permitted by law. The board shall amend or annul any rule or issue 40235  
an authorization for the use of a new material or manufactured 40236  
unit on any like application. No department, officer, board, or 40237  
commission of the state other than the board of building standards 40238

or the board of building appeals shall permit the use of any 40239  
fixture, device, material, method of manufacture, newly designed 40240  
product, system, or method of construction at variance with what 40241  
is described in any rule the board of building standards adopts or 40242  
issues or that is authorized by any section of the Revised Code. 40243  
Nothing in this section shall be construed as requiring approval, 40244  
by rule, of plans for an industrialized unit that conforms with 40245  
the rules the board of building standards adopts pursuant to 40246  
section 3781.11 of the Revised Code. 40247

(D) The board shall recommend rules, codes, and standards to 40248  
help carry out the purposes of section 3781.06 of the Revised Code 40249  
and to help secure uniformity of state administrative rulings and 40250  
local legislation and administrative action to the bureau of 40251  
workers' compensation, the director of commerce, any other 40252  
department, officer, board, or commission of the state, and to 40253  
legislative authorities and building departments of counties, 40254  
townships, and municipal corporations, and shall recommend that 40255  
they audit those recommended rules, codes, and standards by any 40256  
appropriate action that they are allowed pursuant to law or the 40257  
constitution. 40258

(E)(1) The Except as provided in division (E)(14) of this 40259  
section, the board shall certify municipal, township, and county 40260  
building departments ~~and~~, the personnel of those building 40261  
departments, ~~and~~ persons described in division (E)(7) of this 40262  
section, and employees of individuals, firms, the state, or 40263  
corporations ~~as~~ described in division (E)(7) of this section to 40264  
exercise enforcement authority, to accept and approve plans and 40265  
specifications, and to make inspections, pursuant to sections 40266  
3781.03, 3791.04, and 4104.43 of the Revised Code. 40267

(2) The board shall certify departments, personnel, and 40268  
persons to enforce the state residential building code, to enforce 40269  
the nonresidential building code, or to enforce both the 40270

residential and the nonresidential building codes. Any department, 40271  
personnel, or person may enforce only the type of building code 40272  
for which certified. 40273

(3) The board shall not require a building department, its 40274  
personnel, or any persons that it employs to be certified for 40275  
residential building code enforcement if that building department 40276  
does not enforce the state residential building code. The board 40277  
shall specify, in rules adopted pursuant to Chapter 119. of the 40278  
Revised Code, the requirements for certification for residential 40279  
and nonresidential building code enforcement, which shall be 40280  
consistent with this division. The requirements for residential 40281  
and nonresidential certification may differ. Except as otherwise 40282  
provided in this division, the requirements shall include, but are 40283  
not limited to, the satisfactory completion of an initial 40284  
examination and, to remain certified, the completion of a 40285  
specified number of hours of continuing building code education 40286  
within each three-year period following the date of certification 40287  
which shall be not less than thirty hours. The rules shall provide 40288  
that continuing education credits and certification issued by the 40289  
council of American building officials, national model code 40290  
organizations, and agencies or entities the board recognizes are 40291  
acceptable for purposes of this division. The rules shall specify 40292  
requirements that are consistent with the provisions of section 40293  
5903.12 of the Revised Code relating to active duty military 40294  
service and are compatible, to the extent possible, with 40295  
requirements the council of American building officials and 40296  
national model code organizations establish. 40297

(4) The board shall establish and collect a certification and 40298  
renewal fee for building department personnel, and persons and 40299  
employees of persons, firms, or corporations as described in this 40300  
section, who are certified pursuant to this division. 40301

(5) Any individual certified pursuant to this division shall 40302

complete the number of hours of continuing building code education 40303  
that the board requires or, for failure to do so, forfeit 40304  
certification. 40305

(6) This division does not require or authorize the board to 40306  
certify personnel of municipal, township, and county building 40307  
departments, and persons and employees of persons, firms, or 40308  
corporations as described in this section, whose responsibilities 40309  
do not include the exercise of enforcement authority, the approval 40310  
of plans and specifications, or making inspections under the state 40311  
residential and nonresidential building codes. 40312

(7) Enforcement authority for approval of plans and 40313  
specifications and enforcement authority for inspections may be 40314  
exercised, and plans and specifications may be approved and 40315  
inspections may be made on behalf of a municipal corporation, 40316  
township, or county, by any of the following who the board of 40317  
building standards certifies: 40318

(a) Officers or employees of the municipal corporation, 40319  
township, or county; 40320

(b) Persons, or employees of persons, firms, or corporations, 40321  
pursuant to a contract to furnish architectural, engineering, or 40322  
other services to the municipal corporation, township, or county; 40323

(c) Officers or employees of, and persons under contract 40324  
with, a municipal corporation, township, county, health district, 40325  
or other political subdivision, pursuant to a contract to furnish 40326  
architectural, engineering, or other services; 40327

(d) Officers or employees of the division of industrial 40328  
compliance in the department of commerce pursuant to a contract 40329  
authorized by division (B) of section 121.083 of the Revised Code. 40330

(8) Municipal, township, and county building departments have 40331  
jurisdiction within the meaning of sections 3781.03, 3791.04, and 40332  
4104.43 of the Revised Code, only with respect to the types of 40333

buildings and subject matters for which they are certified under 40334  
this section. 40335

(9) A certified municipal, township, or county building 40336  
department may exercise enforcement authority, accept and approve 40337  
plans and specifications, and make inspections pursuant to 40338  
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 40339  
park district created pursuant to Chapter 1545. of the Revised 40340  
Code upon the approval, by resolution, of the board of park 40341  
commissioners of the park district requesting the department to 40342  
exercise that authority and conduct those activities, as 40343  
applicable. 40344

(10) Certification shall be granted upon application by the 40345  
municipal corporation, the board of township trustees, or the 40346  
board of county commissioners and approval of that application by 40347  
the board of building standards. The application shall set forth: 40348

(a) Whether the certification is requested for residential or 40349  
nonresidential buildings, or both; 40350

(b) The number and qualifications of the staff composing the 40351  
building department; 40352

(c) The names, addresses, and qualifications of persons, 40353  
firms, or corporations contracting to furnish work or services 40354  
pursuant to division (E)(7)(b) of this section; 40355

(d) The names of any other municipal corporation, township, 40356  
county, health district, or political subdivision under contract 40357  
to furnish work or services pursuant to division (E)(7) of this 40358  
section; 40359

(e) The proposed budget for the operation of the building 40360  
department. 40361

(11) The board of building standards shall adopt rules 40362  
governing all of the following: 40363

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or person would have to pass upon, inspect, or otherwise exercise authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work.

(b) The minimum services to be provided by a certified building department.

(12) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of certification in the same manner as provided in section 3781.101 of the Revised Code for other proceedings of the board of building standards.

(13) Upon certification, and until that authority is revoked, any county or township building department shall enforce the residential and nonresidential building codes for which it is certified without regard to limitation upon the authority of boards of county commissioners under Chapter 307. of the Revised Code or boards of township trustees under Chapter 505. of the Revised Code.

(14) The board does not have jurisdiction over certifications governed by sections 3781.40 to 3781.44 of the Revised Code. 40396  
40397

(F) In addition to hearings sections 3781.06 to 3781.18 and 40398  
3791.04 of the Revised Code require, the board of building 40399  
standards shall make investigations and tests, and require from 40400  
other state departments, officers, boards, and commissions 40401  
information the board considers necessary or desirable to assist 40402  
it in the discharge of any duty or the exercise of any power 40403  
mentioned in this section or in sections 3781.06 to 3781.18, 40404  
3791.04, and 4104.43 of the Revised Code. 40405

(G) The board shall adopt rules and establish reasonable fees 40406  
for the review of all applications submitted where the applicant 40407  
applies for authority to use a new material, assembly, or product 40408  
of a manufacturing process. The fee shall bear some reasonable 40409  
relationship to the cost of the review or testing of the 40410  
materials, assembly, or products and for the notification of 40411  
approval or disapproval as provided in section 3781.12 of the 40412  
Revised Code. 40413

(H) The residential construction advisory committee shall 40414  
provide the board with a proposal for a state residential building 40415  
code that the committee recommends pursuant to division (D)(1) of 40416  
section 4740.14 of the Revised Code. Upon receiving a 40417  
recommendation from the committee that is acceptable to the board, 40418  
the board shall adopt rules establishing that code as the state 40419  
residential building code. 40420

(I)(1) The committee may provide the board with proposed 40421  
rules to update or amend the state residential building code that 40422  
the committee recommends pursuant to division (E) of section 40423  
4740.14 of the Revised Code. 40424

(2) If the board receives a proposed rule to update or amend 40425  
the state residential building code as provided in division (I)(1) 40426

of this section, the board either may accept or reject the 40427  
proposed rule for incorporation into the residential building 40428  
code. If the board does not act to either accept or reject the 40429  
proposed rule within ninety days after receiving the proposed rule 40430  
from the committee as described in division (I)(1) of this 40431  
section, the proposed rule shall become part of the residential 40432  
building code. 40433

(J) The board shall cooperate with the director of job and 40434  
family services when the director promulgates rules pursuant to 40435  
section 5104.05 of the Revised Code regarding safety and 40436  
sanitation in type A family day-care homes. 40437

(K) The board shall adopt rules to implement the requirements 40438  
of section 3781.108 of the Revised Code. 40439

Sec. 3781.40. As used in sections 3781.40 to 3781.44 of the 40440  
Revised Code: 40441

(A) "Adequate welding standards" means specifications, 40442  
guidelines, tests, and other methods used to ensure that all 40443  
structural steel welds meet, at minimum, the codes and standards 40444  
for such welds established in the American welding society 40445  
structural steel welding code D1.1 and the nonresidential building 40446  
code adopted under section 3781.10 of the Revised Code. 40447

(B) "Certified welding inspector" means a person who has been 40448  
certified by the American welding society to inspect structural 40449  
steel welding projects and conduct welder qualification tests. 40450

(C) "Structural steel welding" means structural welds, weld 40451  
repair, the structural system, and the welding of all primary 40452  
steel members of a structure in accordance with the American 40453  
welding society structural steel welding code D1.1. "Structural 40454  
steel welding" does not include welding that is required by the 40455  
American society of mechanical engineers to have its own 40456

certification. 40457

Sec. 3781.41. A contractor, subcontractor, or project manager 40458  
who is responsible for the structural steel welding on a 40459  
construction project shall ensure that all of the following occur: 40460

(A) All welders performing structural steel welding for the 40461  
project have been tested by and hold a valid certification from a 40462  
facility that has been accredited by the American welding society 40463  
to test and certify welders and welding inspectors. 40464

(B) All structural steel welding performed for the project 40465  
meets adequate welding standards. 40466

(C) All structural steel welding inspections listed in the 40467  
project's job specifications are completed by a certified welding 40468  
inspector. 40469

Sec. 3781.42. The superintendent of industrial compliance 40470  
shall adopt rules pursuant to Chapter 119. of the Revised Code to 40471  
do all of the following: 40472

(A) Govern the inspection of structural steel welding; 40473

(B) Require the division of industrial compliance, any 40474  
building department or personnel of any department, or any private 40475  
third party, certified pursuant to section 3781.43 of the Revised 40476  
Code to conduct all inspections of structural steel welding to 40477  
determine compliance with section 3781.41 of the Revised Code; 40478

(C) Establish fees for conducting inspections to determine 40479  
compliance with section 3781.41 of the Revised Code; 40480

(D) Govern the investigation of complaints concerning any 40481  
contractor, subcontractor, or project manager who fails to comply 40482  
with section 3781.41 of the Revised Code; 40483

(E) Establish the requirements and procedures for the 40484  
certification of building departments, building department 40485

personnel, and private third parties pursuant to section 3781.43 40486  
of the Revised Code; 40487

(F) Establish fees to be charged to building departments, 40488  
building department personnel, and private third parties applying 40489  
for certification and renewal of certification pursuant to section 40490  
3781.43 of the Revised Code; 40491

(G) Develop a policy regarding the maintenance of records for 40492  
any inspection authorized or conducted pursuant to sections 40493  
3781.40 to 3781.43 of the Revised Code. 40494

**Sec. 3781.43.** (A) Pursuant to the rules the superintendent of 40495  
industrial compliance adopts under section 3781.42 of the Revised 40496  
Code, the superintendent may certify municipal, township, and 40497  
county building departments and the personnel of those 40498  
departments, or any private third party, to conduct all 40499  
inspections of structural steel welding to determine compliance 40500  
with section 3781.41 of the Revised Code. 40501

(B) On the superintendent's own motion or on the petition of 40502  
a person affected by an inspection of structural steel welding to 40503  
determine compliance with section 3781.41 of the Revised Code, the 40504  
superintendent may investigate a municipal, township, or county 40505  
building department or the personnel of those departments, or any 40506  
private third party certified pursuant to this section. Following 40507  
an investigation and finding of facts that support the 40508  
superintendent's action, the superintendent may revoke or suspend 40509  
a certification. 40510

(C)(1) If a municipal corporation, township, or county does 40511  
not have a building department that is certified pursuant to this 40512  
section, it may designate by resolution or ordinance another 40513  
building department or a private third party that has been 40514  
certified pursuant to this section to conduct all inspections of 40515  
structural steel welding to determine compliance with section 40516

3781.41 of the Revised Code. The designation is effective on 40517  
acceptance by the designee. 40518

(2) An owner of a project involving structural steel welding 40519  
or a contractor, subcontractor, or project manager of the project 40520  
may request an inspection and obtain an approval from any building 40521  
department or private third party certified pursuant to this 40522  
section and designated pursuant to division (C)(1) of this section 40523  
by the municipal corporation, township, or county in which the 40524  
project is located. 40525

Sec. 3781.44. No person shall recklessly fail to comply with 40526  
sections 3781.41 to 3781.43 of the Revised Code or any rule 40527  
adopted thereunder. 40528

**Sec. 3798.01.** As used in this chapter: 40529

(A) "Administrative safeguards," "physical safeguards," and 40530  
"technical safeguards" have the same meanings as in 45 C.F.R. 40531  
164.304. 40532

~~(B) "Approved health information exchange" means a health~~ 40533  
~~information exchange that has been approved or reapproved by the~~ 40534  
~~medicaid director pursuant to the approval or reapproval process,~~ 40535  
~~as applicable, the director establishes in rules adopted under~~ 40536  
~~division (A) of section 3798.15 of the Revised Code or that has~~ 40537  
~~been certified by the office of the national coordinator for~~ 40538  
~~health information technology in the United States department of~~ 40539  
~~health and human services.~~ 40540

~~(C)~~ "Covered entity," "disclosure," "health care provider," 40541  
"health information," "individually identifiable health 40542  
information," "protected health information," and "use" have the 40543  
same meanings as in 45 C.F.R. 160.103. 40544

~~(D)~~(C) "Designated record set" has the same meaning as in 45 40545  
C.F.R. 164.501. 40546

~~(E)~~(D) "Direct exchange" means the activity of electronic transmission of health information through a direct connection between the electronic record systems of health care providers without the use of a health information exchange.

~~(F)~~(E) "Health care component" and "hybrid entity" have the same meanings as in 45 C.F.R. 164.103.

~~(G)~~(F) "Health information exchange" means any person or governmental entity that provides in this state a technical infrastructure to connect computer systems or other electronic devices used by covered entities to facilitate the secure transmission of health information. "Health information exchange" excludes health care providers engaged in direct exchange, including direct exchange through the use of a health information service provider.

~~(H)~~(G) "HIPAA privacy rule" means the standards for privacy of individually identifiable health information in 45 C.F.R. part 160 and in 45 C.F.R. part 164, subparts A and E.

~~(I)~~(H) "Interoperability" means the capacity of two or more information systems to exchange information in an accurate, effective, secure, and consistent manner.

~~(J)~~(I) "Minor" means an unemancipated person under eighteen years of age or a mentally or physically disabled person under twenty-one years of age who meets criteria specified in rules adopted by the medicaid director under section 3798.13 of the Revised Code.

~~(K)~~(J) "More stringent" has the same meaning as in 45 C.F.R. 160.202.

~~(L)~~ "Office of health transformation" means the office of health transformation created by executive order 2011-02K or a successor governmental entity responsible for health system oversight in this state.

~~(M)~~(K) "Personal representative" means a person who has 40578  
authority under applicable law to make decisions related to health 40579  
care on behalf of an adult or emancipated minor, or the parent, 40580  
legal guardian, or other person acting in loco parentis who is 40581  
authorized under law to make health care decisions on behalf of an 40582  
unemancipated minor. "Personal representative" does not include 40583  
the parent or legal guardian of, or another person acting in loco 40584  
parentis to, a minor who consents to the minor's own receipt of 40585  
health care or a minor who makes medical decisions on the minor's 40586  
own behalf pursuant to law, court approval, or because the minor's 40587  
parent, legal guardian, or other person acting in loco parentis 40588  
has assented to an agreement of confidentiality between the 40589  
provider and the minor. 40590

~~(N)~~(L) "Political subdivision" means a municipal corporation, 40591  
township, county, school district, or other body corporate and 40592  
politic responsible for governmental activities in a geographic 40593  
area smaller than that of the state. 40594

~~(O)~~(M) "State agency" means any one or more of the following: 40595

- (1) The department of administrative services; 40596
- (2) The department of aging; 40597
- (3) The department of mental health and addiction services; 40598
- (4) The department of developmental disabilities; 40599
- (5) The department of education; 40600
- (6) The department of health; 40601
- (7) The department of insurance; 40602
- (8) The department of job and family services; 40603
- (9) The department of medicaid; 40604
- (10) The department of rehabilitation and correction; 40605
- (11) The department of youth services; 40606

(12) The bureau of workers' compensation;	40607
(13) The opportunities for Ohioans with disabilities agency;	40608
(14) The office of the attorney general;	40609
(15) A health care licensing board created under Title XLVII	40610
of the Revised Code that possesses individually identifiable	40611
health information.	40612
<b>Sec. 3798.07.</b> (A) <del>In addition to a covered entity generally</del>	40613
<del>being subject to the conditions specified in divisions (A) to (D)</del>	40614
<del>of section 3798.06 of the Revised Code when the covered entity</del>	40615
<del>discloses protected health information to a health information</del>	40616
<del>exchange without a valid authorization, the</del> A covered entity shall	40617
also be subject to the following conditions when it discloses	40618
protected health information to a health information exchange:	40619
(1) The covered entity shall restrict disclosure consistent	40620
with all applicable federal laws governing the disclosure <del>+</del> .	40621
(2) If the protected health information concerns a minor, the	40622
covered entity shall restrict disclosure in a manner that complies	40623
with laws of this state pertaining to the circumstances under	40624
which a minor may consent to the minor's own receipt of health	40625
care or make medical decisions on the minor's own behalf,	40626
including sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04,	40627
and 5126.043 of the Revised Code unless the minor authorizes the	40628
disclosure.	40629
(3) The covered entity shall restrict disclosure in a manner	40630
that is consistent with a written request from the individual or	40631
the individual's personal representative to restrict disclosure of	40632
all of the individual's protected health information.	40633
<del>(4) The covered entity shall restrict disclosure in a manner</del>	40634
<del>that is consistent with a written request from the individual or</del>	40635
<del>the individual's personal representative concerning specific</del>	40636

~~categories of protected health information to the extent that 40637  
rules adopted pursuant to section 3798.16 of the Revised Code 40638  
require the covered entity to comply with such a request. 40639~~

(B) The conditions in division (A) of this section on a 40640  
covered entity's disclosure of protected health information to a 40641  
health information exchange do not render unenforceable or 40642  
restrict in any manner any of the following: 40643

(1) A provision of the Revised Code that on ~~the effective 40644  
date of this section~~ September 10, 2012, requires a person or 40645  
governmental entity to disclose protected health information to a 40646  
state agency, political subdivision, or other governmental entity; 40647

(2) The confidential status of proceedings and records within 40648  
the scope of a peer review committee of a health care entity as 40649  
described in section 2305.252 of the Revised Code; 40650

(3) The confidential status of quality assurance program 40651  
activities and quality assurance records as described in section 40652  
5122.32 of the Revised Code; 40653

(4) The testimonial privilege established by division (B) of 40654  
section 2317.02 of the Revised Code; 40655

(5) Any of the following items that govern the 40656  
confidentiality, privacy, security, or privileged status of 40657  
protected health information in the possession or custody of an 40658  
agency as defined in section 111.15 of the Revised Code; govern 40659  
the process for obtaining from a patient consent to the provision 40660  
of health care or consent for participation in medical or other 40661  
scientific research; govern the process for determining whether an 40662  
adult has a physical or mental impairment or an adult's capacity 40663  
to make health care decisions for purposes of Chapter 5126. of the 40664  
Revised Code; or govern the process for determining whether a 40665  
minor has been emancipated: 40666

(a) A section of the Revised Code that is not in this 40667

chapter;	40668
(b) A rule as defined in section 119.01 of the Revised Code;	40669
(c) An internal management rule as defined in section 111.15 of the Revised Code;	40670 40671
(d) Guidance issued by an agency as defined in section 111.15 of the Revised Code;	40672 40673
(e) Orders or regulations of a board of health of a city health district made under section 3709.20 of the Revised Code;	40674 40675
(f) Orders or regulations of a board of health of a general health district made under section 3709.21 of the Revised Code;	40676 40677
(g) An ordinance or resolution adopted by a political subdivision;	40678 40679
(h) A professional code of ethics;	40680
(i) When a minor is authorized to consent to the minor's own receipt of health care or make medical decisions on the minor's own behalf, including the circumstances described in sections 2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of the Revised Code.	40681 40682 40683 40684 40685
<b>Sec. 3798.10.</b> (A) <del>Not later than six months after September 10, 2012, the The</del> medicaid director, <del>in consultation with the office of health transformation,</del> shall prescribe by rules adopted in accordance with Chapter 119. of the Revised Code a standard authorization form for the use and disclosure of protected health information by covered entities in this state. The form shall meet all requirements specified in 45 C.F.R. 164.508 and, where applicable, 42 C.F.R. part 2.	40686 40687 40688 40689 40690 40691 40692 40693
(B) If a form the medicaid director prescribes under division (A) of this section is properly executed by an individual or the individual's personal representative, it shall be accepted by any	40694 40695 40696

person or governmental entity in this state as valid authorization 40697  
for the use or disclosure of the individual's protected health 40698  
information to the persons or governmental entities specified in 40699  
the form. 40700

(C) This section does not preclude a person or governmental 40701  
entity from accepting as valid authorization for the use or 40702  
disclosure of protected health information a form other than the 40703  
form prescribed under division (A) of this section if the other 40704  
form meets all requirements specified in 45 C.F.R. 164.508 and, if 40705  
applicable, 42 C.F.R. part 2. 40706

Sec. 3799.01. Article I. Definitions 40707

For purposes of this compact: 40708

1. "Compacting state" means either of the following: 40709

a. Any state that has enacted the compact and which has not 40710  
withdrawn or been suspended pursuant to Article XIV of the 40711  
compact; 40712

b. The federal government in accordance with the commission's 40713  
bylaws. 40714

2. "Compact" means the Solemn Covenant of the States to Award 40715  
Prizes for Curing Diseases enacted in this section. 40716

3. "Non-compacting state" means any state or the federal 40717  
government, if it is not at the time a compacting state. 40718

4. "Public health expenses" means the amount of all costs 40719  
paid by taxpayers in a specified geographic area relating to a 40720  
particular disease. 40721

5. "State" means any state, district, or territory of the 40722  
United States of America. 40723

Article II. Establishment of the Commission; Membership 40724

1. Upon the enactment of the compact by six states, the 40725

compacting states shall establish the Solemn Covenant of States 40726  
Commission. 40727

2. The commission is a body corporate and politic and an 40728  
instrumentality of each of the compacting states and is solely 40729  
responsible for its liabilities, except as otherwise specifically 40730  
provided in the compact. 40731

3. Each compacting state shall be represented by one member 40732  
as selected by the compacting state. Each compacting state shall 40733  
determine its member's qualifications and period of service and 40734  
shall be responsible for any action to remove or suspend its 40735  
member or to fill the member's position if it becomes vacant. 40736  
Nothing in the compact shall be construed to affect a compacting 40737  
state's authority regarding the qualification, selection, or 40738  
service of its own member. 40739

Article III. Powers of the Commission 40740

1. To adopt bylaws and rules pursuant to Articles V and VI of 40741  
the compact, which shall have the force and effect of law and 40742  
shall be binding in the compacting states to the extent and in the 40743  
manner provided in the compact; 40744

2. To receive and review in an expeditious manner treatments 40745  
and therapeutic protocols for the cure of disease submitted to the 40746  
commission and to award prizes for submissions that meet the 40747  
commission's standards for a successful cure treatment or 40748  
therapeutic protocol; 40749

3. To make widely available a cure treatment or therapeutic 40750  
protocol upon a prize winner claiming a prize and transferring any 40751  
intellectual property necessary for the manufacture and 40752  
distribution of the cure in accordance with section 3.g.i. of 40753  
Article VI, including by arranging or contracting for the 40754  
manufacturing, production, or provision of any drug, serum, or 40755  
other substance, device, or process, provided that the commission 40756

does not market the cure or conduct any other activity regarding 40757  
the cure not specifically authorized in the compact; 40758

4. To establish a selling price for the cure, which shall be 40759  
not more than the expenses for the cure's manufacturing, 40760  
distribution, licensing, and any other necessary governmental 40761  
requirements for compacting states, or those expenses plus any 40762  
royalty fees, for noncompacting states; the price shall not 40763  
include the expenses of any other activities; 40764

5. In non-compacting states and foreign countries, to 40765  
establish and collect royalty fees imposed on manufacturers, 40766  
producers, and providers of any drug, serum, or other substance, 40767  
device, or process used for a cure treatment or therapeutic 40768  
protocol, for which a prize is awarded; royalty fees may be added 40769  
to the sales price of the cure pursuant to section 4 of this 40770  
Article; provided that the royalty fees shall cumulatively be not 40771  
more than the estimated five-year savings in public health 40772  
expenses for that state or country, as calculated by actuaries 40773  
employed or contracted by the commission; 40774

6. To do the following regarding the collected royalty fees: 40775

a. Pay or reimburse expenses related to the payment of a 40776  
prize, which shall include employing or contracting actuaries to 40777  
calculate annual taxpayer savings amounts in compacting states in 40778  
accordance with section 3.g.iii. of Article VI, and payment of 40779  
interest and other expenses related to a loan obtained in 40780  
accordance with section 3.g.vi. of Article VI; 40781

b. Annually disburse any amounts remaining after making 40782  
payments or reimbursements under section 6.a. of this article as 40783  
refunds to compacting states based on the per cent of the state's 40784  
prize obligation in relation to the total obligation amount of all 40785  
compacting states; 40786

7. To bring and prosecute legal proceedings or actions in its 40787

<u>name as the commission;</u>	40788
<u>8. To issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence;</u>	40789
	40790
<u>9. To establish and maintain offices;</u>	40791
<u>10. To borrow, accept, or contract for personnel services, including personnel services from employees of a compacting state;</u>	40792
	40793
<u>11. To hire employees, professionals, or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of the compact, and determine their qualifications; and to establish the commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel;</u>	40794
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<u>12. To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall strive to avoid any appearance of impropriety;</u>	40801
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<u>13. To lease, purchase, or accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, real, personal, or mixed; provided, that at all times the commission shall strive to avoid any appearance of impropriety;</u>	40806
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<u>14. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;</u>	40811
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<u>15. To monitor compacting states for compliance with the commission's bylaws and rules;</u>	40814
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<u>16. To enforce compliance by compacting states with the commission's bylaws and rules;</u>	40816
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<u>17. To provide for dispute resolution among compacting states</u>	40818
<u>or between the commission and those who submit treatments and</u>	40819
<u>therapeutic protocols for the cure of disease for consideration;</u>	40820
<u>18. To establish a budget and make expenditures;</u>	40821
<u>19. To borrow money;</u>	40822
<u>20. To appoint committees, including management, legislative,</u>	40823
<u>and advisory committees comprised of members, state legislators or</u>	40824
<u>their representatives, medical professionals, and such other</u>	40825
<u>interested persons as may be designated by the commission;</u>	40826
<u>21. To establish annual membership dues for compacting</u>	40827
<u>states, which shall be used for daily expenses of the commission</u>	40828
<u>and not for interest or prize payments;</u>	40829
<u>22. To adopt and use a corporate seal;</u>	40830
<u>23. To perform such other functions as may be necessary or</u>	40831
<u>appropriate to achieve the purposes of this compact.</u>	40832
<u>Article IV. Meetings and Voting</u>	40833
<u>1. The commission shall meet and take such actions as are</u>	40834
<u>consistent with the compact, bylaws, and rules.</u>	40835
<u>2. A majority of the members of the commission shall</u>	40836
<u>constitute a quorum necessary in order to conduct business or take</u>	40837
<u>actions at meetings of the commission.</u>	40838
<u>3. Each member of the commission shall have the right and</u>	40839
<u>power to cast one vote regarding matters determined or actions to</u>	40840
<u>be taken by the commission. Each member shall have the right and</u>	40841
<u>power to participate in the business and affairs of the</u>	40842
<u>commission.</u>	40843
<u>4. A member shall vote in person or by such other means as</u>	40844
<u>provided in the commission's bylaws. The commission's bylaws may</u>	40845
<u>provide for members' participation in meetings by telephone or</u>	40846
<u>other means of communication.</u>	40847

5. The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the commission's bylaws. 40848  
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6. No decision of the commission with respect to the approval of an award for a treatment or therapeutic process for the cure of a disease shall be effective unless two-thirds of all the members of the commission vote in favor thereof. 40851  
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7. Guidelines and voting requirements for all other decisions of the commission shall be established in the commission's bylaws. 40855  
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Article V. Bylaws 40857

The commission shall, by a majority vote of all the members of the commission, prescribe bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes, and exercise the powers, of the compact, including, but not limited to: 40858  
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1. Establishing the fiscal year of the commission; 40863

2. Providing reasonable procedures for appointing and electing members, as well as holding meetings, of the management committee; 40864  
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3. Providing reasonable standards and procedures: 40867

a. For the establishment and meetings of other committees; 40868

b. Governing any general or specific delegation of any authority or function of the commission; and 40869  
40870

c. Voting guidelines and procedures for commission decisions. 40871

4. Providing reasonable procedures for calling and conducting meetings of the commission that shall consist of requiring a quorum to be present, ensuring reasonable advance notice of each such meeting and providing for the right of citizens to attend each such meeting with enumerated exceptions designed to protect the public's interest and the privacy of individuals. 40872  
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5. Providing a list of matters about which the commission may go into executive session and requiring a majority of all members of the commission vote to enter into such session. As soon as practicable, the commission shall make public: 40878  
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- a. A copy of the vote to go into executive session, revealing the vote of each member with no proxy votes allowed; and 40882  
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- b. The matter requiring executive session, without identifying the actual issues or individuals involved. 40884  
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6. Establishing the titles, duties, authority, and reasonable procedures for the election of the officers of the commission; 40886  
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7. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar laws of any compacting state, the commission's bylaws shall exclusively govern the personnel policies and programs of the commission; 40888  
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8. Allowing a mechanism for: 40894
- a. The federal government to join as a compacting state; and 40895
- b. Foreign countries or subdivisions of those countries to join as liaison members by adopting the compact; provided that adopting countries or subdivisions shall not have voting power or the power to bind the commission in any way. 40896  
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9. Adopting a code of ethics to address permissible and prohibited activities of members and employees; 40900  
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10. Providing for the maintenance of the commission's books and records; 40902  
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11. Governing the acceptance of and accounting for donations, annual member dues, and other sources of funding and establishing the proportion of these funds to be allocated to prize amounts for treatments and therapeutic protocols that cure disease; 40904  
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12. Governing any fund raising efforts in which the 40908  
commission wishes to engage; and 40909

13. Providing a mechanism for winding up the operations of 40910  
the commission and the equitable disposition of any surplus funds 40911  
that may exist after the termination of the compact after the 40912  
payment and reserving of all its debts and obligations. 40913

Article VI. Rules 40914

1. The commission shall adopt rules to do the following: 40915

a. Effectively and efficiently achieve the purposes of this 40916  
compact; 40917

b. Govern the methods, processes, and any other aspect of the 40918  
research, creation, and testing of a treatment or therapeutic 40919  
protocol for each disease for which a prize may be awarded. 40920

2. The commission shall also adopt rules establishing the 40921  
criteria for defining and classifying the diseases for which 40922  
prizes shall be awarded. The commission may define and classify 40923  
subsets of diseases, for example, tubular carcinoma of the breast. 40924  
For purposes of sections 3.a. and c. of this article, a subset of 40925  
a disease shall be considered one disease. The commission may 40926  
consult the most recent edition of the international 40927  
classification of disease as published by the world health 40928  
organization or other definitions agreed to by a two-thirds vote 40929  
of the commission. 40930

3. The commission shall also adopt rules regarding prizes for 40931  
curing diseases that establish the following: 40932

a. At least ten major diseases for which to create prizes, 40933  
which shall be determined based on the following factors: 40934

i. The severity of the disease to a human individual's 40935  
overall health and well-being; 40936

ii. The survival rate or severity of impact of the disease; 40937

<u>iii. The public health expenses and treatment expenses for</u>	40938
<u>the disease.</u>	40939
<u>b. The criteria a treatment or therapeutic protocol must meet</u>	40940
<u>in order to be considered a cure for any of the diseases for which</u>	40941
<u>a prize may be awarded, which shall include the following</u>	40942
<u>requirements:</u>	40943
<u>i. It must be approved by the federal Food and Drug</u>	40944
<u>Administration or have otherwise obtained legal status for the</u>	40945
<u>compact to immediately contract to manufacture and distribute in</u>	40946
<u>the United States;</u>	40947
<u>ii. Except as provided in section 4. of this article, it must</u>	40948
<u>yield a significant increase in survival with respect to the</u>	40949
<u>diseases if early death is the usual outcome;</u>	40950
<u>iii. It requires less than one year of the treatment or</u>	40951
<u>protocol to completely cure the disease.</u>	40952
<u>c. The procedure for determining the diseases for which to</u>	40953
<u>award prizes, which includes the option to award prizes for more</u>	40954
<u>than ten diseases that meet the above criteria, if agreed to by</u>	40955
<u>two-thirds vote of the commission, and a requirement to update the</u>	40956
<u>list every three years.</u>	40957
<u>d. The submission and evaluation procedures and guidelines,</u>	40958
<u>including filing and review procedures, a requirement that the</u>	40959
<u>person or entity submitting the cure bears the burden of proof in</u>	40960
<u>demonstrating that the treatment or therapeutic protocol meets the</u>	40961
<u>above criteria, and limitations preventing public access to</u>	40962
<u>treatment or protocol submissions.</u>	40963
<u>e. The estimated five-year public health savings that would</u>	40964
<u>result from a cure, which shall be equal to the five-year public</u>	40965
<u>health expenses for each disease in each compacting state, and a</u>	40966
<u>procedure to update these expenses every three years in</u>	40967
<u>conjunction with the requirements in section 3.c. of this article.</u>	40968

The estimated five-year public health savings amount shall be 40969  
calculated, estimated, and publicized every three years by 40970  
actuaries employed or contracted by the commission. 40971

f. The prize amount with respect to cures for each disease, 40972  
which shall be equal to the most recent estimated total five-year 40973  
savings in public health expenses for the disease as calculated in 40974  
section 3.e. of this article in all of the compacting states; 40975  
amounts donated by charities, individuals, and any other entities 40976  
intended for the prize under Article I of the compact; and any 40977  
other factors that the commission deems appropriate. 40978

g. The prize distribution procedures and guidelines, which 40979  
shall include the following requirements: 40980

i. Upon acceptance of a cure, the prize winner shall transfer 40981  
to the commission the patent and all related intellectual property 40982  
for the manufacture and distribution of the treatment or 40983  
therapeutic protocol in exchange for the prize, except in the case 40984  
that the prize money is considered by the commission to be too 40985  
low, and that a prize will be awarded only to the first person or 40986  
entity that submits a successful cure for a disease for which a 40987  
prize may be awarded. 40988

ii. Donation amounts intended for the prize shall be kept in 40989  
a separate, interest-bearing account maintained by the commission. 40990  
This account shall be the only account in which prize money is 40991  
kept. 40992

iii. Each compacting state shall have the responsibility to 40993  
pay annually the compacting state's actual one-year savings in 40994  
public health expenses for the particular disease for which a cure 40995  
has been accepted. The compacting state shall make such an annual 40996  
payment until it has fulfilled its prize responsibility as 40997  
established in section 3.f. of this article. Each compacting 40998  
state's payment responsibility begins one year after the date the 40999

cure becomes widely available. The commission shall employ or 41000  
contract with actuaries to calculate each state's actual one-year 41001  
savings in public health expenses at the end of each year to 41002  
determine each state's responsibility for the succeeding year. 41003

iv. Compacting states may meet prize responsibilities by any 41004  
method including the issuance of bonds or other obligations, with 41005  
the principal and interest of those bonds or obligations to be 41006  
repaid only from revenue derived from estimated public health 41007  
expense savings from a cure to a disease. If the compacting state 41008  
does not make such revenue available to repay some or all of the 41009  
revenue bonds or obligations issued, the owners or holders of 41010  
those bonds or obligations have no right to have excises or taxes 41011  
levied to pay the principal or interest on them. The revenue bonds 41012  
and obligations are not a debt of the issuing compacting state. 41013

v. A compacting state may issue bonds or other debt that are 41014  
general obligations, under which the full faith and credit, 41015  
revenue, and taxing power of the state is pledged to pay the 41016  
principal and interest under those obligations, only if authorized 41017  
by the compacting state's constitution or, if constitutional 41018  
authorization is not required, by other law of the compacting 41019  
state. 41020

vi. Upon acceptance of a cure, the commission shall obtain a 41021  
loan from a financial institution in an amount equal to the most 41022  
recently calculated total estimated five-year public health 41023  
expenses for the disease in all compacting states, in accordance 41024  
with section 3.f. of this article. The commission reserves the 41025  
right to continuously evaluate the cure in the interim and rescind 41026  
a prize offer if the commission finds that the cure no longer 41027  
meets the commission's criteria. 41028

4. The commission may award a prize for a treatment or 41029  
therapeutic protocol that yields a survival rate that is less than 41030  
what is established in the cure criteria through at least five 41031

years after the treatment or protocol has ended. In that case, the 41032  
prize amount awarded for that treatment or therapeutic protocol 41033  
shall be reduced from the prize amount originally determined by 41034  
the commission for a cure for that disease. The reduction shall be 41035  
in proportion to the survival rate yielded by that treatment or 41036  
protocol as compared to the survival rate established in the cure 41037  
criteria. 41038

5. The commission also shall adopt rules that do the 41039  
following: 41040

a. Establish the following regarding commission records: 41041

i. Conditions and procedures for public inspection and 41042  
copying of its information and official records, except such 41043  
information and records involving the privacy of individuals or 41044  
would otherwise violate privacy laws under federal law and the 41045  
laws of the compacting states; 41046

ii. Procedures for sharing with federal and state agencies, 41047  
including law enforcement agencies, records and information 41048  
otherwise exempt from disclosure; 41049

iii. Guidelines for entering into agreements with federal and 41050  
state agencies to receive or exchange information or records 41051  
subject to nondisclosure and confidentiality provisions. 41052

b. Provide a process for commission review of submitted 41053  
treatments and therapeutic protocols for curing diseases that 41054  
includes the following: 41055

i. An opportunity for an appeal, not later than thirty days 41056  
after a rejection of a treatment or protocol for prize 41057  
consideration, to a review panel established under the 41058  
commission's dispute resolution process; 41059

ii. Commission monitoring and review of treatment and 41060  
protocol effectiveness consistent with the cure criteria 41061

established by the commission for the particular disease; 41062

iii. Commission reconsideration, modification, or withdrawal 41063  
of approval of a treatment or protocol for prize consideration for 41064  
failure to continue to meet the cure criteria established by the 41065  
commission for the particular disease. 41066

c. Establish a dispute resolution process to resolve disputes 41067  
or other issues under the compact that may arise between two or 41068  
more compacting states or between the commission and individuals 41069  
or entities who submit treatments and therapeutic protocols to 41070  
cure diseases, which process shall provide for: 41071

i. Administrative review by a review panel appointed by the 41072  
commission; 41073

ii. Judicial review of decisions issued after an 41074  
administrative review; and 41075

iii. Qualifications to be appointed to a panel, due process 41076  
requirements, including notice and hearing procedures, and any 41077  
other procedure, requirement, or standard necessary to provide 41078  
adequate dispute resolution. 41079

d. Establish and impose annual member dues on compacting 41080  
states, which shall be calculated based on the percentage of each 41081  
compacting state's population in relation to the population of all 41082  
the compacting states. 41083

6. Recognizing that the goal of the compact is to pool the 41084  
potential savings of as many states and countries as possible to 41085  
generate sufficient financial incentive to develop a cure for many 41086  
of the world's most devastating diseases, the compact will respect 41087  
the laws of each of these United States by adopting rules that 41088  
establish ethical standards for research that shall be followed in 41089  
order for a prize to be claimed. The compact, in the rules, shall 41090  
establish a common set of ethical standards that embodies the laws 41091  
and restrictions in each of the states so that to be eligible for 41092

claiming a prize the entity submitting a cure must not have 41093  
violated any of the ethical standards in any one of the fifty 41094  
states, whether the states have joined the compact or not. The 41095  
compact will publish these common ethical standards along with the 41096  
specific criteria for a cure for each of the diseases the compact 41097  
has targeted. 41098

So long as a researcher follows the common ethical standards 41099  
in effect at the time the research is done, an entity presenting a 41100  
cure will be deemed to have followed the standards. On or before 41101  
January 1 of each year, the compact shall review all state laws to 41102  
determine if additional ethical standards have been enacted by any 41103  
of the fifty states and the federal government. Any changes to the 41104  
common ethical standards rules based on new state laws shall be 41105  
adopted and published by the compact, but shall not take effect in 41106  
cure criteria for a period of three years to allow for sufficient 41107  
notice to researchers. 41108

7. All rules may be amended as the commission sees necessary. 41109

8. All rules shall be adopted pursuant to a rule-making 41110  
process that conforms to the model state administrative procedure 41111  
act of 1981 by the uniform law commissioners, as amended, as may 41112  
be appropriate to the operations of the commission. 41113

9. In the event the commission exercises its rule-making 41114  
authority in a manner that is beyond the scope of the purpose of 41115  
this compact, or the powers granted hereunder, then such rule 41116  
shall be invalid and have no force and effect. 41117

Article VII. Committees 41118

1. Management Committee 41119

a. The commission may establish a management committee 41120  
comprised of not more than fourteen members when twenty-six states 41121  
enact the compact. 41122

<u>b. The committee shall consist of those members representing</u>	41123
<u>compacting states whose total public health expenses of all of the</u>	41124
<u>established diseases are the highest.</u>	41125
<u>c. The committee shall have such authority and duties as may</u>	41126
<u>be set forth in the commission's bylaws and rules, including:</u>	41127
<u>i. Managing authority over the day-to-day affairs of the</u>	41128
<u>commission in a manner consistent with the commission's bylaws and</u>	41129
<u>rules and the purposes of the compact;</u>	41130
<u>ii. Overseeing the offices of the commission; and</u>	41131
<u>iii. Planning, implementing, and coordinating communications</u>	41132
<u>and activities with state, federal, and local government</u>	41133
<u>organizations in order to advance the goals of the compact.</u>	41134
<u>d. The commission annually shall elect officers for the</u>	41135
<u>committee, with each having such authority and duties as may be</u>	41136
<u>specified in the commission's bylaws and rules.</u>	41137
<u>e. The management committee, subject to commission approval,</u>	41138
<u>may appoint or retain an executive director for such period, upon</u>	41139
<u>such terms and conditions, and for such compensation as the</u>	41140
<u>committee determines. The executive director shall serve as</u>	41141
<u>secretary to the commission, but shall not be a member of the</u>	41142
<u>commission. The executive director shall hire and supervise such</u>	41143
<u>other staff as may be authorized by the committee.</u>	41144
<u>2. Advisory Committees</u>	41145
<u>The commission may appoint advisory committees to monitor all</u>	41146
<u>operations related to the purposes of the compact and make</u>	41147
<u>recommendations to the commission; provided that the manner of</u>	41148
<u>selection and term of any committee member shall be as set forth</u>	41149
<u>in the commission's bylaws and rules. The commission shall consult</u>	41150
<u>with an advisory committee, to the extent required by the</u>	41151
<u>commission's bylaws or rules, before doing any of the following:</u>	41152

<u>a. Approving cure criteria;</u>	41153
<u>b. Amending, enacting, or repealing any bylaw or rule;</u>	41154
<u>c. Adopting the commission's annual budget;</u>	41155
<u>d. Addressing any other significant matter or taking any other significant action.</u>	41156 41157
<u>Article VIII. Finance</u>	41158
<u>1. The commission annually shall establish a budget to pay or provide for the payment of its reasonable expenses. To fund the cost of initial operations, the commission may accept contributions and other forms of funding from the compacting states and other sources. Contributions and other forms of funding from other sources shall be of such a nature that the independence of the commission concerning the performance of its duties shall not be compromised.</u>	41159 41160 41161 41162 41163 41164 41165 41166
<u>2. The commission shall be exempt from all taxation in and by the compacting states.</u>	41167 41168
<u>3. The commission shall keep complete and accurate accounts of all of its internal receipts, including grants and donations, and disbursements of all funds under its control. The internal financial accounts of the commission shall be subject to the accounting procedures established under the commission's bylaws or rules. The financial accounts and reports including the system of internal controls and procedures of the commission shall be audited annually by an independent certified public accountant. Upon the determination of the commission, but not less frequently than every three years, the review of the independent auditor shall include a management and performance audit of the commission. The commission shall make an annual report to the governors and legislatures of the compacting states, which shall include a report of the independent audit. The commission's internal accounts shall not be confidential and such materials may</u>	41169 41170 41171 41172 41173 41174 41175 41176 41177 41178 41179 41180 41181 41182 41183

be shared with any compacting state upon request provided, 41184  
however, that any work papers related to any internal or 41185  
independent audit and any information subject to the compacting 41186  
states' privacy laws, shall remain confidential. 41187

4. No compacting state shall have any claim or ownership of 41188  
any property held by or vested in the commission or to any 41189  
commission funds held pursuant to the provisions of the compact. 41190

Article IX. Records 41191

Except as to privileged records, data, and information, the 41192  
laws of any compacting state pertaining to confidentiality or 41193  
nondisclosure shall not relieve any member of the duty to disclose 41194  
any relevant records, data, or information to the commission; 41195  
provided, that disclosure to the commission shall not be deemed to 41196  
waive or otherwise affect any confidentiality requirement; and 41197  
further provided, that, except as otherwise expressly provided in 41198  
the compact, the commission shall not be subject to the compacting 41199  
state's laws pertaining to confidentiality and nondisclosure with 41200  
respect to records, data, and information in its possession. 41201  
Confidential information of the commission shall remain 41202  
confidential after such information is provided to any member. All 41203  
other submissions received by the commission are confidential. 41204

Article X. Compliance 41205

The commission shall notify a compacting state in writing of 41206  
any noncompliance with commission bylaws and rules. If a 41207  
compacting state fails to remedy its noncompliance within the time 41208  
specified in the notice, the compacting state shall be deemed to 41209  
be in default as set forth in Article XIV. 41210

Article XI. Venue 41211

Venue for any judicial proceedings by or against the 41212  
commission shall be brought in the appropriate court of competent 41213  
jurisdiction for the geographical area in which the principal 41214

office of the commission is located. 41215

Article XII. Qualified Immunity, Defense, and Indemnification 41216

1. The members, officers, executive director, employees, and 41217  
representatives of the commission shall be immune from suit and 41218  
liability, either personally or in their official capacity, for 41219  
any claim for damage to or loss of property or personal injury or 41220  
other civil liability caused by or arising out of any actual or 41221  
alleged act, error, or omission that occurred, or that such person 41222  
had a reasonable basis for believing occurred within the scope of 41223  
the person's commission employment, duties, or responsibilities; 41224  
provided, that nothing in section 1. of this article shall be 41225  
construed to protect any such person from suit or liability for 41226  
any damage, loss, injury, or liability caused by the intentional 41227  
or willful and wanton misconduct of that person. 41228

2. The commission shall defend any member, officer, executive 41229  
director, employee, or representative of the commission in any 41230  
civil action seeking to impose liability arising out of any actual 41231  
or alleged act, error, or omission that occurred within the scope 41232  
of the person's commission employment, duties, or 41233  
responsibilities, or that such person had a reasonable basis for 41234  
believing occurred within the scope of commission employment, 41235  
duties, or responsibilities; provided, that nothing in the compact 41236  
or commission bylaws or rules shall be construed to prohibit that 41237  
person from retaining his or her own counsel; and provided 41238  
further, that the actual or alleged act, error, or omission did 41239  
not result from that person's intentional or willful and wanton 41240  
misconduct. 41241

3. The commission shall indemnify and hold harmless any 41242  
member, officer, executive director, employee, or representative 41243  
of the commission for the amount of any settlement or judgment 41244  
obtained against the person arising out of any actual or alleged 41245  
act, error, or omission that occurred within the scope of the 41246

person's commission employment, duties, or responsibilities, or 41247  
that such person had a reasonable basis for believing occurred 41248  
within the scope of commission employment, duties, or 41249  
responsibilities; provided, that the actual or alleged act, error, 41250  
or omission, did not result from the intentional or willful and 41251  
wanton misconduct of that person. 41252

Article XIII. Compacting States, Effective Date, and 41253  
Amendment 41254

1. Any state is eligible to become a compacting state. 41255

2. The compact shall become effective and binding upon 41256  
legislative enactment of the compact into law by two compacting 41257  
states; provided, the commission shall only be established after 41258  
six states become compacting states. Thereafter, the compact shall 41259  
become effective and binding as to any other compacting state upon 41260  
enactment of the compact into law by that state. 41261

3. Amendments to the compact may be proposed by the 41262  
commission for enactment by the compacting states. No amendment 41263  
shall become effective and binding until all compacting states 41264  
enact the amendment into law. 41265

Article XIV. Withdrawal, Default, and Expulsion 41266

1. Withdrawal 41267

a. Once effective, the compact shall continue in force and 41268  
remain binding upon each and every compacting state; provided, 41269  
that a compacting state may withdraw from the compact by doing 41270  
both of the following: 41271

i. Repealing the law enacting the compact in that state; 41272

ii. Notifying the commission in writing of the intent to 41273  
withdraw on a date that is both of the following: 41274

I. At least three years after the date the notice is sent; 41275

II. After the repeal takes effect. 41276

b. The effective date of withdrawal is the date described in section 1.a.ii. of this article. 41277  
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c. The member representing the withdrawing state shall immediately notify the management committee in writing upon the introduction of legislation in that state repealing the compact. If a management committee has not been established, the member shall immediately notify the commission. 41279  
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d. The commission or management committee, as applicable, shall notify the other compacting states of the introduction of such legislation within ten days after its receipt of notice thereof. 41284  
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e. The withdrawing state is responsible for all obligations, duties and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal. The commission's actions shall continue to be effective and be given full force and effect in the withdrawing state. 41288  
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f. Reinstatement following a state's withdrawal shall become effective upon the effective date of the subsequent enactment of the compact by that state. 41294  
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2. Default 41297

a. If the commission determines that any compacting state has at any time defaulted in the performance of any of its obligations or responsibilities under the compact or the commission's bylaws or rules, then, after notice and hearing as set forth in the bylaws, all rights, privileges, and benefits conferred by this compact on the defaulting state shall be suspended from the effective date of default as fixed by the commission. The grounds for default include failure of a compacting state to perform its obligations or responsibilities, and any other grounds designated in commission rules. The commission shall immediately notify the 41298  
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defaulting state in writing of the suspension pending cure of the 41308  
default. The commission shall stipulate the conditions and the 41309  
time period within which the defaulting state shall cure its 41310  
default. If the defaulting state fails to cure the default within 41311  
the time period specified by the commission, the defaulting state 41312  
shall be expelled from the compact and all rights, privileges, and 41313  
benefits conferred by the compact shall be terminated from the 41314  
effective date of the expulsion. Any state that is expelled from 41315  
the compact shall be liable for any cure prize or prizes for three 41316  
years after its removal. The commission shall also take 41317  
appropriate legal action to ensure that any compacting state that 41318  
withdraws from the compact remains liable for paying its 41319  
responsibility towards a prize for a cure that was accepted while 41320  
the compacting state was a member of the commission. 41321

b. The expelled state must reenact the compact in order to 41322  
become a compacting state. 41323

3. Dissolution of Compact 41324

a. The compact dissolves effective upon the date of either of 41325  
the following: 41326

i. The withdrawal or expulsion of a compacting state, which 41327  
withdrawal or expulsion reduces membership in the compact to one 41328  
compacting state; 41329

ii. The commission votes to dissolve the compact. 41330

b. Upon the dissolution of the compact, the compact becomes 41331  
null and void and shall be of no further force or effect, and the 41332  
business and affairs of the commission shall be wound up and any 41333  
surplus funds shall be distributed in accordance with the 41334  
commission's bylaws, provided, that the commission shall pay all 41335  
outstanding prizes awarded before the dissolution of the compact, 41336  
as well as any other outstanding debts and obligations incurred 41337  
during the existence of the compact. Any unawarded funds donated 41338

to be a part of a prize shall be returned to the donor, along with 41339  
any interest earned on the amount. 41340

Article XV. Severability and Construction 41341

1. The provisions of the compact shall be severable; and if 41342  
any phrase, clause, sentence, or provision is deemed 41343  
unenforceable, the remaining provisions of the compact shall be 41344  
enforceable. 41345

2. The provisions of the compact shall be liberally construed 41346  
to effectuate its purposes. 41347

Article XVI. Binding Effect of Compact and Other Laws 41348

1. Other Laws: Nothing herein prevents the enforcement of any 41349  
other law of a compacting state, except as provided in section 41350  
2.b. of this article. 41351

2. Binding Effect of the Compact 41352

a. All lawful actions of the commission, including all 41353  
commission rules, are binding upon the compacting states. 41354

b. All agreements between the commission and the compacting 41355  
states are binding in accordance with their terms. 41356

c. Except to the extent authorized by the compacting state's 41357  
constitution or, if constitutional authorization is not required, 41358  
by other law of the compacting state, such state, by entering into 41359  
the compact does not: 41360

i. Commit the full faith and credit or taxing power of the 41361  
compacting state for the payment of prizes or other obligations 41362  
under the compact; 41363

ii. Make prize payment responsibilities or other obligations 41364  
under the compact a debt of the compacting state. 41365

d. Upon the request of a party to a conflict over the meaning 41366  
or interpretation of commission actions, and upon a majority vote 41367

of the compacting states, the commission may issue advisory 41368  
opinions regarding the meaning or interpretation in dispute. 41369

e. In the event any provision of the compact exceeds the 41370  
constitutional limits imposed on any compacting state, the 41371  
obligations, duties, powers or jurisdiction sought to be conferred 41372  
by that provision upon the commission shall be ineffective as to 41373  
that compacting state, and those obligations, duties, powers, or 41374  
jurisdiction shall remain in the compacting state and shall be 41375  
exercised by the agency thereof to which those obligations, 41376  
duties, powers, or jurisdiction are delegated by law in effect at 41377  
the time the compact becomes effective. 41378

**Sec. 3901.381.** (A) Except as provided in sections 3901.382, 41379  
3901.383, 3901.384, and 3901.386 of the Revised Code, a 41380  
third-party payer shall process a claim for payment for health 41381  
care services rendered by a provider to a beneficiary in 41382  
accordance with this section. 41383

(B)(1) Unless division (B)(2) or (3) of this section applies, 41384  
when a third-party payer receives from a provider or beneficiary a 41385  
claim on the standard claim form prescribed in rules adopted by 41386  
the superintendent of insurance under section 3902.22 of the 41387  
Revised Code, the third-party payer shall pay or deny the claim 41388  
not later than thirty days after receipt of the claim. When a 41389  
third-party payer denies a claim, the third-party payer shall 41390  
notify the provider and the beneficiary. The notice shall state, 41391  
with specificity, why the third-party payer denied the claim. 41392

(2)(a) Unless division (B)(3) of this section applies, when a 41393  
provider or beneficiary has used the standard claim form, but the 41394  
third-party payer determines that reasonable supporting 41395  
documentation is needed to establish the third-party payer's 41396  
responsibility to make payment, the third-party payer shall pay or 41397  
deny the claim not later than forty-five days after receipt of the 41398

claim. Supporting documentation includes the verification of 41399  
employer and beneficiary coverage under a benefits contract, 41400  
confirmation of premium payment, medical information regarding the 41401  
beneficiary and the services provided, information on the 41402  
responsibility of another third-party payer to make payment or 41403  
confirmation of the amount of payment by another third-party 41404  
payer, and information that is needed to correct material 41405  
deficiencies in the claim related to a diagnosis or treatment or 41406  
the provider's identification. 41407

Not later than thirty days after receipt of the claim, the 41408  
third-party payer shall notify all relevant external sources that 41409  
the supporting documentation is needed. All such notices shall 41410  
state, with specificity, the supporting documentation needed. If 41411  
the notice was not provided in writing, the provider, beneficiary, 41412  
or third-party payer may request the third-party payer to provide 41413  
the notice in writing, and the third-party payer shall then 41414  
provide the notice in writing. If any of the supporting 41415  
documentation is under the control of the beneficiary, the 41416  
beneficiary shall provide the supporting documentation to the 41417  
third-party payer. 41418

The number of days that elapse between the third-party 41419  
payer's last request for supporting documentation within the 41420  
thirty-day period and the third-party payer's receipt of all of 41421  
the supporting documentation that was requested shall not be 41422  
counted for purposes of determining the third-party payer's 41423  
compliance with the time period of not more than forty-five days 41424  
for payment or denial of a claim. Except as provided in division 41425  
(B)(2)(b) of this section, if the third-party payer requests 41426  
additional supporting documentation after receiving the initially 41427  
requested documentation, the number of days that elapse between 41428  
making the request and receiving the additional supporting 41429  
documentation shall be counted for purposes of determining the 41430

third-party payer's compliance with the time period of not more than forty-five days. 41431  
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(b) If a third-party payer determines, after receiving initially requested documentation, that it needs additional supporting documentation pertaining to a beneficiary's preexisting condition, which condition was unknown to the third-party payer and about which it was reasonable for the third-party payer to have no knowledge at the time of its initial request for documentation, and the third-party payer subsequently requests this additional supporting documentation, the number of days that elapse between making the request and receiving the additional supporting documentation shall not be counted for purposes of determining the third-party payer's compliance with the time period of not more than forty-five days. 41433  
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(c) When a third-party payer denies a claim, the third-party payer shall notify the provider and the beneficiary. The notice shall state, with specificity, why the third-party payer denied the claim. 41445  
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(d) If a third-party payer determines that supporting documentation related to medical information is routinely necessary to process a claim for payment of a particular health care service, the third-party payer shall establish a description of the supporting documentation that is routinely necessary and make the description available to providers in a readily accessible format. 41449  
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Third-party payers and providers shall, in connection with a claim, use the most current CPT code in effect, as published by the American medical association, the most current ICD-10 code in effect, as published by the United States department of health and human services, the most current CDT code in effect, as published by the American dental association, or the most current HCPCS code in effect, as published by the United States ~~health care financing~~ 41456  
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administration centers for medicare and medicaid services. 41463

(3) When a provider or beneficiary submits a claim by using 41464  
the standard claim form prescribed in the superintendent's rules, 41465  
but the information provided in the claim is materially deficient, 41466  
the third-party payer shall notify the provider or beneficiary not 41467  
later than fifteen days after receipt of the claim. The notice 41468  
shall state, with specificity, the information needed to correct 41469  
all material deficiencies. Once the material deficiencies are 41470  
corrected, the third-party payer shall proceed in accordance with 41471  
division (B)(1) or (2) of this section. 41472

It is not a violation of the notification time period of not 41473  
more than fifteen days if a third-party payer fails to notify a 41474  
provider or beneficiary of material deficiencies in the claim 41475  
related to a diagnosis or treatment or the provider's 41476  
identification. A third-party payer may request the information 41477  
necessary to correct these deficiencies after the end of the 41478  
notification time period. Requests for such information shall be 41479  
made as requests for supporting documentation under division 41480  
(B)(2) of this section, and payment or denial of the claim is 41481  
subject to the time periods specified in that division. 41482

(C) For purposes of this section, if a dispute exists between 41483  
a provider and a third-party payer as to the day a claim form was 41484  
received by the third-party payer, both of the following apply: 41485

(1) If the provider or a person acting on behalf of the 41486  
provider submits a claim directly to a third-party payer by mail 41487  
and retains a record of the day the claim was mailed, there exists 41488  
a rebuttable presumption that the claim was received by the 41489  
third-party payer on the fifth business day after the day the 41490  
claim was mailed, unless it can be proven otherwise. 41491

(2) If the provider or a person acting on behalf of the 41492  
provider submits a claim directly to a third-party payer 41493

electronically, there exists a rebuttable presumption that the 41494  
claim was received by the third-party payer twenty-four hours 41495  
after the claim was submitted, unless it can be proven otherwise. 41496

(D) Nothing in this section requires a third-party payer to 41497  
provide more than one notice to an employer whose premium for 41498  
coverage of employees under a benefits contract has not been 41499  
received by the third-party payer. 41500

(E) Compliance with the provisions of division (B)(3) of this 41501  
section shall be determined separately from compliance with the 41502  
provisions of divisions (B)(1) and (2) of this section. 41503

(F) A third-party payer shall transmit electronically any 41504  
payment with respect to claims that the third-party payer receives 41505  
electronically and pays to a contracted provider under this 41506  
section and under sections 3901.383, 3901.384, and 3901.386 of the 41507  
Revised Code. A provider shall not refuse to accept a payment made 41508  
under this section or sections 3901.383, 3901.384, and 3901.386 of 41509  
the Revised Code on the basis that the payment was transmitted 41510  
electronically. 41511

**Sec. 3901.3814.** Sections 3901.38 and 3901.381 to 3901.3813 of 41512  
the Revised Code do not apply to the following: 41513

(A) Policies offering coverage that is regulated under 41514  
Chapters 3935. and 3937. of the Revised Code; 41515

(B) An employer's self-insurance plan and any of its 41516  
administrators, as defined in section 3959.01 of the Revised Code, 41517  
to the extent that federal law supersedes, preempts, prohibits, or 41518  
otherwise precludes the application of any provisions of those 41519  
sections to the plan and its administrators; 41520

(C) A third-party payer for coverage provided under the 41521  
medicare advantage program operated under Title XVIII of the 41522  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 41523

amended; 41524

(D) A third-party payer for coverage provided under the 41525  
medicaid program, ~~except that if a federal waiver applied for~~ 41526  
~~under section 5167.25 of the Revised Code is granted or the~~ 41527  
~~medicaid director determines that this provision can be~~ 41528  
~~implemented without a waiver, sections 3901.38 and 3901.381 to~~ 41529  
~~3901.3813 of the Revised Code apply to claims submitted~~ 41530  
~~electronically or non-electronically that are made with respect to~~ 41531  
~~coverage of medicaid recipients by health insuring corporations~~ 41532  
~~licensed under Chapter 1751. of the Revised Code, instead of the~~ 41533  
~~prompt payment requirements of 42 C.F.R. 447.46;~~ 41534

(E) A third-party payer for coverage provided under the 41535  
tricare program offered by the United States department of 41536  
defense. 41537

Sec. 3901.95. A direct primary care agreement that meets all 41538  
of the following shall not be considered insurance and nothing in 41539  
Title XXXIX of the Revised Code shall apply to such an agreement: 41540

(A) It is in writing. 41541

(B) It is between a patient, or that patient's legal 41542  
representative, and a health care provider and is related to 41543  
services to be provided in exchange for the payment of a fee to be 41544  
paid on a periodic basis. 41545

(C) It allows either party to terminate the agreement as 41546  
specified in the agreement. 41547

(D) It requires termination to be accomplished through 41548  
written notification. 41549

(E) It permits termination to take effect immediately upon 41550  
the other party's receipt of the notification or not more than 41551  
sixty days after the other party's receipt of the notification. 41552

(F) It does not impose a termination penalty or require 41553

payment of a termination fee. 41554

(G) It describes the health care services to be provided 41555  
under the agreement and the basis on which a periodic fee is to be 41556  
paid in exchange for those services. 41557

(H) It specifies the periodic fee required and any additional 41558  
fees that may be charged. 41559

(I) It authorizes the periodic fee and any additional fees to 41560  
be paid by a third party. 41561

(J) It prohibits the health services provider from charging 41562  
or receiving any fee other than the fees prescribed in the 41563  
agreement for those services prescribed in the agreement. 41564

(K) It conspicuously and prominently states that the 41565  
agreement is not health insurance and does not meet any individual 41566  
health insurance mandate that may be required under federal law. 41567

**Sec. 3902.31.** (A) As used in this section: 41568

(1) "Pay in full" means paying for a health service in its 41569  
entirety without cost-sharing on the part of a third-party payer. 41570  
"Pay in full" includes payment made under a deductible 41571  
requirement. 41572

(2) "Third-party payer" and "provider" have the same meanings 41573  
as in section 3901.38 of the Revised Code. 41574

(B)(1) Subject to division (C) of this section, a provision 41575  
in a contract entered into between a third-party payer and a 41576  
provider is void and against public policy if it does either of 41577  
the following: 41578

(a) Establishes a minimum amount that the provider is 41579  
required to charge an individual for a health service when that 41580  
individual pays in full for the service; 41581

(b) Prohibits a provider from advertising the provider's 41582

rates for a service. 41583

(2) Division (B)(1)(b) of this section shall not be construed as prohibiting a provision in a contract between a provider and a third-party payer that prohibits a provider from disclosing or advertising contractually agreed upon reimbursement rates for providers. 41584  
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(C)(1) This section shall apply to all new contracts between a third-party payer and a provider entered into on or after the effective date of this section. 41589  
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(2) For existing contracts, this section shall apply on the earlier of either of the following: 41592  
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(a) Three years after the effective date of this section; 41594

(b) The expiration date of the contract or renewal of the contract. 41595  
41596

**Sec. 3902.50.** (A) As used in sections 3902.50 and 3902.51 of the Revised Code: 41597  
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(1) "Covered person," "health benefit plan," "health care services," and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code. 41599  
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(2) "Emergency facility" has the same meaning as in section 3701.74 of the Revised Code. 41602  
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(3) "Emergency services" means all of the following as described in 42 U.S.C. 1395dd: 41604  
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(a) Medical screening examinations undertaken to determine whether an emergency medical condition exists; 41606  
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(b) Treatment necessary to stabilize an emergency medical condition; 41608  
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(c) Appropriate transfers undertaken prior to an emergency medical condition being stabilized. 41610  
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(4) "Health care practitioner" has the same meaning as in section 3901.74 of the Revised Code. 41612  
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(B) A health plan issuer shall reimburse an out-of-network health care practitioner for emergency services when the services are provided to a covered person at a hospital that is in the covered person's health benefit plan provider network. 41614  
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(C) The rate required under division (B) of this section shall be the greater of the following: 41618  
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(1) The average contracted rate for the same service delivered by an in-network health care practitioner in the same or similar specialty in the same geographic area; 41620  
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(2) The amount the health plan issuer would pay under the covered person's health benefit plan for out-of-network emergency services. 41623  
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(D) A health plan issuer shall not require cost-sharing for any service described in division (B) of this section from the covered person at a rate higher than if the services were provided by an in-network health care practitioner. 41626  
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(E) For health care services, other than emergency services, that are covered under a health benefit plan but are provided by an out-of-network health care practitioner at an in-network hospital, all of the following apply: 41630  
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(1) The health care practitioner shall not bill the covered person for the difference between the health plan issuer's out-of-network reimbursement and the practitioner's charge for the services unless all of the following conditions are met: 41634  
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(a) The health care practitioner informs the covered person that the practitioner is not in the person's health benefit plan network. 41638  
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(b) The health care practitioner provides to the covered 41641

person a good faith estimate of the cost of the services, 41642  
including the practitioner's charge, the estimated reimbursement 41643  
by the health plan issuer, and the covered person's 41644  
responsibility. The estimate shall contain a disclaimer that the 41645  
covered person is not required to obtain the health care service 41646  
at that location or from that practitioner. 41647

(c) The covered person affirmatively consents to receive the 41648  
services. 41649

(2) The health plan issuer may reimburse the health care 41650  
practitioner at either of the following: 41651

(a) The average contracted rate for the same service 41652  
delivered by an in-network health care practitioner in the same or 41653  
similar specialty in the same geographic area; 41654

(b) The amount the health plan issuer would pay under the 41655  
covered person's health benefit plan for out-of-network health 41656  
care services. 41657

**Sec. 3902.51.** (A) The superintendent of insurance shall adopt 41658  
by rule alternative dispute resolution procedures and guidelines 41659  
for complaints brought by health care practitioners against health 41660  
plan issuers relating to reimbursement under section 3902.50 of 41661  
the Revised Code. The superintendent shall require that mediation 41662  
be attempted prior to arbitration. 41663

(B) A health care practitioner may request alternative 41664  
dispute resolution if it believes that the health plan issuer's 41665  
offer of reimbursement is less than the amount the issuer would 41666  
reimburse an in-network practitioner in the same or similar 41667  
specialty in the same geographic area. 41668

**Sec. 3905.426.** (A) As used in this section: 41669

(1) "Contract holder" means the person who purchased a motor 41670

vehicle ancillary product protection contract, any authorized 41671  
transferee or assignee of the purchaser, or any other person 41672  
assuming the purchaser's rights under the motor vehicle ancillary 41673  
product protection contract. 41674

(2) "Motor vehicle" has the same meaning as in section 41675  
4501.01 of the Revised Code and also includes utility vehicles as 41676  
defined in that section. 41677

(3)(a) "Motor vehicle ancillary product protection contract" 41678  
means a contract or agreement that is effective for a specified 41679  
duration and paid for by means other than the purchase of a motor 41680  
vehicle, or its parts or equipment, to perform any one or more of 41681  
the following services: 41682

(i) Repair or replacement of glass on a motor vehicle 41683  
necessitated by wear and tear or damage caused by a road hazard; 41684

(ii) Removal of a dent, ding, or crease without affecting the 41685  
existing paint finish using paintless dent removal techniques but 41686  
which expressly excludes replacement of vehicle body panels, 41687  
sanding, bonding, or painting; 41688

(iii) Repair to the interior components of a motor vehicle 41689  
necessitated by wear and tear but which expressly excludes 41690  
replacement of any part or component of a motor vehicle's 41691  
interior; 41692

~~(iv) Repair or replacement of tires or wheels damaged because 41693  
of a road hazard; 41694~~

~~(v) Replacement of a lost, stolen, or inoperable key or key 41695  
fob. 41696~~

(b) A motor vehicle ancillary product protection contract 41697  
may, but is not required to, provide for incidental payment of 41698  
indemnity under limited circumstances, including, without 41699  
limitation, towing, rental, and emergency road services. 41700

(c) "Motor vehicle ancillary product protection contract"	41701
does not include any of the following:	41702
(i) A motor vehicle service contract;	41703
(ii) A vehicle protection product warranty as defined in section 3905.421 of the Revised Code;	41704 41705
(iii) A home service contract as defined in section 3905.422 of the Revised Code;	41706 41707
(iv) A consumer goods service contract as defined in section 3905.423 of the Revised Code;	41708 41709
(v) A contract for prepaid routine, scheduled maintenance only;	41710 41711
<u>(vi) A motor vehicle tire or wheel road hazard contract.</u>	41712
(4) "Motor vehicle service contract" means a contract or agreement to perform or pay for the repair, replacement, or maintenance of a motor vehicle due to defect in materials or workmanship, normal wear and tear, mechanical or electrical breakdown, or failure of parts or equipment of a motor vehicle, with or without additional provisions for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental, and emergency road services, that is effective for a specified duration and paid for by means other than the purchase of a motor vehicle.	41713 41714 41715 41716 41717 41718 41719 41720 41721 41722
(5) <u>"Motor vehicle tire or wheel road hazard contract" means a contract or agreement to perform or pay for repairs or replacement of tires or wheels damaged because of a road hazard with or without additional provisions for incidental payment of indemnity under limited circumstances, including, without limitation, towing, rental, and emergency road services, that is effective for a specified duration and paid for by means other than the purchase of the motor vehicle.</u>	41723 41724 41725 41726 41727 41728 41729 41730

(6) "Provider" means a person who is contractually obligated to a contract holder under the terms of a motor vehicle ancillary product protection contract.

~~(6)~~(7) "Road hazard" means a condition that may cause damage or wear and tear to a tire or wheel on a public or private roadway, roadside, driveway, or parking lot or garage, including potholes, nails, glass, road debris, and curbs. "Road hazard" does not include fire, theft, vandalism or malicious mischief, or other perils normally covered by automobile physical damage insurance.

~~(7)~~(8) "Reimbursement insurance policy" means a policy of insurance issued by an insurer authorized or eligible to do business in this state to a provider to pay, on behalf of the provider in the event of the provider's nonperformance, all covered contractual obligations incurred by the provider under the terms and conditions of the motor vehicle ancillary product protection contract.

~~(8)~~(9) "Supplier" has the same meaning as in section 1345.01 of the Revised Code.

(B) All motor vehicle ancillary product protection contracts issued in this state shall be covered by a reimbursement insurance policy.

(C) A motor vehicle ancillary product protection contract issued by a provider that is required to be covered by a reimbursement insurance policy under division (B) of this section shall conspicuously state all of the following:

(1) "This contract is not insurance and is not subject to the insurance laws of this state."

(2) That the obligations of the provider are guaranteed under a reimbursement insurance policy;

(3) That if a provider fails to perform or make payment due

under the terms of the contract within sixty days after the 41761  
contract holder requests performance or payment pursuant to the 41762  
terms of the contract, the contract holder may request performance 41763  
or payment directly from the provider's reimbursement insurance 41764  
policy insurer, including any obligation in the contract by which 41765  
the provider must refund the contract holder upon cancellation of 41766  
a contract; 41767

(4) The name, address, and telephone number of the provider's 41768  
reimbursement insurance policy insurer. 41769

(D) A motor vehicle ancillary product protection contract 41770  
that includes repair or replacement of glass on a motor vehicle as 41771  
provided in division (A)(3)(a)(i) of this section, shall 41772  
conspicuously state: "This contract may provide a duplication of 41773  
coverage already provided by your automobile physical damage 41774  
insurance policy." 41775

(E) A reimbursement insurance policy that is required to be 41776  
issued under this section shall contain: 41777

(1) A statement that if a provider fails to perform or make 41778  
payment due under the terms of the motor vehicle ancillary product 41779  
protection contract within sixty days after the contract holder 41780  
requests performance or payment pursuant to the terms of the 41781  
contract, the contract holder may request performance or payment 41782  
directly from the provider's reimbursement insurance policy 41783  
insurer, including any obligation in the contract by which the 41784  
provider must refund the contract holder upon cancellation of a 41785  
contract. 41786

(2) A statement that in the event of cancellation of the 41787  
provider's reimbursement insurance policy, insurance coverage will 41788  
continue for all contract holders whose motor vehicle ancillary 41789  
product protection contracts were issued by the provider and 41790  
reported to the insurer for coverage during the term of the 41791

reimbursement insurance policy. 41792

(F) The sale or issuance of a motor vehicle ancillary product 41793  
protection contract or a motor vehicle tire or wheel road hazard 41794  
contract is a consumer transaction for purposes of sections 41795  
1345.01 to 1345.13 of the Revised Code. The provider is the 41796  
supplier and the contract holder is the consumer for purposes of 41797  
those sections. 41798

(G) Unless issued by an insurer authorized or eligible to do 41799  
business in this state, a motor vehicle ancillary product 41800  
protection contract does not constitute a contract substantially 41801  
amounting to insurance, or the contract's issuance the business of 41802  
insurance, under section 3905.42 of the Revised Code. 41803

(H) Unless issued by an insurer authorized or eligible to do 41804  
business in this state, a contract identified in division 41805  
(A)(3)(c)(i) ~~or~~ (v), or (vi) of this section does not constitute 41806  
a contract substantially amounting to insurance, or the contract's 41807  
issuance the business of insurance, under section 3905.42 of the 41808  
Revised Code. 41809

(I) The rights of a contract holder against a provider's 41810  
reimbursement insurance policy insurer as provided in this section 41811  
apply only in regard to a reimbursement insurance policy issued 41812  
under this section. This section does not create any contractual 41813  
rights in favor of a person that does not qualify as an insured 41814  
under any other type of insurance policy described in Title XXXIX 41815  
of the Revised Code. This section does not prohibit the insurer of 41816  
a provider's reimbursement insurance policy from assuming 41817  
liability for contracts issued prior to the effective date of the 41818  
policy or July 1, 2009. 41819

~~(J) A contract or agreement described in division 41820  
(A)(3)(a)(iv) of this section in which the provider is a tire 41821  
manufacturer shall be exempt from the requirements of division (B) 41822~~

~~of this section if the contract or agreement conspicuously states~~ 41823  
~~all of the following:~~ 41824

~~(1) That the contract or agreement is not an insurance~~ 41825  
~~contract;~~ 41826

~~(2) That any covered obligations or claims under the contract~~ 41827  
~~or agreement are the responsibility of the provider;~~ 41828

~~(3) The name, address, and telephone number of any~~ 41829  
~~administrator responsible for the administration of the contract~~ 41830  
~~or agreement, the provider obligated to perform under the contract~~ 41831  
~~or agreement, and the contract seller;~~ 41832

~~(4) The procedure for making a claim under the contract or~~ 41833  
~~agreement, including a toll free telephone number for claims~~ 41834  
~~service and a procedure for obtaining emergency repairs or~~ 41835  
~~replacements performed outside normal business hours.~~ 41836

Sec. 3923.87. Each sickness and accident insurer or public 41837  
employee benefit plan shall comply with the requirements of 41838  
section 3959.20 of the Revised Code as they pertain to health plan 41839  
issuers. 41840

As used in this section, "health plan issuer" has the same 41841  
meaning as in section 3922.01 of the Revised Code. 41842

**Sec. 3953.231.** (A)(1) Each title insurance agent or title 41843  
insurance company shall establish and maintain an interest-bearing 41844  
trust account for the deposit of all non-directed escrow funds 41845  
that meet the requirements of sections 1349.20 to 1349.22 of the 41846  
Revised Code. 41847

(2) The account shall be established and maintained in any 41848  
federally insured bank, savings and loan association, credit 41849  
union, or savings bank that is authorized to transact business in 41850  
this state. 41851

(3) The account shall be in the name of the title insurance agent or company, and shall be identified as an "interest on trust account" or "IOTA." The name of the account may contain additional identifying information to distinguish it from other accounts.

(4) The title insurance agent or company establishing the account shall submit, in writing, to the superintendent of insurance the name, account number, and location of the bank, savings and loan association, credit union, or savings bank in which the trust account is maintained.

(B) Each title insurance agent or company shall deposit all non-directed escrow funds that are nominal in amount or are to be held for a short period of time into the account established under division (A) of this section no later than the next business day after receipt.

(C) Each account established under division (A) of this section shall comply with all of the following:

(1) All funds in the account shall be subject to withdrawal or transfer upon request and without delay, or as soon as permitted by law;

(2) The rate of interest payable on the account shall not be less than the rate paid by the bank, savings and loan, credit union, or savings bank to its regular depositors. The rate may be higher if there is no impairment of the right to the immediate withdrawal or transfer of the principal;

(3) All interest earned on the account, net of service charges and other related charges, shall be transmitted to the treasurer of state for deposit in the legal aid fund established under section 120.52 of the Revised Code. No part of the interest earned shall be paid to the title insurance agent or company.

(D) The title insurance agent or company establishing an account under division (A) of this section shall direct the bank,

savings and loan association, credit union, or savings bank to do 41883  
both of the following: 41884

(1) Remit interest or dividends on the average monthly 41885  
balance in the account, or as otherwise computed in accordance 41886  
with the standard accounting practice of the bank, savings and 41887  
loan association, credit union, or savings bank, less reasonable 41888  
service charges and other related charges, to the treasurer of 41889  
state at least quarterly for deposit in the legal aid fund 41890  
established under section 120.52 of the Revised Code; 41891

(2) At the time of each remittance, transmit to the treasurer 41892  
of state, and if requested, to the Ohio ~~legal assistance~~ access to 41893  
justice foundation, and the title insurance agent or company, a 41894  
statement showing the name of the title insurance agent or company 41895  
for whom the remittance is sent, the rate of interest applied, the 41896  
accounting period, the net amount remitted to the treasurer of 41897  
state for each account, the total remitted, the average account 41898  
balance for each month of the period for which the report is made, 41899  
and the amount deducted for service charges and other related 41900  
charges. 41901

(E) The statements and reports submitted by the bank, savings 41902  
and loan association, credit union, or savings bank under this 41903  
section, are not public records subject to section 149.43 of the 41904  
Revised Code and shall be used only to administer the legal aid 41905  
fund. 41906

(F) No funds belonging to a title insurance agent or company 41907  
shall be deposited into an account established under division (A) 41908  
of this section except funds necessary to pay service charges and 41909  
other related charges of the bank, savings and loan association, 41910  
credit union, or savings bank that are in excess of earnings on 41911  
the account. 41912

(G) No liability arising out of any negligent act or omission 41913

of any title insurance agent or company with respect to any 41914  
account established under division (A) of this section shall be 41915  
imputed to the bank, savings and loan association, credit union, 41916  
or savings bank. 41917

(H) No liability or responsibility arising out of any 41918  
negligent act or omission of any title insurance agent with 41919  
respect to any account established under division (A) of this 41920  
section shall be imputed to a title insurance company. 41921

(I) The superintendent may adopt, in accordance with Chapter 41922  
119. of the Revised Code, rules that pertain to the use of 41923  
accounts established under division (A) of this section and to the 41924  
enforcement of this section. 41925

**Sec. 3959.01.** (A) "Administration fees" means any amount 41926  
charged a covered person for services rendered. "Administration 41927  
fees" includes commissions earned or paid by any person relative 41928  
to services performed by an administrator. 41929

(B) "Administrator" means any person who adjusts or settles 41930  
claims on, residents of this state in connection with life, 41931  
dental, health, prescription drugs, or disability insurance or 41932  
self-insurance programs. "Administrator" includes a pharmacy 41933  
benefit manager. "Administrator" does not include any of the 41934  
following: 41935

(1) An insurance agent or solicitor licensed in this state 41936  
whose activities are limited exclusively to the sale of insurance 41937  
and who does not provide any administrative services; 41938

(2) Any person who administers or operates the workers' 41939  
compensation program of a self-insuring employer under Chapter 41940  
4123. of the Revised Code; 41941

(3) Any person who administers pension plans for the benefit 41942  
of the person's own members or employees or administers pension 41943

plans for the benefit of the members or employees of any other person; 41944  
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(4) Any person that administers an insured plan or a self-insured plan that provides life, dental, health, or disability benefits exclusively for the person's own members or employees; 41946  
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(5) Any health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code or an insurance company that is authorized to write life or sickness and accident insurance in this state. 41950  
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(C) "Aggregate excess insurance" means that type of coverage whereby the insurer agrees to reimburse the insured employer or trust for all benefits or claims paid during an agreement period on behalf of all covered persons under the plan or trust which exceed a stated deductible amount and subject to a stated maximum. 41954  
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(D) "Contracted pharmacy" or "pharmacy" means a pharmacy located in this state participating in either the network of a pharmacy benefit manager or in a health care or pharmacy benefit plan through a direct contract or through a contract with a pharmacy services administration organization, group purchasing organization, or another contracting agent. 41959  
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(E) "Contributions" means any amount collected from a covered person to fund the self-insured portion of any plan in accordance with the plan's provisions, summary plan descriptions, and contracts of insurance. 41965  
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(F) "Drug product reimbursement" means the amount paid by a pharmacy benefit manager to a contracted pharmacy for the cost of the drug dispensed to a patient and does not include a dispensing or professional fee. 41969  
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(G) "Fiduciary" has the meaning set forth in section 1002(21)(A) of the "Employee Retirement Income Security Act of 41973  
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1974," 88 Stat. 829, 29 U.S.C. 1001, as amended. 41975

(H) "Fiscal year" means the twelve-month accounting period 41976  
commencing on the date the plan is established and ending twelve 41977  
months following that date, and each corresponding twelve-month 41978  
accounting period thereafter as provided for in the summary plan 41979  
description. 41980

(I) "Insurer" means an entity authorized to do the business 41981  
of insurance in this state or, for the purposes of this section, a 41982  
health insuring corporation authorized to issue health care plans 41983  
in this state. 41984

(J) "Managed care organization" means an entity that provides 41985  
medical management and cost containment services and includes a 41986  
medicaid managed care organization, as defined in section 5167.01 41987  
of the Revised Code. 41988

(K) "Maximum allowable cost" means a maximum drug product 41989  
reimbursement for an individual drug or for a group of 41990  
therapeutically and pharmaceutically equivalent multiple source 41991  
drugs that are listed in the United States food and drug 41992  
administration's approved drug products with therapeutic 41993  
equivalence evaluations, commonly referred to as the orange book. 41994

(L) "Maximum allowable cost list" means a list of the drugs 41995  
for which a pharmacy benefit manager imposes a maximum allowable 41996  
cost. 41997

(M) "Multiple employer welfare arrangement" has the same 41998  
meaning as in section 1739.01 of the Revised Code. 41999

(N) "Pharmacy benefit manager" means an entity that contracts 42000  
with pharmacies on behalf of an employer, a multiple employer 42001  
welfare arrangement, public employee benefit plan, state agency, 42002  
insurer, managed care organization, or other third-party payer to 42003  
provide pharmacy health benefit services or administration. 42004

"Pharmacy benefit manager" includes the state pharmacy benefit 42005

manager under section 125.93 of the Revised Code. 42006

(O) "Plan" means any arrangement in written form for the 42007  
payment of life, dental, health, or disability benefits to covered 42008  
persons defined by the summary plan description and includes a 42009  
drug benefit plan administered by a pharmacy benefit manager. 42010

(P) "Plan sponsor" means the person who establishes the plan. 42011

(Q) "Self-insurance program" means a program whereby an 42012  
employer provides a plan of benefits for its employees without 42013  
involving an intermediate insurance carrier to assume risk or pay 42014  
claims. "Self-insurance program" includes but is not limited to 42015  
employer programs that pay claims up to a prearranged limit beyond 42016  
which they purchase insurance coverage to protect against 42017  
unpredictable or catastrophic losses. 42018

(R) "Specific excess insurance" means that type of coverage 42019  
whereby the insurer agrees to reimburse the insured employer or 42020  
trust for all benefits or claims paid during an agreement period 42021  
on behalf of a covered person in excess of a stated deductible 42022  
amount and subject to a stated maximum. 42023

(S) "Summary plan description" means the written document 42024  
adopted by the plan sponsor which outlines the plan of benefits, 42025  
conditions, limitations, exclusions, and other pertinent details 42026  
relative to the benefits provided to covered persons thereunder. 42027

(T) "Third-party payer" has the same meaning as in section 42028  
3901.38 of the Revised Code. 42029

**Sec. 3959.12.** (A) Any license issued under sections 3959.01 42030  
to 3959.16 of the Revised Code may be suspended for a period not 42031  
to exceed two years, revoked, or not renewed by the superintendent 42032  
of insurance after notice to the licensee and hearing in 42033  
accordance with Chapter 119. of the Revised Code. The 42034  
superintendent may suspend, revoke, or refuse to renew a license 42035

if upon investigation and proof the superintendent finds that the licensee has done any of the following:

- (1) Knowingly violated any provision of sections 3959.01 to 3959.16 or 3959.20 of the Revised Code or any rule promulgated by the superintendent;
- (2) Knowingly made a material misstatement in the application for the license;
- (3) Obtained or attempted to obtain a license through misrepresentation or fraud;
- (4) Misappropriated or converted to the licensee's own use or improperly withheld insurance company premiums or contributions held in a fiduciary capacity, excluding, however, any interest earnings received by the administrator as disclosed in writing by the administrator to the plan sponsor;
- (5) In the transaction of business under the license, used fraudulent, coercive, or dishonest practices;
- (6) Failed to appear without reasonable cause or excuse in response to a subpoena, examination, warrant, or other order lawfully issued by the superintendent;
- (7) Is affiliated with or under the same general management or interlocking directorate or ownership of another administrator that transacts business in this state and is not licensed under sections 3959.01 to 3959.16 of the Revised Code;
- (8) Had a license suspended, revoked, or not renewed in any other state, district, territory, or province on grounds identical to those stated in sections 3959.01 to 3959.16 of the Revised Code;
- (9) Been convicted of a financially related felony;
- (10) Failed to report a felony conviction as required under section 3959.13 of the Revised Code.

(B) Upon receipt of notice of the order of suspension in accordance with section 119.07 of the Revised Code, the licensee shall promptly deliver the license to the superintendent, unless the order of suspension is appealed under section 119.12 of the Revised Code.

(C) Any person whose license is revoked or whose application is denied pursuant to sections 3959.01 to 3959.16 of the Revised Code is ineligible to apply for an administrators license for two years.

(D) The superintendent may impose a monetary fine against a licensee if, upon investigation and after notice and opportunity for hearing in accordance with Chapter 119. of the Revised Code, the superintendent finds that the licensee has done either of the following:

(1) Committed fraud or engaged in any illegal or dishonest activity in connection with the administration of pharmacy benefit management services;

(2) Violated any provision of section 3959.111 of the Revised Code or any rule adopted by the superintendent pursuant to or to implement that section.

**Sec. 3959.20.** (A) As used in this section:

(1) "Cost-sharing" means the cost to an individual insured under a health benefit plan according to any coverage limit, copayment, coinsurance, deductible, or other out-of-pocket expense requirements imposed by the plan.

(2) "Health benefit plan" and "health plan issuer" have the same meanings as in section 3922.01 of the Revised Code.

(3) "Pharmacy audit" has the same meaning as in section 3901.81 of the Revised Code.

(4) "Pharmacy benefit manager" and "administrator" have the

same meanings as in section 3959.01 of the Revised Code. 42096

(B) No health plan issuer, pharmacy benefit manager, or any other administrator shall require cost-sharing in an amount, or direct a pharmacy to collect cost-sharing in an amount, greater than the lesser of either of the following from an individual purchasing a prescription drug: 42097  
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(1) The amount an individual would pay for the drug if the drug were to be purchased without coverage under a health benefit plan; 42102  
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(2) The net reimbursement paid to the pharmacy for the prescription drug by the health plan issuer, pharmacy benefit manager, or administrator. 42105  
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(C)(1) No health plan issuer, pharmacy benefit manager, or administrator shall retroactively adjust a pharmacy claim for reimbursement for a prescription drug unless the adjustment is the result of either of the following: 42108  
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(a) A pharmacy audit conducted in accordance with sections 3901.811 to 3901.814 of the Revised Code; 42112  
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(b) A technical billing error. 42114

(2) No health plan issuer, pharmacy benefit manager, or administrator shall charge a fee related to a claim unless the amount of the fee can be determined at the time of claim adjudication. 42115  
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(D) The department of insurance shall create a web form that consumers can use to submit complaints relating to violations of this section. 42119  
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**Sec. 3962.01.** As used in this chapter: 42122

(A) "Business day" means each day of the week except Saturday, Sunday, or a legal holiday as defined in section 1.14 of 42123  
42124

the Revised Code. 42125

(B) "Current procedural terminology code" or "CPT code" means the code assigned to a medical, surgical, or diagnostic product, service, or procedure that is published in the CPT code set published by the American medical association. 42126  
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(C) "Emergency service" has the same meaning as in section 1753.28 of the Revised Code. 42130  
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(D) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code. 42132  
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(E) "Health care provider" means an individual or facility licensed, certified, or accredited under or pursuant to Chapter 3721., 3727., 4715., 4725., 4731., 4732., 4734., 4747., 4753., 4755., 4757., or 4779. of the Revised Code. 42134  
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**Sec. 3962.011.** (A) For purposes of this chapter, a reference to the time that an appointment for a health care product, service, or procedure is made, means, except as provided in division (B) of this section, any of the following: 42138  
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(1) The point in time that an appointment for a health care product, service, or procedure is made; 42142  
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(2) The point in time that a health care provider receives a prescription or order from another provider to provide a health care product, service, or procedure to the patient; 42144  
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(3) The point in time that a patient, pursuant to a prescription or order from the patient's health care provider, presents at the office or facilities of another provider to receive, on a walk-in basis, the product, service, or procedure. 42147  
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(B)(1) If the point in time in which an event described in division (A) of this section occurs is before nine a.m. on a particular business day, the point in time may, instead, be considered to be nine a.m. that same business day. 42151  
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(2) If the point in time in which an event described in 42155  
division (A) of this section occurs is after five p.m. on a 42156  
particular business day, or occurs on a day that is not a business 42157  
day, the point in time shall, instead, be considered to be nine 42158  
a.m. on the next business day. 42159

Sec. 3962.02. This chapter applies notwithstanding section 42160  
5162.80 of the Revised Code. 42161

Sec. 3962.03. (A) Beginning on the effective date of this 42162  
section, this section applies to a health care provider that is a 42163  
hospital or hospital system or is owned by a hospital or hospital 42164  
system. On and after March 1, 2020, this section applies to all 42165  
other health care providers. 42166

(B) Before a health care provider provides a health care 42167  
product, service, or procedure to a patient, the patient or the 42168  
patient's representative shall receive a reasonable, good faith 42169  
cost estimate for the product, service, or procedure. This 42170  
requirement does not apply when a patient seeks emergency 42171  
services, a health care provider believes that a delay in care 42172  
associated with fulfilling this requirement could harm the 42173  
patient, or a circumstance described in section 3962.08 of the 42174  
Revised Code occurs. 42175

A health care provider may elect to provide the cost estimate 42176  
as described in section 3962.04 of the Revised Code or, if the 42177  
patient is insured, elect for the patient's health plan issuer to 42178  
provide the cost estimate after the provider has transmitted 42179  
information to the issuer in accordance with section 3962.05 of 42180  
the Revised Code. The provider shall notify the patient or the 42181  
patient's representative who will provide the cost estimate. The 42182  
provision of a cost estimate by the provider does not preclude the 42183  
issuer from also providing a cost estimate to the patient or the 42184

patient's representative. 42185

Each health care provider or health plan issuer that provides 42186  
a cost estimate shall ensure that the estimate is provided in a 42187  
manner that complies with all applicable state and federal laws 42188  
pertaining to the privacy of patient-identifying information. 42189

Sec. 3962.04. (A)(1) Except as provided in division (B) of 42190  
this section, a cost estimate provided by a health care provider 42191  
shall contain all of the following: 42192

(a) The total amount the provider will charge the patient if 42193  
the patient is paying out-of-pocket or the patient's health plan 42194  
issuer for each health care product, service, or procedure the 42195  
patient is to receive, inclusive of facility, professional, and 42196  
other fees, along with a short description and the applicable CPT 42197  
code for the product, service, or procedure or, if no CPT code 42198  
exists, another identifier the health plan issuer requires; 42199

(b) If the patient is insured under a health benefit plan, 42200  
both of the following: 42201

(i) A notation of whether the provider is in-network or 42202  
out-of-network for the patient; 42203

(ii) The amount the health care provider expects to receive 42204  
from the health plan issuer for the product, service, or 42205  
procedure. The amount specified in the estimate shall be the 42206  
amount the health plan issuer has agreed to reimburse the provider 42207  
for the product, service, or procedure under a contract with the 42208  
provider or the applicable government pay scale, if any. 42209

(c) The difference, if any, that the patient or other party 42210  
responsible for the patient's care would be required to pay to the 42211  
provider for the product, service, or procedure; 42212

(d) If the patient is not insured under a health benefit 42213  
plan, the total amount the provider will charge the patient if the 42214

patient is paying out-of-pocket for each product, service, or 42215  
procedure the patient is to receive, inclusive of facility, 42216  
professional, and other fees, along with a short description and 42217  
the applicable CPT code for the product, service, or procedure or, 42218  
if no CPT code exists, another identifier that a health plan 42219  
issuer would normally require. 42220

(2) If the patient is a healthy Ohio program participant in 42221  
the plus component, the cost estimate shall be computed as buckeye 42222  
account points credited to the participant's buckeye account under 42223  
division (C) of section 5166.404 of the Revised Code. 42224

(B)(1) If a patient is to receive a health care product, 42225  
service, or procedure in a hospital, the hospital is responsible 42226  
for providing one comprehensive cost estimate to the patient or 42227  
the patient's representative within the applicable time frame 42228  
specified in division (D) of this section. The comprehensive cost 42229  
estimate shall contain both of the following: 42230

(a) All information specified in division (A) of this section 42231  
associated with products, services, or procedures to be provided 42232  
by the hospital or its employees; 42233

(b) All information specified in division (A) of this section 42234  
associated with products, services, or procedures to be provided 42235  
by health care providers who are independent contractors of the 42236  
hospital. 42237

(2) A health care provider who is an independent contractor 42238  
of a hospital shall submit to the hospital all CPT codes or other 42239  
identifiers the hospital needs to fulfill its responsibility under 42240  
division (B)(1)(b) of this section. 42241

(C) A cost estimate required by this section shall be based 42242  
on information provided at the time the appointment is made, as 42243  
specified in section 3962.011 of the Revised Code, for the health 42244  
care product, service, or procedure. In addition, the estimate 42245

need not take into account any information that subsequently 42246  
arises, such as unknown, unanticipated, or subsequently needed 42247  
health care products, services, or procedures provided for any 42248  
reason after the initial appointment. Only one estimate is 42249  
required per visit. 42250

If specific information, such as the health care provider who 42251  
will be providing the health care product, service, or procedure, 42252  
is not readily available at the time the appointment is made, the 42253  
provider may base the cost estimate information specified in 42254  
division (A)(1) of section 3962.04 of the Revised Code on either 42255  
an average estimated charge for the product, service, or procedure 42256  
that is submitted to the patient's health plan issuer or the 42257  
average out-of-pocket price for the product, service, or procedure 42258  
paid by patients who are uninsured. 42259

(D)(1) Except as provided in division (D)(2) or (3) of this 42260  
section, the cost estimate required by this section shall be 42261  
provided not later than twenty-four hours after the time the 42262  
appointment for the health care product, service, or procedure is 42263  
made, as specified in section 3962.011 of the Revised Code, or, if 42264  
the product, service, or procedure is to be provided less than 42265  
twenty-four hours after the appointment for the product, service, 42266  
or procedure is made, as specified in section 3962.011 of the 42267  
Revised Code, at the time the patient presents to receive the 42268  
product, service, or procedure. 42269

(2) If the health care product, service, or procedure is to 42270  
be provided by one or more independent contractors of the 42271  
provider, the cost estimate shall be provided not later than 42272  
thirty-six hours after the time the appointment for the product, 42273  
service, or procedure is made, as specified in section 3962.011 of 42274  
the Revised Code, or, if the product, service, or procedure is to 42275  
be provided less than thirty-six hours after the appointment for 42276  
the product, service, or procedure is made, as specified in 42277

section 3962.011 of the Revised Code, at the time the patient 42278  
presents to receive the product, service, or procedure. 42279

(3) A provider may elect to send the cost estimate to the 42280  
patient or the patient's representative by regular mail if the 42281  
health care product, service, or procedure will be provided more 42282  
than three days from the time the estimate is generated. If this 42283  
election is made, the provider shall mail the cost estimate not 42284  
later than the following, as applicable: 42285

(a) If the provider would otherwise be required to comply 42286  
with division (D)(1) of this section, twenty-four hours after the 42287  
time the appointment for the health care product, service, or 42288  
procedure is made, as specified in section 3962.011 of the Revised 42289  
Code; 42290

(b) If the provider would otherwise be required to comply 42291  
with division (D)(2) of this section, thirty-six hours after the 42292  
time the appointment for the health care product, service, or 42293  
procedure is made, as specified in section 3962.011 of the Revised 42294  
Code. 42295

(E)(1) If the patient is insured, a health care provider 42296  
shall, not later than twenty-four hours after an appointment is 42297  
made, as specified in section 3962.011 of the Revised Code, 42298  
transmit to the patient's health plan issuer the patient's name; 42299  
the patient's identification number, if one has been assigned; the 42300  
CPT code or other identifier the issuer requires for each health 42301  
care product, service, or procedure the patient is to receive; the 42302  
provider's identification number; the provider's charge for each 42303  
product, service, or procedure the patient has scheduled that will 42304  
be delivered by a provider who is not in-network for the patient's 42305  
health benefit plan; notification that the provider is providing 42306  
the cost estimate to the patient or the patient's representative; 42307  
and any other information the issuer requires from the provider. 42308

(2) If the provider is to provide a product, service, or procedure pursuant to a prescription or order from another provider, the provider who received the prescription or order shall transmit the information specified in division (E)(1) of this section to the patient's health plan issuer not later than twenty-four hours after receiving the prescription or order or, if received when the provider's office or facility is closed, twenty-four hours after the office or facility reopens. 42309  
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(3) Not later than five minutes after receiving information pursuant to division (E)(1) or (2) of this section, the health plan issuer shall give to the health care provider all information the provider needs to generate a cost estimate. 42317  
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If a health plan issuer does not provide the information necessary to generate the estimate, the health care provider shall notify the patient. The provider may note in the portion of the estimate pertaining to the information required by divisions (A)(2) and (3) of this section that health plan issuer information was not provided as required by law. In this case, the provider may specify only the information required by division (A)(1) of this section and, at the provider's discretion, the information required by division (A)(2) of this section. If the information necessary to complete the estimate is subsequently received and an updated estimate can be provided within the time limit established by division (D) of this section, the health care provider shall provide the updated estimate. 42321  
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(F) The cost estimate required by this section shall contain a disclaimer that the information is only an estimate based on facts available at the time it was prepared and that the amounts estimated could change as a result of unknown, unanticipated, or subsequently needed health care products, services, or procedures; changes to the patient's health benefit plan; or other changes. The provider has discretion in how the disclaimer is expressed. 42334  
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(G) If the amount estimated under division (A)(3) or (4) of this section changes by more than ten per cent before the patient initially presents for the health care product, service, or procedure, the health care provider shall supply to the patient an updated estimate within the time limit established by division (B) or (D) of this section, as applicable.

(H) The cost estimate required by this section may be provided verbally or in electronic or written form and shall be easy to understand. If the estimate is provided in electronic or written form, all of the following apply:

(1) It shall be provided in large font.

(2) Unless the estimate contains more than nine CPT codes or other identifiers, it shall be limited to one page.

(3) The subject line of the communication containing the estimate shall state "Your Ohio Healthcare Price Transparency Estimate."

(I) A patient may decline to receive a cost estimate under this section.

(J) Nothing in this section prohibits a health care provider or health plan issuer from collecting payment from a patient for an administered health care product, service, or procedure regardless of whether the patient does or does not receive a cost estimate under this section before the product, service, or procedure is received.

**Sec. 3962.05.** (A)(1) If a health care provider elects for a patient's health plan issuer to provide a cost estimate in lieu of the provider, the provider shall notify the issuer of this election through the issuer's portal described in section 1751.72, 3923.041, or 5160.34 of the Revised Code or, beginning January 1, 2020, the connector portal established under section 3962.09 of

the Revised Code. In addition, the provider shall, except as 42371  
provided in division (B) of this section, also transmit to the 42372  
health plan issuer through the appropriate portal all of the 42373  
following: 42374

(a) The patient's name; 42375

(b) The patient's identification number, if one has been 42376  
assigned; 42377

(c) The CPT code or other identifier the health plan issuer 42378  
requires for each health care product, service, or procedure the 42379  
patient is to receive; 42380

(d) The provider's identification number; 42381

(e) The charge for each product, service, or procedure the 42382  
patient has scheduled that will be delivered by a provider who is 42383  
out-of-network for the patient's health benefit plan; 42384

(f) Any other information the health plan issuer requires 42385  
from the provider. 42386

The portal also shall be able to transmit a copy of this 42387  
information directly to the patient to whom the information 42388  
pertains. 42389

Except as provided in division (A)(2) of this section, the 42390  
transmission shall occur not later than twenty-four hours after 42391  
the time the appointment for the health care product, service, or 42392  
procedure is made, as specified in section 3962.011 of the Revised 42393  
Code. 42394

(2) If the health care product, service, or procedure is to 42395  
be provided by one or more independent contractors of the 42396  
provider, the transmission shall occur not later than thirty-six 42397  
hours after the time the appointment for the product, service, or 42398  
procedure is made, as specified in section 3962.011 of the Revised 42399  
Code. 42400

A health plan issuer shall modify its portal as necessary to accommodate the information transmission. 42401  
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(B) If a health care provider attests to the department of insurance that it is unable to transmit information through a health plan issuer's portal or through the connector portal, the provider may transmit the information by facsimile or telephone call to the department of insurance. The department shall enter the information on the provider's behalf in the relevant portal. Under these circumstances, the provider may compile patient information and transmit it to the department in a batch once every business day. 42403  
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Sec. 3962.06. (A) Under the circumstances described in division (A)(1) of section 3962.05 of the Revised Code, a health plan issuer shall provide a cost estimate to the patient or the patient's representative containing the information specified in divisions (A)(1) to (3) of section 3962.04 of the Revised Code, as well as the average rate the health plan issuer reimburses in-network providers for the same health care product, service, or procedure. 42412  
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(B) A health plan issuer shall ask the patient or the patient's representative whether the patient would prefer to receive cost estimates by electronic mail or other electronic means or by regular mail. The issuer shall send cost estimates by the means elected. 42420  
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If the means elected is by electronic mail or or other electronic means, the estimate shall be sent automatically, but not later than five minutes after the health plan issuer has received the necessary information from the health care provider. If the means elected is by regular mail, the estimate shall be mailed not later than forty-eight hours after the issuer has received the necessary information from the health care provider 42425  
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if the health care product, service, or procedure will be provided 42432  
more than three days from the time the estimate is generated. For 42433  
purposes of calculating the forty-eight hours, hours on a 42434  
Saturday, Sunday, or legal holiday shall be excluded. 42435

If no election is made, the estimate shall be sent as 42436  
follows: 42437

(1) If the health care product, service, or procedure will be 42438  
provided more than three days from the time the estimate is 42439  
generated, by regular mail; 42440

(2) If the health care product, service, or procedure will be 42441  
provided less than three days from the time the estimate is 42442  
generated and the electronic mail address of the patient or 42443  
patient's representative is on file with the issuer, by electronic 42444  
mail. 42445

A health plan issuer shall be held harmless if the electronic 42446  
mail address of the patient or the patient's representative on 42447  
file with the issuer is incorrect, invalid, or no longer used. 42448

(C)(1) The cost estimate required by this section shall be 42449  
based on information provided at the time an appointment is made, 42450  
as specified in section 3962.011 of the Revised Code. In addition, 42451  
the estimate need not take into account any information that 42452  
subsequently arises, such as unknown, unanticipated, or 42453  
subsequently needed health care products, services, or procedures 42454  
provided for any reason after the initial appointment. Only one 42455  
estimate is required per visit. 42456

(2) If specific information, such as the provider who will be 42457  
providing the health care product, service, or procedure, is not 42458  
readily available at the time the appointment is made, the health 42459  
care provider may transmit that a provider is unknown and the 42460  
health plan issuer may base the estimate on an average estimated 42461  
charge submitted to the health plan issuer for the product, 42462

service, or procedure at that facility or location. 42463

(3) If a health care provider does not transmit to the health 42464  
plan issuer the information necessary to generate the cost 42465  
estimate, the issuer shall send to the patient or the patient's 42466  
representative, by the same means used to send estimates, a notice 42467  
that the provider failed to transmit the necessary information as 42468  
required by law and, consequently, a cost estimate could not be 42469  
generated. This action shall be taken in the event a provider 42470  
gives the issuer any indication that receipt of a health care 42471  
product, service, or procedure is scheduled, such as through 42472  
precertification. 42473

(D) The estimate required by this section shall contain both 42474  
of the following: 42475

(1) A disclaimer that the information is only an estimate 42476  
based on facts available at the time it was prepared and that the 42477  
amounts estimated could change as a result of other factors; 42478  
unknown, unanticipated, or subsequently needed health care 42479  
products, services, or procedures; or changes to the patient's 42480  
health benefit plan. The health plan issuer has discretion in how 42481  
the disclaimer is expressed. 42482

(2) If applicable, a notation that a specific health care 42483  
provider is out-of-network for the enrollee. 42484

(E) The cost estimate required by this section shall be 42485  
provided in large font, be easy to understand, and, unless the 42486  
estimate contains more than nine CPT codes or other identifiers, 42487  
be limited to one page. The subject line of the communication 42488  
containing the estimate shall state "Your Ohio Healthcare Price 42489  
Transparency Estimate." 42490

(F) If the amount in a cost estimate required by this section 42491  
changes by more than ten per cent before the patient presents for 42492  
the health care product, service, or procedure, the health plan 42493

issuer shall supply to the patient an updated estimate by the 42494  
means the patient or the patient's representative has elected 42495  
under division (B) of this section and within the time frames 42496  
specified in that division. 42497

(G) A patient may decline to receive a cost estimate under 42498  
this section. 42499

(H) A patient is responsible for payment for an administered 42500  
health care product, service, or procedure even if the patient 42501  
does not receive a cost estimate under this section before the 42502  
product, service, or procedure is received. 42503

Sec. 3962.07. (A) Regardless of whether a cost estimate is 42504  
provided to a patient by a health care provider under section 42505  
3962.04 of the Revised Code or by a health plan issuer under 42506  
section 3962.06 of the Revised Code, a provider shall give the 42507  
patient or the patient's representative the CPT code or other 42508  
identifier the patient's health plan issuer requires for each 42509  
health care product, service, or procedure the patient is to 42510  
receive along with the charge information specified in division 42511  
(A)(1) of section 3962.04 of the Revised Code associated with each 42512  
code or other identifier. The provider has the following options 42513  
for fulfilling this requirement: 42514

(1) The provider may send this information to the patient or 42515  
the patient's representative through electronic means. 42516

(2) The provider may send this information to the patient or 42517  
patient's representative by regular mail if the health care 42518  
product, service, or procedure will be provided more than three 42519  
days from the time the appointment for the product, service, or 42520  
procedure is made, as specified in section 3962.011 of the Revised 42521  
Code. 42522

(3) The provider may provide to the patient or the patient's 42523

representative a web site address where that individual may enter 42524  
each code or identifier and retrieve the charge information. If 42525  
this option is elected and the provider transmits the codes or 42526  
identifiers to the patient's health plan issuer through a portal 42527  
as described in section 3962.05 of the Revised Code, the provider 42528  
may have the portal generate an automatic electronic mail message 42529  
to the individual with instructions on how to retrieve charge 42530  
information through the web site. 42531

(4) If the product, service, or procedure is to be provided 42532  
less than three days from the time the appointment for the 42533  
product, service, or procedure was made, the provider may give the 42534  
information to the patient or the patient's representative at the 42535  
time the patient presents for the product, service, or procedure 42536  
to be received. 42537

Regardless of the manner in which the provider has elected to 42538  
fulfill this requirement, the provider shall fulfill the 42539  
requirement in accordance with all applicable state and federal 42540  
laws pertaining to the privacy of patient-identifying information. 42541

The CPT codes or other identifiers and charge information 42542  
shall, except as provided in division (B) of this section, be 42543  
given to the patient or the patient's representative not later 42544  
than twenty-four hours after the time the appointment for the 42545  
health care product, service, or procedure is made, as specified 42546  
in section 3962.011 of the Revised Code, or, if the product, 42547  
service, or procedure is to be provided less than twenty-four 42548  
hours after the appointment for the product, service, or procedure 42549  
is made, as specified in section 3962.011 of the Revised Code, at 42550  
the time the patient presents to receive the product, service, or 42551  
procedure. 42552

(B) If the health care product, service, or procedure is to 42553  
be provided by one or more independent contractors of the 42554  
provider, the CPT codes or other identifiers and charge 42555

information shall be given to the patient or the patient's 42556  
representative not later than thirty-six hours after the time the 42557  
appointment for the product, service, or procedure is made, as 42558  
specified in section 3962.011 of the Revised Code, or, if the 42559  
product, service, or procedure is to be provided less than 42560  
thirty-six hours after the appointment for the product, service, 42561  
or procedure is made, as specified in section 3962.011 of the 42562  
Revised Code, at the time the patient presents to receive the 42563  
product, service, or procedure. 42564

**Sec. 3962.08.** (A) As used in this section, "office visit" 42565  
means the family of CPT codes for "Evaluation and Management, 42566  
Office Visits Established" (codes 99211, 99212, 99213, 99214, and 42567  
99215) used for office or other outpatient visits for an 42568  
established patient and the family of CPT codes for services 42569  
similar to the foregoing, including vision services. 42570

(B) The requirement of section 3962.03 of the Revised Code 42571  
does not apply in any of the following circumstances: 42572

(1) When the only service a health care provider will provide 42573  
is an office visit; 42574

(2) When the patient was scheduled for only an office visit 42575  
but during the visit it is determined that the patient needs a 42576  
product, service, or procedure to be provided during that single 42577  
visit; 42578

(3) When the patient seeks care without an appointment and 42579  
without a prescription or order from another provider. 42580

(C) In the event a patient schedules or presents for health 42581  
care products, services, or procedures in addition to an office 42582  
visit but the health care provider is unable to estimate the level 42583  
of office visit to be provided, or in the circumstances described 42584  
in division (B)(3) of this section, the provider may enter a 42585

general designation for an unknown level of office visit. The 42586  
estimate provided through the health care provider or health plan 42587  
issuer under section 3962.03 of the Revised Code shall list the 42588  
general designation and price range for all levels of office 42589  
visits. 42590

**Sec. 3962.081.** In the event that a health care provider 42591  
believes that a delay in care associated with fulfilling the cost 42592  
estimate requirement of section 3962.03 of the Revised Code could 42593  
harm the patient, the provider shall inform the patient or the 42594  
patient's representative of this fact and provide the health care 42595  
product, service, or procedure to the patient. After the product, 42596  
service, or procedure is provided, the provider shall submit to 42597  
the department of insurance a report, in the form and manner 42598  
prescribed by the department, detailing why the provider believed 42599  
that a delay in care could harm the patient. Annually, the 42600  
department shall analyze the reports and prepare a summary of its 42601  
findings. Each summary shall be submitted to the governor and, in 42602  
accordance with section 101.68 of the Revised Code, the general 42603  
assembly. 42604

**Sec. 3962.09.** Not later than January 1, 2020, the department 42605  
of insurance shall create or procure a connector portal that 42606  
health care providers may use to transmit the information 42607  
specified in section 3962.05 of the Revised Code to health plan 42608  
issuers. The department shall ensure that the computer systems and 42609  
software used in operating the connector portal are compatible 42610  
with the computer systems and software manufactured by various 42611  
vendors and used by health care providers and health plan issuers. 42612  
In doing so, the department shall engage in active efforts to 42613  
share with those vendors any information necessary to operate the 42614  
connector portal in a manner that accomplishes both of the 42615  
following, while also ensuring that the portal maintains the 42616

privacy of patient-identifying information in accordance with all 42617  
applicable state and federal laws: 42618

(A) Grants health care providers a means by which they may 42619  
instantly transmit information and populate data fields that 42620  
health plan issuers need to generate cost estimates under section 42621  
3962.06 of the Revised Code; 42622

(B) Grants health plan issuers a means by which they may 42623  
retrieve information directly from the connector portal in a 42624  
seamless manner. 42625

Sec. 3962.10. A health care provider or health plan issuer 42626  
that provides a cost estimate under this chapter is not liable in 42627  
damages in a civil action for injury, death, or loss to person or 42628  
property that allegedly arises from an act or omission associated 42629  
with providing the estimate if the health care provider or health 42630  
plan issuer made a good faith effort to collect the information 42631  
necessary to generate the estimate and a good faith effort to 42632  
provide the estimate to the patient or the patient's 42633  
representative. 42634

Sec. 3962.11. (A) If, after completing an examination, the 42635  
superintendent of insurance, department of health, department of 42636  
medicaid, or appropriate regulatory board, as applicable, finds 42637  
that a health plan issuer or health care provider has committed a 42638  
series of violations that, taken together, constitute a consistent 42639  
pattern or practice of violating the requirements of this chapter 42640  
to provide cost estimates to patients or their representatives, 42641  
the superintendent, department, or board may impose on the issuer 42642  
or provider any of the administrative remedies specified in 42643  
division (B) of this section. 42644

Before imposing an administrative remedy, the superintendent, 42645  
department, or board shall give written notice to the health plan 42646

issuer or health care provider informing that party of the reasons 42647  
for the finding, the administrative remedy that is proposed, and 42648  
the opportunity to submit a written request for an administrative 42649  
hearing regarding the finding and proposed remedy. If a hearing is 42650  
requested, the superintendent, department, or board shall conduct 42651  
the hearing in accordance with Chapter 119. of the Revised Code 42652  
not later than fifteen days after receipt of the request. 42653

(B) In imposing administrative remedies under this section, 42654  
the superintendent, department, or appropriate regulatory board 42655  
may do either or both of the following: 42656

(1) Levy a monetary penalty in an amount determined in 42657  
accordance with division (C) of this section; 42658

(2) Order the health plan issuer or health care provider to 42659  
cease and desist from engaging in the violations. 42660

(C)(1) A finding by the superintendent, department, or 42661  
appropriate regulatory board that a health plan issuer or health 42662  
care provider has committed a series of violations that, taken 42663  
together, constitutes a consistent pattern or practice of 42664  
violating the requirements of this chapter to provide cost 42665  
estimates to patients or their representatives, shall constitute a 42666  
single offense for purposes of levying a fine as described in 42667  
division (B)(1) of this section. 42668

(2) For a first offense, the superintendent or department may 42669  
levy a fine of not more than one hundred thousand dollars; the 42670  
appropriate regulatory board may levy a fine of not more than ten 42671  
thousand dollars. 42672

For a second offense, the superintendent or department may 42673  
levy a fine of not more than one hundred fifty thousand dollars; 42674  
the appropriate regulatory board may levy a fine of not more than 42675  
fifteen thousand dollars. 42676

For a third or subsequent offense, the superintendent or 42677

department may levy a fine of not more than three hundred thousand 42678  
dollars; the appropriate regulatory board may levy a fine of not 42679  
more than thirty thousand dollars. 42680

(3) In determining the amount of a fine to be levied within 42681  
the limits specified in division (C)(2) of this section, the 42682  
superintendent, department, or appropriate regulatory board shall 42683  
consider the following factors: 42684

(a) The extent and frequency of the violations; 42685

(b) Whether the violations were due to circumstances beyond 42686  
the control of the health plan issuer or health care provider; 42687

(c) Any remedial actions taken by the health plan issuer or 42688  
health care provider; 42689

(d) The actual or potential harm to others resulting from the 42690  
violations; 42691

(e) If the health plan issuer or health care provider 42692  
knowingly and willingly committed the violations; 42693

(f) The financial condition of the health plan issuer or 42694  
health care provider; 42695

(g) Any other factors the superintendent, department, or 42696  
appropriate board considers appropriate. 42697

(D) The amounts collected from levying fines under this 42698  
section shall be paid into the state treasury to the credit of the 42699  
general revenue fund. 42700

**Sec. 3962.12. A contract clause that does any of the** 42701  
**following is invalid and unenforceable:** 42702

(A) Prohibits a health care provider or health plan issuer 42703  
from providing a patient with information that facilitates the 42704  
patient's ability to choose a health care provider based on 42705  
quality or cost, including providing a patient with cost and 42706

<u>quality information for alternative providers when the patient</u>	42707
<u>demonstrates an intention to see a particular provider;</u>	42708
<u>(B) Prohibits a health plan issuer from excluding any</u>	42709
<u>particular health care provider from a list or other resource that</u>	42710
<u>ranks providers based on quality or cost and is intended to help</u>	42711
<u>patients make decisions regarding their care;</u>	42712
<u>(C) Restricts patient access to quality or cost information</u>	42713
<u>provided by a health care provider or health plan issuer.</u>	42714
<b><u>Sec. 3962.13. (A) All of the following may adopt any rules</u></b>	42715
<b><u>necessary to carry out this chapter:</u></b>	42716
<u>(1) The superintendent of insurance;</u>	42717
<u>(2) The director of health;</u>	42718
<u>(3) The medicaid director;</u>	42719
<u>(4) Any other relevant department, agency, board, or other</u>	42720
<u>entity that regulates, licenses, or certifies a health care</u>	42721
<u>provider or health plan issuer.</u>	42722
<u>(B) Any rules adopted under this section shall be adopted in</u>	42723
<u>accordance with Chapter 119. of the Revised Code.</u>	42724
<b><u>Sec. 3962.14. Any member of the general assembly may</u></b>	42725
<b><u>intervene in litigation that challenges sections 3962.01 to</u></b>	42726
<b><u>3962.13 or section 5164.65 of the Revised Code.</u></b>	42727
<b><u>Sec. 3962.15. It is the general assembly's intent in enacting</u></b>	42728
<b><u>sections 3962.01 to 3962.14 of the Revised Code to provide</u></b>	42729
<b><u>patients with the information they need to make informed choices</u></b>	42730
<b><u>regarding their health care, to maximize health care cost savings</u></b>	42731
<b><u>for all residents of this state, and to reduce the burden of</u></b>	42732
<b><u>health care expenditures on government entities, including</u></b>	42733
<b><u>medicaid.</u></b>	42734

**Sec. 4109.05.** (A) The director of commerce, after 42735  
consultation with the director of health, shall adopt rules, in 42736  
accordance with Chapter 119. of the Revised Code, prohibiting the 42737  
employment of minors in occupations which are hazardous or 42738  
detrimental to the health and well-being of minors. 42739

In adopting the rules, the director of commerce shall 42740  
consider the orders issued pursuant to the "Fair Labor Standards 42741  
Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended. 42742

The director of commerce shall not adopt any rule that 42743  
prohibits a minor who is sixteen or seventeen years of age and who 42744  
is employed by an employer under the manufacturing mentorship 42745  
program created in section 4109.22 of the Revised Code from being 42746  
employed in a manufacturing occupation if the orders issued 42747  
pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, 42748  
et seq., permit the employment of the minor in the manufacturing 42749  
occupation. As used in this division, "manufacturing occupation" 42750  
has the same meaning as in section 4109.22 of the Revised Code. 42751

(B) No minor may be employed in any occupation found 42752  
hazardous or detrimental to the health and well-being of minors 42753  
under the rules adopted pursuant to division (A) of this section. 42754

**Sec. 4109.22.** (A) As used in this section: 42755

(1) "Manufacturing occupation" means employment that consists 42756  
of the mechanical, physical, or chemical transformation of 42757  
materials, substances, or components into new products for sale, 42758  
including the assembling of component parts into a finished 42759  
product. 42760

(2) Notwithstanding the definition of "employer" in section 42761  
4109.01 of the Revised Code, "employer" means every person who 42762  
employs any individual in a manufacturing occupation. 42763

(B) There is hereby created the manufacturing mentorship 42764

program to expose minors who are sixteen or seventeen years of age 42765  
to manufacturing occupations in this state through temporary 42766  
employment with an employer. An employer employing a minor under 42767  
the mentorship program shall do all of the following: 42768

(1) Determine the duration of the minor's employment; 42769

(2) Assign the minor a mentor to provide direct and close 42770  
supervision while the minor is engaged in any workplace activity; 42771

(3) Provide the minor with the training described in division 42772  
(C) of this section; 42773

(4) Encourage the minor to participate in a career-technical 42774  
education program approved by the department of education, if the 42775  
minor is not participating in a career-technical education program 42776  
when the minor begins employment; 42777

(5) Comply with all applicable state and federal laws and 42778  
regulations relating to the employment of minors. 42779

(C)(1) An employer employing a minor who is sixteen or 42780  
seventeen years of age in a manufacturing occupation under the 42781  
mentorship program shall provide the minor with training that 42782  
includes all of the following: 42783

(a) A ten-hour course in general industry safety and health 42784  
hazard recognition and prevention approved by the occupational 42785  
safety and health administration of the United States department 42786  
of labor; 42787

(b) Instructions on how to operate the specific tools the 42788  
minor will use during the minor's employment; 42789

(c) The general safety and health hazards to which the minor 42790  
may be exposed at the minor's workplace; 42791

(d) The value of safety and management commitment; 42792

(e) Information on the employer's drug testing policy. 42793

(2) For purposes of division (C)(1)(a) of this section, a 42794  
minor may participate in a thirty-hour course in general industry 42795  
safety and health hazard recognition and prevention approved by 42796  
the occupational safety and health administration if the minor has 42797  
already successfully completed a ten-hour course. 42798

(3) The employer shall pay any costs associated with 42799  
providing the training required by division (C)(1) or permitted 42800  
under division (C)(2) of this section. 42801

(4) An employer is not required to provide the training 42802  
described in division (C)(1) or (2) of this section if the minor 42803  
presents proof of completing the training during the six-month 42804  
period immediately before beginning employment with the employer. 42805

(D) The director of commerce, in consultation with employers, 42806  
shall adopt rules in accordance with Chapter 119. of the Revised 42807  
Code specifying a list of the tools that a minor who is sixteen or 42808  
seventeen years of age who is employed under the mentorship 42809  
program may operate during the minor's employment in a 42810  
manufacturing occupation. The director shall use the manual issued 42811  
by the wage and hour division of the United States department of 42812  
labor titled "field operations handbook" or its successor for 42813  
guidance in developing the list. Nothing in this division requires 42814  
the director to include a tool on the list if the orders issued 42815  
pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, 42816  
et seq., and section 4109.05 of the Revised Code or rules adopted 42817  
under that section specifically permit minors of that age to 42818  
operate the tool. 42819

(E) A minor who is sixteen or seventeen years of age who is 42820  
employed by an employer under the mentorship program may work in 42821  
any manufacturing occupation not denied by law to minors of that 42822  
age under section 4109.05 of the Revised Code or rules adopted 42823  
under that section. 42824

<u>(F) No employer shall do either of the following:</u>	42825
<u>(1) Permit a minor who is sixteen or seventeen years of age</u>	42826
<u>to operate a tool minors of that age are permitted to operate</u>	42827
<u>pursuant to the rules adopted under division (D) of this section</u>	42828
<u>unless the minor is employed by the employer under the mentorship</u>	42829
<u>program;</u>	42830
<u>(2) Permit a minor who is sixteen or seventeen years of age</u>	42831
<u>who is employed by the employer under the mentorship program to</u>	42832
<u>operate a tool prohibited for use by minors of that age pursuant</u>	42833
<u>to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq.,</u>	42834
<u>and section 4109.05 of the Revised Code or rules adopted under</u>	42835
<u>that section.</u>	42836
<b>Sec. 4109.99.</b> (A) Whoever violates section 4109.04, division	42837
(C) of section 4109.07, division (A), (B), or (D) of section	42838
4109.08, section 4109.11, or division (B) of section 4109.12 of	42839
the Revised Code is guilty of a minor misdemeanor.	42840
(B) Whoever violates section 4109.05 of the Revised Code is	42841
guilty of a misdemeanor of the third degree.	42842
(C) Whoever violates section 4109.03, division (A), (B), or	42843
(D) of section 4109.07, or section 4109.10 of the Revised Code is	42844
guilty of a minor misdemeanor on a first offense and a misdemeanor	42845
of the third degree on each subsequent offense.	42846
(D) Whoever violates division (A) of section 4109.12 of the	42847
Revised Code is guilty of a minor misdemeanor for each day the	42848
violation continues.	42849
(E) Whoever violates division (A) of section 4109.21 of the	42850
Revised Code is guilty of a misdemeanor of the fourth degree on a	42851
first offense and a first degree misdemeanor on each subsequent	42852
offense. If, however, the violation on a first offense contains	42853
aggravating circumstances, including, but not limited to, threats	42854

to a minor, reckless operation of a motor vehicle, or abandonment 42855  
of or endangerment to a minor but not including circumstances that 42856  
are the basis of a felony violation of section 2919.22 of the 42857  
Revised Code, then the person is guilty of a misdemeanor of the 42858  
first degree. If the offender previously has been convicted under 42859  
this section and if the subsequent offense contains aggravating 42860  
circumstances other than circumstances that are the basis of a 42861  
felony violation of section 2919.22 of the Revised Code, then the 42862  
person is guilty of a felony of the fourth degree. 42863

(F) Whoever violates division (F) of section 4109.22 of the 42864  
Revised Code shall be assessed a civil penalty of up to one 42865  
thousand seven hundred thirty dollars for each violation. 42866

**Sec. 4141.35.** (A) If the director of job and family services 42867  
finds that any fraudulent misrepresentation has been made by an 42868  
applicant for or a recipient of benefits with the object of 42869  
obtaining benefits to which the applicant or recipient was not 42870  
entitled, and in addition to any other penalty or forfeiture under 42871  
this chapter, then the director: 42872

(1) Shall within four years after the end of the benefit year 42873  
in which the fraudulent misrepresentation was made reject or 42874  
cancel such person's entire weekly claim for benefits that was 42875  
fraudulently claimed, or the person's entire benefit rights if the 42876  
misrepresentation was in connection with the filing of the 42877  
claimant's application for determination of benefit rights; 42878

(2) Shall by order declare that, for each application for 42879  
benefit rights and for each weekly claim canceled, such person 42880  
shall be ineligible for two otherwise valid weekly claims for 42881  
benefits, claimed within six years subsequent to the discovery of 42882  
such misrepresentation; 42883

(3) By order shall require that the total amount of benefits 42884  
rejected or canceled under division (A)(1) of this section be 42885

repaid to the director before such person may become eligible for 42886  
further benefits, and shall withhold such unpaid sums from future 42887  
benefit payments accruing and otherwise payable to such claimant. 42888  
Effective with orders issued on or after January 1, 1993, if such 42889  
benefits are not repaid within thirty days after the director's 42890  
order becomes final, interest on the amount remaining unpaid shall 42891  
be charged to the person at a rate and calculated in the same 42892  
manner as provided under section 4141.23 of the Revised Code. When 42893  
a person ordered to repay benefits has repaid all overpaid 42894  
benefits according to a plan approved by the director, the 42895  
director may cancel the amount of interest that accrued during the 42896  
period of the repayment plan. The director may take action in any 42897  
court of competent jurisdiction to collect benefits and interest 42898  
as provided in sections 4141.23 and 4141.27 of the Revised Code, 42899  
in regard to the collection of unpaid contributions, using the 42900  
final repayment order as the basis for such action. Except as 42901  
otherwise provided in this division, no administrative or legal 42902  
proceedings for the collection of such benefits or interest due, 42903  
or for the collection of a penalty under division (A)(4) of this 42904  
section, shall be initiated after the expiration of six years from 42905  
the date on which the director's order requiring repayment became 42906  
final and the amount of any benefits, penalty, or interest not 42907  
recovered at that time, and any liens thereon, shall be canceled 42908  
as uncollectible. The time limit for instituting proceedings shall 42909  
be extended by the period of any stay to the collection or by any 42910  
other time period to which the parties mutually agree. 42911

(4) Shall, for findings made on or after October 21, 2013, by 42912  
order assess a mandatory penalty on such a person in an amount 42913  
equal to twenty-five per cent of the total amount of benefits 42914  
rejected or canceled under division (A)(1) of this section. The 42915  
first sixty per cent of each penalty collected under division 42916  
(A)(4) of this section shall be deposited into the unemployment 42917  
compensation fund created under section 4141.09 of the Revised 42918

Code and shall be credited to the mutualized account, as provided 42919  
in division (B)(2)(g) of section 4141.25 of the Revised Code. The 42920  
remainder of each penalty collected shall be deposited into the 42921  
unemployment compensation special administrative fund created 42922  
under section 4141.11 of the Revised Code. 42923

(5) May take action to collect benefits fraudulently obtained 42924  
under the unemployment compensation law of any other state or the 42925  
United States or Canada. Such action may be initiated in the 42926  
courts of this state in the same manner as provided for unpaid 42927  
contributions in section 4141.41 of the Revised Code. 42928

(6) May take action to collect benefits that have been 42929  
fraudulently obtained from the director, interest pursuant to 42930  
division (A)(3) of this section, and court costs, through 42931  
attachment proceedings under Chapter 2715. of the Revised Code and 42932  
garnishment proceedings under Chapter 2716. of the Revised Code. 42933

(B) If the director finds that an applicant for benefits has 42934  
been credited with a waiting period or paid benefits to which the 42935  
applicant was not entitled for reasons other than fraudulent 42936  
misrepresentation, the director shall: 42937

(1)(a) Within six months after the determination under which 42938  
the claimant was credited with that waiting period or paid 42939  
benefits becomes final pursuant to section 4141.28 of the Revised 42940  
Code, or within three years after the end of the benefit year in 42941  
which such benefits were claimed, whichever is later, by order 42942  
cancel such waiting period and require that such benefits be 42943  
repaid to the director or be withheld from any benefits to which 42944  
such applicant is or may become entitled before any additional 42945  
benefits are paid, provided that the repayment or withholding 42946  
shall not be required where the overpayment is the result of the 42947  
director's correcting a prior decision due to a typographical or 42948  
clerical error in the director's prior decision, or an error in an 42949  
employer's report under division (G) of section 4141.28 of the 42950

Revised Code. 42951

(b) The limitation specified in division (B)(1)(a) of this 42952  
section shall not apply to cases involving the retroactive payment 42953  
of remuneration covering periods for which benefits were 42954  
previously paid to the claimant. However, in such cases, the 42955  
director's order requiring repayment shall not be issued unless 42956  
the director is notified of such retroactive payment within six 42957  
months from the date the retroactive payment was made to the 42958  
claimant. 42959

(2) The director may, by reciprocal agreement with the United 42960  
States secretary of labor or another state, recover overpayment 42961  
amounts from unemployment benefits otherwise payable to an 42962  
individual under Chapter 4141. of the Revised Code. Any 42963  
overpayments made to the individual that have not previously been 42964  
recovered under an unemployment benefit program of the United 42965  
States may be recovered in accordance with section 303(g) of the 42966  
"Social Security Act" and sections 3304(a)(4) and 3306(f) of the 42967  
"Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 42968  
3301 to 3311. 42969

(3) If the amounts required to be repaid under division (B) 42970  
of this section are not recovered within three years from the date 42971  
the director's order requiring payment became final, initiate no 42972  
further action to collect such benefits and the amount of any 42973  
benefits not recovered at that time shall be canceled as 42974  
uncollectible, provided that the time limit for collection shall 42975  
be extended by the period of any stay to the collection or by any 42976  
other time period to which the parties mutually agree. 42977

(C) The appeal provisions of sections 4141.281 and 4141.282 42978  
of the Revised Code shall apply to all orders and determinations 42979  
issued under this section, except that an individual's right of 42980  
appeal under division (B)(2) of this section shall be limited to 42981  
this state's authority to recover overpayment of benefits. 42982

(D) The director shall deposit any repayment collected under this section that the director determines to be payment of interest or court costs into the unemployment compensation special administrative fund established pursuant to section 4141.11 of the Revised Code. 42983  
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(E) If an individual makes a full repayment or a repayment that is less than the full amount required by this section, the director shall apply the repayment to the mutualized account under division (B) of section 4141.25 of the Revised Code, except that the director shall credit the repayment to the accounts of the individual's base period employers that previously have not been credited for the amount of improperly paid benefits charged against their accounts based on the proportion of benefits charged against the accounts as determined pursuant to division (D) of section 4141.24 of the Revised Code. 42988  
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~~The director shall deposit any repayment collected under this section that the director determines to be payment of interest or court costs into the unemployment compensation special administrative fund established pursuant to section 4141.11 of the Revised Code.~~ 42998  
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This division does not apply to any of the following: 43003

(1) Federal tax refund offsets under 31 C.F.R. 285.8; 43004

(2) Unclaimed fund recoveries under section 131.024 of the Revised Code; 43005  
43006

(3) Lottery award offsets under section 3770.073 of the Revised Code; 43007  
43008

(4) State tax refund offsets under section 5747.12 of the Revised Code; 43009  
43010

(5) Unemployment compensation debts collected by the attorney general under Chapter 131. of the Revised Code. 43011  
43012

Sec. 4141.50. (A) As used in this section and in sections	43013
4141.51 to 4141.56 of the Revised Code:	43014
(1) "Affected unit" means a department, shift, or other	43015
organizational unit of two or more employees that is designated by	43016
a participating employer in a shared work plan.	43017
(2) "Approved shared work plan" means an employer's shared	43018
work plan, submitted pursuant to section 4141.51 of the Revised	43019
Code, that satisfies all of the requirements for approval under	43020
that section and that the director of job and family services has	43021
approved in writing.	43022
(3) "Intermittent basis" means employment that is not	43023
continuous but may consist of periodic intervals of weekly work	43024
and intervals of no weekly work.	43025
(4) "Normal weekly hours of work" means the normal hours of	43026
work <u>in employment</u> each week for an employee in an affected unit	43027
when that unit is operating on a full-time basis, not to exceed	43028
forty hours and not including any overtime worked.	43029
(5) "Participating employee" means an employee whose normal	43030
weekly hours of work are reduced by the reduction percentage under	43031
an approved shared work plan.	43032
(6) "Participating employer" means an employer who has an	43033
approved shared work plan in effect.	43034
(7) "Reduction percentage" means the percentage by which each	43035
participating employee's normal weekly hours of work are reduced	43036
under an approved shared work plan.	43037
(8) "Seasonal basis" has the same meaning as "seasonal	43038
employment" as defined in division (A) of section 4141.33 of the	43039
Revised Code.	43040
(9) "Shared work compensation" means the pro rata share of	43041
unemployment compensation benefits payable to a participating	43042

employee under an approved shared work plan. "Shared work 43043  
compensation" does not include unemployment compensation benefits 43044  
otherwise payable to an eligible claimant who is totally or 43045  
partially unemployed. 43046

(10) "Temporary basis" means employment where an employee is 43047  
expected to remain in a position for only a limited period of time 43048  
or is hired by a temporary agency to fill a gap in the employer's 43049  
workforce. 43050

(B) There is hereby created the "SharedWork Ohio" program, 43051  
under which an employer who participates in the program reduces 43052  
the number of hours worked by the employees of the employer in 43053  
lieu of layoffs. 43054

The director may adopt rules as the director determines 43055  
necessary to implement any guidance issued by the United States 43056  
secretary of labor with respect to the SharedWork Ohio program. 43057

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of 43058  
the Revised Code: 43059

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 43060  
fluid ounces. 43061

(2) "Sale" or "sell" includes exchange, barter, gift, 43062  
distribution, and, except with respect to A-4 permit holders, 43063  
offer for sale. 43064

(B) For the purposes of providing revenues for the support of 43065  
the state and encouraging the grape industries in the state, a tax 43066  
is hereby levied on the sale or distribution of wine in Ohio, 43067  
except for known sacramental purposes, at the rate of thirty cents 43068  
per wine gallon for wine containing not less than four per cent of 43069  
alcohol by volume and not more than fourteen per cent of alcohol 43070  
by volume, ninety-eight cents per wine gallon for wine containing 43071  
more than fourteen per cent but not more than twenty-one per cent 43072

of alcohol by volume, one dollar and eight cents per wine gallon 43073  
for vermouth, and one dollar and forty-eight cents per wine gallon 43074  
for sparkling and carbonated wine and champagne, the tax to be 43075  
paid by the holders of A-2, A-2f, and B-5 permits or by any other 43076  
person selling or distributing wine upon which no tax has been 43077  
paid. From the tax paid under this section on wine, vermouth, and 43078  
sparkling and carbonated wine and champagne, the treasurer of 43079  
state shall credit to the Ohio grape industries fund created under 43080  
section 924.54 of the Revised Code a sum equal to one cent per 43081  
gallon for each gallon upon which the tax is paid. 43082

(C) For the purpose of providing revenues for the support of 43083  
the state, there is hereby levied a tax on prepared and bottled 43084  
highballs, cocktails, cordials, and other mixed beverages at the 43085  
rate of one dollar and twenty cents per wine gallon to be paid by 43086  
holders of A-4 permits or by any other person selling or 43087  
distributing those products upon which no tax has been paid. Only 43088  
one sale of the same article shall be used in computing the amount 43089  
of tax due. The tax on mixed beverages to be paid by holders of 43090  
A-4 permits under this section shall not attach until the 43091  
ownership of the mixed beverage is transferred for valuable 43092  
consideration to a wholesaler or retailer, and no payment of the 43093  
tax shall be required prior to that time. 43094

(D) During the period of July 1, ~~2017~~ 2019, through June 30, 43095  
~~2019~~ 2021, from the tax paid under this section on wine, vermouth, 43096  
and sparkling and carbonated wine and champagne, the treasurer of 43097  
state shall credit to the Ohio grape industries fund created under 43098  
section 924.54 of the Revised Code a sum equal to two cents per 43099  
gallon upon which the tax is paid. The amount credited under this 43100  
division is in addition to the amount credited to the Ohio grape 43101  
industries fund under division (B) of this section. 43102

(E) For the purpose of providing revenues for the support of 43103  
the state, there is hereby levied a tax on cider at the rate of 43104

twenty-four cents per wine gallon to be paid by the holders of 43105  
A-2, A-2f, and B-5 permits or by any other person selling or 43106  
distributing cider upon which no tax has been paid. Only one sale 43107  
of the same article shall be used in computing the amount of the 43108  
tax due. 43109

**Sec. 4313.02.** (A) The state may transfer to JobsOhio, and 43110  
JobsOhio may accept the transfer of, all or a portion of the 43111  
enterprise acquisition project for a transfer price payable by 43112  
JobsOhio to the state. Any such transfer shall be treated as an 43113  
absolute conveyance and true sale of the interest in the 43114  
enterprise acquisition project purported to be conveyed for all 43115  
purposes, and not as a pledge or other security interest. The 43116  
characterization of any such transfer as a true sale and absolute 43117  
conveyance shall not be negated or adversely affected by the 43118  
acquisition or retention by the state of a residual or 43119  
reversionary interest in the enterprise acquisition project, the 43120  
participation of any state officer or employee as a member or 43121  
officer of, or contracting for staff support to, JobsOhio or any 43122  
subsidiary of JobsOhio, any regulatory responsibility of an 43123  
officer or employee of the state, including the authority to 43124  
collect amounts to be received in connection therewith, the 43125  
retention of the state of any legal title to or interest in any 43126  
portion of the enterprise acquisition project for the purpose of 43127  
regulatory activities, or any characterization of JobsOhio or 43128  
obligations of JobsOhio under accounting, taxation, or securities 43129  
regulations, or any other reason whatsoever. An absolute 43130  
conveyance and true sale or lease shall exist under this section 43131  
regardless of whether JobsOhio has any recourse against the state 43132  
or the treatment or characterization of the transfer as a 43133  
financing for any purpose. Upon and following the transfer, the 43134  
state shall not have any right, title, or interest in the 43135  
enterprise acquisition project so transferred other than any 43136

residual interest that may be described in the transfer agreement 43137  
pursuant to the following paragraph and division (D) of this 43138  
section. Any determination of the fair market value of the 43139  
enterprise acquisition project reflected in the transfer agreement 43140  
shall be conclusive and binding on the state and JobsOhio. 43141

Any transfer of the enterprise acquisition project that is a 43142  
lease or grant of a franchise shall be for a term not to exceed 43143  
twenty-five years. Any transfer of the enterprise acquisition 43144  
project that is an assignment and sale, conveyance, or other 43145  
transfer shall contain a provision that the state shall have the 43146  
option to have conveyed or transferred back to it, at no cost, the 43147  
enterprise acquisition project, as it then exists, no later than 43148  
twenty-five years after the original transfer authorized in the 43149  
transfer agreement on such other terms as shall be provided in the 43150  
transfer agreement. 43151

The exercise of the powers granted by this section will be 43152  
for the benefit of the people of the state. All or any portion of 43153  
the enterprise acquisition project transferred pursuant to the 43154  
transfer agreement that would be exempt from real property taxes 43155  
or assessments or real property taxes or assessments in the 43156  
absence of such transfer shall, as it may from time to time exist 43157  
thereafter, remain exempt from real property taxes or assessments 43158  
levied by the state and its subdivisions to the same extent as if 43159  
not transferred. The gross receipts and income of JobsOhio derived 43160  
from the enterprise acquisition project shall be exempt from 43161  
taxation levied by the state and its subdivisions, including, but 43162  
not limited to, the taxes levied pursuant to Chapters 718., 5739., 43163  
5741., 5747., and 5751. of the Revised Code. Any transfer from the 43164  
state to JobsOhio of the enterprise acquisition project, or item 43165  
included or to be included in the project, shall be exempt from 43166  
the taxes levied pursuant to Chapters 5739. and 5741. of the 43167  
Revised Code. 43168

(B) The proceeds of any transfer under division (A) of this section may be expended as provided in the transfer agreement for any one or more of the following purposes:

(1) Funding, payment, or defeasance of outstanding bonds issued pursuant to Chapters 151. and 166. of the Revised Code and secured by pledged liquor profits as defined in section 151.40 of the Revised Code;

(2) Deposit into the general revenue fund;

(3) Deposit into the clean Ohio revitalization fund created pursuant to section 122.658 of the Revised Code, the innovation Ohio loan fund created pursuant to section 166.16 of the Revised Code, the research and development loan fund created pursuant to section 166.20 of the Revised Code, and the logistics and distribution infrastructure fund created pursuant to section 166.26 of the Revised Code, ~~the advanced energy research and development fund created pursuant to section 3706.27 of the Revised Code, and the advanced energy research and development taxable fund created pursuant to section 3706.27 of the Revised Code;~~

(4) Conveyance to JobsOhio for the purposes for which it was created.

(C)(1) The state may covenant, pledge, and agree in the transfer agreement, with and for the benefit of JobsOhio, that it shall maintain statutory authority for the enterprise acquisition project and the revenues of the enterprise acquisition project and not otherwise materially impair any obligations supported by a pledge of revenues of the enterprise acquisition project. The transfer agreement may provide or authorize the manner for determining material impairment of the security for any such outstanding obligations, including by assessing and evaluating the revenues of the enterprise acquisition project.

(2) The director of budget and management, in consultation with the director of commerce, may, without need for any other approval, negotiate terms of any documents, including the transfer agreement, necessary to effect the transfer and the acceptance of the transfer of the enterprise acquisition project. The director of budget and management and the director of commerce shall execute the transfer agreement on behalf of the state. The director of budget and management may also, without need for any other approval, retain or contract for the services of commercial appraisers, underwriters, investment bankers, and financial advisers, as are necessary in the judgment of the director of budget and management to effect the transfer agreement. Any transfer agreement may contain terms and conditions established by the state to carry out and effectuate the purposes of this section, including, without limitation, covenants binding the state in favor of JobsOhio. Any such transfer agreement shall be sufficient to effectuate the transfer without regard to any other laws governing other property sales or financial transactions by the state. The director of budget and management may create any funds or accounts, within or without the state treasury, as are needed for the transactions and activities authorized by this section.

(3) The transfer agreement may authorize JobsOhio, in the ordinary course of doing business, to convey, lease, release, or otherwise dispose of any regular inventory or tangible personal property. Ownership of the interest in the enterprise acquisition project that is transferred to JobsOhio under this section and the transfer agreement shall be maintained in JobsOhio or a nonprofit entity the sole member of which is JobsOhio until the enterprise acquisition project is transferred back to the state pursuant to the second paragraph of division (A) and division (D) of this section.

(D) The transfer agreement may authorize JobsOhio to fix, 43232  
alter, and collect rentals and other charges for the use and 43233  
occupancy of all or any portion of the enterprise acquisition 43234  
project and to lease any portion of the enterprise acquisition 43235  
project to the state, and shall include a contract with, or the 43236  
granting of an option to, the state to have the enterprise 43237  
acquisition project, as it then exists, transferred back to it 43238  
without charge in accordance with the terms of the transfer 43239  
agreement after retirement or redemption, or provision therefor, 43240  
of all obligations supported by a pledge of spirituous liquor 43241  
profits. 43242

(E) JobsOhio, the director of budget and management, and the 43243  
director of commerce shall, subject to approval by the controlling 43244  
board, enter into a contract, which may be part of the transfer 43245  
agreement, for the continuing operation by the division of liquor 43246  
control of spirituous liquor distribution and merchandising 43247  
subject to standards for performance provided in that contract 43248  
that may relate to or support division (C)(1) of this section. The 43249  
contract shall establish other terms and conditions for the 43250  
assignment of duties to, and the provision of advice, services, 43251  
and other assistance by, the division of liquor control, including 43252  
providing for the necessary staffing and payment by JobsOhio of 43253  
appropriate compensation to the division for the performance of 43254  
such duties and the provision of such advice, services, and other 43255  
assistance. The division of liquor control shall manage and 43256  
actively supervise the activities required or authorized under 43257  
sections 4301.10 and 4301.17 of the Revised Code as those sections 43258  
exist on September 29, 2011, including, but not limited to, 43259  
controlling the traffic in intoxicating liquor in this state and 43260  
fixing the wholesale and retail prices at which the various 43261  
classes, varieties, and brands of spirituous liquor are sold. 43262

(F) The transfer agreement shall require JobsOhio to pay for 43263

the operations of the division of liquor control with regard to 43264  
the spirituous liquor merchandising operations of the division. 43265  
The payments from JobsOhio shall be deposited into the state 43266  
treasury to the credit of the liquor operating services fund, 43267  
which is hereby created in the state treasury. The fund shall be 43268  
used to pay for the operations of the division specified in this 43269  
division. 43270

(G) The transaction and transfer provided for under this 43271  
section shall comply with all applicable provisions of the Ohio 43272  
Constitution. 43273

**Sec. 4501.10.** (A) Except as provided in division (B) of this 43274  
section, money received by the department of public safety from 43275  
the sale of motor vehicles and related equipment pursuant to 43276  
section 125.13 of the Revised Code shall be transferred to the 43277  
public safety - highway purposes fund created in section 4501.06 43278  
of the Revised Code. The money shall be used only to purchase 43279  
replacement motor vehicles and related equipment. 43280

(B) Money received by the department of public safety 43281  
investigative unit established under section 5502.13 of the 43282  
Revised Code from the sale of motor vehicles and other equipment 43283  
pursuant to section 125.13 of the Revised Code shall be deposited 43284  
into the ~~public safety Ohio~~ investigative unit ~~salvage and~~ 43285  
~~exchange~~ fund, ~~which is hereby created in the state treasury~~ 43286  
section 5502.132 of the Revised Code. The money ~~in the fund~~ shall 43287  
be used only to purchase replacement motor vehicles and other 43288  
equipment for that unit. 43289

**Sec. 4501.24.** There is hereby created in the state treasury 43290  
the scenic rivers protection fund. The fund shall consist of the 43291  
donations to the fund received by the department of natural 43292  
resources and the contributions not to exceed forty dollars that 43293

are paid to the registrar of motor vehicles by applicants who 43294  
voluntarily choose to obtain scenic rivers license plates pursuant 43295  
to section 4503.56 of the Revised Code. 43296

The contributions deposited in the fund shall be used by the 43297  
department ~~of natural resources~~ to help finance wild, scenic, and 43298  
recreational river areas conservation, education, corridor 43299  
protection, restoration, and habitat enhancement and clean-up 43300  
projects along rivers in those areas. The chief of the division of 43301  
parks and watercraft in the department may expend money in the 43302  
fund for the acquisition of wild, scenic, and recreational river 43303  
areas, for the maintenance, protection, and administration of such 43304  
areas, and for construction of facilities within those areas. All 43305  
investment earnings of the fund shall be credited to the fund. 43306

As used in this section, "wild river areas," "scenic river 43307  
areas," and "recreational river areas" have the same meanings as 43308  
in section 1546.01 of the Revised Code. 43309

**Sec. 4503.29.** (A) The director of veterans services in 43310  
conjunction with the registrar of motor vehicles shall develop and 43311  
maintain a program to establish and issue nonstandard license 43312  
plates recognizing military service and military honors pertaining 43313  
to valor and service. 43314

(B) The director and the registrar shall jointly adopt rules 43315  
in accordance with Chapter 119. of the Revised Code for purposes 43316  
of establishing the program under this section. The director and 43317  
registrar shall adopt the rules as soon as possible after ~~the~~ 43318  
~~effective date of this section~~ June 29, 2018, but not later than 43319  
nine months after ~~that effective date~~ June 29, 2018. The rules 43320  
shall do all of the following: 43321

(1) Establish nonstandard license plates recognizing military 43322  
service; 43323

(2) Establish nonstandard license plates recognizing military honors pertaining to valor and service;	43324 43325
(3) Establish eligibility criteria that apply to each nonstandard license plate issued under this section;	43326 43327
(4) Establish requirements governing any necessary documentary evidence required to be presented by an applicant for a nonstandard license plate issued under this section;	43328 43329 43330
(5) Establish guidelines for the designs, markings, and inscriptions on a nonstandard license plate established under this section;	43331 43332 43333
(6) Establish procedures for altering the designs, markings, or inscriptions on a nonstandard license plate established under this section;	43334 43335 43336
(7) Prohibit nonstandard license plates established under this section from recognizing achievement awards or unit awards;	43337 43338
(8) Establish any other procedures or requirements that are necessary for the implementation and administration of this section.	43339 43340 43341
(C) The rules adopted under division (B) of this section shall provide for the establishment of the military nonstandard license plates created under sections 4503.431, 4503.432, 4503.433, 4503.434, 4503.436, 4503.48, 4503.481, 4503.53, 4503.532, 4503.533, 4503.536, 4503.537, 4503.538, 4503.54, 4503.541, 4503.543, 4503.544, 4503.547, 4503.548, 4503.581, 4503.59, and 4503.731 of the Revised Code as those sections existed prior to <del>the effective date of this section</del> <u>June 29, 2018</u> .	43342 43343 43344 43345 43346 43347 43348 43349
(D)(1) Any person who meets the applicable qualifications for the issuance of a nonstandard license plate established by rule adopted under division (B) of this section may apply to the registrar of motor vehicles for the registration of any passenger	43350 43351 43352 43353

car, noncommercial motor vehicle, recreational vehicle, or other 43354  
vehicle the person owns or leases of a class approved by the 43355  
registrar. The application may be combined with a request for a 43356  
special reserved license plate under section 4503.40 or 4503.42 of 43357  
the Revised Code. 43358

(2) ~~Upon~~ (a) Except as provided in division (D)(2)(b) of this 43359  
section, upon receipt of an application for registration of a 43360  
motor vehicle under this section and the required taxes and fees, 43361  
compliance with all applicable laws relating to the registration 43362  
of a motor vehicle, and, if necessary, upon presentation of the 43363  
required documentary evidence, the registrar shall issue to the 43364  
applicant the appropriate motor vehicle registration and a set of 43365  
license plates and a validation sticker, or a validation sticker 43366  
alone when required by section 4503.191 of the Revised Code. 43367

(b) Any disabled veteran who qualifies to apply to the 43368  
registrar for the registration of a motor vehicle under section 43369  
4503.41 of the Revised Code without the payment of any 43370  
registration taxes or fees, may apply instead for registration of 43371  
the motor vehicle under this section. The disabled veteran 43372  
applying for registration under this section is not required to 43373  
pay any registration taxes or fees as required by sections 43374  
4503.038, 4503.04, 4503.10, 4503.102, and 4503.103 of the Revised 43375  
Code, any local motor vehicle tax levied under Chapter 4504. of 43376  
the Revised Code, or any fee charged under section 4503.19 of the 43377  
Revised Code for up to two motor vehicles, including any motor 43378  
vehicle registered under section 4503.41 of the Revised Code. Upon 43379  
receipt of an application for registration of the motor vehicle 43380  
and presentation of any documentation the registrar may require by 43381  
rule, the registrar shall issue to the applicant the appropriate 43382  
motor vehicle registration and a set of license plates authorized 43383  
under this section and a validation sticker, or a validation 43384  
sticker alone when required by section 4503.191 of the Revised 43385

Code. 43386

(3) The license plates shall display county identification 43387  
stickers that identify the county of registration as required 43388  
under section 4503.19 of the Revised Code. 43389

(E) Sections 4503.77 and 4503.78 of the Revised Code do not 43390  
apply to license plates issued under this section. 43391

**Sec. 4503.515.** (A) The owner or lessee of any passenger car, 43392  
noncommercial motor vehicle, recreational vehicle, or other 43393  
vehicle of a class approved by the registrar of motor vehicles may 43394  
apply to the registrar for the registration of the vehicle and 43395  
issuance of "Ohio geology" license plates. The application may be 43396  
combined with a request for a special reserved license plate under 43397  
section 4503.40 or 4503.42 of the Revised Code. Upon receipt of 43398  
the completed application and compliance by the applicant with 43399  
divisions (B) and (C) of this section, the registrar shall issue 43400  
to the applicant the appropriate vehicle registration and a set of 43401  
"Ohio geology" license plates and a validation sticker, or a 43402  
validation sticker alone when required by section 4503.191 of the 43403  
Revised Code. 43404

In addition to the letters and numbers ordinarily inscribed 43405  
on the license plates, "Ohio geology" license plates shall bear an 43406  
appropriate logo and words selected by the director of natural 43407  
resources and approved by the registrar. "Ohio geology" license 43408  
plates shall display county identification stickers that identify 43409  
the county of registration as required under section 4503.19 of 43410  
the Revised Code. 43411

(B) "Ohio geology" license plates and a validation sticker, 43412  
or validation sticker alone, shall be issued upon receipt of an 43413  
application for registration of a motor vehicle under this 43414  
section; payment of the regular license tax as prescribed under 43415  
section 4503.04 of the Revised Code, any applicable motor vehicle 43416

license tax levied under Chapter 4504. of the Revised Code, any 43417  
applicable additional fee prescribed by section 4503.40 or 4503.42 43418  
of the Revised Code, an additional fee of ten dollars, and a 43419  
contribution as provided in division (C) of this section; and 43420  
compliance with all other applicable laws relating to the 43421  
registration of motor vehicles. 43422

(C) For each application for registration and registration 43423  
renewal notice the registrar receives under this section, the 43424  
registrar shall collect a contribution of fifteen dollars. The 43425  
registrar shall transmit this contribution to the treasurer of 43426  
state for deposit into the state treasury to the credit of the 43427  
~~"Ohio geology" license plate~~ geological mapping fund created by 43428  
section ~~1505.13~~ 1505.09 of the Revised Code. 43429

The registrar shall transmit the additional fee of ten 43430  
dollars, the purpose of which is to compensate the bureau of motor 43431  
vehicles for the additional services required in the issuing of 43432  
"Ohio geology" license plates, to the treasurer of state for 43433  
deposit into the state treasury to the credit of the public safety 43434  
- highway purposes fund created by section 4501.06 of the Revised 43435  
Code. 43436

**Sec. 4505.11.** This section shall also apply to all-purpose 43437  
vehicles and off-highway motorcycles as defined in section 4519.01 43438  
of the Revised Code. 43439

(A) Each owner of a motor vehicle and each person mentioned 43440  
as owner in the last certificate of title, when the motor vehicle 43441  
is dismantled, destroyed, or changed in such manner that it loses 43442  
its character as a motor vehicle, or changed in such manner that 43443  
it is not the motor vehicle described in the certificate of title, 43444  
shall surrender the certificate of title to that motor vehicle to 43445  
a clerk of a court of common pleas, and the clerk, with the 43446  
consent of any holders of any liens noted on the certificate of 43447

title, then shall enter a cancellation upon the clerk's records 43448  
and shall notify the registrar of motor vehicles of the 43449  
cancellation. 43450

Upon the cancellation of a certificate of title in the manner 43451  
prescribed by this section, any clerk and the registrar of motor 43452  
vehicles may cancel and destroy all certificates and all 43453  
memorandum certificates in that chain of title. 43454

(B)(1) If an Ohio certificate of title or salvage certificate 43455  
of title to a motor vehicle is assigned to a salvage dealer, the 43456  
dealer is not required to obtain an Ohio certificate of title or a 43457  
salvage certificate of title to the motor vehicle in the dealer's 43458  
own name if the dealer dismantles or destroys the motor vehicle, 43459  
indicates the number of the dealer's motor vehicle salvage 43460  
dealer's license on it, marks "FOR DESTRUCTION" across the face of 43461  
the certificate of title or salvage certificate of title, and 43462  
surrenders the certificate of title or salvage certificate of 43463  
title to a clerk of a court of common pleas as provided in 43464  
division (A) of this section. If the salvage dealer retains the 43465  
motor vehicle for resale, the dealer shall make application for a 43466  
salvage certificate of title to the motor vehicle in the dealer's 43467  
own name as provided in division (C)(1) of this section. 43468

(2) At the time any salvage motor vehicle is sold at auction 43469  
or through a pool, the salvage motor vehicle auction or salvage 43470  
motor vehicle pool shall give a copy of the salvage certificate of 43471  
title or a copy of the certificate of title marked "FOR 43472  
DESTRUCTION" to the purchaser. 43473

(C)(1) When an insurance company declares it economically 43474  
impractical to repair such a motor vehicle and has paid an agreed 43475  
price for the purchase of the motor vehicle to any insured or 43476  
claimant owner, the insurance company shall proceed as follows: 43477

(a) If an insurance company receives the certificate of title 43478

and the motor vehicle, within thirty business days, the insurance 43479  
company shall deliver the certificate of title to a clerk of a 43480  
court of common pleas and shall make application for a salvage 43481  
certificate of title. This certificate of title, any supporting 43482  
power of attorney, or application for a salvage certificate of 43483  
title shall be exempt from the requirements of notarization and 43484  
verification as described in this chapter and in section 1337.25 43485  
of the Revised Code. 43486

(b) If an insurance company obtains possession of the motor 43487  
vehicle and a physical certificate of title was issued for the 43488  
vehicle but the insurance company is unable to obtain the properly 43489  
endorsed certificate of title for the motor vehicle within thirty 43490  
business days following the vehicle's owner or lienholder's 43491  
acceptance of the insurance company's payment for the vehicle, the 43492  
insurance company may apply to the clerk of a court of common 43493  
pleas for a salvage certificate of title without delivering the 43494  
certificate of title for the motor vehicle. The application shall 43495  
be accompanied by evidence that the insurance company has paid a 43496  
total loss claim on the vehicle, a copy of the written request for 43497  
the certificate of title from the insurance company or its 43498  
designee, and proof that the request was delivered by a nationally 43499  
recognized courier service to the last known address of the owner 43500  
of the vehicle and any known lienholder, to obtain the certificate 43501  
of title. 43502

(c) If an insurance company obtains possession of the motor 43503  
vehicle and a physical certificate of title was not issued for the 43504  
vehicle, the insurance company may apply to the clerk of a court 43505  
of common pleas for a salvage certificate of title without 43506  
delivering a certificate of title for the motor vehicle. The 43507  
application shall be accompanied by the electronic certificate of 43508  
title control number and a properly executed power of attorney, or 43509  
other appropriate document, from the owner of the motor vehicle 43510

authorizing the insurance company to apply for a salvage certificate of title. The application for a salvage certificate of title, any supporting power of attorney, and any other appropriate document shall be exempt from the requirements of notarization and verification as described in this chapter and in section 1337.25 of the Revised Code.

(d) Upon receipt of a properly completed application for a salvage certificate of title as described in division (C)(1)(a), (b), or (c) or (C)(2) of this section, the clerk shall issue the salvage certificate of title on a form, prescribed by the registrar, that shall be easily distinguishable from the original certificate of title and shall bear the same information as the original certificate of title except that it may bear a different number than that of the original certificate of title. The salvage certificate of title shall include the following notice in bold lettering:

"SALVAGE MOTOR VEHICLE - PURSUANT TO R.C. 4738.01."

Except as provided in division (C)(3) of this section, the salvage certificate of title shall be assigned by the insurance company to a salvage dealer or any other person for use as evidence of ownership upon the sale or other disposition of the motor vehicle, and the salvage certificate of title shall be transferable to any other person. The clerk shall charge a fee of four dollars for the cost of processing each salvage certificate of title.

(2) If an insurance company requests that a salvage motor vehicle auction take possession of a motor vehicle that is the subject of an insurance claim, and subsequently the insurance company denies coverage with respect to the motor vehicle or does not otherwise take ownership of the motor vehicle, the salvage motor vehicle auction may proceed as follows. After the salvage motor vehicle auction has possession of the motor vehicle for

forty-five days, it may apply to the clerk of a court of common 43543  
pleas for a salvage certificate of title without delivering the 43544  
certificate of title for the motor vehicle. The application shall 43545  
be accompanied by a copy of the written request that the vehicle 43546  
be removed from the facility on the salvage motor vehicle 43547  
auction's letterhead, and proof that the request was delivered by 43548  
a nationally recognized courier service to the last known address 43549  
of the owner of the vehicle and any known lienholder, requesting 43550  
that the vehicle be removed from the facility of the salvage motor 43551  
vehicle auction. Upon receipt of a properly completed application, 43552  
the clerk shall follow the process as described in division 43553  
(C)(1)(d) of this section. The salvage certificate of title so 43554  
issued shall be free and clear of all liens. 43555

(3) If an insurance company considers a motor vehicle as 43556  
described in division (C)(1)(a), (b), or (c) of this section to be 43557  
impossible to restore for highway operation, the insurance company 43558  
may assign the certificate of title to the motor vehicle to a 43559  
salvage dealer or scrap metal processing facility and send the 43560  
assigned certificate of title to the clerk of the court of common 43561  
pleas of any county. The insurance company shall mark the face of 43562  
the certificate of title "FOR DESTRUCTION" and shall deliver a 43563  
photocopy of the certificate of title to the salvage dealer or 43564  
scrap metal processing facility for its records. 43565

(4) If an insurance company declares it economically 43566  
impractical to repair a motor vehicle, agrees to pay to the 43567  
insured or claimant owner an amount in settlement of a claim 43568  
against a policy of motor vehicle insurance covering the motor 43569  
vehicle, and agrees to permit the insured or claimant owner to 43570  
retain possession of the motor vehicle, the insurance company 43571  
shall not pay the insured or claimant owner any amount in 43572  
settlement of the insurance claim until the owner obtains a 43573  
salvage certificate of title to the vehicle and furnishes a copy 43574

of the salvage certificate of title to the insurance company. 43575

(D) When a self-insured organization, rental or leasing 43576  
company, or secured creditor becomes the owner of a motor vehicle 43577  
that is burned, damaged, or dismantled and is determined to be 43578  
economically impractical to repair, the self-insured organization, 43579  
rental or leasing company, or secured creditor shall do one of the 43580  
following: 43581

(1) Mark the face of the certificate of title to the motor 43582  
vehicle "FOR DESTRUCTION" and surrender the certificate of title 43583  
to a clerk of a court of common pleas for cancellation as 43584  
described in division (A) of this section. The self-insured 43585  
organization, rental or leasing company, or secured creditor then 43586  
shall deliver the motor vehicle, together with a photocopy of the 43587  
certificate of title, to a salvage dealer or scrap metal 43588  
processing facility and shall cause the motor vehicle to be 43589  
dismantled, flattened, crushed, or destroyed. 43590

(2) Obtain a salvage certificate of title to the motor 43591  
vehicle in the name of the self-insured organization, rental or 43592  
leasing company, or secured creditor, as provided in division 43593  
(C)(1) of this section, and then sell or otherwise dispose of the 43594  
motor vehicle. If the motor vehicle is sold, the self-insured 43595  
organization, rental or leasing company, or secured creditor shall 43596  
obtain a salvage certificate of title to the motor vehicle in the 43597  
name of the purchaser from a clerk of a court of common pleas. 43598

(E) If a motor vehicle titled with a salvage certificate of 43599  
title is restored for operation upon the highways, application 43600  
shall be made to a clerk of a court of common pleas for a 43601  
certificate of title. Upon inspection by the state highway patrol, 43602  
which shall include establishing proof of ownership and an 43603  
inspection of the motor number and vehicle identification number 43604  
of the motor vehicle and of documentation or receipts for the 43605  
materials used in restoration by the owner of the motor vehicle 43606

being inspected, which documentation or receipts shall be 43607  
presented at the time of inspection, the clerk, upon surrender of 43608  
the salvage certificate of title, shall issue a certificate of 43609  
title for a fee prescribed by the registrar. The certificate of 43610  
title shall be in the same form as the original certificate of 43611  
title and shall bear the words "REBUILT SALVAGE" in black boldface 43612  
letters on its face. Every subsequent certificate of title, 43613  
memorandum certificate of title, or duplicate certificate of title 43614  
issued for the motor vehicle also shall bear the words "REBUILT 43615  
SALVAGE" in black boldface letters on its face. The exact location 43616  
on the face of the certificate of title of the words "REBUILT 43617  
SALVAGE" shall be determined by the registrar, who shall develop 43618  
an automated procedure within the automated title processing 43619  
system to comply with this division. The clerk shall use 43620  
reasonable care in performing the duties imposed on the clerk by 43621  
this division in issuing a certificate of title pursuant to this 43622  
division, but the clerk is not liable for any of the clerk's 43623  
errors or omissions or those of the clerk's deputies, or the 43624  
automated title processing system in the performance of those 43625  
duties. A fee of fifty dollars shall be assessed by the state 43626  
highway patrol for each inspection made pursuant to this division 43627  
and shall be deposited into the public safety - highway purposes 43628  
fund established by section 4501.06 of the Revised Code. 43629

(F) No person shall operate upon the highways in this state a 43630  
motor vehicle, title to which is evidenced by a salvage 43631  
certificate of title, except to deliver the motor vehicle pursuant 43632  
to an appointment for an inspection under this section. 43633

(G) No motor vehicle the certificate of title to which has 43634  
been marked "FOR DESTRUCTION" and surrendered to a clerk of a 43635  
court of common pleas shall be used for anything except parts and 43636  
scrap metal. 43637

(H)(1) Except as otherwise provided in this division, an 43638

owner of a manufactured or mobile home that will be taxed as real 43639  
property pursuant to division (B) of section 4503.06 of the 43640  
Revised Code shall surrender the certificate of title to the 43641  
auditor of the county containing the taxing district in which the 43642  
home is located. An owner whose home qualifies for real property 43643  
taxation under divisions (B)(1)(a) and (b) of section 4503.06 of 43644  
the Revised Code shall surrender the certificate within fifteen 43645  
days after the home meets the conditions specified in those 43646  
divisions. The auditor shall deliver the certificate of title to 43647  
the clerk of the court of common pleas who issued it. 43648

(2) If the certificate of title for a manufactured or mobile 43649  
home that is to be taxed as real property is held by a lienholder, 43650  
the lienholder shall surrender the certificate of title to the 43651  
auditor of the county containing the taxing district in which the 43652  
home is located, and the auditor shall deliver the certificate of 43653  
title to the clerk of the court of common pleas who issued it. The 43654  
lienholder shall surrender the certificate within thirty days 43655  
after both of the following have occurred: 43656

(a) The homeowner has provided written notice to the 43657  
lienholder requesting that the certificate of title be surrendered 43658  
to the auditor of the county containing the taxing district in 43659  
which the home is located. 43660

(b) The homeowner has either paid the lienholder the 43661  
remaining balance owed to the lienholder, or, with the 43662  
lienholder's consent, executed and delivered to the lienholder a 43663  
mortgage on the home and land on which the home is sited in the 43664  
amount of the remaining balance owed to the lienholder. 43665

(3) Upon the delivery of a certificate of title by the county 43666  
auditor to the clerk, the clerk shall inactivate it and maintain 43667  
it in the automated title processing system for a period of thirty 43668  
years. 43669

(4) Upon application by the owner of a manufactured or mobile home that is taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code and that no longer satisfies divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and (b) of that section, the clerk shall reactivate the record of the certificate of title that was inactivated under division (H)(3) of this section and shall issue a new certificate of title, but only if the application contains or has attached to it all of the following:

(a) An endorsement of the county treasurer that all real property taxes charged against the home under Title LVII of the Revised Code and division (B) of section 4503.06 of the Revised Code for all preceding tax years have been paid;

(b) An endorsement of the county auditor that the home will be removed from the real property tax list;

(c) Proof that there are no outstanding mortgages or other liens on the home or, if there are such mortgages or other liens, that the mortgagee or lienholder has consented to the reactivation of the certificate of title.

(I)(1) Whoever violates division (F) of this section shall be fined not more than two thousand dollars, imprisoned not more than one year, or both.

(2) Whoever violates division (G) of this section shall be fined not more than one thousand dollars, imprisoned not more than six months, or both.

**Sec. 4506.03.** (A) Except as provided in divisions (B) and (C) of this section, the following shall apply:

(1) No person shall drive a commercial motor vehicle on a highway in this state unless the person holds, and has in the person's possession, any of the following:

(a) A valid commercial driver's license with proper 43700  
endorsements for the motor vehicle being driven, issued by the 43701  
registrar of motor vehicles or by another jurisdiction recognized 43702  
by this state; 43703

(b) A valid examiner's commercial driving permit issued under 43704  
section 4506.13 of the Revised Code; 43705

(c) A valid restricted commercial driver's license and waiver 43706  
for farm-related service industries issued under section 4506.24 43707  
of the Revised Code; 43708

(d) A valid commercial driver's license temporary instruction 43709  
permit issued by the registrar, provided that the person is 43710  
accompanied by an authorized state driver's license examiner or 43711  
tester or a person who has been issued and has in the person's 43712  
immediate possession a current, valid commercial driver's license 43713  
and who meets the requirements of division (B) of section 4506.06 43714  
of the Revised Code. 43715

(2) No person's commercial driver's license temporary 43716  
instruction permit shall be upgraded, and no commercial driver's 43717  
license shall be upgraded, renewed, or issued to a person until 43718  
the person surrenders to the registrar of motor vehicles all valid 43719  
licenses and permits issued to the person by this state or by 43720  
another jurisdiction recognized by this state. If the license or 43721  
permit was issued by any other state or another jurisdiction 43722  
recognized by this state, the registrar shall report the surrender 43723  
of a license or permit to the issuing authority, together with 43724  
information that a license or permit is now issued in this state. 43725  
The registrar shall destroy any such license or permit that is not 43726  
returned to the issuing authority. 43727

(3) No person who has been a resident of this state for 43728  
thirty days or longer shall drive a commercial motor vehicle under 43729  
the authority of a commercial driver's license issued by another 43730

jurisdiction. 43731

(B) Nothing in division (A) of this section applies to any 43732  
qualified person when engaged in the operation of any of the 43733  
following: 43734

(1) A farm truck; 43735

(2) Fire equipment for a fire department, volunteer or 43736  
nonvolunteer fire company, fire district, ~~or~~ joint fire district, 43737  
or the state fire marshal; 43738

(3) A public safety vehicle used to provide transportation or 43739  
emergency medical service for ill or injured persons; 43740

(4) A recreational vehicle; 43741

(5) A commercial motor vehicle within the boundaries of an 43742  
eligible unit of local government, if the person is employed by 43743  
the eligible unit of local government and is operating the 43744  
commercial motor vehicle for the purpose of removing snow or ice 43745  
from a roadway by plowing, sanding, or salting, but only if either 43746  
the employee who holds a commercial driver's license issued under 43747  
this chapter and ordinarily operates a commercial motor vehicle 43748  
for these purposes is unable to operate the vehicle, or the 43749  
employing eligible unit of local government determines that a snow 43750  
or ice emergency exists that requires additional assistance; 43751

(6) A vehicle operated for military purposes by any member or 43752  
uniformed employee of the armed forces of the United States or 43753  
their reserve components, including the Ohio national guard. This 43754  
exception does not apply to United States reserve technicians. 43755

(7) A commercial motor vehicle that is operated for 43756  
nonbusiness purposes. "Operated for nonbusiness purposes" means 43757  
that the commercial motor vehicle is not used in commerce as 43758  
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 43759  
regulated by the public utilities commission pursuant to Chapter 43760

4905., 4921., or 4923. of the Revised Code. 43761

(8) A motor vehicle that is designed primarily for the 43762  
transportation of goods and not persons, while that motor vehicle 43763  
is being used for the occasional transportation of personal 43764  
property by individuals not for compensation and not in the 43765  
furtherance of a commercial enterprise; 43766

(9) A police SWAT team vehicle; 43767

(10) A police vehicle used to transport prisoners. 43768

(C) Nothing contained in division (B)(5) of this section 43769  
shall be construed as preempting or superseding any law, rule, or 43770  
regulation of this state concerning the safe operation of 43771  
commercial motor vehicles. 43772

(D) Whoever violates this section is guilty of a misdemeanor 43773  
of the first degree. 43774

**Sec. 4507.12.** (A)(1) Except as provided in division (C) of 43775  
section 4507.10 of the Revised Code, each person applying for the 43776  
renewal of a driver's license shall submit to a screening of the 43777  
person's vision before the license may be renewed. The Except as 43778  
provided in division (A)(2) of this section, the vision screening 43779  
shall be conducted at the office of the deputy registrar receiving 43780  
the application for license renewal. 43781

(2) A person applying for the renewal of a driver's license 43782  
who is capable of meeting the standards required for licensing, 43783  
but who is not capable of passing the vision screening conducted 43784  
at the office of the deputy registrar, may have the vision 43785  
screening conducted at a licensed optometrist's or 43786  
ophthalmologist's office. The person shall have the vision 43787  
screening performed within ninety days prior to the time the 43788  
person applies for the driver's license renewal. The person shall 43789  
bring any forms required by the registrar to the vision screening 43790

conducted at the optometrist's or ophthalmologist's office to be 43791  
completed by the optometrist or ophthalmologist. The person shall 43792  
submit such forms to the registrar or deputy registrar at the time 43793  
the person applies for the driver's license renewal to verify that 43794  
the vision screening results meet the vision standards required 43795  
for licensing. 43796

(B) When the results of a vision screening given under 43797  
division (A) of this section indicate that the vision of the 43798  
person examined meets the standards required for licensing, the 43799  
deputy registrar may renew the person's driver's license at that 43800  
time. 43801

(C) When the results of a vision screening given under 43802  
division (A) of this section indicate that the vision of the 43803  
person screened may not meet the standards required for licensing, 43804  
the deputy registrar shall not renew the person's driver's license 43805  
at that time but shall refer the person to a driver's license 43806  
examiner appointed by the director of public safety under section 43807  
5502.05 of the Revised Code for a further examination of the 43808  
person's vision. ~~When~~ 43809

(D) When a person referred to a driver's license examiner by 43810  
a deputy registrar does not meet the vision standards required for 43811  
licensing, the driver's license examiner shall retain the person's 43812  
operator's ~~or chauffeur's~~ license and shall immediately notify the 43813  
registrar of motor vehicles of that fact. The driver's license 43814  
examiner shall refer the person to a licensed optometrist or 43815  
ophthalmologist of the person's choice. The person may have the 43816  
optometrist or ophthalmologist conduct a vision screening and 43817  
shall request the optometrist or ophthalmologist to certify the 43818  
vision screening results on any forms required by the registrar. 43819  
The person shall submit such forms to the registrar, deputy 43820  
registrar, or driver's license examiner to verify that the vision 43821  
screening results meet the vision standards required for 43822

licensing. 43823

~~(E)~~ No driver's license shall be issued to ~~any such a~~ person, 43824  
until the person's vision is corrected to meet the standards 43825  
required for licensing ~~and the person passes the vision screening~~ 43826  
~~required~~ by this section. Any person who operates a motor vehicle 43827  
on a highway, or on any public or private property used by the 43828  
public for purposes of vehicular travel or parking, during the 43829  
time the person's driver's license is held by a driver's license 43830  
examiner under this division, shall be deemed to be operating a 43831  
motor vehicle in violation of division (A) of section 4510.12 of 43832  
the Revised Code. 43833

~~(D)~~(F) The registrar shall adopt rules and shall provide any 43834  
forms necessary to properly conduct vision screenings at the 43835  
office of a deputy registrar, a driver examination station, or at 43836  
the office of a licensed optometrist or ophthalmologist. 43837

~~(E) No~~ (G) A person conducting vision screenings under this 43838  
section ~~shall be~~ is not personally liable for damages for injury 43839  
or loss to persons or property and for death caused by the 43840  
operation of a motor vehicle by any person whose driver's license 43841  
was renewed by the deputy registrar under division (B) of this 43842  
section. 43843

**Sec. 4582.06.** (A) A port authority created in accordance with 43844  
section 4582.02 of the Revised Code may: 43845

(1) Acquire, construct, furnish, equip, maintain, repair, 43846  
sell, exchange, lease to or from, lease with an option to 43847  
purchase, convey other interests in, or operate real or personal 43848  
property, or any combination thereof, related to, useful for, or 43849  
in furtherance of any authorized purpose, and make charges for the 43850  
use of any port authority facility, which shall be not less than 43851  
the charges established for the same services furnished by a 43852  
public utility or common carrier in the jurisdiction of the 43853

particular port authority; 43854

(2) Straighthen, deepen, and improve any canal, channel, 43855  
river, stream, or other water course or way that may be necessary 43856  
or proper in the development of the facilities of the port 43857  
authority; 43858

(3) Issue bonds or notes for the acquisition, construction, 43859  
furnishing, or equipping of any real or personal property, or any 43860  
combination thereof, related to, useful for, or in furtherance of 43861  
any authorized purpose, in compliance with Chapter 133. of the 43862  
Revised Code, except that the bonds or notes only may be issued 43863  
pursuant to a vote of the electors residing within the territory 43864  
of the port authority. The net indebtedness incurred by a port 43865  
authority shall never exceed two per cent of the total value of 43866  
all property within the territory comprising the authority as 43867  
listed and assessed for taxation. 43868

(4) By resolution of its board of directors, issue revenue 43869  
bonds beyond the limit of bonded indebtedness provided by law, for 43870  
the acquisition, construction, furnishing, or equipping of any 43871  
real or personal property, or any combination thereof, related to, 43872  
useful for, or in furtherance of any authorized purpose, including 43873  
all costs in connection with or incidental thereto. 43874

The revenue bonds of the port authority shall be secured only 43875  
by a pledge of and a lien on the revenues of the port authority 43876  
derived from those loan payments, rentals, fees, charges, or other 43877  
revenues that are designated in the resolution, including, but not 43878  
limited to, any property to be acquired, constructed, furnished, 43879  
or equipped with the proceeds of the bond issue, after provision 43880  
only for the reasonable cost of operating, maintaining, and 43881  
repairing the property of the port authority so designated. The 43882  
bonds may further be secured by the covenant of the port authority 43883  
to maintain rates or charges that will produce revenues sufficient 43884  
to meet the costs of operating, maintaining, and repairing such 43885

property and to meet the interest and principal requirements of 43886  
the bonds and to establish and maintain reserves for the foregoing 43887  
purposes. The board of directors, by resolution, may provide for 43888  
the issuance of additional revenue bonds from time to time, to be 43889  
secured equally and ratably, without preference, priority, or 43890  
distinction, with outstanding revenue bonds, but subject to the 43891  
terms and limitations of any trust agreement described in this 43892  
section, and of any resolution authorizing bonds then outstanding. 43893  
The board of directors, by resolution, may designate additional 43894  
property of the port authority, the revenues of which shall be 43895  
pledged and be subject to a lien for the payment of the debt 43896  
charges on revenue bonds theretofore authorized by resolution of 43897  
the board of directors, to the same extent as the revenues above 43898  
described. 43899

In the discretion of the board of directors, the revenue 43900  
bonds of the port authority may be secured by a trust agreement 43901  
between the board of directors on behalf of the port authority and 43902  
a corporate trustee, that may be any trust company or bank having 43903  
powers of a trust company, within or without the state. 43904

The trust agreement may provide for the pledge or assignment 43905  
of the revenues to be received, but shall not pledge the general 43906  
credit and taxing power of the port authority. A trust agreement 43907  
securing revenue bonds issued to acquire, construct, furnish, or 43908  
equip real property, plants, factories, offices, and other 43909  
structures and facilities for authorized purposes consistent with 43910  
Section 13 or 16 of Article VIII, Ohio Constitution, may mortgage 43911  
the real or personal property, or a combination thereof, to be 43912  
acquired, constructed, furnished, or equipped from the proceeds of 43913  
such revenue bonds, as further security for the bonds. The trust 43914  
agreement or the resolution providing for the issuance of revenue 43915  
bonds may set forth the rights and remedies of the bondholders and 43916  
trustee, and may contain other provisions for protecting and 43917

enforcing their rights and remedies that are determined in the 43918  
discretion of the board of directors to be reasonable and proper. 43919  
The agreement or resolution may provide for the custody, 43920  
investment, and disbursement of all moneys derived from the sale 43921  
of such bonds, or from the revenues of the port authority, other 43922  
than those moneys received from taxes levied pursuant to section 43923  
4582.14 of the Revised Code, and may provide for the deposit of 43924  
such funds without regard to section 4582.15 of the Revised Code. 43925

All bonds issued under authority of this chapter, regardless 43926  
of form or terms and regardless of any other law to the contrary, 43927  
shall have all qualities and incidents of negotiable instruments, 43928  
subject to provisions for registration, and may be issued in 43929  
coupon, fully registered, or other form, or any combination 43930  
thereof, as the board of directors determines. Provision may be 43931  
made for the registration of any coupon bonds as to principal 43932  
alone or as to both principal and interest, and for the conversion 43933  
into coupon bonds of any fully registered bonds or bonds 43934  
registered as to both principal and interest. 43935

The revenue bonds shall bear interest at such rate or rates, 43936  
shall bear such date or dates, and shall mature within forty-five 43937  
years following the date of issuance and in such amount, at such 43938  
time or times, and in such number of installments, as may be 43939  
provided in or pursuant to the resolution authorizing their 43940  
issuance. The final maturity of any original issue of revenue 43941  
bonds shall not be later than forty-five years from their date of 43942  
issue. Such resolution also shall provide for the execution of the 43943  
bonds, which may be by facsimile signatures unless prohibited by 43944  
the resolution, and the manner of sale of the bonds. The 43945  
resolution shall provide for, or provide for the determination of, 43946  
any other terms and conditions relative to the issuance, sale, and 43947  
retirement of the bonds that the board of directors in its 43948  
discretion determines to be reasonable and proper. 43949

Whenever a port authority considers it expedient, it may 43950  
issue renewal notes and refund any bonds, whether the bonds to be 43951  
refunded have or have not matured. The final maturity of any 43952  
notes, including any renewal notes, shall not be later than five 43953  
years from the date of issue of the original issue of notes. The 43954  
final maturity of any refunding bonds shall not be later than the 43955  
later of forty-five years from the date of issue of the original 43956  
issue of bonds. The refunding bonds shall be sold and the proceeds 43957  
applied to the purchase, redemption, or payment of the bonds to be 43958  
refunded and the costs of issuance of the refunding bonds. The 43959  
bonds and notes issued under this chapter, their transfer, and the 43960  
income therefrom, shall at all times be free from taxation within 43961  
the state. 43962

(5) Do any of the following, in regard to any interests in 43963  
any real or personal property, or any combination thereof, 43964  
including, without limitation, machinery, equipment, plants, 43965  
factories, offices, and other structures and facilities related 43966  
to, useful for, or in furtherance of any authorized purpose, for 43967  
such consideration and in such manner, consistent with Article 43968  
VIII, Ohio Constitution, as the board in its sole discretion may 43969  
determine: 43970

(a) Loan moneys to any person or governmental entity for the 43971  
acquisition, construction, furnishing, and equipping of the 43972  
property; 43973

(b) Acquire, construct, maintain, repair, furnish, and equip 43974  
the property; 43975

(c) Sell to, exchange with, lease, convey other interests in, 43976  
or lease with an option to purchase the same or any lesser 43977  
interest in the property to the same or any other person or 43978  
governmental entity; 43979

(d) Guarantee the obligations of any person or governmental 43980

entity. 43981

A port authority may accept and hold as consideration for the 43982  
conveyance of property or any interest therein such property or 43983  
interests therein as the board in its discretion may determine, 43984  
notwithstanding any restrictions that apply to the investment of 43985  
funds by a port authority. 43986

(6) Construct, maintain, repair, furnish, equip, sell, 43987  
exchange, lease, or lease with an option to purchase, any property 43988  
that it is authorized to acquire. A port authority that is subject 43989  
to this section also may operate any property in connection with 43990  
transportation, recreational, governmental operations, or cultural 43991  
activities. 43992

(a) Any purchase, exchange, sale, lease, lease with an option 43993  
to purchase, conveyance of other interests in, or other contract 43994  
with a person or governmental entity that pertains to the 43995  
acquisition, construction, maintenance, repair, furnishing, 43996  
equipping, or operation of any real or personal property, or any 43997  
combination thereof, related to, useful for, or in furtherance of 43998  
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 43999  
Constitution, shall be made in such manner and subject to such 44000  
terms and conditions as may be determined by the board of 44001  
directors in its discretion. 44002

(b) Division (A)(6)(a) of this section applies to all 44003  
contracts that are subject to the division, notwithstanding any 44004  
other provision of law that might otherwise apply, including, 44005  
without limitation, any requirement of notice, any requirement of 44006  
competitive bidding or selection, or any requirement for the 44007  
provision of security. 44008

(c) Divisions (A)(6)(a) and (b) of this section do not apply 44009  
to either of the following: 44010

(i) Any contract secured by or to be paid from moneys raised 44011

by taxation or the proceeds of obligations secured by a pledge of 44012  
moneys raised by taxation; 44013

(ii) Any contract secured exclusively by or to be paid 44014  
exclusively from the general revenues of the port authority. For 44015  
the purposes of this section, any revenues derived by the port 44016  
authority under a lease or other agreement that, by its terms, 44017  
contemplates the use of amounts payable under the agreement either 44018  
to pay the costs of the improvement that is the subject of the 44019  
contract or to secure obligations of the port authority issued to 44020  
finance costs of such improvement, are excluded from general 44021  
revenues. 44022

(7) Apply to the proper authorities of the United States 44023  
pursuant to appropriate law for the right to establish, operate, 44024  
and maintain foreign trade zones and to establish, operate, and 44025  
maintain foreign trade zones; and to acquire land or property 44026  
therefor, in a manner consistent with section 4582.17 of the 44027  
Revised Code; 44028

(8) Exercise the right of eminent domain to appropriate any 44029  
land, rights, rights-of-way, franchises, easements, or other 44030  
property, necessary or proper for any authorized purpose, pursuant 44031  
to the procedure provided in sections 163.01 to 163.22 of the 44032  
Revised Code, if funds equal to the appraised value of the 44033  
property to be acquired as a result of such proceedings are 44034  
available for that purpose, except that nothing contained in 44035  
sections 4582.01 to 4582.20 of the Revised Code shall authorize a 44036  
port authority to take or disturb property or facilities belonging 44037  
to any agency or political subdivision of this state, public 44038  
utility, or common carrier, which property or facilities are 44039  
necessary and convenient in the operation of the agency or 44040  
political subdivision, public utility, or common carrier, unless 44041  
provision is made for the restoration, relocation, or duplication 44042  
of the property or facilities, or upon the election of the agency 44043

or political subdivision, public utility, or common carrier, for 44044  
the payment of compensation, if any, at the sole cost of the port 44045  
authority, provided that: 44046

(a) If any restoration or duplication proposed to be made 44047  
pursuant to this section involves a relocation of such property or 44048  
facilities, the new facilities and location shall be of at least 44049  
comparable utilitarian value and effectiveness, and the relocation 44050  
shall not impair the ability of the public utility or common 44051  
carrier to compete in its original area of operation. 44052

(b) If any restoration or duplication made pursuant to this 44053  
section involves a relocation of such property or facilities, the 44054  
port authority shall acquire no interest or right in or to the 44055  
appropriated property or facilities, except as provided in 44056  
division (A)(11) of this section, until the relocated property or 44057  
facilities are available for use and until marketable title 44058  
thereto has been transferred to the public utility or common 44059  
carrier. 44060

(c) Provisions for restoration or duplication shall be 44061  
described in detail in the resolution for appropriation passed by 44062  
the port authority. 44063

(9) Enjoy and possess the same rights, privileges, and powers 44064  
granted municipal corporations under sections 721.04 to 721.11 of 44065  
the Revised Code; 44066

(10) Maintain such funds as it considers necessary; 44067

(11) Direct its agents or employees, when properly identified 44068  
in writing, and after at least five days' written notice, to enter 44069  
upon lands within the confines of its jurisdiction in order to 44070  
make surveys and examinations preliminary to location and 44071  
construction of works for the purposes of the port authority, 44072  
without liability of the port authority or its agents or employees 44073  
except for actual damage done; 44074

(12) Sell, lease, or convey other interests in real and personal property and grant easements or rights-of-way over property of the port authority. The board of directors shall specify the consideration and any terms thereof for the sale, lease, or conveyance of other interests in real and personal property. Any determinations made by the board of directors under this division shall be conclusive. The sale, lease, or conveyance may be made without advertising and the receipt of bids.

(13) Promote, advertise, and publicize the port authority facilities and its authorized purposes, provide information to persons with an interest in transportation and other port authority activities, and appear before rate-making authorities to represent and promote the interests of the port authority and its authorized purposes;

(14) Adopt rules, not in conflict with general law, governing the use of and the safeguarding of its property, grounds, buildings, equipment, and facilities, safeguarding persons and their property located on or in port authority property, and governing the conduct of its employees and the public, in order to promote the public safety and convenience in and about its terminals and grounds, and to maintain order. Any such regulation shall be posted at no less than five public places in the port authority, as determined by the board of directors, for a period of not fewer than fifteen days, and shall be available for public inspection at the principal office of the port authority during regular business hours. No person shall violate any lawful regulation adopted and posted as provided in this division.

(15) Establish and administer one or more payment card programs for purposes of paying expenses related to port authority business. Any obligation incurred as a result of the use of such a payment card shall be paid from port authority funds.

(16) Act as a portal operator for purposes of an OhioInvests

offering under sections 1707.05 to 1707.058 of the Revised Code; 44107

(17) Do all acts necessary or appropriate to carry out its 44108  
authorized purposes. The port authority shall have the powers and 44109  
rights granted to other subdivisions under section 9.20 of the 44110  
Revised Code. 44111

(B) Any instrument by which real property is acquired 44112  
pursuant to this section shall identify the agency of the state 44113  
that has the use and benefit of the real property as specified in 44114  
section 5301.012 of the Revised Code. 44115

(C) Whoever violates division (A)(14) of this section is 44116  
guilty of a minor misdemeanor. 44117

**Sec. 4582.31.** (A) A port authority created in accordance with 44118  
section 4582.22 of the Revised Code may: 44119

(1) Adopt bylaws for the regulation of its affairs and the 44120  
conduct of its business; 44121

(2) Adopt an official seal; 44122

(3) Maintain a principal office within its jurisdiction, and 44123  
maintain such branch offices as it may require; 44124

(4) Acquire, construct, furnish, equip, maintain, repair, 44125  
sell, exchange, lease to or from, or lease with an option to 44126  
purchase, convey other interests in real or personal property, or 44127  
any combination thereof, related to, useful for, or in furtherance 44128  
of any authorized purpose and operate any property in connection 44129  
with transportation, recreational, governmental operations, or 44130  
cultural activities; 44131

(5) Straighten, deepen, and improve any channel, river, 44132  
stream, or other water course or way which may be necessary or 44133  
proper in the development of the facilities of a port authority; 44134

(6) Make available the use or services of any port authority 44135

facility to one or more persons, one or more governmental 44136  
agencies, or any combination thereof; 44137

(7) Issue bonds or notes for the acquisition, construction, 44138  
furnishing, or equipping of any port authority facility or other 44139  
permanent improvement that a port authority is authorized to 44140  
acquire, construct, furnish, or equip, in compliance with Chapter 44141  
133. of the Revised Code, except that such bonds or notes may only 44142  
be issued pursuant to a vote of the electors residing within the 44143  
area of jurisdiction of the port authority. The net indebtedness 44144  
incurred by a port authority shall never exceed two per cent of 44145  
the total value of all property within the territory comprising 44146  
the port authority as listed and assessed for taxation. 44147

(8) Issue port authority revenue bonds beyond the limit of 44148  
bonded indebtedness provided by law, payable solely from revenues 44149  
as provided in section 4582.48 of the Revised Code, for the 44150  
purpose of providing funds to pay the costs of any port authority 44151  
facility or facilities or parts thereof; 44152

(9) Apply to the proper authorities of the United States 44153  
pursuant to appropriate law for the right to establish, operate, 44154  
and maintain foreign trade zones and establish, operate, and 44155  
maintain foreign trade zones and to acquire, exchange, sell, lease 44156  
to or from, lease with an option to purchase, or operate 44157  
facilities, land, or property therefor in accordance with the 44158  
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 44159  
81u; 44160

(10) Enjoy and possess the same rights, privileges, and 44161  
powers granted municipal corporations under sections 721.04 to 44162  
721.11 of the Revised Code; 44163

(11) Maintain such funds as it considers necessary; 44164

(12) Direct its agents or employees, when properly identified 44165  
in writing, and after at least five days' written notice, to enter 44166

upon lands within the confines of its jurisdiction in order to 44167  
make surveys and examinations preliminary to location and 44168  
construction of works for the purposes of the port authority, 44169  
without liability of the port authority or its agents or employees 44170  
except for actual damage done; 44171

(13) Promote, advertise, and publicize the port authority and 44172  
its facilities; provide information to shippers and other 44173  
commercial interests; and appear before rate-making authorities to 44174  
represent and promote the interests of the port authority; 44175

(14) Adopt rules, not in conflict with general law, it finds 44176  
necessary or incidental to the performance of its duties and the 44177  
execution of its powers under sections 4582.21 to 4582.54 of the 44178  
Revised Code. Any such rule shall be posted at no less than five 44179  
public places in the port authority, as determined by the board of 44180  
directors, for a period of not fewer than fifteen days, and shall 44181  
be available for public inspection at the principal office of the 44182  
port authority during regular business hours. No person shall 44183  
violate any lawful rule adopted and posted as provided in this 44184  
division. 44185

(15) Do any of the following, in regard to any interests in 44186  
any real or personal property, or any combination thereof, 44187  
including, without limitation, machinery, equipment, plants, 44188  
factories, offices, and other structures and facilities related 44189  
to, useful for, or in furtherance of any authorized purpose, for 44190  
such consideration and in such manner, consistent with Article 44191  
VIII of the Ohio Constitution, as the board in its sole discretion 44192  
may determine: 44193

(a) Loan moneys to any person or governmental entity for the 44194  
acquisition, construction, furnishing, and equipping of the 44195  
property; 44196

(b) Acquire, construct, maintain, repair, furnish, and equip 44197

the property;	44198
(c) Sell to, exchange with, lease, convey other interests in,	44199
or lease with an option to purchase the same or any lesser	44200
interest in the property to the same or any other person or	44201
governmental entity;	44202
(d) Guarantee the obligations of any person or governmental	44203
entity.	44204
A port authority may accept and hold as consideration for the	44205
conveyance of property or any interest therein such property or	44206
interests therein as the board in its discretion may determine,	44207
notwithstanding any restrictions that apply to the investment of	44208
funds by a port authority.	44209
(16) Sell, lease, or convey other interests in real and	44210
personal property, and grant easements or rights-of-way over	44211
property of the port authority. The board of directors shall	44212
specify the consideration and any terms for the sale, lease, or	44213
conveyance of other interests in real and personal property. Any	44214
determination made by the board under this division shall be	44215
conclusive. The sale, lease, or conveyance may be made without	44216
advertising and the receipt of bids.	44217
(17) Exercise the right of eminent domain to appropriate any	44218
land, rights, rights-of-way, franchises, easements, or other	44219
property, necessary or proper for any authorized purpose, pursuant	44220
to the procedure provided in sections 163.01 to 163.22 of the	44221
Revised Code, if funds equal to the appraised value of the	44222
property to be acquired as a result of such proceedings are	44223
available for that purpose. However, nothing contained in sections	44224
4582.201 to 4582.59 of the Revised Code shall authorize a port	44225
authority to take or disturb property or facilities belonging to	44226
any agency or political subdivision of this state, public utility,	44227
cable operator, or common carrier, which property or facilities	44228

are necessary and convenient in the operation of the agency or 44229  
political subdivision, public utility, cable operator, or common 44230  
carrier, unless provision is made for the restoration, relocation, 44231  
or duplication of such property or facilities, or upon the 44232  
election of the agency or political subdivision, public utility, 44233  
cable operator, or common carrier, for the payment of 44234  
compensation, if any, at the sole cost of the port authority, 44235  
provided that: 44236

(a) If any restoration or duplication proposed to be made 44237  
under this section involves a relocation of the property or 44238  
facilities, the new facilities and location shall be of at least 44239  
comparable utilitarian value and effectiveness and shall not 44240  
impair the ability of the public utility, cable operator, or 44241  
common carrier to compete in its original area of operation; 44242

(b) If any restoration or duplication made under this section 44243  
involves a relocation of the property or facilities, the port 44244  
authority shall acquire no interest or right in or to the 44245  
appropriated property or facilities, except as provided in 44246  
division (A)(15) of this section, until the relocated property or 44247  
facilities are available for use and until marketable title 44248  
thereto has been transferred to the public utility, cable 44249  
operator, or common carrier. 44250

As used in division (A)(17) of this section, "cable operator" 44251  
has the same meaning as in the "Cable Communications Policy Act of 44252  
1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as 44253  
amended by the "Telecommunications Act of 1996," Pub. L. No. 44254  
104-104, 110 Stat. 56. 44255

(18)(a) Make and enter into all contracts and agreements and 44256  
execute all instruments necessary or incidental to the performance 44257  
of its duties and the execution of its powers under sections 44258  
4582.21 to 4582.59 of the Revised Code. 44259

(b) Except as provided in division (A)(18)(c) of this section 44260  
or except when the port authority elects to construct a building, 44261  
structure, or other improvement pursuant to a contract made with a 44262  
construction manager at risk under sections 9.33 to 9.335 of the 44263  
Revised Code or with a design-build firm under section 153.65 to 44264  
153.73 of the Revised Code, when the cost of a contract for the 44265  
construction of any building, structure, or other improvement 44266  
undertaken by a port authority involves an expenditure exceeding 44267  
one hundred fifty thousand dollars and the port authority is the 44268  
contracting entity, the port authority shall make a written 44269  
contract after notice calling for bids for the award of the 44270  
contract has been given by publication twice, with at least seven 44271  
days between publications, in a newspaper of general circulation 44272  
in the area of the port authority or as provided in section 7.16 44273  
of the Revised Code. Each such contract shall be let to the lowest 44274  
responsive and responsible bidder in accordance with section 9.312 44275  
of the Revised Code. Every contract shall be accompanied by or 44276  
shall refer to plans and specifications for the work to be done, 44277  
prepared for and approved by the port authority, signed by an 44278  
authorized officer of the port authority and by the contractor, 44279  
and shall be executed in triplicate. 44280

Each bid shall be awarded in accordance with sections 153.54, 44281  
153.57, and 153.571 of the Revised Code. The port authority may 44282  
reject any and all bids. 44283

(c) The board of directors by rule may provide criteria for 44284  
the negotiation and award without competitive bidding of any 44285  
contract as to which the port authority is the contracting entity 44286  
for the construction of any building or structure or other 44287  
improvement under any of the following circumstances: 44288

(i) There exists a real and present emergency that threatens 44289  
damage or injury to persons or property of the port authority or 44290  
other persons, provided that a statement specifying the nature of 44291

the emergency that is the basis for the negotiation and award of a contract without competitive bidding shall be signed by the officer of the port authority that executes that contract at the time of the contract's execution and shall be attached to the contract.

(ii) A commonly recognized industry or other standard or specification does not exist and cannot objectively be articulated for the improvement.

(iii) The contract is for any energy conservation measure as defined in section 307.041 of the Revised Code.

(iv) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material.

(v) A single bid is received by the port authority after complying with the provisions of division (A)(18)(b) of this section.

(d)(i) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(ii) of this section, the port authority shall publish a notice calling for technical proposals twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority or as provided in section 7.16 of the Revised Code. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the proposer making the proposal considered to be the most advantageous to the port authority.

(ii) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(iv) of this section, any construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or

supplier of that material. 44323

(e)(i) Any purchase, exchange, sale, lease, lease with an 44324  
option to purchase, conveyance of other interests in, or other 44325  
contract with a person or governmental entity that pertains to the 44326  
acquisition, construction, maintenance, repair, furnishing, 44327  
equipping, or operation of any real or personal property, or any 44328  
combination thereof, related to, useful for, or in furtherance of 44329  
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 44330  
Constitution, shall be made in such manner and subject to such 44331  
terms and conditions as may be determined by the board of 44332  
directors in its discretion. 44333

(ii) Division (A)(18)(e)(i) of this section applies to all 44334  
contracts that are subject to the division, notwithstanding any 44335  
other provision of law that might otherwise apply, including, 44336  
without limitation, any requirement of notice, any requirement of 44337  
competitive bidding or selection, or any requirement for the 44338  
provision of security. 44339

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 44340  
apply to either of the following: any contract secured by or to be 44341  
paid from moneys raised by taxation or the proceeds of obligations 44342  
secured by a pledge of moneys raised by taxation; or any contract 44343  
secured exclusively by or to be paid exclusively from the general 44344  
revenues of the port authority. For the purposes of this section, 44345  
any revenues derived by the port authority under a lease or other 44346  
agreement that, by its terms, contemplates the use of amounts 44347  
payable under the agreement either to pay the costs of the 44348  
improvement that is the subject of the contract or to secure 44349  
obligations of the port authority issued to finance costs of such 44350  
improvement, are excluded from general revenues. 44351

(19) Employ managers, superintendents, and other employees 44352  
and retain or contract with consulting engineers, financial 44353  
consultants, accounting experts, architects, attorneys, and any 44354

other consultants and independent contractors as are necessary in 44355  
its judgment to carry out this chapter, and fix the compensation 44356  
thereof. All expenses thereof shall be payable from any available 44357  
funds of the port authority or from funds appropriated for that 44358  
purpose by a political subdivision creating or participating in 44359  
the creation of the port authority. 44360

(20) Receive and accept from any state or federal agency 44361  
grants and loans for or in aid of the construction of any port 44362  
authority facility or for research and development with respect to 44363  
port authority facilities, and receive and accept aid or 44364  
contributions from any source of money, property, labor, or other 44365  
things of value, to be held, used, and applied only for the 44366  
purposes for which the grants and contributions are made; 44367

(21) Engage in research and development with respect to port 44368  
authority facilities; 44369

(22) Purchase fire and extended coverage and liability 44370  
insurance for any port authority facility and for the principal 44371  
office and branch offices of the port authority, insurance 44372  
protecting the port authority and its officers and employees 44373  
against liability for damage to property or injury to or death of 44374  
persons arising from its operations, and any other insurance the 44375  
port authority may agree to provide under any resolution 44376  
authorizing its port authority revenue bonds or in any trust 44377  
agreement securing the same; 44378

(23) Charge, alter, and collect rentals and other charges for 44379  
the use or services of any port authority facility as provided in 44380  
section 4582.43 of the Revised Code; 44381

(24) Provide coverage for its employees under Chapters 145., 44382  
4123., and 4141. of the Revised Code; 44383

(25) Establish and administer one or more payment card 44384  
programs for purposes of paying expenses related to port authority 44385

business. Any obligation incurred as a result of the use of such a payment card shall be paid from port authority funds. 44386  
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(26) Act as a portal operator for purposes of an OhioInvests offering under sections 1707.05 to 1707.058 of the Revised Code; 44388  
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(27) Do all acts necessary or proper to carry out the powers expressly granted in sections 4582.21 to 4582.59 of the Revised Code. 44390  
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(B) Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code. 44393  
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(C) Whoever violates division (A)(14) of this section is guilty of a minor misdemeanor. 44397  
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**Sec. 4701.16.** (A) After notice and hearing as provided in Chapter 119. of the Revised Code, the accountancy board may discipline as described in division (B) of this section a person holding an Ohio permit, an Ohio registration, a firm registration, a CPA certificate, or a PA registration or any other person whose activities are regulated by the board for any one or any combination of the following causes: 44399  
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(1) Fraud or deceit in obtaining a firm registration or in obtaining a CPA certificate, a PA registration, an Ohio permit, or an Ohio registration; 44406  
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(2) Dishonesty, fraud, or gross negligence in the practice of public accounting; 44409  
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(3) Violation of any of the provisions of section 4701.14 of the Revised Code; 44411  
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(4) Violation of a rule of professional conduct promulgated by the board under the authority granted by this chapter; 44413  
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(5) Conviction of a felony under the laws of any state or of the United States;	44415 44416
(6) Conviction of any crime, an element of which is dishonesty or fraud, under the laws of any state or of the United States;	44417 44418 44419
(7) Cancellation, revocation, suspension, or refusal to renew authority to practice as a certified public accountant, a public accountant, or a public accounting firm by any other state, for any cause other than failure to pay registration fees in that other state;	44420 44421 44422 44423 44424
(8) Suspension or revocation of the right to practice before any state or federal agency;	44425 44426
(9) Failure of a holder of a CPA certificate or PA registration to obtain an Ohio permit or an Ohio registration, or the failure of a public accounting firm to obtain a firm registration;	44427 44428 44429 44430
(10) Conduct discreditable to the public accounting profession or to the holder of an Ohio permit, Ohio registration, or foreign certificate;	44431 44432 44433
(11) Failure of a public accounting firm to comply with section 4701.04 of the Revised Code.	44434 44435
(B) For any of the reasons specified in division (A) of this section, the board may do any of the following:	44436 44437
(1) Revoke, suspend, or refuse to renew any CPA certificate or PA registration or any Ohio permit, Ohio registration, or firm registration;	44438 44439 44440
(2) Disqualify a person who is not a holder of an Ohio permit or a foreign certificate from owning an equity interest in a public accounting firm or qualified firm;	44441 44442 44443
(3) Publicly censure a registered firm or a holder of a CPA	44444

certificate, a PA registration, an Ohio permit, or an Ohio 44445  
registration; 44446

(4) Levy against a registered firm or a holder of a CPA 44447  
certificate, a PA registration, an Ohio permit, or an Ohio 44448  
registration a penalty or fine not to exceed five thousand dollars 44449  
for each offense. Any fine shall be reasonable and in relation to 44450  
the severity of the offense. 44451

(5) In the case of violations of division (A)(2) or (4) of 44452  
this section, require completion of remedial continuing education 44453  
programs prescribed by the board in addition to those required by 44454  
section 4701.11 of the Revised Code; 44455

(6) In the case of violations of division (A)(2) or (4) of 44456  
this section, require the holder of a CPA certificate, PA 44457  
registration, or firm registration to submit to a peer review by a 44458  
professional committee designated by the board, which committee 44459  
shall report to the board concerning that holder's compliance with 44460  
generally accepted accounting principles, generally accepted 44461  
auditing standards, or other generally accepted technical 44462  
standards; 44463

(7) Revoke or suspend the privileges to offer or render 44464  
attest services in this state or to use a CPA title or designation 44465  
in this state of an individual who holds a foreign certificate. 44466

(C) If the board levies a fine against or suspends the 44467  
certificate of a person or registration of a person or firm for a 44468  
violation of division (A)(2) or (4) of this section, it may waive 44469  
all or any portion of the fine or suspension if the holder of the 44470  
CPA certificate, PA registration, or firm registration complies 44471  
fully with division (B)(5) or (6) of this section. 44472

(D) A person engaged in the practice of public accounting 44473  
shall not be subject to discipline by the accountancy board solely 44474  
because the person provided professional accounting services to 44475

the holder of a license under Chapter 3796. of the Revised Code. 44476

**Sec. 4705.10.** (A) All of the following apply to an 44477  
interest-bearing trust account established under authority of 44478  
section 4705.09 of the Revised Code: 44479

(1) All funds in the account shall be subject to withdrawal 44480  
upon request and without delay, or as soon as is permitted by 44481  
federal law; 44482

(2) The rate of interest payable on the account shall not be 44483  
less than the rate paid by the depository institution to regular, 44484  
nonattorney depositors. Higher rates offered by the institution to 44485  
customers whose deposits exceed certain time or quantity 44486  
qualifications, such as those offered in the form of certificates 44487  
of deposit, may be obtained by a person or law firm establishing 44488  
the account if there is no impairment of the right to withdraw or 44489  
transfer principal immediately. 44490

(3) The depository institution shall be directed, by the 44491  
person or law firm establishing the account, to do all of the 44492  
following: 44493

(a) Remit interest or dividends, whichever is applicable, on 44494  
the average monthly balance in the account or as otherwise 44495  
computed in accordance with the institution's standard accounting 44496  
practice, less reasonable service charges, to the treasurer of 44497  
state at least quarterly for deposit in the legal aid fund 44498  
established under section 120.52 of the Revised Code; 44499

(b) Transmit to the treasurer of state, upon its request, to 44500  
the Ohio ~~Legal Assistance Foundation~~ access to justice foundation, 44501  
and the depositing attorney, law firm, or legal professional 44502  
association upon the attorney's, firm's, or association's request, 44503  
at the time of each remittance required by division (A)(3)(a) of 44504  
this section, a statement showing the name of the attorney for 44505

whom or the law firm or legal professional association for which 44506  
the remittance is sent, the rate of interest applied, the 44507  
accounting period, the net amount remitted to the treasurer of 44508  
state for each account, the total remitted, the average account 44509  
balance for each month of the period for which the report is made, 44510  
and the amount deducted for service charges; 44511

(4) The depository institution shall notify the office of 44512  
disciplinary counsel or other entity designated by the supreme 44513  
court on each occasion when a properly payable instrument is 44514  
presented for payment from the account, and the account contains 44515  
insufficient funds. The depository institution shall provide this 44516  
notice without regard to whether the instrument is honored by the 44517  
depository institution. The depository institution shall provide 44518  
the notice described in division (A)(4) of this section by 44519  
electronic or other means within five banking days of the date 44520  
that the instrument was honored or returned as dishonored. The 44521  
notice shall contain all of the following: 44522

(a) The name and address of the depository institution; 44523

(b) The name and address of the lawyer, law firm, or legal 44524  
professional association that maintains the account; 44525

(c) The account number and either the amount of the overdraft 44526  
and the date issued or the amount of the dishonored instrument and 44527  
the date returned. 44528

(B)(1) The statements and reports of individual depositor 44529  
information made under divisions (A)(3) and (4) of this section 44530  
are confidential and shall be used only for purposes of 44531  
administering the legal aid fund and for enforcement of the rules 44532  
of professional conduct adopted by the supreme court. 44533

(2) A depository institution may charge the lawyer, law firm, 44534  
or legal professional association that maintains the account with 44535  
fees associated with producing and mailing a notice required by 44536

division (A)(4) of this section but shall not deduct such fees 44537  
from the interest earned on the account. 44538

**Sec. 4712.02.** (A) A credit services organization shall file a 44539  
registration application with, and receive a certificate of 44540  
registration from, the division of financial institutions before 44541  
conducting business in this state. The registration application 44542  
shall be accompanied by a one-hundred-dollar fee and shall contain 44543  
all of the following information: 44544

(1) The name and address of the credit services organization; 44545

(2) The name and address of any person that directly or 44546  
indirectly owns or controls ten per cent or more of the 44547  
outstanding shares of stock in the organization; 44548

(3) Either of the following: 44549

(a) A full and complete disclosure of any litigation 44550  
commenced against the organization or unresolved complaint that 44551  
relates to the operation of the organization and that is filed 44552  
with the attorney general, the secretary of state, or any other 44553  
governmental authority of the United States, this state, or any 44554  
other state of the United States; 44555

(b) A notarized statement stating that no litigation has been 44556  
commenced and no unresolved complaint relating to the operation of 44557  
the organization has been filed with the attorney general, the 44558  
secretary of state, or any other governmental authority of the 44559  
United States, this state, or any other state of the United 44560  
States. 44561

(4) Any other information required at any time by the 44562  
division. 44563

(B)(1) Except as otherwise provided in division (B)(2) of 44564  
this section, each credit services organization shall notify the 44565  
division in writing within thirty days after the date of a change 44566

in the information required by division (A) of this section. 44567

(2) Each organization shall notify the division in writing no 44568  
later than thirty days prior to any change in the information 44569  
required by division (A)(1) or (2) of this section and shall 44570  
receive approval from the division before making any such change. 44571

(C)(1) A credit services organization shall attach both of 44572  
the following to the registration application submitted pursuant 44573  
to division (A) of this section: 44574

(a) A copy of the contract that the organization intends to 44575  
execute with its customers; 44576

(b) Evidence of the bond required under section 4712.06 of 44577  
the Revised Code. 44578

(2) Any modification made to the contract described in 44579  
division (C)(1)(a) of this section shall be filed with the 44580  
division prior to its use by the organization. 44581

(D) Each credit services organization registering under this 44582  
section shall maintain a copy of the registration application in 44583  
its files. The organization shall allow a buyer to inspect the 44584  
registration application upon request. 44585

(E) Each nonresident credit services organization registering 44586  
under this section shall designate and maintain a resident of this 44587  
state as the organization's statutory agent for purposes of 44588  
receipt of service of process. 44589

(F) If, in order to issue a certificate of registration to a 44590  
credit services organization, investigation by the division 44591  
outside this state is necessary, the division may require the 44592  
organization to advance sufficient funds to pay the actual 44593  
expenses of the investigation. 44594

(G) Each credit services organization registering under this 44595  
section shall use no more than one fictitious or trade name. 44596

(H)(1) A certificate of registration issued by the division 44597  
pursuant to this section shall expire annually on the thirtieth 44598  
day of April, or annually on a different date established by the 44599  
superintendent pursuant to section 1181.23 of the Revised Code. 44600

(2) A credit services organization may renew its certificate 44601  
of registration by filing with the division a renewal application 44602  
accompanied by a one-hundred-dollar renewal fee. 44603

(I) All money collected by the division pursuant to this 44604  
section shall be deposited by it in the state treasury to the 44605  
credit of the consumer finance fund. 44606

(J)(1) No credit services organization shall fail to comply 44607  
with division (A) of this section. 44608

(2) No credit services organization shall fail to comply with 44609  
division (B), (D), (E), (F), or (G) of this section. 44610

**Sec. 4713.14.** No individual shall do any of the following: 44611

(A) Use fraud or deceit in making application for a license, 44612  
permit, or registration; 44613

(B) Aid or abet any individual or entity in any of the 44614  
following: 44615

(1) Violating this chapter or a rule adopted under it; 44616

(2) Obtaining a license, permit, or registration 44617  
fraudulently; 44618

(3) Falsely pretending to hold a current, valid license or 44619  
permit. 44620

(C) Practice a branch of cosmetology, for pay, free, or 44621  
otherwise, without one of the following authorizing the practice 44622  
of that branch of cosmetology: 44623

(1) A current, valid license under section 4713.28, 4713.30, 44624  
or 4713.34 of the Revised Code; 44625

(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	44626 44627
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	44628 44629
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;	44630 44631 44632
(5) A current, valid registration under section 4713.69 of the Revised Code.	44633 44634
(D) Employ an individual to practice a branch of cosmetology if the individual does not hold one of the following authorizing the practice of that branch of cosmetology:	44635 44636 44637
(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	44638 44639
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code;	44640 44641
(3) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code;	44642 44643
(4) A current, valid temporary work permit issued under rules adopted by the board pursuant to section 4713.08 of the Revised Code;	44644 44645 44646
(5) A current, valid registration under section 4713.69 of the Revised Code.	44647 44648
(E) Except for apprentice instructors and as provided in section 4713.45 of the Revised Code, teach the theory or practice of a branch of cosmetology at a school of cosmetology without either of the following authorizing the teaching of that branch of cosmetology:	44649 44650 44651 44652 44653
(1) A current, valid license under section 4713.31 or 4713.34 of the Revised Code;	44654 44655

(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code. 44656  
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(F) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced unless the individual practicing the branch of cosmetology holds either of the following authorizing the practice of that branch of cosmetology: 44658  
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(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code; 44662  
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(2) A current, valid temporary special occasion work permit issued under section 4713.37 of the Revised Code. 44664  
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(G) Advertise or operate a glamour photography service in which a branch of cosmetology is practiced at a location not specified by rules adopted under section 4713.08 of the Revised Code; 44666  
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(H) Practice a branch of cosmetology at a salon as an independent contractor without a current, valid independent contractor license issued under section 4713.39 of the Revised Code; 44670  
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(I) Operate a salon without a current, valid license under section 4713.41 of the Revised Code; 44674  
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(J) Provide cosmetic therapy or massage therapy at a salon for pay, free, or otherwise without a current, valid ~~certificate~~ license issued by the state medical board under section 4731.15 of the Revised Code or provide any other professional service at a salon for pay, free, or otherwise without a current, valid license or certificate issued by the professional regulatory board of this state that regulates the profession; 44676  
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(K) Teach a branch of cosmetology at a salon, unless the individual receiving the instruction holds either of the following authorizing the practice of that branch of cosmetology: 44683  
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(1) A current, valid license under section 4713.28, 4713.30, or 4713.34 of the Revised Code;	44686 44687
(2) A current, valid temporary pre-examination work permit issued under section 4713.22 of the Revised Code.	44688 44689
(L) Operate a school of cosmetology without a current, valid license under section 4713.44 of the Revised Code;	44690 44691
(M) At a salon or school of cosmetology, do any of the following:	44692 44693
(1) Use or possess a cosmetic product containing an ingredient that the United States food and drug administration has prohibited by regulation;	44694 44695 44696
(2) Use a cosmetic product in a manner inconsistent with a restriction established by the United States food and drug administration by regulation;	44697 44698 44699
(3) Use or possess a liquid nail monomer containing any trace of methyl methacrylate (MMA).	44700 44701
(N) While in charge of a salon or school of cosmetology, permit any individual to sleep in, or use for residential purposes, any room used wholly or in part as the salon or school of cosmetology;	44702 44703 44704 44705
(O) Maintain, as an established place of business for the practice of one or more of the branches of cosmetology, a room used wholly or in part for sleeping or residential purposes;	44706 44707 44708
(P) Operate a tanning facility that is offered to the public for a fee or other compensation without a current, valid permit under section 4713.48 of the Revised Code;	44709 44710 44711
(Q) Practice a branch of cosmetology in a location other than a licensed facility unless otherwise exempted under section 4713.16 or 4713.17 of the Revised Code;	44712 44713 44714
(R) Use any of the services or arts that are part of	44715

cosmetology to treat or attempt to cure a physical or mental 44716  
disease or ailment. 44717

**Sec. 4713.16.** (A) This chapter does not prohibit any of the 44718  
following: 44719

(1) Practicing a branch of cosmetology without a license or 44720  
registration if the individual does so for free at the 44721  
individual's home for a family member who resides in the same 44722  
household as the individual; 44723

(2) The retail sale, or trial demonstration by application to 44724  
the skin for purposes of retail sale, of cosmetics, preparations, 44725  
tonics, antiseptics, creams, lotions, wigs, or hairpieces without 44726  
a practicing license or registration; 44727

(3) The retailing, at a salon, of cosmetics, preparations, 44728  
tonics, antiseptics, creams, lotions, wigs, hairpieces, clothing, 44729  
or any other items that pose no risk of creating unsanitary 44730  
conditions at the salon; 44731

(4) The provision of glamour photography services at a 44732  
licensed salon if either of the following is the case: 44733

(a) A branch of cosmetology is not practiced as part of the 44734  
services. 44735

(b) If a branch of cosmetology is practiced as part of the 44736  
services, the part of the services that is a branch of cosmetology 44737  
is performed by an individual who holds either of the following 44738  
authorizing the individual to practice that branch of cosmetology: 44739

(i) A current, valid license under section 4713.28, 4713.30, 44740  
or 4713.34 of the Revised Code; 44741

(ii) A current, valid temporary special occasion work permit 44742  
issued under section 4713.37 of the Revised Code. 44743

(5) A student engaging, as a student, in work connected with 44744

a branch of cosmetology taught at the school of cosmetology at 44745  
which the student is enrolled; 44746

(6) Practicing a branch of cosmetology without a license or 44747  
registration if the individual does so for free for the purpose of 44748  
researching or developing a cosmetic as defined in section 3715.01 44749  
of the Revised Code. 44750

(B) A student in a career-technical program learning a branch 44751  
of cosmetology may continue developing skills in the respective 44752  
branch of cosmetology after completing the required coursework or 44753  
obtaining a license in the respective branch of cosmetology by 44754  
working in the licensed career-technical school clinic if the 44755  
student does not receive any compensation. This allowance 44756  
terminates upon the graduation of the student from the 44757  
career-technical school. 44758

**Sec. 4713.17.** (A) The following persons are exempt from the 44759  
provisions of this chapter, except, as applicable, section 4713.42 44760  
of the Revised Code: 44761

(1) All individuals authorized to practice medicine, surgery, 44762  
dentistry, and nursing or any of its branches in this state; 44763

(2) Commissioned surgical and medical officers of the United 44764  
States army, navy, air force, or marine hospital service when 44765  
engaged in the actual performance of their official duties, and 44766  
attendants attached to same; 44767

(3) Funeral directors, embalmers, and apprentices licensed or 44768  
registered under Chapter 4717. of the Revised Code; 44769

(4) Persons who are engaged in the retail sale, cleaning, or 44770  
beautification of wigs and hairpieces but who do not engage in any 44771  
other act constituting the practice of a branch of cosmetology; 44772

(5) Volunteers of hospitals, and homes as defined in section 44773  
3721.01 of the Revised Code, who render service to registered 44774

patients and inpatients who reside in such hospitals or homes. 44775  
Such volunteers shall not use or work with any chemical products 44776  
such as permanent wave, hair dye, or chemical hair relaxer, which 44777  
without proper training would pose a health or safety problem to 44778  
the patient. 44779

(6) Nurse aides and other employees of hospitals and homes as 44780  
defined in section 3721.01 of the Revised Code, who practice a 44781  
branch of cosmetology on registered patients only as part of 44782  
general patient care services and who do not charge patients 44783  
directly on a fee for service basis; 44784

(7) Cosmetic therapists and massage therapists who hold 44785  
current, valid ~~certificates~~ licenses to practice cosmetic or 44786  
massage therapy issued by the state medical board under section 44787  
4731.15 of the Revised Code, to the extent their actions are 44788  
authorized by their ~~certificates to practice~~ licenses; 44789

(8) Inmates who provide services related to a branch of 44790  
cosmetology to other inmates, except when those services are 44791  
provided in a licensed school of cosmetology within a state 44792  
correctional institution for females. 44793

(B) The director of rehabilitation and correction shall 44794  
oversee the services described in division (A)(8) of this section 44795  
with respect to sanitation and adopt rules governing those types 44796  
of services provided by inmates. 44797

**Sec. 4713.42.** An individual holding a current, valid 44798  
~~certificate~~ license issued under section 4731.15 of the Revised 44799  
Code to provide cosmetic therapy or massage therapy may provide 44800  
cosmetic therapy or massage therapy, as appropriate, in a salon. 44801  
An individual holding a current, valid license or certificate 44802  
issued by a professional regulatory board of this state may 44803  
practice the individual's profession in a salon if the 44804  
individual's profession is authorized by rules adopted under 44805

section 4713.08 of the Revised Code to practice in a salon. 44806

An individual providing cosmetic therapy, massage therapy, or 44807  
other professional service in a salon pursuant to this section 44808  
shall satisfy the standards established by rules adopted under 44809  
section 4713.08 of the Revised Code. 44810

**Sec. 4715.22.** (A)(1) This section applies only when a 44811  
licensed dental hygienist is not practicing in accordance with 44812  
either of the following: 44813

(a) A permit issued pursuant to section 4715.363 of the 44814  
Revised Code authorizing practice under the oral health access 44815  
supervision of a dentist; 44816

(b) Section 4715.431 of the Revised Code. 44817

(2) As used in this section, "health care facility" means 44818  
either of the following: 44819

(a) A hospital registered under section 3701.07 of the 44820  
Revised Code; 44821

(b) A ~~"home"~~ home, as defined in section 3721.01 of the 44822  
Revised Code. 44823

(B) A licensed dental hygienist shall practice under the 44824  
supervision, order, control, and full responsibility of a dentist 44825  
licensed under this chapter. A dental hygienist may practice in a 44826  
dental office, public or private school, health care facility, 44827  
dispensary, or public institution. Except as provided in divisions 44828  
(C) to (E) of this section, a dental hygienist may not provide 44829  
dental hygiene services to a patient when the supervising dentist 44830  
is not physically present at the location where the dental 44831  
hygienist is practicing. 44832

(C) A dental hygienist may provide, for not more than fifteen 44833  
consecutive business days, dental hygiene services to a patient 44834

when the supervising dentist is not physically present at the 44835  
location where the services are provided if all of the following 44836  
requirements are met: 44837

(1) The dental hygienist has at least one year and a minimum 44838  
of one thousand five hundred hours of experience in the practice 44839  
of dental hygiene. 44840

(2) The dental hygienist has successfully completed a course 44841  
approved by the state dental board in the identification and 44842  
prevention of potential medical emergencies. 44843

(3) The dental hygienist does not perform, while the 44844  
supervising dentist is absent from the location, procedures while 44845  
the patient is anesthetized, definitive root planing, definitive 44846  
subgingival curettage, or other procedures identified in rules the 44847  
state dental board adopts. 44848

(4) The supervising dentist has evaluated the dental 44849  
hygienist's skills. 44850

(5) The supervising dentist examined the patient not more 44851  
than one year prior to the date the dental hygienist provides the 44852  
dental hygiene services to the patient. 44853

(6) The dental hygienist complies with written protocols or 44854  
written standing orders that the supervising dentist establishes, 44855  
including those established for emergencies. 44856

(7) The supervising dentist completed and evaluated a medical 44857  
and dental history of the patient not more than one year prior to 44858  
the date the dental hygienist provides dental hygiene services to 44859  
the patient and, except when the dental hygiene services are 44860  
provided in a health care facility, the supervising dentist 44861  
determines that the patient is in a medically stable condition. 44862

(8) If the dental hygiene services are provided in a health 44863  
care facility, a doctor of medicine and surgery or osteopathic 44864

medicine and surgery ~~who holds a current certificate issued~~ 44865  
licensed under Chapter 4731. of the Revised Code or a registered 44866  
nurse licensed under Chapter 4723. of the Revised Code is present 44867  
in the health care facility when the services are provided. 44868

(9) In advance of the appointment for dental hygiene 44869  
services, the patient is notified that the supervising dentist 44870  
will be absent from the location and that the dental hygienist 44871  
cannot diagnose the patient's dental health care status. 44872

(10) The dental hygienist is employed by, or under contract 44873  
with, one of the following: 44874

(a) The supervising dentist; 44875

(b) A dentist licensed under this chapter who is one of the 44876  
following: 44877

(i) The employer of the supervising dentist; 44878

(ii) A shareholder in a professional association formed under 44879  
Chapter 1785. of the Revised Code of which the supervising dentist 44880  
is a shareholder; 44881

(iii) A member or manager of a limited liability company 44882  
formed under Chapter 1705. of the Revised Code of which the 44883  
supervising dentist is a member or manager; 44884

(iv) A shareholder in a corporation formed under division (B) 44885  
of section 1701.03 of the Revised Code of which the supervising 44886  
dentist is a shareholder; 44887

(v) A partner or employee of a partnership or a limited 44888  
liability partnership formed under Chapter 1775. or 1776. of the 44889  
Revised Code of which the supervising dentist is a partner or 44890  
employee. 44891

(c) A government entity that employs the dental hygienist to 44892  
provide dental hygiene services in a public school or in 44893  
connection with other programs the government entity administers. 44894

(D) A dental hygienist may provide dental hygiene services to a patient when the supervising dentist is not physically present at the location where the services are provided if the services are provided as part of a dental hygiene program that is approved by the state dental board and all of the following requirements are met:

(1) The program is operated through a school district board of education or the governing board of an educational service center; the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; a national, state, district, or local dental association; or any other public or private entity recognized by the state dental board.

(2) The supervising dentist is employed by or a volunteer for, and the patients are referred by, the entity through which the program is operated.

(3)(a) Except as provided in division (D)(3)(b) of this section, the services are performed after examination and diagnosis by the dentist and in accordance with the dentist's written treatment plan.

(b) The requirement in division (D)(3)(a) of this section does not apply when the only services to be provided by the dental hygienist are the placement of pit and fissure sealants and the application of fluoride varnish.

(E) A dental hygienist may do any of the following when the supervising dentist is not physically present at the location where the services are provided, regardless of whether the dentist has examined the patient, if the dental hygienist is employed by, or under contract with, the supervising dentist or another person or government entity specified in division (C)(10)(b) or (c) of this section:

(1) Apply fluoride varnish;	44926
(2) Apply desensitizing agents, excluding silver diamine fluoride;	44927 44928
(3) Apply disclosing solutions;	44929
(4) Apply pit and fissure sealants;	44930
(5) Recement temporary crowns or recement crowns with temporary cement;	44931 44932
(6) Conduct caries susceptibility testing;	44933
(7) Provide instruction on oral hygiene home care, including the use of toothbrushes and dental floss;	44934 44935
(8) Discuss general nonmedical nutrition information for the purpose of maintaining good oral health.	44936 44937
As used in division (E)(8) of this section, "general nonmedical nutrition information" means information on the following: principles of good nutrition and food preparation, food to be included in the normal daily diet, the essential nutrients needed by the body, recommended amounts of the essential nutrients, the actions of nutrients on the body, the effects of deficiencies or excesses of nutrients, or food and supplements that are good sources of essential nutrients.	44938 44939 44940 44941 44942 44943 44944 44945
(F) No person shall do either of the following:	44946
(1) Practice dental hygiene in a manner that is separate or otherwise independent from the dental practice of a supervising dentist;	44947 44948 44949
(2) Establish or maintain an office or practice that is primarily devoted to the provision of dental hygiene services.	44950 44951
(G) The state dental board shall adopt rules under division (C) of section 4715.03 of the Revised Code identifying procedures a dental hygienist may not perform when practicing in the absence	44952 44953 44954

of the supervising dentist pursuant to division (C) or (D) of this section. 44955  
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**Sec. 4715.52.** (A) Except as provided in division (B) of this section, no person shall practice or hold that person out as a dental x-ray machine operator without a valid certificate issued under section 4715.53 of the Revised Code. 44957  
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(B) Division (A) of this section does not apply to any of the following: 44961  
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(1) Dentists or dental hygienists licensed under this chapter; 44963  
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(2) As specified in 42 C.F.R. 75, radiologic personnel employed by the federal government or serving in a branch of the armed forces of the United States; 44965  
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(3) Students engaging in any of the activities performed by dental x-ray machine operators as an integral part of a program of study leading to receipt of a license or certificate issued under this chapter, or a license issued under Chapter 4731., 4734., or ~~Chapter 4773.~~ of the Revised Code, ~~or a certificate issued under Chapter 4731.~~ of the Revised Code. 44968  
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**Sec. 4717.03.** (A) Members of the board of embalmers and funeral directors shall annually in July, or within thirty days after the senate's confirmation of the new members appointed in that year, meet and organize by selecting from among its members a president, vice-president, and secretary-treasurer. The board may hold other meetings as it determines necessary. A quorum of the board consists of four members, of whom at least three shall be members who are funeral directors. The concurrence of at least four members is necessary for the board to take any action. The president and secretary-treasurer shall sign all licenses issued under this chapter and affix the board's seal to each license. 44974  
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(B) The board may appoint an individual who is not a member of the board to serve as executive director of the board. The executive director serves at the pleasure of the board and shall do all of the following:

(1) Serve as the board's chief administrative officer;

(2) Act as custodian of the board's records;

(3) Execute all of the board's orders;

(4) Employ staff who are not members of the board and who serve at the pleasure of the executive director to provide any assistance that the board considers necessary.

(C) In executing the board's orders as required by division (B)(3) of this section, the executive director may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or crematory operator in this state. The executive director may serve and execute any process issued by any court under this chapter.

(D) The executive director may employ necessary inspectors, who shall be licensed embalmers and funeral directors. An inspector employed by the executive director may enter the premises, establishment, office, or place of business of any embalmer, funeral director, or crematory operator, embalming facility, funeral home, or crematory facility in this state, for the purposes of inspecting the facility and premises; the license, permit, and ~~registration~~ certification of embalmers, funeral directors, and crematory operators operating in the facility; and the license of the funeral home, embalming facility, or crematory facility and perform any other duties delegated to the inspector by the board or assigned to the inspector by the executive director. The executive director may enter the facility or premises of a funeral home, embalming facility, or crematory for the purpose of an inspection if accompanied by an inspector or, if

an inspector is not available, when a situation presents a danger 45016  
of immediate and serious harm to the public. 45017

(E) The president of the board shall designate three of the 45018  
board's members to serve on the crematory review board, which is 45019  
hereby created, for such time as the president finds appropriate 45020  
to carry out the provisions of this chapter. Those members of the 45021  
crematory review board designated by the president to serve and 45022  
three members designated by the cemetery dispute resolution 45023  
commission shall designate, by a majority vote, one person who 45024  
holds a crematory operator permit, who is experienced in the 45025  
operation of a crematory facility, and who is not affiliated with 45026  
a cemetery or a funeral home to serve on the crematory review 45027  
board for such time as the crematory review board finds 45028  
appropriate. Members serving on the crematory review board shall 45029  
not receive any additional compensation for serving on the board, 45030  
but may be reimbursed for their actual and necessary expenses 45031  
incurred in the performance of official duties as members of the 45032  
board. Members of the crematory review board shall designate one 45033  
from among its members to serve as a chairperson for such time as 45034  
the board finds appropriate. Costs associated with conducting an 45035  
adjudicatory hearing in accordance with division (F) of this 45036  
section shall be paid from funds available to the board of 45037  
embalmers and funeral directors. 45038

(F) Upon receiving written notice from the board of embalmers 45039  
and funeral directors of any of the following, the crematory 45040  
review board shall conduct an adjudicatory hearing on the matter 45041  
in accordance with Chapter 119. of the Revised Code, except as 45042  
otherwise provided in this section or division (C) of section 45043  
4717.14 of the Revised Code: 45044

(1) Notice provided under division (I) of this section of an 45045  
alleged violation of any provision of this chapter or any rules 45046  
adopted under this chapter governing or in connection with 45047

crematory operators, crematory facilities, or cremation; 45048

(2) Notice provided under division (B) of section 4717.14 of 45049  
the Revised Code that the board of embalmers and funeral directors 45050  
proposes to refuse to grant or renew, or to suspend or revoke, a 45051  
license to operate a crematory facility; 45052

(3) Notice provided under division (C) of section 4717.14 of 45053  
the Revised Code that the board of embalmers and funeral directors 45054  
has issued an order summarily suspending a crematory operator 45055  
permit or a license to operate a crematory facility; 45056

(4) Notice provided under division (B) of section 4717.15 of 45057  
the Revised Code that the board of embalmers and funeral directors 45058  
proposes to issue a notice of violation and order requiring 45059  
payment of a forfeiture for any violation described in divisions 45060  
(A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in 45061  
connection with a crematory operator, crematory facility, or 45062  
cremation. 45063

Nothing in division (F) of this section precludes the 45064  
crematory review board from appointing an independent examiner in 45065  
accordance with section 119.09 of the Revised Code to conduct any 45066  
adjudication hearing required under division (F) of this section. 45067

The crematory review board shall submit a written report of 45068  
findings and advisory recommendations, and a written transcript of 45069  
its proceedings, to the board of embalmers and funeral directors. 45070  
The board of embalmers and funeral directors shall serve a copy of 45071  
the written report of the crematory review board's findings and 45072  
advisory recommendations on the party to the adjudication or the 45073  
party's attorney, by certified mail, within five days after 45074  
receiving the report and advisory recommendations. A party may 45075  
file objections to the written report with the board of embalmers 45076  
and funeral directors within ten days after receiving the report. 45077  
No written report is final or appealable until it is issued as a 45078

final order by the board of embalmers and funeral directors and 45079  
entered on the record of the proceedings. The board of embalmers 45080  
and funeral directors shall consider objections filed by the party 45081  
prior to issuing a final order. After reviewing the findings and 45082  
advisory recommendations of the crematory review board, the 45083  
written transcript of the crematory review board's proceedings, 45084  
and any objections filed by a party, the board of embalmers and 45085  
funeral directors shall issue a final order in the matter. Any 45086  
party may appeal the final order issued by the board of embalmers 45087  
and funeral directors in a matter described in divisions (F)(1) to 45088  
(4) of this section in accordance with section 119.12 of the 45089  
Revised Code, except that the appeal may be made to the court of 45090  
common pleas in the county in which is located the crematory 45091  
facility to which the final order pertains, or in the county in 45092  
which the party resides. 45093

(G) On its own initiative or on receiving a written complaint 45094  
from any person whose identity is made known to the board of 45095  
embalmers and funeral directors, the board shall investigate the 45096  
acts or practices of any person holding or claiming to hold a 45097  
license, permit, or ~~registration~~ certification under this chapter 45098  
that, if proven to have occurred, would violate this chapter or 45099  
any rules adopted under it. The board may compel witnesses by 45100  
subpoena to appear and testify in relation to investigations 45101  
conducted under this chapter and may require by subpoena duces 45102  
tecum the production of any book, paper, or document pertaining to 45103  
an investigation. If a person does not comply with a subpoena or 45104  
subpoena duces tecum, the board may apply to the court of common 45105  
pleas of any county in this state for an order compelling the 45106  
person to comply with the subpoena or subpoena duces tecum, or for 45107  
failure to do so, to be held in contempt of court. 45108

(H) If, as a result of its investigation conducted under 45109  
division (G) of this section, the board of embalmers and funeral 45110

directors has reasonable cause to believe that the person 45111  
investigated is violating any provision of this chapter or any 45112  
rules adopted under this chapter governing or in connection with 45113  
embalming, funeral directing, cremation, funeral homes, embalming 45114  
facilities, or cremation facilities, or the operation of funeral 45115  
homes, embalming facilities, or crematory facilities, it may, 45116  
after providing the opportunity for an adjudicatory hearing, issue 45117  
an order directing the person to cease the acts or practices that 45118  
constitute the violation. The board shall conduct the adjudicatory 45119  
hearing in accordance with Chapter 119. of the Revised Code except 45120  
that, notwithstanding the provisions of that chapter, the 45121  
following shall apply: 45122

(1) The board shall send the notice informing the person of 45123  
the person's right to a hearing by certified mail. 45124

(2) The person is entitled to a hearing only if the person 45125  
requests a hearing and if the board receives the request within 45126  
thirty days after the mailing of the notice described in division 45127  
(H)(1) of this section. 45128

(3) A stenographic record shall be taken, in the manner 45129  
prescribed in section 119.09 of the Revised Code, at every 45130  
adjudicatory hearing held under this section, regardless of 45131  
whether the record may be the basis of an appeal to a court. 45132

(I) If, as a result of its investigation conducted under 45133  
division (G) of this section, the board of embalmers and funeral 45134  
directors has reasonable cause to believe that the person 45135  
investigated is violating any provision of this chapter or any 45136  
rules adopted under this chapter governing or in connection with 45137  
crematory operators, crematory facilities, or cremation, the board 45138  
shall send written notice of the alleged violation to the 45139  
crematory review board. If, after the conclusion of the 45140  
adjudicatory hearing in the matter conducted under division (F) of 45141  
this section, the board of embalmers and funeral directors finds 45142

that a person is in violation of any provision of this chapter or 45143  
any rules adopted under this chapter governing or in connection 45144  
with crematory operators, crematory facilities, or cremation, the 45145  
board may issue a final order under that division directing the 45146  
person to cease the acts or practices that constitute the 45147  
violation. 45148

(J) The board of embalmers and funeral directors may bring a 45149  
civil action to enjoin any violation or threatened violation of 45150  
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 45151  
under any of those sections; division (A) or (B) of section 45152  
4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 45153  
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 45154  
division (D)(1) of section 4717.27; divisions (A) to (C) of 45155  
section 4717.28, or division (D) or (E) of section 4717.31 of the 45156  
Revised Code. The action shall be brought in the county where the 45157  
violation occurred or the threatened violation is expected to 45158  
occur. At the request of the board, the attorney general shall 45159  
represent the board in any matter arising under this chapter. 45160

(K) The board of embalmers and funeral directors and the 45161  
crematory review board may issue subpoenas for any person holding 45162  
a license or permit under this chapter or persons holding 45163  
themselves out as such, or for any other person whose testimony, 45164  
in the opinion of either board, is necessary. The subpoena shall 45165  
require the person to appear before the appropriate board or any 45166  
designated member of either board, upon any hearing conducted 45167  
under this chapter. The penalty for disobedience to the command of 45168  
such a subpoena is the same as for refusal to answer such a 45169  
process issued under authority of the court of common pleas. 45170

(L) Except as provided in section 4717.41 of the Revised 45171  
Code, all moneys received by the board of embalmers and funeral 45172  
directors from any source shall be deposited in the state treasury 45173  
to the credit of the occupational licensing and regulatory fund 45174

created in section 4743.05 of the Revised Code. 45175

(M) The board of embalmers and funeral directors shall submit 45176  
a written report to the governor on or before the first Monday of 45177  
July of each year. This report shall contain a detailed statement 45178  
of the nature and amount of the board's receipts and the amount 45179  
and manner of its expenditures. 45180

**Sec. 4717.05.** (A) Any person who desires to be licensed as an 45181  
embalmer shall apply to the board of embalmers and funeral 45182  
directors on a form provided by the board. The applicant shall 45183  
include with the application an initial license fee as set forth 45184  
in section 4717.07 of the Revised Code and evidence, verified by 45185  
oath and satisfactory to the board, that the applicant meets all 45186  
of the following requirements: 45187

(1) The applicant is at least eighteen years of age and of 45188  
good moral character. 45189

(2) If the applicant has pleaded guilty to, has been found by 45190  
a judge or jury to be guilty of, or has had a judicial finding of 45191  
eligibility for treatment in lieu of conviction entered against 45192  
the applicant in this state for aggravated murder, murder, 45193  
voluntary manslaughter, felonious assault, kidnapping, rape, 45194  
sexual battery, gross sexual imposition, aggravated arson, 45195  
aggravated robbery, or aggravated burglary, or has pleaded guilty 45196  
to, has been found by a judge or jury to be guilty of, or has had 45197  
a judicial finding of eligibility for treatment in lieu of 45198  
conviction entered against the applicant in another jurisdiction 45199  
for a substantially equivalent offense, at least five years has 45200  
elapsed since the applicant was released from incarceration, a 45201  
community control sanction, a post-release control sanction, 45202  
parole, or treatment in connection with the offense. 45203

(3) The applicant holds at least a bachelor's degree from a 45204  
college or university authorized to confer degrees by the 45205

department of higher education or the comparable legal agency of 45206  
another state in which the college or university is located and 45207  
submits an official transcript from that college or university 45208  
with the application. 45209

(4) The applicant has satisfactorily completed at least 45210  
twelve months of instruction in a prescribed course in mortuary 45211  
science as approved by the board and has presented to the board a 45212  
certificate showing successful completion of the course. The 45213  
course of mortuary science college training may be completed 45214  
either before or after the completion of the educational standard 45215  
set forth in division (A)(3) of this section. 45216

(5) The applicant has ~~registered with~~ been certified by the 45217  
board prior to beginning an embalmer apprenticeship. 45218

(6) The applicant has satisfactorily completed at least one 45219  
year of apprenticeship under an embalmer licensed in this state 45220  
and has participated in embalming at least twenty-five dead human 45221  
bodies. 45222

(7) The applicant, upon meeting the educational standards 45223  
provided for in divisions (A)(3) and (4) of this section and 45224  
completing the apprenticeship required in division (A)(6) of this 45225  
section, has completed the examination for an embalmer's license 45226  
required by the board. 45227

(B) Upon receiving satisfactory evidence verified by oath 45228  
that the applicant meets all the requirements of division (A) of 45229  
this section, the board shall issue the applicant an embalmer's 45230  
license. 45231

(C) Any person who desires to be licensed as a funeral 45232  
director shall apply to the board on a form prescribed by the 45233  
board. The application shall include an initial license fee as set 45234  
forth in section 4717.07 of the Revised Code and evidence, 45235  
verified by oath and satisfactory to the board, that the applicant 45236

meets all of the following requirements: 45237

(1) Except as otherwise provided in division (D) of this 45238  
section, the applicant has satisfactorily met all the requirements 45239  
for an embalmer's license as described in divisions (A)(1) to (4) 45240  
of this section. 45241

(2) The applicant has ~~registered with~~ been certified by the 45242  
board prior to beginning a funeral director apprenticeship. 45243

(3) The applicant, following mortuary science college 45244  
training described in division (A)(4) of this section, has 45245  
satisfactorily completed a one-year apprenticeship under a 45246  
licensed funeral director in this state and has participated in 45247  
directing at least twenty-five funerals. 45248

(4) The applicant has satisfactorily completed the 45249  
examination for a funeral director's license as required by the 45250  
board. 45251

(D) In lieu of mortuary science college training required for 45252  
a funeral director's license under division (C)(1) of this 45253  
section, the applicant may substitute a satisfactorily completed 45254  
two-year apprenticeship under a licensed funeral director in this 45255  
state assisting that person in directing at least fifty funerals. 45256

(E) Upon receiving satisfactory evidence that the applicant 45257  
meets all the requirements of division (C) of this section, the 45258  
board shall issue to the applicant a funeral director's license. 45259

(F) A funeral director or embalmer may request the funeral 45260  
director's or embalmer's license be placed on inactive status by 45261  
submitting to the board a form prescribed by the board and such 45262  
other information as the board may request. A funeral director or 45263  
embalmer may not place the funeral director's or embalmer's 45264  
license on inactive status unless the funeral director or embalmer 45265  
is in good standing with the board and is in compliance with 45266  
applicable continuing education requirements. A funeral director 45267

or embalmer who is granted inactive status is prohibited from 45268  
participating in any activity for which a funeral director's or 45269  
embalmer's license is required in this state. A funeral director 45270  
or embalmer who has been granted inactive status is exempt from 45271  
the continuing education requirements under section 4717.09 of the 45272  
Revised Code during the period of the inactive status. 45273

(G) A funeral director or embalmer who has been granted 45274  
inactive status may not return to active status for at least two 45275  
years following the date that the inactive status was granted. 45276  
Following a period of at least two years of inactive status, the 45277  
funeral director or embalmer may apply to return to active status 45278  
upon completion of all of the following conditions: 45279

(1) The funeral director or embalmer files with the board a 45280  
form prescribed by the board seeking active status and provides 45281  
any other information as the board may request; 45282

(2) The funeral director or embalmer takes and passes the 45283  
Ohio laws examination for each license being activated; 45284

(3) The funeral director or embalmer pays a reactivation fee 45285  
to the board in the amount of one hundred forty dollars for each 45286  
license being reactivated. 45287

(H) As used in this section: 45288

(1) "Community control sanction" has the same meaning as in 45289  
section 2929.01 of the Revised Code. 45290

(2) "Post-release control sanction" has the same meaning as 45291  
in section 2967.01 of the Revised Code. 45292

**Sec. 4717.07.** (A) The board of embalmers and funeral 45293  
directors shall charge and collect the following fees: 45294

(1) For applying for an initial or biennial renewal of an 45295  
embalmer's or funeral director's license, ~~one~~ two hundred ~~fifty~~ 45296  
dollars; 45297

(2) For <del>applying for an embalmer or funeral director registration, twenty five dollars;</del>	45298
	45299
<del>(3)</del> For <del>filing</del> <u>applying for</u> an embalmer or funeral director certificate of apprenticeship, <del>ten</del> <u>thirty-five</u> dollars;	45300
	45301
<del>(4)</del> <u>(3)</u> For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars;	45302
	45303
	45304
<del>(5)</del> <u>(4)</u> For applying for an initial license to operate a funeral home, <del>three</del> <u>four</u> hundred <del>fifty</del> dollars and biennial renewal of a license to operate a funeral home, <del>three</del> <u>four</u> hundred <del>fifty</del> dollars;	45305
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<del>(6)</del> <u>(5)</u> For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A)(1) of this section plus fifty dollars for each month or portion of a month the license is lapsed, but not more than one thousand dollars;	45309
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<del>(7)</del> <u>(6)</u> For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A) <del>(5)</del> <u>(4)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than one thousand dollars;	45314
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<del>(8)</del> <u>(7)</u> For applying for a license to operate an embalming facility, <del>three</del> <u>four</u> hundred <del>fifty</del> dollars and biennial renewal of a license to operate an embalming facility, <del>three</del> <u>four</u> hundred <del>fifty</del> dollars;	45319
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	45322
<del>(9)</del> <u>(8)</u> For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A) <del>(8)</del> <u>(7)</u> of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than one thousand dollars;	45323
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~~(10)~~(9) For applying for a license to operate a crematory facility, ~~three~~ four hundred ~~fifty~~ dollars and biennial renewal of a license to operate a crematory facility, ~~three~~ four hundred ~~fifty~~ dollars; 45328  
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~~(11)~~(10) For the reinstatement of a lapsed license to operate a crematory facility, the renewal fee prescribed in division (A)~~(10)~~(9) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than five hundred dollars; 45332  
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~~(12)~~(11) For applying for the initial or biennial renewal of a crematory operator permit, one hundred fifty dollars; 45337  
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~~(13)~~(12) For the reinstatement of a lapsed crematory operator permit, the renewal fee prescribed in division (A)~~(12)~~(11) of this section plus fifty dollars for each month or portion of a month the permit is lapsed, but not more than five hundred dollars; 45339  
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~~(14)~~(13) For the issuance of a duplicate of a license issued under this chapter, ten dollars; 45343  
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~~(15)~~(14) For each preneed funeral contract sold in the state other than those funded by the assignment of an existing insurance policy, ten dollars. 45345  
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(B) In addition to the fees set forth in division (A) of this section, an applicant shall pay the examination fee assessed by any examining agency the board uses for any section of an examination required under this chapter. 45348  
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(C) Subject to the approval of the controlling board, the board of embalmers and funeral directors may establish fees in excess of the amounts set forth in this section, provided that these fees do not exceed the amounts set forth in this section by more than fifty per cent. 45352  
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**Sec. 4717.41.** (A) There is hereby created the preneed 45357

recovery fund, which shall be in the custody of the treasurer of 45358  
state but shall not be part of the state treasury. All fees 45359  
collected under division (A)~~(15)~~(14) of section 4717.07 of the 45360  
Revised Code shall be deposited into the fund. The fund shall be 45361  
used to reimburse purchasers of preneed funeral contracts who have 45362  
suffered financial loss as a result of the malfeasance, 45363  
misfeasance, default, failure, or insolvency in connection with 45364  
the sale of a preneed funeral contract by any licensee under this 45365  
chapter, regardless of whether the sale of such contract occurred 45366  
before or after the establishment of the fund. The fund, and all 45367  
investment earnings thereon, shall only be used for the purposes 45368  
set forth in this section and shall not be used for any other 45369  
purposes. The fund shall be administered by the board of embalmers 45370  
and funeral directors. 45371

(B) All fees collected under division (A)~~(15)~~(14) of section 45372  
4717.07 of the Revised Code shall be deposited into the fund. 45373  
Deposits to and disbursements from the fund account shall be 45374  
subject to rules established by the board. 45375

(C) If at the end of any fiscal year for this state, the 45376  
balance in the fund exceeds two million dollars, the fee required 45377  
by division (A)~~(15)~~(14) of section 4717.07 of the Revised Code for 45378  
the upcoming fiscal year shall be reduced by fifty per cent. If 45379  
the balance in the fund at the end of a fiscal year exceeds three 45380  
million dollars, the payment of the fee required by division 45381  
(A)~~(15)~~(14) of section 4717.07 of the Revised Code shall be 45382  
suspended for the upcoming fiscal year. 45383

(D) The board shall adopt rules governing management of the 45384  
fund, the presentation and processing of applications for 45385  
reimbursement, subrogation, or assignment of the rights of any 45386  
reimbursed applicant. 45387

(E) The board may expend moneys in the fund for the following 45388  
purposes: 45389

(1) To make reimbursements on approved applications;	45390
(2) To purchase insurance to cover losses as considered	45391
appropriate by the board and not inconsistent with the purposes of	45392
the fund;	45393
(3) To invest such portions of the fund as are not currently	45394
needed to reimburse losses and maintain adequate reserves, as are	45395
permitted to be made by fiduciaries under the laws of this state;	45396
(4) To pay the expenses of the board for administering the	45397
fund, including employment of local counsel to prosecute	45398
subrogation claims.	45399
(F) Reimbursements from the fund shall be made only to the	45400
extent to which those losses are not bonded or otherwise covered,	45401
protected, or reimbursed and only after the applicant has complied	45402
with all applicable rules of the board.	45403
(G) The board shall investigate all applications made and may	45404
reject or allow such claims in whole or in part to the extent that	45405
moneys are available in the fund. The board shall have complete	45406
discretion to determine the order and manner of payment of	45407
approved applications. All payments shall be a matter of privilege	45408
and not of right, and no person shall have any right in the fund	45409
as a third-party beneficiary or otherwise. No attorney may be	45410
compensated by the board for prosecuting an application for	45411
reimbursement.	45412
(H) If reimbursement is made to an applicant under this	45413
section, the board shall be subrogated in the reimbursement amount	45414
and may bring any action it considers advisable against any	45415
person. The board may enforce any claims it may have for	45416
restitution or otherwise and may employ and compensate	45417
consultants, agents, legal counsel, accountants, and other persons	45418
it considers appropriate.	45419

Sec. 4723.08. (A) The board of nursing may impose fees not to exceed the following limits:	45420 45421
(1) For application for licensure by examination or endorsement to practice nursing as a registered nurse or as a licensed practical nurse, seventy-five dollars;	45422 45423 45424
(2) For application for licensure to practice nursing as an advanced practice registered nurse, one hundred fifty dollars;	45425 45426
(3) For application for a dialysis technician intern certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	45427 45428 45429
(4) For application for a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	45430 45431 45432
(5) For providing, pursuant to division (B) of section 4723.271 of the Revised Code, written verification of a nursing license, dialysis technician certificate, medication aide certificate, or community health worker certificate to another jurisdiction, fifteen dollars;	45433 45434 45435 45436 45437
(6) For providing, pursuant to division (A) of section 4723.271 of the Revised Code, a replacement copy of a wall certificate suitable for framing as described in that division, twenty-five dollars;	45438 45439 45440 45441
(7) For renewal of a license to practice as a registered nurse or licensed practical nurse, sixty-five dollars;	45442 45443
(8) For renewal of a license to practice as an advanced practice registered nurse, one hundred thirty-five dollars;	45444 45445
(9) For renewal of a dialysis technician certificate, the amount specified in rules adopted under section 4723.79 of the Revised Code;	45446 45447 45448

(10) For processing a late application for renewal of a nursing license, <del>certificate of authority</del> , or dialysis technician certificate, fifty dollars;	45449 45450 45451
(11) For application for authorization to approve continuing education programs and courses from an applicant accredited by a national accreditation system for nursing, five hundred dollars;	45452 45453 45454
(12) For application for authorization to approve continuing education programs and courses from an applicant not accredited by a national accreditation system for nursing, one thousand dollars;	45455 45456 45457
(13) For each year for which authorization to approve continuing education programs and courses is renewed, one hundred fifty dollars;	45458 45459 45460
(14) For application for approval to operate a dialysis training program, the amount specified in rules adopted under section 4723.79 of the Revised Code;	45461 45462 45463
(15) For reinstatement of a lapsed license or certificate issued under this chapter, one hundred dollars except as provided in section 5903.10 of the Revised Code;	45464 45465 45466
(16) For processing a check returned to the board by a financial institution, twenty-five dollars;	45467 45468
(17) The amounts specified in rules adopted under section 4723.88 of the Revised Code pertaining to the issuance of certificates to community health workers, including fees for application for a certificate, renewal of a certificate, processing a late application for renewal of a certificate, reinstatement of a lapsed certificate, application for approval of a community health worker training program for community health workers, and renewal of the approval of a training program for community health workers.	45469 45470 45471 45472 45473 45474 45475 45476 45477
(B) Each quarter, for purposes of transferring funds under	45478

section 4743.05 of the Revised Code to the nurse education 45479  
assistance fund created in section 3333.28 of the Revised Code, 45480  
the board of nursing shall certify to the director of budget and 45481  
management the number of licenses renewed under this chapter 45482  
during the preceding quarter and the amount equal to that number 45483  
times five dollars. 45484

(C) The board may charge a participant in a board-sponsored 45485  
continuing education activity an amount not exceeding fifteen 45486  
dollars for each activity. 45487

(D) The board may contract for services pertaining to the 45488  
process of providing written verification of a license or 45489  
certificate when the verification is performed for purposes other 45490  
than providing verification to another jurisdiction. The contract 45491  
may include provisions pertaining to the collection of the fee 45492  
charged for providing the written verification. As part of these 45493  
provisions, the board may permit the contractor to retain a 45494  
portion of the fees as compensation, before any amounts are 45495  
deposited into the state treasury. 45496

**Sec. 4723.28.** (A) The board of nursing, by a vote of a 45497  
quorum, may impose one or more of the following sanctions if it 45498  
finds that a person committed fraud in passing an examination 45499  
required to obtain a license or dialysis technician certificate 45500  
issued by the board or to have committed fraud, misrepresentation, 45501  
or deception in applying for or securing any nursing license or 45502  
dialysis technician certificate issued by the board: deny, revoke, 45503  
suspend, or place restrictions on any nursing license or dialysis 45504  
technician certificate issued by the board; reprimand or otherwise 45505  
discipline a holder of a nursing license or dialysis technician 45506  
certificate; or impose a fine of not more than five hundred 45507  
dollars per violation. 45508

(B) The board of nursing, by a vote of a quorum, may impose 45509

one or more of the following sanctions: deny, revoke, suspend, or 45510  
place restrictions on any nursing license or dialysis technician 45511  
certificate issued by the board; reprimand or otherwise discipline 45512  
a holder of a nursing license or dialysis technician certificate; 45513  
or impose a fine of not more than five hundred dollars per 45514  
violation. The sanctions may be imposed for any of the following: 45515

(1) Denial, revocation, suspension, or restriction of 45516  
authority to engage in a licensed profession or practice a health 45517  
care occupation, including nursing or practice as a dialysis 45518  
technician, for any reason other than a failure to renew, in Ohio 45519  
or another state or jurisdiction; 45520

(2) Engaging in the practice of nursing or engaging in 45521  
practice as a dialysis technician, having failed to renew a 45522  
nursing license or dialysis technician certificate issued under 45523  
this chapter, or while a nursing license or dialysis technician 45524  
certificate is under suspension; 45525

(3) Conviction of, a plea of guilty to, a judicial finding of 45526  
guilt of, a judicial finding of guilt resulting from a plea of no 45527  
contest to, or a judicial finding of eligibility for a pretrial 45528  
diversion or similar program or for intervention in lieu of 45529  
conviction for, a misdemeanor committed in the course of practice; 45530

(4) Conviction of, a plea of guilty to, a judicial finding of 45531  
guilt of, a judicial finding of guilt resulting from a plea of no 45532  
contest to, or a judicial finding of eligibility for a pretrial 45533  
diversion or similar program or for intervention in lieu of 45534  
conviction for, any felony or of any crime involving gross 45535  
immorality or moral turpitude; 45536

(5) Selling, giving away, or administering drugs or 45537  
therapeutic devices for other than legal and legitimate 45538  
therapeutic purposes; or conviction of, a plea of guilty to, a 45539  
judicial finding of guilt of, a judicial finding of guilt 45540

resulting from a plea of no contest to, or a judicial finding of 45541  
eligibility for a pretrial diversion or similar program or for 45542  
intervention in lieu of conviction for, violating any municipal, 45543  
state, county, or federal drug law; 45544

(6) Conviction of, a plea of guilty to, a judicial finding of 45545  
guilt of, a judicial finding of guilt resulting from a plea of no 45546  
contest to, or a judicial finding of eligibility for a pretrial 45547  
diversion or similar program or for intervention in lieu of 45548  
conviction for, an act in another jurisdiction that would 45549  
constitute a felony or a crime of moral turpitude in Ohio; 45550

(7) Conviction of, a plea of guilty to, a judicial finding of 45551  
guilt of, a judicial finding of guilt resulting from a plea of no 45552  
contest to, or a judicial finding of eligibility for a pretrial 45553  
diversion or similar program or for intervention in lieu of 45554  
conviction for, an act in the course of practice in another 45555  
jurisdiction that would constitute a misdemeanor in Ohio; 45556

(8) Self-administering or otherwise taking into the body any 45557  
dangerous drug, as defined in section 4729.01 of the Revised Code, 45558  
in any way that is not in accordance with a legal, valid 45559  
prescription issued for that individual, or self-administering or 45560  
otherwise taking into the body any drug that is a schedule I 45561  
controlled substance; 45562

(9) Habitual or excessive use of controlled substances, other 45563  
habit-forming drugs, or alcohol or other chemical substances to an 45564  
extent that impairs the individual's ability to provide safe 45565  
nursing care or safe dialysis care; 45566

(10) Impairment of the ability to practice according to 45567  
acceptable and prevailing standards of safe nursing care or safe 45568  
dialysis care because of the use of drugs, alcohol, or other 45569  
chemical substances; 45570

(11) Impairment of the ability to practice according to 45571

acceptable and prevailing standards of safe nursing care or safe dialysis care because of a physical or mental disability;	45572 45573
(12) Assaulting or causing harm to a patient or depriving a patient of the means to summon assistance;	45574 45575
(13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice;	45576 45577
(14) Adjudication by a probate court of being mentally ill or mentally incompetent. The board may reinstate the person's nursing license or dialysis technician certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency.	45578 45579 45580 45581 45582
(15) The suspension or termination of employment by the United States department of defense or department of veterans affairs for any act that violates or would violate this chapter;	45583 45584 45585
(16) Violation of this chapter or any rules adopted under it;	45586
(17) Violation of any restrictions placed by the board on a nursing license or dialysis technician certificate;	45587 45588
(18) Failure to use universal and standard precautions established by rules adopted under section 4723.07 of the Revised Code;	45589 45590 45591
(19) Failure to practice in accordance with acceptable and prevailing standards of safe nursing care or safe dialysis care;	45592 45593
(20) In the case of a registered nurse, engaging in activities that exceed the practice of nursing as a registered nurse;	45594 45595 45596
(21) In the case of a licensed practical nurse, engaging in activities that exceed the practice of nursing as a licensed practical nurse;	45597 45598 45599
(22) In the case of a dialysis technician, engaging in activities that exceed those permitted under section 4723.72 of	45600 45601

the Revised Code;	45602
(23) Aiding and abetting a person in that person's practice of nursing without a license or practice as a dialysis technician without a certificate issued under this chapter;	45603 45604 45605
(24) In the case of an advanced practice registered nurse, except as provided in division (M) of this section, either of the following:	45606 45607 45608
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	45609 45610 45611 45612 45613 45614
(b) Advertising that the nurse will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers such nursing services, would otherwise be required to pay.	45615 45616 45617 45618 45619
(25) Failure to comply with the terms and conditions of participation in the substance use disorder monitoring program established under section 4723.35 of the Revised Code;	45620 45621 45622
(26) Failure to comply with the terms and conditions required under the practice intervention and improvement program established under section 4723.282 of the Revised Code;	45623 45624 45625
(27) In the case of an advanced practice registered nurse:	45626
(a) Engaging in activities that exceed those permitted for the nurse's nursing specialty under section 4723.43 of the Revised Code;	45627 45628 45629
(b) Failure to meet the quality assurance standards established under section 4723.07 of the Revised Code.	45630 45631

(28) In the case of an advanced practice registered nurse 45632  
other than a certified registered nurse anesthetist, failure to 45633  
maintain a standard care arrangement in accordance with section 45634  
4723.431 of the Revised Code or to practice in accordance with the 45635  
standard care arrangement; 45636

(29) In the case of an advanced practice registered nurse who 45637  
is designated as a clinical nurse specialist, certified 45638  
nurse-midwife, or certified nurse practitioner, failure to 45639  
prescribe drugs and therapeutic devices in accordance with section 45640  
4723.481 of the Revised Code; 45641

(30) Prescribing any drug or device to perform or induce an 45642  
abortion, or otherwise performing or inducing an abortion; 45643

(31) Failure to establish and maintain professional 45644  
boundaries with a patient, as specified in rules adopted under 45645  
section 4723.07 of the Revised Code; 45646

(32) Regardless of whether the contact or verbal behavior is 45647  
consensual, engaging with a patient other than the spouse of the 45648  
registered nurse, licensed practical nurse, or dialysis technician 45649  
in any of the following: 45650

(a) Sexual contact, as defined in section 2907.01 of the 45651  
Revised Code; 45652

(b) Verbal behavior that is sexually demeaning to the patient 45653  
or may be reasonably interpreted by the patient as sexually 45654  
demeaning. 45655

(33) Assisting suicide, as defined in section 3795.01 of the 45656  
Revised Code; 45657

(34) Failure to comply with the requirements in section 45658  
3719.061 of the Revised Code before issuing for a minor a 45659  
prescription for an opioid analgesic, as defined in section 45660  
3719.01 of the Revised Code; 45661

(35) Failure to comply with section 4723.487 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

(36) The revocation, suspension, restriction, reduction, or termination of clinical privileges by the United States department of defense or department of veterans affairs or the termination or suspension of a certificate of registration to prescribe drugs by the drug enforcement administration of the United States department of justice.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code, except that in lieu of a hearing, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by a vote of a quorum, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the agreement shall be of no effect.

(D) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code, the board may appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code.

In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant, licensee, or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by a vote of a quorum, a final order that contains the board's findings. In the final order, the board may

order any of the sanctions listed in division (A) or (B) of this section. 45694  
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(E) If a criminal action is brought against a registered nurse, licensed practical nurse, or dialysis technician for an act or crime described in divisions (B)(3) to (7) of this section and the action is dismissed by the trial court other than on the merits, the board shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the action was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed the act, or if the registered nurse, licensed practical nurse, or dialysis technician fails to participate in the adjudication, the board may take action as though the registered nurse, licensed practical nurse, or dialysis technician had been convicted of the act. 45696  
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If the board takes action on the basis of a conviction, plea, or a judicial finding as described in divisions (B)(3) to (7) of this section that is overturned on appeal, the registered nurse, licensed practical nurse, or dialysis technician may, on exhaustion of the appeal process, petition the board for reconsideration of its action. On receipt of the petition and supporting court documents, the board shall temporarily rescind its action. If the board determines that the decision on appeal was a decision on the merits, it shall permanently rescind its action. If the board determines that the decision on appeal was not a decision on the merits, it shall conduct an adjudication to determine whether the registered nurse, licensed practical nurse, or dialysis technician committed the act on which the original conviction, plea, or judicial finding was based. If the board determines on the basis of the adjudication that the registered nurse, licensed practical nurse, or dialysis technician committed 45710  
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such act, or if the registered nurse, licensed practical nurse, or dialysis technician does not request an adjudication, the board shall reinstate its action; otherwise, the board shall permanently rescind its action.

Notwithstanding the provision of division (C)(2) of section 2953.32 of the Revised Code specifying that if records pertaining to a criminal case are sealed under that section the proceedings in the case shall be deemed not to have occurred, sealing of the following records on which the board has based an action under this section shall have no effect on the board's action or any sanction imposed by the board under this section: records of any conviction, guilty plea, judicial finding of guilt resulting from a plea of no contest, or a judicial finding of eligibility for a pretrial diversion program or intervention in lieu of conviction.

The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F) The board may investigate an individual's criminal background in performing its duties under this section. As part of such investigation, the board may order the individual to submit, at the individual's expense, a request to the bureau of criminal identification and investigation for a criminal records check and check of federal bureau of investigation records in accordance with the procedure described in section 4723.091 of the Revised Code.

(G) During the course of an investigation conducted under this section, the board may compel any registered nurse, licensed practical nurse, or dialysis technician or applicant under this chapter to submit to a mental or physical examination, or both, as required by the board and at the expense of the individual, if the board finds reason to believe that the individual under investigation may have a physical or mental impairment that may

affect the individual's ability to provide safe nursing care. 45758  
Failure of any individual to submit to a mental or physical 45759  
examination when directed constitutes an admission of the 45760  
allegations, unless the failure is due to circumstances beyond the 45761  
individual's control, and a default and final order may be entered 45762  
without the taking of testimony or presentation of evidence. 45763

If the board finds that an individual is impaired, the board 45764  
shall require the individual to submit to care, counseling, or 45765  
treatment approved or designated by the board, as a condition for 45766  
initial, continued, reinstated, or renewed authority to practice. 45767  
The individual shall be afforded an opportunity to demonstrate to 45768  
the board that the individual can begin or resume the individual's 45769  
occupation in compliance with acceptable and prevailing standards 45770  
of care under the provisions of the individual's authority to 45771  
practice. 45772

For purposes of this division, any registered nurse, licensed 45773  
practical nurse, or dialysis technician or applicant under this 45774  
chapter shall be deemed to have given consent to submit to a 45775  
mental or physical examination when directed to do so in writing 45776  
by the board, and to have waived all objections to the 45777  
admissibility of testimony or examination reports that constitute 45778  
a privileged communication. 45779

(H) The board shall investigate evidence that appears to show 45780  
that any person has violated any provision of this chapter or any 45781  
rule of the board. Any person may report to the board any 45782  
information the person may have that appears to show a violation 45783  
of any provision of this chapter or rule of the board. In the 45784  
absence of bad faith, any person who reports such information or 45785  
who testifies before the board in any adjudication conducted under 45786  
Chapter 119. of the Revised Code shall not be liable for civil 45787  
damages as a result of the report or testimony. 45788

(I) All of the following apply under this chapter with 45789

respect to the confidentiality of information: 45790

(1) Information received by the board pursuant to a complaint 45791  
or an investigation is confidential and not subject to discovery 45792  
in any civil action, except that the board may disclose 45793  
information to law enforcement officers and government entities 45794  
for purposes of an investigation of either a licensed health care 45795  
professional, including a registered nurse, licensed practical 45796  
nurse, or dialysis technician, or a person who may have engaged in 45797  
the unauthorized practice of nursing or dialysis care. No law 45798  
enforcement officer or government entity with knowledge of any 45799  
information disclosed by the board pursuant to this division shall 45800  
divulge the information to any other person or government entity 45801  
except for the purpose of a government investigation, a 45802  
prosecution, or an adjudication by a court or government entity. 45803

(2) If an investigation requires a review of patient records, 45804  
the investigation and proceeding shall be conducted in such a 45805  
manner as to protect patient confidentiality. 45806

(3) All adjudications and investigations of the board shall 45807  
be considered civil actions for the purposes of section 2305.252 45808  
of the Revised Code. 45809

(4) Any board activity that involves continued monitoring of 45810  
an individual as part of or following any disciplinary action 45811  
taken under this section shall be conducted in a manner that 45812  
maintains the individual's confidentiality. Information received 45813  
or maintained by the board with respect to the board's monitoring 45814  
activities is not subject to discovery in any civil action and is 45815  
confidential, except that the board may disclose information to 45816  
law enforcement officers and government entities for purposes of 45817  
an investigation of a licensee or certificate holder. 45818

(J) Any action taken by the board under this section 45819  
resulting in a suspension from practice shall be accompanied by a 45820

written statement of the conditions under which the person may be 45821  
reinstated to practice. 45822

(K) When the board refuses to grant a license or certificate 45823  
to an applicant, revokes a license or certificate, or refuses to 45824  
reinstate a license or certificate, the board may specify that its 45825  
action is permanent. An individual subject to permanent action 45826  
taken by the board is forever ineligible to hold a license or 45827  
certificate of the type that was refused or revoked and the board 45828  
shall not accept from the individual an application for 45829  
reinstatement of the license or certificate or for a new license 45830  
or certificate. 45831

(L) No unilateral surrender of a nursing license, ~~certificate~~ 45832  
~~of authority~~, or dialysis technician certificate issued under this 45833  
chapter shall be effective unless accepted by majority vote of the 45834  
board. No application for a nursing license, ~~certificate of~~ 45835  
~~authority~~, or dialysis technician certificate issued under this 45836  
chapter may be withdrawn without a majority vote of the board. The 45837  
board's jurisdiction to take disciplinary action under this 45838  
section is not removed or limited when an individual has a license 45839  
or certificate classified as inactive or fails to renew a license 45840  
or certificate. 45841

(M) Sanctions shall not be imposed under division (B)(24) of 45842  
this section against any licensee who waives deductibles and 45843  
copayments as follows: 45844

(1) In compliance with the health benefit plan that expressly 45845  
allows such a practice. Waiver of the deductibles or copayments 45846  
shall be made only with the full knowledge and consent of the plan 45847  
purchaser, payer, and third-party administrator. Documentation of 45848  
the consent shall be made available to the board upon request. 45849

(2) For professional services rendered to any other person 45850  
licensed pursuant to this chapter to the extent allowed by this 45851

chapter and the rules of the board. 45852

**Sec. 4727.03.** (A) As used in this section, "experience and 45853  
fitness in the capacity involved" means that the applicant for a 45854  
pawnbroker's license demonstrates sufficient financial 45855  
responsibility, reputation, and experience in the pawnbroker 45856  
business, or in a related business, to act as a pawnbroker in 45857  
compliance with this chapter. "Experience and fitness in the 45858  
capacity involved" shall be determined by: 45859

(1) Prior or current ownership or management of, or 45860  
employment in, a pawnshop; 45861

(2) Demonstration to the satisfaction of the superintendent 45862  
of financial institutions of a thorough working knowledge of all 45863  
pawnbroker laws and rules as they relate to the actual operation 45864  
of a pawnshop. 45865

A demonstration shall include a demonstration of an ability 45866  
to properly complete forms, knowledge of how to properly calculate 45867  
interest and storage charges, and knowledge of legal notice and 45868  
forfeiture procedures. The final determination of whether an 45869  
applicant's demonstration is adequate rests with the 45870  
superintendent. 45871

(3) A submission by the applicant and any stockholders, 45872  
owners, managers, directors, or officers of the pawnshop, and 45873  
employees of the applicant to a police record check; and 45874

(4) Liquid assets in a minimum amount of one hundred 45875  
twenty-five thousand dollars at the time of applying for initial 45876  
licensure and demonstration of the ability to maintain the liquid 45877  
assets at a minimum amount of seventy-five thousand dollars for 45878  
the duration of holding a valid pawnbroker's license. If an 45879  
applicant holds a pawnbroker's license at the time of application 45880  
or is applying for more than one license, this requirement shall 45881

be met separately for each license. 45882

(B) The superintendent may grant a license to act as a 45883  
pawnbroker to any person of good character and having experience 45884  
and fitness in the capacity involved to engage in the business of 45885  
pawnbroking upon the payment to the superintendent of a license 45886  
fee determined by the superintendent pursuant to section 1321.20 45887  
of the Revised Code. A license is not transferable or assignable. 45888

(C) The superintendent may consider an application withdrawn 45889  
and may retain the investigation fee required under division (D) 45890  
of this section if both of the following are true: 45891

(1) An application for a license does not contain all of the 45892  
information required under division (B) of this section. 45893

(2) The information is not submitted to the superintendent 45894  
within ninety days after the superintendent requests the 45895  
information from the applicant in writing. 45896

(D) The superintendent shall require an applicant for a 45897  
pawnbroker's license to pay to the superintendent a nonrefundable 45898  
initial investigation fee of two hundred dollars, which is for the 45899  
exclusive use of the state. 45900

(E)(1) Except as otherwise provided in division (E)(2) of 45901  
this section, a pawnbroker's license issued by the superintendent 45902  
expires on the thirtieth day of June next following the date of 45903  
its issuance, or on a different date set by the superintendent 45904  
pursuant to section 1181.23 of the Revised Code, and may be 45905  
renewed annually ~~by the thirtieth day of June~~ in accordance with 45906  
the standard renewal procedure set forth in Chapter 4745. of the 45907  
Revised Code. Fifty per cent of the annual license fee shall be 45908  
for the use of the state, and fifty per cent shall be paid by the 45909  
state to the municipal corporation, or if outside the limits of 45910  
any municipal corporation, to the county, in which the office of 45911  
the licensee is located. All such fees payable to municipal 45912

corporations or counties shall be paid annually. 45913

(2) A pawnbroker's license issued or renewed by the 45914  
superintendent on or after January 1, 2006, expires on the 45915  
thirtieth day of June in the even-numbered year next following the 45916  
date of its issuance or renewal, as applicable, and may be renewed 45917  
biennially by the thirtieth day of June in accordance with the 45918  
standard renewal procedure set forth in Chapter 4745. of the 45919  
Revised Code. Fifty per cent of the biennial license fee shall be 45920  
for the use of the state, and fifty per cent shall be paid by the 45921  
state to the municipal corporation, or if outside the limits of 45922  
any municipal corporation, to the county, in which the office of 45923  
the licensee is located. All such fees payable to municipal 45924  
corporations or counties shall be paid biennially. If deemed 45925  
necessary for participation, the superintendent may reset the 45926  
renewal date and require annual registration pursuant to section 45927  
1181.23 of the Revised Code. 45928

(F) The fee for renewal of a license shall be equivalent to 45929  
the fee for an initial license established by the superintendent 45930  
pursuant to section 1321.20 of the Revised Code. Any licensee who 45931  
wishes to renew the pawnbroker's license but who fails to do so on 45932  
or before the date the license expires shall reapply for licensure 45933  
in the same manner and pursuant to the same requirements as for 45934  
initial licensure, unless the licensee pays to the superintendent 45935  
on or before the thirty-first day of August of the year the 45936  
license expires, a late renewal penalty of one hundred dollars in 45937  
addition to the regular renewal fee. Any licensee who fails to 45938  
renew the license on or before the date the license expires is 45939  
prohibited from acting as a pawnbroker until the license is 45940  
renewed or a new license is issued under this section. Any 45941  
licensee who renews a license between the first day of July and 45942  
the thirty-first day of August of the year the license expires is 45943  
not relieved from complying with this division. The superintendent 45944

may refuse to issue to or renew the license of any licensee who 45945  
violates this division. 45946

(G) No license shall be granted to any person not a resident 45947  
of or the principal office of which is not located in the 45948  
municipal corporation or county designated in such license unless 45949  
that applicant, in writing and in due form approved by and filed 45950  
with the superintendent, first appoints an agent, a resident of 45951  
the state, and city or county where the office is to be located, 45952  
upon whom all judicial and other process, or legal notice, 45953  
directed to the applicant may be served. In case of the death, 45954  
removal from the state, or any legal disability or any 45955  
disqualification of any such agent, service of such process or 45956  
notice may be made upon the superintendent. 45957

The superintendent may, upon notice to the licensee and 45958  
reasonable opportunity to be heard, suspend or revoke any license 45959  
or assess a penalty against the licensee if the licensee, or the 45960  
licensee's officers, agents, or employees, has violated this 45961  
chapter. Any penalty shall be appropriate to the violation but in 45962  
no case shall the penalty be less than two hundred nor more than 45963  
two thousand dollars. Whenever, for any cause, a license is 45964  
suspended or revoked, the superintendent shall not issue another 45965  
license to the licensee nor to the legal spouse of the licensee, 45966  
nor to any business entity of which the licensee is an officer or 45967  
member or partner, nor to any person employed by the licensee, 45968  
until the expiration of at least two years from the date of 45969  
revocation or suspension of the license. The superintendent shall 45970  
deposit all penalties allocated pursuant to this section into the 45971  
state treasury to the credit of the consumer finance fund. 45972

Any proceedings for the revocation or suspension of a license 45973  
or to assess a penalty against a licensee are subject to Chapter 45974  
119. of the Revised Code. 45975

(H) If a licensee surrenders or chooses not to renew the 45976

pawnbroker's license, the licensee shall notify the superintendent 45977  
thirty days prior to the date on which the licensee intends to 45978  
close the licensee's business as a pawnbroker. Prior to the date, 45979  
the licensee shall do either of the following with respect to all 45980  
active loans: 45981

(1) Dispose of an active loan by selling the loan to another 45982  
person holding a valid pawnbroker's license issued under this 45983  
section; 45984

(2) Reduce the rate of interest on pledged articles held as 45985  
security for a loan to eight per cent per annum or less effective 45986  
on the date that the pawnbroker's license is no longer valid. 45987

**Sec. 4728.03.** (A) As used in this section, "experience and 45988  
fitness in the capacity involved" means that the applicant for a 45989  
precious metals dealer's license has had sufficient financial 45990  
responsibility, reputation, and experience in the business of 45991  
precious metals dealer, or a related business, to act as a 45992  
precious metals dealer in compliance with this chapter. 45993

(B)(1) The division of financial institutions in the 45994  
department of commerce may grant a precious metals dealer's 45995  
license to any person of good character, having experience and 45996  
fitness in the capacity involved, who demonstrates a net worth of 45997  
at least ten thousand dollars and the ability to maintain that net 45998  
worth during the licensure period. The superintendent of financial 45999  
institutions shall compute the applicant's net worth according to 46000  
generally accepted accounting principles. 46001

(2) In place of the demonstration of net worth required by 46002  
division (B)(1) of this section, an applicant may obtain a surety 46003  
bond issued by a surety company authorized to do business in this 46004  
state if all of the following conditions are met: 46005

(a) A copy of the surety bond is filed with the division; 46006

(b) The bond is in favor of any person, and of the state for the benefit of any person, injured by any violation of this chapter;

(c) The bond is in the amount of not less than ten thousand dollars.

(3) Before granting a license under this division, the division shall determine that the applicant meets the requirements of division (B)(1) or (2) of this section.

(C) The division shall require an applicant for a precious metals dealer's license to pay to the division a nonrefundable, initial investigation fee of two hundred dollars which shall be for the exclusive use of the state. The license fee for a precious metals dealer's license and the renewal fee shall be determined by the superintendent, provided that the fee may not exceed three hundred dollars. A license issued by the division shall expire on the last day of June next following the date of its issuance or annually on a different date set by the superintendent pursuant to section 1181.23 of the Revised Code. Fifty per cent of license fees shall be for the use of the state, and fifty per cent shall be paid to the municipal corporation, or if outside the limits of any municipal corporation, to the county in which the office of the licensee is located. All portions of license fees payable to municipal corporations or counties shall be paid as they accrue, by the treasurer of state, on vouchers issued by the director of budget and management.

(D) Every such license shall be renewed annually by the last day of June, or annually on a different date set by the superintendent pursuant to section 1181.23 of the Revised Code, according to the standard renewal procedure of Chapter 4745. of the Revised Code. No license shall be granted to any person not a resident of or the principal office of which is not located in the municipal corporation or county designated in such license,

unless, and until such applicant shall, in writing and in due 46039  
form, to be first approved by and filed with the division, appoint 46040  
an agent, a resident of the state, and city or county where the 46041  
office is to be located, upon whom all judicial and other process, 46042  
or legal notice, directed to the applicant may be served; and in 46043  
case of the death, removal from the state, or any legal disability 46044  
or any disqualification of any agent, service of process or notice 46045  
may be made upon the superintendent. 46046

(E) The division may, pursuant to Chapter 119. of the Revised 46047  
Code, upon notice to the licensee and after giving the licensee 46048  
reasonable opportunity to be heard, revoke or suspend any license, 46049  
if the licensee or the licensee's officers, agents, or employees 46050  
violate this chapter. Whenever, for any cause, the license is 46051  
revoked or suspended, the division shall not issue another license 46052  
to the licensee nor to the husband or wife of the licensee, nor to 46053  
any copartnership or corporation of which the licensee is an 46054  
officer, nor to any person employed by the licensee, until the 46055  
expiration of at least one year from the date of revocation of the 46056  
license. 46057

(F) In conducting an investigation to determine whether an 46058  
applicant satisfies the requirements for licensure under this 46059  
section, the superintendent may request that the superintendent of 46060  
the bureau of criminal identification and investigation 46061  
investigate and determine whether the bureau has procured any 46062  
information pursuant to section 109.57 of the Revised Code 46063  
pertaining to the applicant. 46064

If the superintendent of financial institutions determines 46065  
that conducting an investigation to determine whether an applicant 46066  
satisfies the requirements for licensure under this section will 46067  
require procuring information outside the state, then, in addition 46068  
to the fee established under division (C) of this section, the 46069  
superintendent may require the applicant to pay any of the actual 46070

expenses incurred by the division to conduct such an 46071  
investigation, provided that the superintendent shall assess the 46072  
applicant a total no greater than one thousand dollars for such 46073  
expenses. The superintendent may require the applicant to pay in 46074  
advance of the investigation, sufficient funds to cover the 46075  
estimated cost of the actual expenses. If the superintendent 46076  
requires the applicant to pay investigation expenses, the 46077  
superintendent shall provide to the applicant an itemized 46078  
statement of the actual expenses incurred by the division to 46079  
conduct the investigation. 46080

(G)(1) Except as otherwise provided in division (G)(2) of 46081  
this section a precious metals dealer licensed under this section 46082  
shall maintain a net worth of at least ten thousand dollars, 46083  
computed as required under division (B)(1) of this section, for as 46084  
long as the licensee holds a valid precious metals dealer's 46085  
license issued pursuant to this section. 46086

(2) A licensee who obtains a surety bond under division 46087  
(B)(2) of this section is exempt from the requirement of division 46088  
(G)(1) of this section, but shall maintain the bond for at least 46089  
two years after the date on which the licensee ceases to conduct 46090  
business in this state. 46091

Sec. 4729.261. Not later than July 1, 2020, the state board 46092  
of pharmacy shall adopt rules in accordance with Chapter 119. of 46093  
the Revised Code to define "specialty drug" and "specialty 46094  
pharmacy" for the purpose of contracts entered into under section 46095  
125.93 of the Revised Code. The board may consult with the 46096  
department of medicaid in adopting the rules. 46097

Sec. 4729.48. When filling a prescription, if a pharmacist, 46098  
pharmacy intern, or terminal distributor of dangerous drugs has 46099  
information indicating that the cost-sharing amount required by 46100

the patient's health benefit plan exceeds the amount that may 46101  
otherwise be charged for the same drug, both of the following 46102  
apply: 46103

(A) The pharmacist, pharmacy intern, or terminal distributor 46104  
shall provide this information to the patient. 46105

(B) The patient shall not be charged the higher amount. 46106

**Sec. 4729.571.** (A) The state board of pharmacy may suspend 46107  
without a hearing the license of a terminal distributor of 46108  
dangerous drugs if the board determines that there is clear and 46109  
convincing evidence of a danger of immediate and serious harm to 46110  
others due to either of the following: 46111

(1) The method used by the terminal distributor to possess or 46112  
distribute dangerous drugs; 46113

(2) The method of prescribing dangerous drugs used by a 46114  
licensed health professional authorized to prescribe drugs who 46115  
holds a terminal distributor license or practices in the employ of 46116  
or under contract with a terminal distributor. 46117

(B) The board shall follow the procedure for suspension 46118  
without a prior hearing in section 119.07 of the Revised Code. The 46119  
suspension shall remain in effect, unless removed by the board, 46120  
until the board's final adjudication order becomes effective, 46121  
except that if the board does not issue its final adjudication 46122  
order within one hundred twenty days after the suspension, the 46123  
suspension shall be void on the one hundred twenty-first day after 46124  
the suspension. 46125

If the terminal distributor holds a license with a pain 46126  
management clinic classification issued under section 4729.552 of 46127  
the Revised Code or a license with an office-based opioid 46128  
treatment classification issued under section 4729.553 of the 46129  
Revised Code and the person holding the license also holds a 46130

~~certificate~~ license issued under Chapter 4731. of the Revised Code 46131  
to practice medicine and surgery or osteopathic medicine and 46132  
surgery, prior to suspending the license without a hearing, the 46133  
board shall consult with the secretary of the state medical board 46134  
or, if the secretary is unavailable, another physician member of 46135  
the board. 46136

**Sec. 4729.80.** (A) If the state board of pharmacy establishes 46137  
and maintains a drug database pursuant to section 4729.75 of the 46138  
Revised Code, the board is authorized or required to provide 46139  
information from the database only as follows: 46140

(1) On receipt of a request from a designated representative 46141  
of a government entity responsible for the licensure, regulation, 46142  
or discipline of health care professionals with authority to 46143  
prescribe, administer, or dispense drugs, the board may provide to 46144  
the representative information from the database relating to the 46145  
professional who is the subject of an active investigation being 46146  
conducted by the government entity or relating to a professional 46147  
who is acting as an expert witness for the government entity in 46148  
such an investigation. 46149

(2) On receipt of a request from a federal officer, or a 46150  
state or local officer of this or any other state, whose duties 46151  
include enforcing laws relating to drugs, the board shall provide 46152  
to the officer information from the database relating to the 46153  
person who is the subject of an active investigation of a drug 46154  
abuse offense, as defined in section 2925.01 of the Revised Code, 46155  
being conducted by the officer's employing government entity. 46156

(3) Pursuant to a subpoena issued by a grand jury, the board 46157  
shall provide to the grand jury information from the database 46158  
relating to the person who is the subject of an investigation 46159  
being conducted by the grand jury. 46160

(4) Pursuant to a subpoena, search warrant, or court order in 46161

connection with the investigation or prosecution of a possible or 46162  
alleged criminal offense, the board shall provide information from 46163  
the database as necessary to comply with the subpoena, search 46164  
warrant, or court order. 46165

(5) On receipt of a request from a prescriber or the 46166  
prescriber's delegate approved by the board, the board shall 46167  
provide to the prescriber a report of information from the 46168  
database relating to a patient who is either a current patient of 46169  
the prescriber or a potential patient of the prescriber based on a 46170  
referral of the patient to the prescriber, if all of the following 46171  
conditions are met: 46172

(a) The prescriber certifies in a form specified by the board 46173  
that it is for the purpose of providing medical treatment to the 46174  
patient who is the subject of the request; 46175

(b) The prescriber has not been denied access to the database 46176  
by the board. 46177

(6) On receipt of a request from a pharmacist or the 46178  
pharmacist's delegate approved by the board, the board shall 46179  
provide to the pharmacist information from the database relating 46180  
to a current patient of the pharmacist, if the pharmacist 46181  
certifies in a form specified by the board that it is for the 46182  
purpose of the pharmacist's practice of pharmacy involving the 46183  
patient who is the subject of the request and the pharmacist has 46184  
not been denied access to the database by the board. 46185

(7) On receipt of a request from an individual seeking the 46186  
individual's own database information in accordance with the 46187  
procedure established in rules adopted under section 4729.84 of 46188  
the Revised Code, the board may provide to the individual the 46189  
individual's own prescription history. 46190

(8) On receipt of a request from a ~~medical director or a~~ 46191  
~~pharmacy director~~ of a managed care organization that has entered 46192

into a contract with the department of medicaid under section 46193  
5167.10 of the Revised Code and a data security agreement with the 46194  
board required by section 5167.14 of the Revised Code, the board 46195  
shall provide to the ~~medical director or the pharmacy director~~ 46196  
organization information from the database relating to a medicaid 46197  
recipient enrolled in the ~~managed care organization~~ organization's 46198  
medicaid MCO plan, as defined in section 5167.01 of the Revised 46199  
Code, including information in the database related to 46200  
prescriptions for the recipient that were not covered or 46201  
reimbursed under a program administered by the department of 46202  
medicaid. 46203

(9) On receipt of a request from the medicaid director, the 46204  
board shall provide to the director information from the database 46205  
relating to a recipient of a program administered by the 46206  
department of medicaid, including information in the database 46207  
related to prescriptions for the recipient that were not covered 46208  
or paid by a program administered by the department. 46209

(10) On receipt of a request from a medical director of a 46210  
managed care organization that has entered into a contract with 46211  
the administrator of workers' compensation under division (B)(4) 46212  
of section 4121.44 of the Revised Code and a data security 46213  
agreement with the board required by section 4121.447 of the 46214  
Revised Code, the board shall provide to the medical director 46215  
information from the database relating to a claimant under Chapter 46216  
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 46217  
managed care organization, including information in the database 46218  
related to prescriptions for the claimant that were not covered or 46219  
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 46220  
Revised Code, if the administrator of workers' compensation 46221  
confirms, upon request from the board, that the claimant is 46222  
assigned to the managed care organization. 46223

(11) On receipt of a request from the administrator of 46224

workers' compensation, the board shall provide to the 46225  
administrator information from the database relating to a claimant 46226  
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 46227  
including information in the database related to prescriptions for 46228  
the claimant that were not covered or reimbursed under Chapter 46229  
4121., 4123., 4127., or 4131. of the Revised Code. 46230

(12) On receipt of a request from a prescriber or the 46231  
prescriber's delegate approved by the board, the board shall 46232  
provide to the prescriber information from the database relating 46233  
to a patient's mother, if the prescriber certifies in a form 46234  
specified by the board that it is for the purpose of providing 46235  
medical treatment to a newborn or infant patient diagnosed as 46236  
opioid dependent and the prescriber has not been denied access to 46237  
the database by the board. 46238

(13) On receipt of a request from the director of health, the 46239  
board shall provide to the director information from the database 46240  
relating to the duties of the director or the department of health 46241  
in implementing the Ohio violent death reporting system 46242  
established under section 3701.93 of the Revised Code. 46243

(14) On receipt of a request from a requestor described in 46244  
division (A)(1), (2), (5), or (6) of this section who is from or 46245  
participating with another state's prescription monitoring 46246  
program, the board may provide to the requestor information from 46247  
the database, but only if there is a written agreement under which 46248  
the information is to be used and disseminated according to the 46249  
laws of this state. 46250

(15) On receipt of a request from a delegate of a retail 46251  
dispensary licensed under Chapter 3796. of the Revised Code who is 46252  
approved by the board to serve as the dispensary's delegate, the 46253  
board shall provide to the delegate a report of information from 46254  
the database pertaining only to a patient's use of medical 46255  
marijuana, if both of the following conditions are met: 46256

(a) The delegate certifies in a form specified by the board 46257  
that it is for the purpose of dispensing medical marijuana for use 46258  
in accordance with Chapter 3796. of the Revised Code. 46259

(b) The retail dispensary or delegate has not been denied 46260  
access to the database by the board. 46261

(16) On receipt of a request from a judge of a program 46262  
certified by the Ohio supreme court as a specialized docket 46263  
program for drugs, the board shall provide to the judge, or an 46264  
employee of the program who is designated by the judge to receive 46265  
the information, information from the database that relates 46266  
specifically to a current or prospective program participant. 46267

(17) On receipt of a request from a coroner, deputy coroner, 46268  
or coroner's delegate approved by the board, the board shall 46269  
provide to the requestor information from the database relating to 46270  
a deceased person about whom the coroner is conducting or has 46271  
conducted an autopsy or investigation. 46272

(18) On receipt of a request from a prescriber, the board may 46273  
provide to the prescriber a summary of the prescriber's 46274  
prescribing record if such a record is created by the board. 46275  
Information in the summary is subject to the confidentiality 46276  
requirements of this chapter. 46277

(19)(a) On receipt of a request from a pharmacy's responsible 46278  
person, the board may provide to the responsible person a summary 46279  
of the pharmacy's dispensing record if such a record is created by 46280  
the board. Information in the summary is subject to the 46281  
confidentiality requirements of this chapter. 46282

(b) As used in division (A)(19)(a) of this section, 46283  
"responsible person" has the same meaning as in rules adopted by 46284  
the board under section 4729.26 of the Revised Code. 46285

(20) The board may provide information from the database 46286  
without request to a prescriber or pharmacist who is authorized to 46287

use the database pursuant to this chapter. 46288

(21)(a) On receipt of a request from a prescriber or 46289  
pharmacist, or the prescriber's or pharmacist's delegate, who is a 46290  
designated representative of a peer review committee, the board 46291  
shall provide to the committee information from the database 46292  
relating to a prescriber who is subject to the committee's 46293  
evaluation, supervision, or discipline if the information is to be 46294  
used for one of those purposes. The board shall provide only 46295  
information that it determines, in accordance with rules adopted 46296  
under section 4729.84 of the Revised Code, is appropriate to be 46297  
provided to the committee. 46298

(b) As used in division (A)(21)(a) of this section, "peer 46299  
review committee" has the same meaning as in section 2305.25 of 46300  
the Revised Code, except that it includes only a peer review 46301  
committee of a hospital or a peer review committee of a nonprofit 46302  
health care corporation that is a member of the hospital or of 46303  
which the hospital is a member. 46304

(22) On receipt of a request from a requestor described in 46305  
division (A)(5) or (6) of this section who is from or 46306  
participating with a prescription monitoring program that is 46307  
operated by a federal agency and approved by the board, the board 46308  
may provide to the requestor information from the database, but 46309  
only if there is a written agreement under which the information 46310  
is to be used and disseminated according to the laws of this 46311  
state. 46312

(23) Any personal health information submitted to the board 46313  
pursuant to section 4729.772 of the Revised Code may be provided 46314  
by the board only as authorized by the submitter of the 46315  
information and in accordance with rules adopted under section 46316  
4729.84 of the Revised Code. 46317

(B) The state board of pharmacy shall maintain a record of 46318

each individual or entity that requests information from the database pursuant to this section. In accordance with rules adopted under section 4729.84 of the Revised Code, the board may use the records to document and report statistics and law enforcement outcomes.

The board may provide records of an individual's requests for database information only to the following:

(1) A designated representative of a government entity that is responsible for the licensure, regulation, or discipline of health care professionals with authority to prescribe, administer, or dispense drugs who is involved in an active criminal or disciplinary investigation being conducted by the government entity of the individual who submitted the requests for database information;

(2) A federal officer, or a state or local officer of this or any other state, whose duties include enforcing laws relating to drugs and who is involved in an active investigation being conducted by the officer's employing government entity of the individual who submitted the requests for database information;

(3) A designated representative of the department of medicaid regarding a prescriber who is treating or has treated a recipient of a program administered by the department and who submitted the requests for database information.

(C) Information contained in the database and any information obtained from it is confidential and is not a public record. Information contained in the records of requests for information from the database is confidential and is not a public record. Information contained in the database that does not identify a person, including any licensee or registrant of the board or other entity, may be released in summary, statistical, or aggregate form.

(D) A pharmacist or prescriber shall not be held liable in damages to any person in any civil action for injury, death, or loss to person or property on the basis that the pharmacist or prescriber did or did not seek or obtain information from the database.

Sec. 4729.801. If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply to each request for information from the database as described in division (A)(8) of section 4729.80 of the Revised Code:

(A) A managed care organization may submit a request to the board for information about all medicaid recipients enrolled in the organization's medicaid MCO plan, as defined in section 5167.01 of the Revised Code.

(B) The board shall provide the information described in division (A) of this section to the organization in a single electronic file or format.

**Sec. 4729.86.** If the state board of pharmacy establishes and maintains a drug database pursuant to section 4729.75 of the Revised Code, all of the following apply:

(A)(1) No person identified in divisions (A)(1) to (13), (15) to ~~(22)~~(23), or (B) of section 4729.80 of the Revised Code shall disseminate any written or electronic information the person receives from the drug database or otherwise provide another person access to the information that the person receives from the database, except as follows:

(a) When necessary in the investigation or prosecution of a possible or alleged criminal offense;

(b) When a person provides the information to the prescriber, pharmacist, or retail dispensary licensed under Chapter 3796. of

the Revised Code for whom the person is approved by the board to 46380  
serve as a delegate of the prescriber, pharmacist, or retail 46381  
dispensary for purposes of requesting and receiving information 46382  
from the drug database under division (A)(5), (6), or (15) of 46383  
section 4729.80 of the Revised Code; 46384

(c) When a prescriber, pharmacist, or retail dispensary 46385  
licensed under Chapter 3796. of the Revised Code provides the 46386  
information to a person who is approved by the board to serve as 46387  
such a delegate of the prescriber, pharmacist, or retail 46388  
dispensary; 46389

(d) When a prescriber or pharmacist includes the information 46390  
in a medical record, as defined in section 3701.74 of the Revised 46391  
Code. 46392

(2) No person shall provide false information to the state 46393  
board of pharmacy with the intent to obtain or alter information 46394  
contained in the drug database. 46395

(3) No person shall obtain drug database information by any 46396  
means except as provided under section 4729.80 or 4729.81 of the 46397  
Revised Code. 46398

(B) A person shall not use information obtained pursuant to 46399  
division (A) of section 4729.80 of the Revised Code as evidence in 46400  
any civil or administrative proceeding. 46401

(C)(1) Except as provided in division (C)(2) of this section, 46402  
after providing notice and affording an opportunity for a hearing 46403  
in accordance with Chapter 119. of the Revised Code, the board may 46404  
restrict a person from obtaining further information from the drug 46405  
database if any of the following is the case: 46406

(a) The person violates division (A)(1), (2), or (3) of this 46407  
section; 46408

(b) The person is a requestor identified in division (A)(14) 46409

or (22) of section 4729.80 of the Revised Code and the board 46410  
determines that the person's actions in another state would have 46411  
constituted a violation of division (A)(1), (2), or (3) of this 46412  
section; 46413

(c) The person fails to comply with division (B) of this 46414  
section, regardless of the jurisdiction in which the failure to 46415  
comply occurred; 46416

(d) The person creates, by clear and convincing evidence, a 46417  
threat to the security of information contained in the database. 46418

(2) If the board determines that allegations regarding a 46419  
person's actions warrant restricting the person from obtaining 46420  
further information from the drug database without a prior 46421  
hearing, the board may summarily impose the restriction. A 46422  
telephone conference call may be used for reviewing the 46423  
allegations and taking a vote on the summary restriction. The 46424  
summary restriction shall remain in effect, unless removed by the 46425  
board, until the board's final adjudication order becomes 46426  
effective. 46427

(3) The board shall determine the extent to which the person 46428  
is restricted from obtaining further information from the 46429  
database. 46430

**Sec. 4730.02.** (A) No person shall hold that person out as 46431  
being able to function as a physician assistant, or use any words 46432  
or letters indicating or implying that the person is a physician 46433  
assistant, without a current, valid license to practice as a 46434  
physician assistant issued pursuant to this chapter. 46435

(B) No person shall practice as a physician assistant without 46436  
the supervision, control, and direction of a physician. 46437

(C) No person shall practice as a physician assistant without 46438  
having entered into a supervision agreement with a supervising 46439

physician under section 4730.19 of the Revised Code. 46440

(D) No person acting as the supervising physician of a 46441  
physician assistant shall authorize the physician assistant to 46442  
perform services if either of the following is the case: 46443

(1) The services are not within the physician's normal course 46444  
of practice and expertise; 46445

(2) The services are inconsistent with the supervision 46446  
agreement under which the physician assistant is being supervised, 46447  
including, if applicable, the policies of the health care facility 46448  
in which the physician and physician assistant are practicing. 46449

(E) No person practicing as a physician assistant shall 46450  
prescribe any drug or device to perform or induce an abortion, or 46451  
otherwise perform or induce an abortion. 46452

(F) No person shall advertise to provide services as a 46453  
physician assistant, except for the purpose of seeking employment. 46454

(G) No person practicing as a physician assistant shall fail 46455  
to wear at all times when on duty a placard, plate, or other 46456  
device identifying that person as a "physician assistant." 46457

(H) Division (A) of this section does not apply to a person 46458  
who meets ~~both~~ all of the following conditions: 46459

(1) The person holds in good standing a valid license or 46460  
other form of authority to practice as a physician assistant 46461  
issued by another state. 46462

(2) The person is practicing as a volunteer without 46463  
remuneration during a charitable event that lasts not more than 46464  
seven days. 46465

(3) The medical care provided by the person will be 46466  
supervised by the medical director of the charitable event or by 46467  
another physician. 46468

When a person meets the conditions of this division, the 46469

person shall be deemed to hold, during the course of the 46470  
charitable event, a license to practice as a physician assistant 46471  
from the state medical board and shall be subject to the 46472  
provisions of this chapter authorizing the board to take 46473  
disciplinary action against a license holder. Not less than seven 46474  
calendar days before the first day of the charitable event, the 46475  
person or the event's organizer shall notify the board of the 46476  
person's intent to practice as a physician assistant at the event. 46477  
During the course of the charitable event, the person's scope of 46478  
practice is limited to the procedures that a physician assistant 46479  
licensed under this chapter is authorized to perform unless the 46480  
person's scope of practice in the other state is more restrictive 46481  
than in this state. If the latter is the case, the person's scope 46482  
of practice is limited to the procedures that a physician 46483  
assistant in the other state may perform. 46484

**Sec. 4730.12.** (A) The state medical board shall review each 46485  
application ~~received under section 4730.10 of the Revised Code~~ for 46486  
a license to practice as a physician assistant received under 46487  
section 4730.10 of the Revised Code. Not later than sixty days 46488  
after receiving a complete application, the board shall determine 46489  
whether the applicant meets the requirements to receive the 46490  
license, as specified in section 4730.11 of the Revised Code. ~~An~~ 46491  
~~affirmative vote of not fewer than six members of the board is~~ 46492  
~~required to determine that an applicant meets the requirements to~~ 46493  
~~receive a license to practice as a physician assistant.~~ 46494

(B) If the board determines that an applicant meets the 46495  
requirements to receive the license, the secretary of the board 46496  
shall register the applicant as a physician assistant and issue to 46497  
the applicant a license to practice as a physician assistant. 46498

**Sec. 4730.14.** (A) A license to practice as a physician 46499  
assistant shall be valid for a two-year period unless revoked or 46500

~~suspended, shall expire biennially on the date that is two years~~ 46501  
~~after the date of issuance, and may be renewed for additional~~ 46502  
~~two-year periods~~ in accordance with this section. A person seeking 46503  
to renew a license ~~to practice as a physician assistant shall, on~~ 46504  
~~or before the thirty first day of January of each even numbered~~ 46505  
~~year, apply to the state medical board for renewal of the license~~ 46506  
~~prior to the license's expiration date.~~ The ~~state medical~~ board 46507  
shall provide renewal notices to license holders at least one 46508  
month prior to the expiration date. 46509

Applications shall be submitted to the board in a manner 46510  
prescribed by the board. Each application shall be accompanied by 46511  
a biennial renewal fee of two hundred dollars. The board shall 46512  
deposit the fees in accordance with section 4731.24 of the Revised 46513  
Code. 46514

The applicant shall report any criminal offense that 46515  
constitutes grounds for refusing to issue a license to practice 46516  
under section 4730.25 of the Revised Code to which the applicant 46517  
has pleaded guilty, of which the applicant has been found guilty, 46518  
or for which the applicant has been found eligible for 46519  
intervention in lieu of conviction, since last signing an 46520  
application for a license to practice as a physician assistant. 46521

(B) To be eligible for renewal of a license, an applicant is 46522  
subject to all of the following: 46523

(1) The applicant must certify to the board that the 46524  
applicant has maintained certification by the national commission 46525  
on certification of physician assistants or a successor 46526  
organization that is recognized by the board by meeting the 46527  
standards to hold current certification from the commission or its 46528  
successor, including ~~completion of continuing medical education~~ 46529  
~~requirements and~~ passing periodic recertification examinations; 46530

(2) Except as provided in ~~division (F) of this section and~~ 46531

section 5903.12 of the Revised Code, the applicant must certify to 46532  
the board that the applicant ~~has completed during the current~~ 46533  
~~licensure period not less than one hundred hours of~~ is in 46534  
compliance with the continuing medical education acceptable to the 46535  
board requirements necessary to hold current certification from 46536  
the commission or its successor. 46537

(3) The applicant must comply with the renewal eligibility 46538  
requirements established under section 4730.49 of the Revised Code 46539  
that pertain to the applicant. 46540

~~(C) The board shall adopt rules in accordance with Chapter 46541  
119. of the Revised Code specifying the types of continuing 46542  
medical education that must be completed to fulfill the board's 46543  
requirements under division (B)(2) of this section. Except when 46544  
additional continuing medical education is required, as specified 46545  
in section 4730.49 of the Revised Code, the board shall not adopt 46546  
rules that require a physician assistant to complete in any 46547  
licensure period more than one hundred hours of continuing medical 46548  
education acceptable to the board. In fulfilling the board's 46549  
requirements, a physician assistant may use continuing medical 46550  
education courses or programs completed to maintain certification 46551  
by the national commission on certification of physician 46552  
assistants or a successor organization that is recognized by the 46553  
board if the standards for acceptable courses and programs of the 46554  
commission or its successor are at least equivalent to the 46555  
standards established by the board.~~ 46556

~~(D)~~ If an applicant submits a complete renewal application 46557  
and qualifies for renewal pursuant to division (B) of this 46558  
section, the board shall issue to the applicant a renewed license 46559  
to practice as a physician assistant. 46560

~~(E)~~(D) The board may require a random sample of physician 46561  
assistants to submit materials documenting certification both of 46562  
the following: 46563

(1) Certification by the national commission on certification 46564  
of physician assistants or a successor organization that is 46565  
recognized by the board ~~and completion of;~~ 46566

(2) Completion of the required number of hours of continuing 46567  
medical education required to hold current certification from the 46568  
commission or its successor. 46569

~~(F) The board shall provide for pro rata reductions by month 46570~~  
~~of the number of hours of continuing education that must be 46571~~  
~~completed for individuals who are in their first licensure period, 46572~~  
~~who have been disabled due to illness or accident, or who have 46573~~  
~~been absent from the country. The board shall adopt rules, in 46574~~  
~~accordance with Chapter 119. of the Revised Code, as necessary to 46575~~  
~~implement this division.~~ 46576

~~(G)(1)~~ Division (D) of this section does not limit the 46577  
board's authority to conduct investigations pursuant to section 46578  
4730.25 of the Revised Code. 46579

(E) A license to practice that is not renewed on or before 46580  
its expiration date is automatically suspended on its expiration 46581  
date. Continued practice after suspension of the license shall be 46582  
considered as practicing in violation of division (A) of section 46583  
4730.02 of the Revised Code. 46584

~~(2)(F)~~ (E) If a license has been suspended pursuant to division 46585  
~~(G)(1)~~ (E) of this section for two years or less, it may be 46586  
reinstated. The board shall reinstate a license suspended for 46587  
failure to renew upon an applicant's submission of a renewal 46588  
application, the biennial renewal fee, and any applicable monetary 46589  
penalty. 46590

If a license has been suspended pursuant to division 46591  
~~(G)(1)~~ (E) of this section for more than two years, it may be 46592  
restored. In accordance with section 4730.28 of the Revised Code, 46593  
the board may restore a license suspended for failure to renew 46594

upon an applicant's submission of a restoration application, the 46595  
biennial renewal fee, and any applicable monetary penalty and 46596  
compliance with sections 4776.01 to 4776.04 of the Revised Code. 46597  
The board shall not restore to an applicant a license to practice 46598  
as a physician assistant unless the board, in its discretion, 46599  
decides that the results of the criminal records check do not make 46600  
the applicant ineligible for a license issued pursuant to section 46601  
4730.12 of the Revised Code. 46602

The penalty for reinstatement shall be fifty dollars and the 46603  
penalty for restoration shall be one hundred dollars. The board 46604  
shall deposit penalties in accordance with section 4731.24 of the 46605  
Revised Code. 46606

~~(H) If an individual certifies that the individual has 46607  
completed the number of hours and type of continuing medical 46608  
education required for renewal or reinstatement of a license to 46609  
practice as a physician assistant, and the board finds through a 46610  
random sample conducted under division (E) of this section or 46611  
through any other means that the individual did not complete the 46612  
requisite continuing medical education, the board may impose a 46613  
civil penalty of not more than five thousand dollars. 46614~~

~~A civil penalty imposed under this division may be in 46615  
addition to or in lieu of any other action the board may take 46616  
under section 4730.25 of the Revised Code. The board shall deposit 46617  
civil penalties in accordance with section 4731.24 of the Revised 46618  
Code. The board shall not conduct an adjudication under Chapter 46619  
119. of the Revised Code if the board imposes only a civil penalty 46620~~

(G)(1) If, through a random sample conducted under division 46621  
(D) of this section or any other means, the board finds that an 46622  
individual who certified completion of the continuing medical 46623  
education required to renew, reinstate, or restore a license to 46624  
practice did not complete the requisite continuing medical 46625  
education, the board may do either of the following: 46626

(a) Take disciplinary action against the individual under section 4730.25 of the Revised Code, impose a civil penalty, or both; 46627  
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(b) Permit the individual to agree in writing to complete the continuing medical education and pay a civil penalty. 46630  
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(2) The board's finding in any disciplinary action taken under division (G)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 46632  
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(3) A civil penalty imposed under division (G)(1)(a) of this section or paid under division (G)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 46636  
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**Sec. 4730.19.** (A) Before initiating supervision of one or more physician assistants licensed under this chapter, a physician shall enter into a supervision agreement with each physician assistant who will be supervised. A supervision agreement may apply to one or more physician assistants, but, except as provided in division (B)(2)(e) of this section, may apply to not more than one physician. The supervision agreement shall specify that the physician agrees to supervise the physician assistant and the physician assistant agrees to practice under that physician's supervision. 46641  
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The agreement shall clearly state that the supervising physician is legally responsible and assumes legal liability for the services provided by the physician assistant. The agreement shall be signed by the physician and the physician assistant. 46651  
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(B) A supervision agreement shall include either or both of the following: 46655  
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(1) If a physician assistant will practice within a health care facility, the agreement shall include terms that require the physician assistant to practice in accordance with the policies of the health care facility.

(2) If a physician assistant will practice outside a health care facility, the agreement shall include terms that specify all of the following:

(a) The responsibilities to be fulfilled by the physician in supervising the physician assistant;

(b) The responsibilities to be fulfilled by the physician assistant when performing services under the physician's supervision;

(c) Any limitations on the responsibilities to be fulfilled by the physician assistant;

(d) The circumstances under which the physician assistant is required to refer a patient to the supervising physician;

(e) If the supervising physician chooses to designate physicians to act as alternate supervising physicians, the names, business addresses, and business telephone numbers of the physicians who have agreed to act in that capacity.

(C) A supervision agreement may be amended to modify the responsibilities of one or more physician assistants or to include one or more additional physician assistants.

(D) A The supervising physician who entered into a supervision agreement shall ~~be kept~~ retain a copy of the agreement in the records maintained by the supervising physician. Each physician assistant who entered into the supervision agreement shall retain a copy of the agreement in the records maintained by the physician assistant.

(E)(1) ~~The~~ If the board may impose a civil penalty of not

~~more than five thousand dollars if it finds,~~ through a review 46687  
conducted under this section or through any other means, any of 46688  
the following, the board may take disciplinary action against the 46689  
individual under section 4730.25 or 4731.22 of the Revised Code, 46690  
impose a civil penalty, or both: 46691

(a) That a physician assistant has practiced in a manner that 46692  
departs from, or fails to conform to, the terms of a supervision 46693  
agreement entered into under this section; 46694

(b) That a physician has supervised a physician assistant in 46695  
a manner that departs from, or fails to conform to, the terms of a 46696  
supervision agreement entered into under this section; 46697

(c) That a physician or physician assistant failed to comply 46698  
with division (A) or (B) of this section. 46699

(2) If the board finds, through a review conducted under this 46700  
section or through any other means, that a physician or physician 46701  
assistant failed to comply with division (D) of this section, the 46702  
board may do either of the following: 46703

(a) Take disciplinary action against the individual under 46704  
section 4730.25 or 4731.22 of the Revised Code, impose a civil 46705  
penalty, or both; 46706

(b) Permit the individual to agree in writing to update the 46707  
records to comply with division (D) of this section and pay a 46708  
civil penalty. 46709

(3) The board's finding in any disciplinary action taken 46710  
under division ~~(A)(1)(E)~~ of this section shall be made pursuant to 46711  
an adjudication conducted under Chapter 119. of the Revised Code. 46712  
A 46713

(4) A civil penalty imposed under that division may be in 46714  
addition to or in lieu of any other action the board may take 46715  
under section 4730.25 or 4731.22 of the Revised Code (E)(1) or 46716

(2)(a) of this section or paid under division (E)(2)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars and shall be deposited in accordance with section 4731.24 of the Revised Code.

**Sec. 4730.25.** (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as a physician assistant to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a physician assistant or prescriber number, refuse to issue a license to an applicant, refuse to renew a ~~certificate~~ license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Failure to practice in accordance with the supervising physician's supervision agreement with the physician assistant, including, if applicable, the policies of the health care facility in which the supervising physician and physician assistant are practicing;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or

physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(6) Administering drugs for purposes other than those authorized under this chapter;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(11) A plea of guilty to, a judicial finding of guilt of, or	46778
a judicial finding of eligibility for intervention in lieu of	46779
conviction for, a felony;	46780
(12) Commission of an act that constitutes a felony in this	46781
state, regardless of the jurisdiction in which the act was	46782
committed;	46783
(13) A plea of guilty to, a judicial finding of guilt of, or	46784
a judicial finding of eligibility for intervention in lieu of	46785
conviction for, a misdemeanor committed in the course of practice;	46786
(14) A plea of guilty to, a judicial finding of guilt of, or	46787
a judicial finding of eligibility for intervention in lieu of	46788
conviction for, a misdemeanor involving moral turpitude;	46789
(15) Commission of an act in the course of practice that	46790
constitutes a misdemeanor in this state, regardless of the	46791
jurisdiction in which the act was committed;	46792
(16) Commission of an act involving moral turpitude that	46793
constitutes a misdemeanor in this state, regardless of the	46794
jurisdiction in which the act was committed;	46795
(17) A plea of guilty to, a judicial finding of guilt of, or	46796
a judicial finding of eligibility for intervention in lieu of	46797
conviction for violating any state or federal law regulating the	46798
possession, distribution, or use of any drug, including	46799
trafficking in drugs;	46800
(18) Any of the following actions taken by the state agency	46801
responsible for regulating the practice of physician assistants in	46802
another state, for any reason other than the nonpayment of fees:	46803
the limitation, revocation, or suspension of an individual's	46804
license to practice; acceptance of an individual's license	46805
surrender; denial of a license; refusal to renew or reinstate a	46806
license; imposition of probation; or issuance of an order of	46807
censure or other reprimand;	46808

- (19) A departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a patient is established; 46809  
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- (20) Violation of the conditions placed by the board on a license to practice as a physician assistant; 46813  
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- (21) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 46815  
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- (22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 46818  
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- (23) Assisting suicide, as defined in section 3795.01 of the Revised Code; 46827  
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- (24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion; 46829  
46830
- (25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 46831  
46832  
46833
- (26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code; 46834  
46835  
46836  
46837
- (27) Having certification by the national commission on 46838

certification of physician assistants or a successor organization 46839  
expire, lapse, or be suspended or revoked; 46840

(28) The revocation, suspension, restriction, reduction, or 46841  
termination of clinical privileges by the United States department 46842  
of defense or department of veterans affairs or the termination or 46843  
suspension of a certificate of registration to prescribe drugs by 46844  
the drug enforcement administration of the United States 46845  
department of justice. 46846

(C) Disciplinary actions taken by the board under divisions 46847  
(A) and (B) of this section shall be taken pursuant to an 46848  
adjudication under Chapter 119. of the Revised Code, except that 46849  
in lieu of an adjudication, the board may enter into a consent 46850  
agreement with a physician assistant or applicant to resolve an 46851  
allegation of a violation of this chapter or any rule adopted 46852  
under it. A consent agreement, when ratified by an affirmative 46853  
vote of not fewer than six members of the board, shall constitute 46854  
the findings and order of the board with respect to the matter 46855  
addressed in the agreement. If the board refuses to ratify a 46856  
consent agreement, the admissions and findings contained in the 46857  
consent agreement shall be of no force or effect. 46858

(D) For purposes of divisions (B)(12), (15), and (16) of this 46859  
section, the commission of the act may be established by a finding 46860  
by the board, pursuant to an adjudication under Chapter 119. of 46861  
the Revised Code, that the applicant or license holder committed 46862  
the act in question. The board shall have no jurisdiction under 46863  
these divisions in cases where the trial court renders a final 46864  
judgment in the license holder's favor and that judgment is based 46865  
upon an adjudication on the merits. The board shall have 46866  
jurisdiction under these divisions in cases where the trial court 46867  
issues an order of dismissal upon technical or procedural grounds. 46868

(E) The sealing of conviction records by any court shall have 46869  
no effect upon a prior board order entered under the provisions of 46870

this section or upon the board's jurisdiction to take action under 46871  
the provisions of this section if, based upon a plea of guilty, a 46872  
judicial finding of guilt, or a judicial finding of eligibility 46873  
for intervention in lieu of conviction, the board issued a notice 46874  
of opportunity for a hearing prior to the court's order to seal 46875  
the records. The board shall not be required to seal, destroy, 46876  
redact, or otherwise modify its records to reflect the court's 46877  
sealing of conviction records. 46878

(F) For purposes of this division, any individual who holds a 46879  
license issued under this chapter, or applies for a license issued 46880  
under this chapter, shall be deemed to have given consent to 46881  
submit to a mental or physical examination when directed to do so 46882  
in writing by the board and to have waived all objections to the 46883  
admissibility of testimony or examination reports that constitute 46884  
a privileged communication. 46885

(1) In enforcing division (B)(4) of this section, the board, 46886  
upon a showing of a possible violation, may compel any individual 46887  
who holds a license issued under this chapter or who has applied 46888  
for a license pursuant to this chapter to submit to a mental 46889  
examination, physical examination, including an HIV test, or both 46890  
a mental and physical examination. The expense of the examination 46891  
is the responsibility of the individual compelled to be examined. 46892  
Failure to submit to a mental or physical examination or consent 46893  
to an HIV test ordered by the board constitutes an admission of 46894  
the allegations against the individual unless the failure is due 46895  
to circumstances beyond the individual's control, and a default 46896  
and final order may be entered without the taking of testimony or 46897  
presentation of evidence. If the board finds a physician assistant 46898  
unable to practice because of the reasons set forth in division 46899  
(B)(4) of this section, the board shall require the physician 46900  
assistant to submit to care, counseling, or treatment by 46901  
physicians approved or designated by the board, as a condition for 46902

an initial, continued, reinstated, or renewed license. An 46903  
individual affected under this division shall be afforded an 46904  
opportunity to demonstrate to the board the ability to resume 46905  
practicing in compliance with acceptable and prevailing standards 46906  
of care. 46907

(2) For purposes of division (B)(5) of this section, if the 46908  
board has reason to believe that any individual who holds a 46909  
license issued under this chapter or any applicant for a license 46910  
suffers such impairment, the board may compel the individual to 46911  
submit to a mental or physical examination, or both. The expense 46912  
of the examination is the responsibility of the individual 46913  
compelled to be examined. Any mental or physical examination 46914  
required under this division shall be undertaken by a treatment 46915  
provider or physician qualified to conduct such examination and 46916  
chosen by the board. 46917

Failure to submit to a mental or physical examination ordered 46918  
by the board constitutes an admission of the allegations against 46919  
the individual unless the failure is due to circumstances beyond 46920  
the individual's control, and a default and final order may be 46921  
entered without the taking of testimony or presentation of 46922  
evidence. If the board determines that the individual's ability to 46923  
practice is impaired, the board shall suspend the individual's 46924  
license or deny the individual's application and shall require the 46925  
individual, as a condition for initial, continued, reinstated, or 46926  
renewed licensure, to submit to treatment. 46927

Before being eligible to apply for reinstatement of a license 46928  
suspended under this division, the physician assistant shall 46929  
demonstrate to the board the ability to resume practice or 46930  
prescribing in compliance with acceptable and prevailing standards 46931  
of care. The demonstration shall include the following: 46932

(a) Certification from a treatment provider approved under 46933  
section 4731.25 of the Revised Code that the individual has 46934

successfully completed any required inpatient treatment; 46935

(b) Evidence of continuing full compliance with an aftercare 46936  
contract or consent agreement; 46937

(c) Two written reports indicating that the individual's 46938  
ability to practice has been assessed and that the individual has 46939  
been found capable of practicing according to acceptable and 46940  
prevailing standards of care. The reports shall be made by 46941  
individuals or providers approved by the board for making such 46942  
assessments and shall describe the basis for their determination. 46943

The board may reinstate a license suspended under this 46944  
division after such demonstration and after the individual has 46945  
entered into a written consent agreement. 46946

When the impaired physician assistant resumes practice or 46947  
prescribing, the board shall require continued monitoring of the 46948  
physician assistant. The monitoring shall include compliance with 46949  
the written consent agreement entered into before reinstatement or 46950  
with conditions imposed by board order after a hearing, and, upon 46951  
termination of the consent agreement, submission to the board for 46952  
at least two years of annual written progress reports made under 46953  
penalty of falsification stating whether the physician assistant 46954  
has maintained sobriety. 46955

(G) If the secretary and supervising member determine that 46956  
there is clear and convincing evidence that a physician assistant 46957  
has violated division (B) of this section and that the 46958  
individual's continued practice or prescribing presents a danger 46959  
of immediate and serious harm to the public, they may recommend 46960  
that the board suspend the individual's license without a prior 46961  
hearing. Written allegations shall be prepared for consideration 46962  
by the board. 46963

The board, upon review of those allegations and by an 46964  
affirmative vote of not fewer than six of its members, excluding 46965

the secretary and supervising member, may suspend a license 46966  
without a prior hearing. A telephone conference call may be 46967  
utilized for reviewing the allegations and taking the vote on the 46968  
summary suspension. 46969

The board shall issue a written order of suspension by 46970  
certified mail or in person in accordance with section 119.07 of 46971  
the Revised Code. The order shall not be subject to suspension by 46972  
the court during pendency of any appeal filed under section 119.12 46973  
of the Revised Code. If the physician assistant requests an 46974  
adjudicatory hearing by the board, the date set for the hearing 46975  
shall be within fifteen days, but not earlier than seven days, 46976  
after the physician assistant requests the hearing, unless 46977  
otherwise agreed to by both the board and the license holder. 46978

A summary suspension imposed under this division shall remain 46979  
in effect, unless reversed on appeal, until a final adjudicative 46980  
order issued by the board pursuant to this section and Chapter 46981  
119. of the Revised Code becomes effective. The board shall issue 46982  
its final adjudicative order within sixty days after completion of 46983  
its hearing. Failure to issue the order within sixty days shall 46984  
result in dissolution of the summary suspension order, but shall 46985  
not invalidate any subsequent, final adjudicative order. 46986

(H) If the board takes action under division (B)(11), (13), 46987  
or (14) of this section, and the judicial finding of guilt, guilty 46988  
plea, or judicial finding of eligibility for intervention in lieu 46989  
of conviction is overturned on appeal, upon exhaustion of the 46990  
criminal appeal, a petition for reconsideration of the order may 46991  
be filed with the board along with appropriate court documents. 46992  
Upon receipt of a petition and supporting court documents, the 46993  
board shall reinstate the individual's license. The board may then 46994  
hold an adjudication under Chapter 119. of the Revised Code to 46995  
determine whether the individual committed the act in question. 46996  
Notice of opportunity for hearing shall be given in accordance 46997

with Chapter 119. of the Revised Code. If the board finds, 46998  
pursuant to an adjudication held under this division, that the 46999  
individual committed the act, or if no hearing is requested, it 47000  
may order any of the sanctions identified under division (B) of 47001  
this section. 47002

(I) The license to practice issued to a physician assistant 47003  
and the physician assistant's practice in this state are 47004  
automatically suspended as of the date the physician assistant 47005  
pleads guilty to, is found by a judge or jury to be guilty of, or 47006  
is subject to a judicial finding of eligibility for intervention 47007  
in lieu of conviction in this state or treatment or intervention 47008  
in lieu of conviction in another state for any of the following 47009  
criminal offenses in this state or a substantially equivalent 47010  
criminal offense in another jurisdiction: aggravated murder, 47011  
murder, voluntary manslaughter, felonious assault, kidnapping, 47012  
rape, sexual battery, gross sexual imposition, aggravated arson, 47013  
aggravated robbery, or aggravated burglary. Continued practice 47014  
after the suspension shall be considered practicing without a 47015  
license. 47016

The board shall notify the individual subject to the 47017  
suspension by certified mail or in person in accordance with 47018  
section 119.07 of the Revised Code. If an individual whose license 47019  
is suspended under this division fails to make a timely request 47020  
for an adjudication under Chapter 119. of the Revised Code, the 47021  
board shall enter a final order permanently revoking the 47022  
individual's license to practice. 47023

(J) In any instance in which the board is required by Chapter 47024  
119. of the Revised Code to give notice of opportunity for hearing 47025  
and the individual subject to the notice does not timely request a 47026  
hearing in accordance with section 119.07 of the Revised Code, the 47027  
board is not required to hold a hearing, but may adopt, by an 47028  
affirmative vote of not fewer than six of its members, a final 47029

order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the physician assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue to an applicant a license to practice as a physician assistant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold the license and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a license in accordance with section 4730.14 of the Revised Code shall not remove or limit

the board's jurisdiction to take disciplinary action under this 47061  
section against the individual. 47062

~~Sec. 4730.28. (A) An individual whose license to practice as 47063  
a physician assistant issued under this chapter has been suspended 47064  
or is in an inactive state for any cause for more than two years 47065  
may apply to the state medical board to have the license restored. 47066~~

~~(B)(1) The board shall not restore a license under this 47067  
section unless the applicant complies with sections 4776.01 to 47068  
4776.04 of the Revised Code. The board shall determine the 47069  
applicant's present fitness to resume practice. The board shall 47070  
consider the moral background and the activities of the applicant 47071  
during the period of suspension or inactivity. 47072~~

~~(2) When restoring a license, the board may impose terms and 47073  
conditions, including the following: 47074~~

~~(a) Requiring the applicant to obtain additional training and 47075  
pass an examination upon completion of the training; 47076~~

~~(b) Restricting or limiting the extent, scope, or type of 47077  
practice as a physician assistant that the individual may resume 47078  
This section applies to both of the following: 47079~~

~~(1) An applicant seeking restoration of a license issued 47080  
under this chapter that has been in a suspended or inactive state 47081  
for any cause for more than two years; 47082~~

~~(2) An applicant seeking issuance of a license pursuant to 47083  
this chapter who for more than two years has not been practicing 47084  
as a physician assistant as either of the following: 47085~~

~~(a) An active practitioner; 47086~~

~~(b) A student in a program as described in division (B) or 47087  
(C) of section 4730.11 of the Revised Code. 47088~~

~~(B) Before issuing a license to an applicant subject to this 47089~~

section or restoring a license to good standing for an applicant 47090  
subject to this section, the state medical board may impose terms 47091  
and conditions including any one or more of the following: 47092

(1) Requiring the applicant to pass an oral or written 47093  
examination, or both, to determine the applicant's present fitness 47094  
to resume practice; 47095

(2) Requiring the applicant to obtain additional training and 47096  
to pass an examination upon completion of such training; 47097

(3) Requiring an assessment of the applicant's physical 47098  
skills for purposes of determining whether the applicant's 47099  
coordination, fine motor skills, and dexterity are sufficient for 47100  
performing evaluations and procedures in a manner that meets the 47101  
minimal standards of care; 47102

(4) Requiring an assessment of the applicant's skills in 47103  
recognizing and understanding diseases and conditions; 47104

(5) Requiring the applicant to undergo a comprehensive 47105  
physical examination, which may include an assessment of physical 47106  
abilities, evaluation of sensory capabilities, or screening for 47107  
the presence of neurological disorders; 47108

(6) Restricting or limiting the extent, scope, or type of 47109  
practice of the applicant. 47110

The board shall consider the moral background and the 47111  
activities of the applicant during the period of suspension or 47112  
inactivity. The board shall not issue or restore a license under 47113  
this section unless the applicant complies with sections 4776.01 47114  
to 4776.04 of the Revised Code. 47115

**Sec. 4730.43.** (A) A physician assistant who holds a valid 47116  
prescriber number issued by the state medical board and has been 47117  
granted physician-delegated prescriptive authority may personally 47118  
furnish to a patient samples of drugs and therapeutic devices that 47119

are included in the physician assistant's physician-delegated prescriptive authority, subject to all of the following: 47120  
47121

(1) The amount of the sample furnished shall not exceed a seventy-two-hour supply, except when the minimum available quantity of the sample is packaged in an amount that is greater than a seventy-two-hour supply, in which case the physician assistant may furnish the sample in the package amount. 47122  
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(2) No charge may be imposed for the sample or for furnishing it. 47127  
47128

(3) Samples of controlled substances may not be personally furnished. 47129  
47130

(B) A physician assistant who holds a valid prescriber number issued by the state medical board and has been granted physician-delegated prescriptive authority may personally furnish to a patient a complete or partial supply of the drugs and therapeutic devices that are included in the physician assistant's physician-delegated prescriptive authority, subject to all of the following: 47131  
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(1) The physician assistant shall personally furnish only antibiotics, antifungals, scabicides, contraceptives, prenatal vitamins, antihypertensives, drugs and devices used in the treatment of diabetes, drugs and devices used in the treatment of asthma, and drugs used in the treatment of dyslipidemia. 47138  
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(2) The physician assistant shall not furnish the drugs and devices in locations other than a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code, a federally funded comprehensive primary care clinic, or a nonprofit health care clinic or program. 47143  
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(3) The physician assistant shall comply with all standards 47149

and procedures for personally furnishing supplies of drugs and 47150  
devices, as established in rules adopted under section 4730.39 of 47151  
the Revised Code. 47152

**Sec. 4730.49.** (A) To be eligible for renewal of a license to 47153  
practice as a physician assistant, an applicant who has been 47154  
granted physician-delegated prescriptive authority is subject to 47155  
both of the following: 47156

(1) The applicant shall complete every two years at least 47157  
twelve hours of continuing education in pharmacology obtained 47158  
through a program or course approved by the state medical board or 47159  
a person the board has authorized to approve continuing 47160  
pharmacology education programs and courses. Except as provided ~~in~~ 47161  
~~division (B) of this section and~~ in section 5903.12 of the Revised 47162  
Code, the continuing education shall be completed not later than 47163  
the ~~thirty first day of January of each even numbered year~~ date on 47164  
which the applicant's license expires. 47165

(2)(a) Except as provided in division (A)(2)(b) of this 47166  
section, in the case of an applicant who prescribes opioid 47167  
analgesics or benzodiazepines, as defined in section 3719.01 of 47168  
the Revised Code, the applicant shall certify to the board whether 47169  
the applicant has been granted access to the drug database 47170  
established and maintained by the state board of pharmacy pursuant 47171  
to section 4729.75 of the Revised Code. 47172

(b) The requirement described in division (A)(2)(a) of this 47173  
section does not apply if any of the following is the case: 47174

(i) The state board of pharmacy notifies the state medical 47175  
board pursuant to section 4729.861 of the Revised Code that the 47176  
applicant has been restricted from obtaining further information 47177  
from the drug database. 47178

(ii) The state board of pharmacy no longer maintains the drug 47179

database. 47180

(iii) The applicant does not practice as a physician 47181  
assistant in this state. 47182

(c) If an applicant certifies to the state medical board that 47183  
the applicant has been granted access to the drug database and the 47184  
board finds through an audit or other means that the applicant has 47185  
not been granted access, the board may take action under section 47186  
4730.25 of the Revised Code. 47187

(B) The state medical board shall provide for pro rata 47188  
reductions by month of the number of hours of continuing education 47189  
in pharmacology that is required to be completed for physician 47190  
assistants ~~who are in their first licensure period after~~ 47191  
~~completing the period of supervision required under section~~ 47192  
~~4730.44 of the Revised Code,~~ who have been disabled due to illness 47193  
or accident, or ~~who~~ have been absent from the country. The board 47194  
shall adopt rules, in accordance with Chapter 119. of the Revised 47195  
Code, as necessary to implement this division. 47196

(C) The continuing education required by this section is in 47197  
addition to the continuing education required under section 47198  
4730.14 of the Revised Code. 47199

(D) If the board chooses to authorize persons to approve 47200  
continuing pharmacology education programs and courses, it shall 47201  
establish standards for granting that authority and grant the 47202  
authority in accordance with the standards. 47203

**Sec. 4731.04.** As used in this chapter: 47204

(A) "Cosmetic therapy" means the permanent removal of hair 47205  
from the human body through the use of electric modalities 47206  
approved by the state medical board for use in cosmetic therapy 47207  
and may include the systematic friction, stroking, slapping, and 47208  
kneading or tapping of the face, neck, scalp, or shoulders. 47209

(B) "Fifth pathway training" means supervised clinical training obtained in the United States as a substitute for the internship or social service requirements of a foreign medical school.

(C) "Graduate medical education" means education received through any of the following:

(1) An internship ~~or~~, residency, or clinical fellowship program conducted in the United States and accredited by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association;

(2) A clinical fellowship program that is not accredited as described in division (C)(1) of this section, but is conducted in the United States at an institution with a residency program that is accredited ~~by either the accreditation council for graduate medical education of the American medical association or the American osteopathic association that~~ as described in that division and is in a clinical field the same as or related to the clinical field of the fellowship program;

(3) An internship program conducted in Canada and accredited by the committee on accreditation of preregistration physician training programs of the federation of provincial medical licensing authorities of Canada;

(4) A residency program conducted in Canada and accredited by either the royal college of physicians and surgeons of Canada or the college of family physicians of Canada.

(D) "Massage therapy" means the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal

physiologic range of motion; and adjunctive thereto, the external 47241  
application of water, heat, cold, topical preparations, and 47242  
mechanical devices. 47243

**Sec. 4731.05.** (A) The state medical board shall adopt rules 47244  
in accordance with Chapter 119. of the Revised Code to carry out 47245  
the purposes of this chapter. All adjudicative proceedings of the 47246  
state medical board shall be conducted in accordance with Chapter 47247  
119. of the Revised Code. 47248

(B) The state medical board shall appoint an executive 47249  
director who shall be in the unclassified service of the state. 47250  
The board may appoint other employees of the board as are 47251  
necessary and shall prescribe their titles and duties. 47252

(C) The state medical board shall develop requirements for 47253  
and provide appropriate initial and continuing training for 47254  
investigators employed by the board to carry out its duties under 47255  
Chapter 4731. of the Revised Code. The training and continuing 47256  
education may include enrollment in courses operated or approved 47257  
by the Ohio peace officer training commission that the board 47258  
considers appropriate under conditions set forth in section 109.79 47259  
of the Revised Code. 47260

(D)(1) The state medical board shall adopt internal 47261  
management rules pursuant to section 111.15 of the Revised Code. 47262  
The rules shall set forth criteria for assessing the board's 47263  
accomplishments, activities, and performance data, including 47264  
metrics detailing the board's revenues and reimbursements; budget 47265  
distribution; investigation and licensing activity, including 47266  
issuance of licenses and processing time frames; and enforcement 47267  
data, including processing time frames. The board shall include 47268  
the assessment in the annual report required by section 149.01 of 47269  
the Revised Code. 47270

(2) The state medical board shall cause the internal 47271

management rules and annual report described in division (D)(1) of 47272  
this section to be publicly accessible on the state medical 47273  
board's web site. 47274

**Sec. 4731.07.** (A) The state medical board shall keep a record 47275  
of its proceedings. The minutes of a meeting of the board shall, 47276  
on approval by the board, constitute an official record of its 47277  
proceedings. 47278

(B) The board shall keep a register of applicants for 47279  
licenses and certificates issued under this chapter and Chapters 47280  
4760., 4762., and 4774. of the Revised Code and; licenses issued 47281  
under this chapter and Chapters 4730., 4759., 4761., 4760., 4762., 47282  
4774., and 4778.; and licenses and limited permits issued under 47283  
Chapters 4759. and 4761. of the Revised Code. The register shall 47284  
show the name of the applicant and whether the applicant was 47285  
granted or refused a certificate or the license, certificate, or 47286  
limited permit being sought. With 47287

With respect to applicants to practice medicine and surgery 47288  
or osteopathic medicine and surgery, the register shall show the 47289  
name of the institution that granted the applicant the degree of 47290  
doctor of medicine or osteopathic medicine. With respect to 47291  
applicants to practice respiratory care, the register shall show 47292  
the addresses of the person's last known place of business and 47293  
residence, the effective date and identification number of the 47294  
license or limited permit, and, if applicable, the name and 47295  
location of the institution that granted the person's degree or 47296  
certificate of completion of respiratory care educational 47297  
requirements, and the date the degree or certificate of completion 47298  
was issued. ~~The~~ 47299

(C) The books and records of the board shall be prima-facie 47300  
evidence of matters therein contained. 47301

**Sec. 4731.14.** (A) The state medical board shall review all 47302  
applications submitted under section 4731.09 ~~or 4731.296~~ of the 47303  
Revised Code and determine whether each applicant meets the 47304  
requirements for a license to practice medicine and surgery or 47305  
osteopathic medicine and surgery. ~~An affirmative vote of not fewer~~ 47306  
~~than six members of the board is necessary for the board to~~ 47307  
~~determine that an applicant meets the requirements for a license.~~ 47308

(B) If the board determines that the evidence submitted with 47309  
an application is satisfactory and the applicant meets the 47310  
requirements for a license, the board shall issue to the applicant 47311  
a license to practice medicine and surgery or osteopathic medicine 47312  
and surgery, as applicable. If the applicant holds a medical 47313  
degree other than the degree of doctor of medicine or doctor of 47314  
osteopathic medicine, the license shall indicate that the 47315  
applicant is authorized to practice medicine and surgery pursuant 47316  
to the laws of this state. Each license issued by the board shall 47317  
be signed by its president and secretary, and attested by its 47318  
seal. 47319

(C) The holder of a license to practice medicine and surgery 47320  
issued under this chapter may use the titles "Dr.," "doctor," 47321  
"M.D.," or "physician." The holder of a license to practice 47322  
osteopathic medicine and surgery issued under this chapter may use 47323  
the titles "Dr.," "doctor," "D.O.," or "physician." 47324

(D) The holder of a license issued under this section shall 47325  
either provide verification of licensure status from the board's 47326  
internet web site on request or prominently display a wall 47327  
certificate in the license holder's office or place where the 47328  
majority of the holder's practice is conducted. 47329

**Sec. 4731.15.** (A) The state medical board also shall regulate 47330  
the following limited branches of medicine: massage therapy and 47331

cosmetic therapy, and to the extent specified in section 4731.151 47332  
of the Revised Code, naprapathy and mechanotherapy. The board 47333  
shall adopt rules governing the limited branches of medicine under 47334  
its jurisdiction. The rules shall be adopted in accordance with 47335  
Chapter 119. of the Revised Code. 47336

(B) A ~~eertificate~~ license to practice a limited branch of 47337  
medicine issued by the state medical board is valid for a two-year 47338  
period, ~~except when an initial certificate is issued for a shorter~~ 47339  
~~period or when division (C)(2) of this section is applicable~~ 47340  
unless revoked or suspended and expires on the date that is two 47341  
years after the date of issuance. The ~~eertificate~~ license may be 47342  
renewed for additional two-year periods in accordance with 47343  
division (C) of this section. 47344

~~(C)(1) Except as provided in division (C)(2) of this section,~~ 47345  
~~both~~ Both of the following apply with respect to the renewal of 47346  
~~eertificates~~ licenses to practice a limited branch of medicine: 47347

~~(a)(1)~~ Each person seeking to renew a ~~eertificate~~ license to 47348  
practice a limited branch of medicine shall apply for biennial 47349  
renewal with the state medical board in a manner prescribed by the 47350  
board. An applicant for renewal shall pay a biennial renewal fee 47351  
of one hundred dollars. 47352

~~(b)(2)~~ At least one month before a ~~eertificate~~ license 47353  
expires, the board shall provide a renewal notice to the 47354  
~~eertificate~~ license holder. 47355

~~(2) The board shall implement a staggered renewal system that~~ 47356  
~~is substantially similar to the staggered renewal system the board~~ 47357  
~~uses under division (A) of section 4731.281 of the Revised Code.~~ 47358

(D) All persons who hold a ~~eertificate~~ license to practice a 47359  
limited branch of medicine issued by the state medical board shall 47360  
provide the board notice of any change of address. The notice 47361  
shall be submitted to the board not later than thirty days after 47362

the change of address. 47363

(E) A ~~certificate~~ license to practice a limited branch of 47364  
medicine shall be automatically suspended if the ~~certificate~~ 47365  
license holder fails to renew the ~~certificate~~ license in 47366  
accordance with division (C) of this section. Continued practice 47367  
after the suspension of the ~~certificate~~ license to practice shall 47368  
be considered as practicing in violation of sections 4731.34 and 47369  
4731.41 of the Revised Code. 47370

If a ~~certificate to practice~~ license has been suspended 47371  
pursuant to this division for two years or less, it may be 47372  
reinstated. The board shall reinstate the ~~certificate~~ license upon 47373  
an applicant's submission of a renewal application and payment of 47374  
a reinstatement fee of one hundred twenty-five dollars. With 47375  
regard to reinstatement of a ~~certificate~~ license to practice 47376  
cosmetic therapy, the applicant also shall submit with the 47377  
application a certification that the number of hours of continuing 47378  
education necessary to have a suspended ~~certificate~~ license 47379  
reinstated have been completed, as specified in rules the board 47380  
shall adopt in accordance with Chapter 119. of the Revised Code. 47381

If a ~~certificate~~ license has been suspended pursuant to this 47382  
division for more than two years, it may be restored. Subject to 47383  
section 4731.222 of the Revised Code, the board may restore the 47384  
~~certificate~~ license upon an applicant's submission of a 47385  
restoration application and a restoration fee of one hundred fifty 47386  
dollars and compliance with sections 4776.01 to 4776.04 of the 47387  
Revised Code. The board shall not restore to an applicant a 47388  
~~certificate~~ license to practice unless the board, in its 47389  
discretion, decides that the results of the criminal records check 47390  
do not make the applicant ineligible for a ~~certificate~~ license 47391  
issued pursuant to section 4731.17 of the Revised Code. 47392

**Sec. 4731.155.** (A) The state medical board may adopt rules 47393

that establish continuing education requirements for renewal under 47394  
section 4731.15 of the Revised Code of a ~~certificate~~ license to 47395  
practice a limited branch of medicine. The rules shall be adopted 47396  
in accordance with Chapter 119. of the Revised Code. 47397

(B)(1) If the board adopts rules establishing continuing 47398  
education requirements for holders of licenses to practice a 47399  
limited branch of medicine, the board may require a holder to 47400  
certify to the board that the holder has satisfied the continuing 47401  
education requirements. 47402

(2) The board may require a random sample of license holders 47403  
to submit materials documenting that the continuing education 47404  
requirements adopted under this section have been satisfied. 47405

Division (B)(2) of this section does not limit the board's 47406  
authority to conduct investigations pursuant to section 4731.22 of 47407  
the Revised Code. 47408

(3) If, through a random sample conducted under division 47409  
(B)(2) of this section or any other means, the board finds that an 47410  
individual who certified completion of the number of hours and 47411  
type of continuing education required to renew, reinstate, or 47412  
restore a license to practice did not complete the requisite 47413  
continuing education, the board may do either of the following: 47414

(a) Take disciplinary action against the individual under 47415  
section 4731.22 of the Revised Code, impose a civil penalty, or 47416  
both; 47417

(b) Permit the individual to agree in writing to complete the 47418  
continuing education and pay a civil penalty. 47419

(4) The board's finding in any disciplinary action taken 47420  
under division (B)(3)(a) of this section shall be made pursuant to 47421  
an adjudication under Chapter 119. of the Revised Code and by an 47422  
affirmative vote of not fewer than six of its members. 47423

(5) A civil penalty imposed under division (B)(3)(a) of this section or paid under division (B)(3)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code.

**Sec. 4731.17.** (A) The state medical board shall review all applications received under section 4731.19 of the Revised Code. The board shall determine whether an applicant meets the requirements for a certificate license to practice the applicable limited branch of medicine. ~~An affirmative vote of not fewer than six members of the board is required to determine that an applicant meets the requirements for a certificate.~~

(B) If the board determines that the applicant meets the requirements for a certificate license and that the documentation required for a certificate license is acceptable, the board shall issue to the applicant the appropriate certificate license to practice. Each certificate license shall be signed by the president and secretary of the board and attested by its seal.

(C) A certificate license shall authorize the holder to practice the limited branch of medicine for which the certificate license was issued. No person who holds a certificate license to practice a limited branch of medicine issued by the board under this section shall do any of the following:

(1) Practice a limited branch of medicine other than the limited branch of medicine for which the certificate license was issued;

(2) Treat infectious, contagious, or venereal diseases;

(3) Prescribe or administer drugs;

(4) Perform surgery or practice medicine in any other form.

**Sec. 4731.171.** In addition to any other eligibility 47453  
requirement set forth in this chapter, each applicant for a 47454  
~~certificate~~ license to practice massage therapy or cosmetic 47455  
therapy shall comply with sections 4776.01 to 4776.04 of the 47456  
Revised Code. The state medical board shall not grant to an 47457  
applicant a ~~certificate~~ license to practice massage therapy or 47458  
cosmetic therapy unless the board, in its discretion, decides that 47459  
the results of the criminal records check do not make the 47460  
applicant ineligible for a ~~certificate~~ license issued pursuant to 47461  
section 4731.17 of the Revised Code. 47462

**Sec. 4731.19.** (A) A person seeking a ~~certificate~~ license to 47463  
practice a limited branch of medicine shall file with the state 47464  
medical board an application in a manner prescribed by the board. 47465  
The application shall include or be accompanied by all of the 47466  
following: 47467

(1) Evidence that the applicant is at least eighteen years of 47468  
age and of good moral character; 47469

(2) Evidence that the applicant has attained high school 47470  
graduation or its equivalent; 47471

(3) Evidence that the applicant holds one of the following: 47472

(a) A diploma or certificate from a school, college, or 47473  
institution in good standing as determined by the board, showing 47474  
the completion of the required courses of instruction; 47475

(b) A diploma or certificate from a school, college, or 47476  
institution in another state or jurisdiction showing completion of 47477  
a course of instruction that meets course requirements determined 47478  
by the board through rules adopted under section 4731.05 of the 47479  
Revised Code; 47480

(c) ~~For not less than five years~~ During the five-year period 47481  
immediately preceding the date of application, a current license, 47482

registration, or certificate in good standing in another state for 47483  
massage therapy or cosmetic therapy. 47484

(4) Evidence that the applicant has successfully passed an 47485  
examination, prescribed in rules described in section 4731.16 of 47486  
the Revised Code, to determine competency to practice the 47487  
applicable limited branch of medicine; 47488

(5) An attestation that the information submitted under this 47489  
section is accurate and truthful and that the applicant consents 47490  
to release of information; 47491

(6) Any other information the board requires. 47492

(B) An applicant for a ~~certificate~~ license to practice a 47493  
limited branch of medicine shall comply with the requirements of 47494  
section 4731.171 of the Revised Code. 47495

(C) At the time of making application for a ~~certificate~~ 47496  
license to practice a limited branch of medicine, the applicant 47497  
shall pay to the board a fee of one hundred fifty dollars, no part 47498  
of which shall be returned. No application shall be considered 47499  
filed until the board receives the appropriate fee. 47500

(D) The board may investigate the application materials 47501  
received under this section and contact any agency or organization 47502  
for recommendations or other information about the applicant. 47503

**Sec. 4731.222.** (A) This section applies to both of the 47504  
following: 47505

(1) An applicant seeking restoration of a license or 47506  
certificate issued under this chapter that has been in a suspended 47507  
or inactive state for any cause for more than two years; 47508

(2) An applicant seeking issuance of a license or certificate 47509  
pursuant to this chapter who for more than two years has not been 47510  
engaged in the practice of medicine and surgery, osteopathic 47511  
medicine and surgery, podiatric medicine and surgery, or a limited 47512

branch of medicine as any of the following:	47513
(a) An active practitioner;	47514
(b) A participant in a program of graduate medical education, as defined in section 4731.04 of the Revised Code;	47515 47516
(c) A participant in a podiatric internship, residency, or clinical fellowship program;	47517 47518
(d) A student in a college of podiatry determined by the state medical board to be in good standing;	47519 47520
(e) A student in a school, college, or institution giving instruction in a limited branch of medicine determined by the board to be in good standing under section 4731.16 of the Revised Code.	47521 47522 47523 47524
(B) Before <del>restoring a license or certificate to good standing for or</del> issuing a license or certificate to an applicant subject to this section <u>or restoring a license or certificate to good standing for an applicant subject to this section</u> , the state medical board may impose terms and conditions including any one or more of the following:	47525 47526 47527 47528 47529 47530
(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;	47531 47532 47533
(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;	47534 47535
(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing medical evaluations and procedures in a manner that meets the minimal standards of care;	47536 47537 47538 47539 47540
(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions;	47541 47542

(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders;

(6) Restricting or limiting the extent, scope, or type of practice of the applicant.

The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity, in accordance with section 4731.09, 4731.19, or 4731.52 of the Revised Code. The board shall not issue or restore a license or certificate under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code.

**Sec. 4731.228.** (A) As used in this section:

(1) "Federally qualified health center" has the same meaning as in section 3701.047 of the Revised Code.

(2) "Federally qualified health center look-alike" has the same meaning as in section 3701.047 of the Revised Code.

(3) "Health care entity" means any of the following that employs a physician to provide physician services:

(a) A hospital registered with the department of health under section 3701.07 of the Revised Code;

(b) A corporation formed under division (B) of section 1701.03 of the Revised Code;

(c) A corporation formed under Chapter 1702. of the Revised Code;

(d) A limited liability company formed under Chapter 1705. of the Revised Code;

(e) A health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code;

(f) A partnership;	47572
(g) A professional association formed under Chapter 1785. of the Revised Code.	47573 47574
(4) "Physician" means an individual authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.	47575 47576 47577
(5) "Physician services" means direct patient care services provided by a physician <del>pursuant to a certificate issued to the physician by the state medical board.</del>	47578 47579 47580
(6) "Termination" means the end of a physician's employment with a health care entity for any reason.	47581 47582
(B) This section applies when a physician's employment with a health care entity to provide physician services is terminated for any reason, unless the physician continues to provide medical services for patients of the health care entity on an independent contractor basis.	47583 47584 47585 47586 47587
(C)(1) Except as provided in division (C)(2) of this section, a health care entity shall send notice of the termination of a physician's employment to each patient who received physician services from the physician in the two-year period immediately preceding the date of employment termination. Only patients of the health care entity who received services from the physician are to receive the notice.	47588 47589 47590 47591 47592 47593 47594
(2) If the health care entity provides to the physician a list of patients treated and patient contact information, the health care entity may require the physician to send the notice required by this section.	47595 47596 47597 47598
(D) The notice provided under division (C) of this section shall be provided not later than the date of termination or thirty days after the health care entity has actual knowledge of	47599 47600 47601

termination or resignation of the physician, whichever is later. 47602  
The notice shall be provided in accordance with rules adopted by 47603  
the state medical board under section 4731.05 of the Revised Code. 47604  
The notice shall include at least all of the following: 47605

(1) A notice to the patient that the physician will no longer 47606  
be practicing medicine as an employee of the health care entity; 47607

(2) Except in situations in which the health care entity has 47608  
a good faith concern that the physician's conduct or the medical 47609  
care provided by the physician would jeopardize the health and 47610  
safety of patients, the physician's name and, if known by the 47611  
health care entity, information provided by the physician that the 47612  
patient may use to contact the physician; 47613

(3) The date on which the physician ceased or will cease to 47614  
practice as an employee of the health care entity; 47615

(4) Contact information for an alternative physician or 47616  
physicians employed by the health care entity or contact 47617  
information for a group practice that can provide care for the 47618  
patient; 47619

(5) Contact information that enables the patient to obtain 47620  
information on the patient's medical records. 47621

(E) The requirements of this section do not apply to any of 47622  
the following: 47623

(1) A physician rendering services to a patient on an 47624  
episodic basis or in an emergency department or urgent care 47625  
center, when it should not be reasonably expected that related 47626  
medical services will be rendered by the physician to the patient 47627  
in the future; 47628

(2) A medical director or other physician providing services 47629  
in a similar capacity to a medical director to patients through a 47630  
hospice care program licensed pursuant to section 3712.04 of the 47631

Revised Code. 47632

(3) Medical residents, interns, and fellows who work in 47633  
hospitals, health systems, federally qualified health centers, and 47634  
federally qualified health center look-alikes as part of their 47635  
medical education and training. 47636

(4) A physician providing services to a patient through a 47637  
community mental health ~~agency~~ services provider certified by the 47638  
director of mental health and addiction services under section 47639  
~~5119.611~~ 5119.36 of the Revised Code or ~~an alcohol and drug~~ 47640  
~~addiction program~~ a community addiction services provider 47641  
certified by the ~~department of alcohol and drug addiction services~~ 47642  
director under that section ~~3793.06~~ of the Revised Code. 47643

(5) A physician providing services to a patient through a 47644  
federally qualified health center or a federally qualified health 47645  
center look-alike. 47646

**Sec. 4731.229.** Any disciplinary action taken on an 47647  
individual's ~~certificate~~ license to practice by the state medical 47648  
board under section 4731.22 of the Revised Code operates 47649  
automatically on the individual's certificate to recommend and 47650  
remains in effect for as long as the action remains in effect on 47651  
the ~~certificate~~ license to practice. 47652

**Sec. 4731.281.** (A)(1) ~~Each person holding a~~ A license issued 47653  
under this chapter to practice medicine and surgery, osteopathic 47654  
medicine and surgery, or podiatric medicine and surgery ~~wishing to~~ 47655  
~~renew that license shall apply to the board for renewal~~ shall be 47656  
valid for a two-year period unless revoked or suspended. A license 47657  
shall expire on the date that is two years from the date of 47658  
issuance and may be renewed for additional two-year periods. 47659  
Applications for renewal shall be submitted to the state medical 47660  
board in a manner prescribed by the board. ~~Each~~ 47661

~~Each application shall be accompanied by a biennial renewal fee of three hundred five dollars. Applications shall be submitted according to the following schedule:~~

~~(a) Persons whose last name begins with the letters "A" through "B," on or before the first day of July of every odd-numbered year;~~

~~(b) Persons whose last name begins with the letters "C" through "D," on or before the first day of April of every odd-numbered year;~~

~~(c) Persons whose last name begins with the letters "E" through "G," on or before the first day of January of every odd-numbered year;~~

~~(d) Persons whose last name begins with the letters "H" through "K," on or before the first day of October of every even-numbered year;~~

~~(e) Persons whose last name begins with the letters "L" through "M," on or before the first day of July of every even-numbered year;~~

~~(f) Persons whose last name begins with the letters "N" through "R," on or before the first day of April of every even-numbered year;~~

~~(g) Persons whose last name begins with the letter "S," on or before the first day of January of every even-numbered year;~~

~~(h) Persons whose last name begins with the letters "T" through "Z," on or before the first day of October of every odd-numbered year.~~

The board shall deposit the fee in accordance with section 4731.24 of the Revised Code, except that the board shall deposit twenty dollars of the fee into the state treasury to the credit of the physician loan repayment fund created by section 3702.78 of

the Revised Code. 47692

(2) The board shall provide a renewal notice to every person 47693  
holding a license to practice medicine and surgery, osteopathic 47694  
medicine and surgery, or podiatric medicine and surgery, a renewal 47695  
notice ~~or~~. The board may provide the notice to the person through 47696  
the secretary of any recognized medical, osteopathic, or podiatric 47697  
society. The notice shall be provided to the person at least one 47698  
month prior to the date on which the person's license expires. 47699

(3) Failure of any person to receive a notice of renewal from 47700  
the board shall not excuse the person from the requirements 47701  
contained in this section. 47702

(4) The board's notice shall inform the applicant of the 47703  
renewal procedure. The board shall provide the application for 47704  
renewal in a form determined by the board. 47705

(5) The applicant shall provide in the application the 47706  
applicant's full name; the applicant's residence address, business 47707  
address, and electronic mail address; the number of the 47708  
applicant's license to practice; and any other information 47709  
required by the board. 47710

(6)(a) Except as provided in division (A)(6)(b) of this 47711  
section, in the case of an applicant who prescribes or personally 47712  
furnishes opioid analgesics or benzodiazepines, as defined in 47713  
section 3719.01 of the Revised Code, the applicant shall certify 47714  
to the board whether the applicant has been granted access to the 47715  
drug database established and maintained by the state board of 47716  
pharmacy pursuant to section 4729.75 of the Revised Code. 47717

(b) The requirement described in division (A)(6)(a) of this 47718  
section does not apply if any of the following is the case: 47719

(i) The state board of pharmacy notifies the state medical 47720  
board pursuant to section 4729.861 of the Revised Code that the 47721  
applicant has been restricted from obtaining further information 47722

from the drug database. 47723

(ii) The state board of pharmacy no longer maintains the drug 47724  
database. 47725

(iii) The applicant does not practice medicine and surgery, 47726  
osteopathic medicine and surgery, or podiatric medicine and 47727  
surgery in this state. 47728

(c) If an applicant certifies to the state medical board that 47729  
the applicant has been granted access to the drug database and the 47730  
board finds through an audit or other means that the applicant has 47731  
not been granted access, the board may take action under section 47732  
4731.22 of the Revised Code. 47733

(7) The applicant shall indicate whether the applicant 47734  
currently collaborates, as that term is defined in section 4723.01 47735  
of the Revised Code, with any clinical nurse specialists, 47736  
certified nurse-midwives, or certified nurse practitioners. 47737

(8) The applicant shall report any criminal offense to which 47738  
the applicant has pleaded guilty, of which the applicant has been 47739  
found guilty, or for which the applicant has been found eligible 47740  
for intervention in lieu of conviction, since last submitting an 47741  
application for a license to practice or renewal of a license. 47742

(9) The applicant shall execute and deliver the application 47743  
to the board in a manner prescribed by the board. 47744

(B) The board shall renew a license under this chapter to 47745  
practice medicine and surgery, osteopathic medicine and surgery, 47746  
or podiatric medicine and surgery upon application and 47747  
qualification therefor in accordance with this section. A renewal 47748  
shall be valid for a two-year period. 47749

(C) Failure of any license holder to renew and comply with 47750  
this section shall operate automatically to suspend the holder's 47751  
license to practice and if applicable, the holder's certificate to 47752

recommend issued under section 4731.30 of the Revised Code. 47753  
Continued practice after the suspension shall be considered as 47754  
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 47755  
the Revised Code. 47756

If the license has been suspended pursuant to this division 47757  
for two years or less, it may be reinstated. The board shall 47758  
reinstate a license to practice suspended for failure to renew 47759  
upon an applicant's submission of a renewal application and 47760  
payment of a reinstatement fee of four hundred five dollars. 47761

If the license has been suspended pursuant to this division 47762  
for more than two years, it may be restored. Subject to section 47763  
4731.222 of the Revised Code, the board may restore a license to 47764  
practice suspended for failure to renew upon an applicant's 47765  
submission of a restoration application, payment of a restoration 47766  
fee of five hundred five dollars, and compliance with sections 47767  
4776.01 to 4776.04 of the Revised Code. The board shall not 47768  
restore to an applicant a license ~~to practice~~ unless the board, in 47769  
its discretion, decides that the results of the criminal records 47770  
check do not make the applicant ineligible for a license issued 47771  
pursuant to section 4731.14 or 4731.56 of the Revised Code. ~~Any~~ 47772

Any reinstatement or restoration of a license to practice 47773  
under this section shall operate automatically to renew the 47774  
holder's certificate to recommend. 47775

(D) The state medical board may obtain information not 47776  
protected by statutory or common law privilege from courts and 47777  
other sources concerning malpractice claims against any person 47778  
holding a license to practice under this chapter or practicing as 47779  
provided in section 4731.36 of the Revised Code. 47780

(E) Each ~~mailing sent~~ renewal notice provided by the board 47781  
under division (A)(2) of this section to a person holding a 47782  
license to practice medicine and surgery or osteopathic medicine 47783

and surgery shall inform the applicant of the reporting 47784  
requirement established by division (H) of section 3701.79 of the 47785  
Revised Code. At the discretion of the board, the information may 47786  
be included on the application for renewal or on an accompanying 47787  
page. 47788

(F) Each person holding a license to practice medicine and 47789  
surgery, osteopathic medicine and surgery, or podiatric medicine 47790  
and surgery shall give notice to the board of a change in the 47791  
license holder's residence address, business address, or 47792  
electronic mail address not later than thirty days after the 47793  
change occurs. 47794

**Sec. 4731.282.** (A)(1) Except as provided in division (D) of 47795  
this section, each person holding a license to practice medicine 47796  
and surgery, osteopathic medicine and surgery, or podiatric 47797  
medicine and surgery issued by the state medical board shall 47798  
complete biennially not less than ~~one hundred~~ fifty hours of 47799  
continuing medical education that has been approved by the board. 47800

(2) Each person holding a license to practice shall be given 47801  
sufficient choice of continuing education programs to ensure that 47802  
the person has had a reasonable opportunity to participate in 47803  
continuing education programs that are relevant to the person's 47804  
medical practice in terms of subject matter and level. 47805

(B) In determining whether a course, program, or activity 47806  
qualifies for credit as continuing medical education, the board 47807  
shall approve all of the following: 47808

(1) Continuing medical education completed by holders of 47809  
licenses to practice medicine and surgery that is certified by the 47810  
Ohio state medical association; 47811

(2) Continuing medical education completed by holders of 47812  
licenses to practice osteopathic medicine and surgery that is 47813

certified by the Ohio osteopathic association; 47814

(3) Continuing medical education completed by holders of 47815  
licenses to practice podiatric medicine and surgery that is 47816  
certified by the Ohio podiatric medical association. 47817

(C) The board shall approve one or more continuing medical 47818  
education courses of study included within the programs certified 47819  
by the Ohio state medical association and the Ohio osteopathic 47820  
association under divisions (B)(1) and (2) of this section that 47821  
assist doctors of medicine and doctors of osteopathic medicine in 47822  
both of the following: 47823

(1) Recognizing the signs of domestic violence and its 47824  
relationship to child abuse; 47825

(2) Diagnosing and treating chronic pain, as defined in 47826  
section 4731.052 of the Revised Code. 47827

(D) The board shall adopt rules providing for pro rata 47828  
reductions by month of the number of hours of continuing education 47829  
that must be completed for license holders who ~~are in their first~~ 47830  
~~renewal period,~~ have been disabled by illness or accident, or have 47831  
been absent from the country. The board shall adopt the rules in 47832  
accordance with Chapter 119. of the Revised Code. 47833

(E) The board may require a random sample of holders of 47834  
licenses to practice medicine and surgery, osteopathic medicine 47835  
and surgery, or podiatric medicine and surgery to submit materials 47836  
documenting completion of the required number of hours of 47837  
continuing medical education. This division does not limit the 47838  
board's authority to conduct investigations pursuant to section 47839  
4731.22 of the Revised Code. 47840

(F)(1) If, through a random sample conducted under division 47841  
(E) of this section or any other means, the board finds that an 47842  
individual who certified completion of the number of hours and 47843  
type of continuing medical education required to renew, reinstate, 47844

or restore a license to practice did not complete the requisite 47845  
continuing medical education, the board may do either of the 47846  
following: 47847

(a) Take disciplinary action against the individual under 47848  
section 4731.22 of the Revised Code, ~~or~~ impose a civil penalty, or 47849  
both; 47850

(b) Permit the individual to agree in writing to complete the 47851  
continuing medical education and pay a civil penalty. 47852

(2) The board's finding in any disciplinary action taken 47853  
under division (F)(1)(a) of this section shall be made pursuant to 47854  
an adjudication under Chapter 119. of the Revised Code and by an 47855  
affirmative vote of not fewer than six of its members. 47856

(3) A civil penalty ~~paid~~ imposed under division (F)(1)~~(b)~~(a) 47857  
of this section or ~~imposed~~ paid under division (F)(1)~~(a)~~(b) of 47858  
this section shall be in an amount specified by the board of not 47859  
more than five thousand dollars. The board shall deposit civil 47860  
penalties in accordance with section 4731.24 of the Revised Code. 47861

**Sec. 4731.291.** (A) An individual seeking to pursue an 47862  
internship, residency, clinical fellowship program, or elective 47863  
clinical rotation in this state, who does not hold a license to 47864  
practice medicine and surgery or osteopathic medicine or surgery 47865  
issued under this chapter, shall apply to the state medical board 47866  
for a training certificate. The application shall be made on forms 47867  
that the board shall furnish and shall be accompanied by an 47868  
application fee of one hundred thirty dollars. 47869

An applicant for a training certificate shall furnish to the 47870  
board all of the following: 47871

(1) Evidence satisfactory to the board that the applicant is 47872  
at least eighteen years of age and is of good moral character. 47873

(2) Evidence satisfactory to the board that the applicant has 47874

been accepted or appointed to participate in this state in one of 47875  
the following: 47876

(a) An internship ~~or~~, residency, or clinical fellowship 47877  
program accredited by either the accreditation council for 47878  
graduate medical education of the American medical association or 47879  
the American osteopathic association; 47880

(b) A clinical fellowship program that is not accredited as 47881  
described in division (A)(2)(a) of this section, but is conducted 47882  
at an institution with a residency program that is accredited by 47883  
~~either the accreditation council for graduate medical education of~~ 47884  
~~the American medical association or the American osteopathic~~ 47885  
~~association that~~ as described in that division and is in a 47886  
clinical field the same as or related to the clinical field of the 47887  
fellowship program; 47888

(c) An elective clinical rotation that lasts not more than 47889  
one year and is offered to interns, residents, or clinical fellows 47890  
participating in programs that are located outside this state and 47891  
meet the requirements of division (A)(2)(a) or (b) of this 47892  
section. 47893

(3) Information identifying the beginning and ending dates of 47894  
the period for which the applicant has been accepted or appointed 47895  
to participate in the internship, residency, or clinical 47896  
fellowship program; 47897

(4) Any other information that the board requires. 47898

(B) If no grounds for denying a license or certificate under 47899  
section 4731.22 of the Revised Code apply, and the applicant meets 47900  
the requirements of division (A) of this section, the board shall 47901  
issue a training certificate to the applicant. The board shall not 47902  
require an examination as a condition of receiving a training 47903  
certificate. 47904

A training certificate issued pursuant to this section shall 47905

be valid only for three years, but may ~~in the discretion of the~~ 47906  
~~board and upon application duly made,~~ be renewed by the board for 47907  
one additional three-year period. ~~The~~ To renew a training 47908  
certificate, the holder shall apply to the board on or before the 47909  
certificate's expiration date. 47910

The fee for renewal of a training certificate shall be one 47911  
hundred dollars. A late application may be submitted not more than 47912  
thirty days after the certificate's expiration date. In such a 47913  
case, the holder shall include with the application a 47914  
one-hundred-fifty-dollar reinstatement fee. 47915

~~The board shall maintain a register of all individuals who~~ 47916  
~~hold training certificates.~~ 47917

(C) The holder of a valid training certificate shall be 47918  
entitled to perform such acts as may be prescribed by or 47919  
incidental to the holder's internship, residency, or clinical 47920  
fellowship program, but the holder shall not be entitled otherwise 47921  
to engage in the practice of medicine and surgery or osteopathic 47922  
medicine and surgery in this state. The holder shall limit 47923  
activities under the certificate to the programs of the hospitals 47924  
or facilities for which the training certificate is issued. The 47925  
holder shall train only under the supervision of the physicians 47926  
responsible for supervision as part of the internship, residency, 47927  
or clinical fellowship program. 47928

A training certificate may be revoked by the board upon 47929  
proof, satisfactory to the board, that the holder thereof has 47930  
engaged in practice in this state outside the scope of the 47931  
internship, residency, or clinical fellowship program for which 47932  
the training certificate has been issued, or upon proof, 47933  
satisfactory to the board, that the holder thereof has engaged in 47934  
unethical conduct or that there are grounds for action against the 47935  
holder under section 4731.22 of the Revised Code. 47936

(D) The board may adopt rules as the board finds necessary to 47937  
effect the purpose of this section. 47938

**Sec. 4731.293.** (A) The state medical board may issue, without 47939  
examination, a clinical research faculty certificate to practice 47940  
medicine and surgery, osteopathic medicine and surgery, or 47941  
podiatric medicine and surgery to any person who applies for the 47942  
certificate and provides to the board all of the following: 47943

(1) Evidence satisfactory to the board of all of the 47944  
following: 47945

(a) That the applicant holds a current, unrestricted license 47946  
to practice medicine and surgery, osteopathic medicine and 47947  
surgery, or podiatric medicine and surgery issued by another state 47948  
or country; 47949

(b) That the applicant has been appointed to serve in this 47950  
state on the academic staff of a medical school accredited by the 47951  
liaison committee on medical education, an osteopathic medical 47952  
school accredited by the American osteopathic association, or a 47953  
college of podiatric medicine and surgery in good standing with 47954  
the board; 47955

(c) That the applicant is an international medical graduate 47956  
who holds a medical degree from an educational institution listed 47957  
in the international medical education directory. 47958

(2) An affidavit and supporting documentation from the dean 47959  
of the school or college, or the department director or 47960  
chairperson of a teaching hospital affiliated with the school or 47961  
college, that the applicant is qualified to perform teaching and 47962  
research activities and will be permitted to work only under the 47963  
authority of the department director or chairperson of a teaching 47964  
hospital affiliated with the school or college where the 47965  
applicant's teaching and research activities will occur; 47966

(3) A description from the school, college, or teaching hospital of the scope of practice in which the applicant will be involved, including the types of teaching, research, and procedures in which the applicant will be engaged;

(4) A description from the school, college, or teaching hospital of the type and amount of patient contact that will occur in connection with the applicant's teaching and research activities.

(B) An applicant for an initial clinical research faculty certificate shall pay a fee of three hundred seventy-five dollars.

(C) The holder of a clinical research faculty certificate may do one of the following, as applicable:

(1) Practice medicine and surgery or osteopathic medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the medical school or a teaching hospital affiliated with the school;

(2) Practice podiatric medicine and surgery only as is incidental to the certificate holder's teaching or research duties at the college of podiatric medicine and surgery or a teaching hospital affiliated with the college.

(D) The board may revoke a certificate on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(E) A clinical research faculty certificate is valid for three years, except that the certificate ceases to be valid if the holder's academic staff appointment described in division

(A)(1)(b) of this section is no longer valid or the certificate is revoked pursuant to division (D) of this section.

(F)(1) The board shall provide a renewal notice to the certificate holder at least one month before the certificate expires. Failure of a certificate holder to receive a notice of renewal from the board shall not excuse the certificate holder from the requirements contained in this section. The notice shall inform the certificate holder of the renewal procedure. The notice also shall inform the certificate holder of the reporting requirement established by division (H) of section 3701.79 of the Revised Code. At the discretion of the board, the information may be included on the application for renewal or on an accompanying page.

(2) A clinical research faculty certificate may be renewed for an additional three-year period. There is no limit on the number of times a certificate may be renewed. A person seeking renewal of a certificate shall apply to the board. The board shall provide the application for renewal in a form determined by the board.

(3) An applicant is eligible for renewal if the applicant does all of the following:

(a) Pays a renewal fee of three hundred seventy-five dollars;

(b) Reports any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last filing an application for a clinical research faculty certificate;

(c) Provides to the board an affidavit and supporting documentation from the dean of the school or college, or the department director or chairperson of a teaching hospital affiliated with the school or college, that the applicant is in compliance with the applicant's current clinical research faculty certificate;

(d) Provides evidence satisfactory to the board of all of the following: 48028  
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(i) That the applicant continues to maintain a current, unrestricted license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by another state or country; 48030  
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(ii) That the applicant's initial appointment to serve in this state on the academic staff of a school or college is still valid or has been renewed; 48034  
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(iii) That the applicant has completed ~~one hundred fifty~~ seventy-five hours of continuing medical education that meet the requirements set forth in section 4731.282 of the Revised Code. 48037  
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(4) Regardless of whether the certificate has expired, a person who was granted a visiting medical faculty certificate under this section as it existed immediately prior to June 6, 2012, may apply for a clinical research faculty certificate as a renewal. The board may issue the clinical research faculty certificate if the applicant meets the requirements of division (F)(3) of this section. The board may not issue a clinical research faculty certificate if the visiting medical faculty certificate was revoked. 48040  
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~~(G) The board shall maintain a register of all persons who hold clinical research faculty certificates.~~ 48049  
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~~(H)~~ The board may adopt any rules it considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 48051  
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**Sec. 4731.294.** (A) The state medical board may issue, without examination, a special activity certificate to any person seeking to practice medicine and surgery or osteopathic medicine and surgery in conjunction with a special activity, program, or event 48054  
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taking place in this state. 48058

(B) An applicant for a special activity certificate shall 48059  
~~hold a telemedicine certificate issued under section 4731.296 of~~ 48060  
~~the Revised Code or~~ submit evidence satisfactory to the board of 48061  
all of the following: 48062

(1) The applicant holds a current, unrestricted license to 48063  
practice medicine and surgery or osteopathic medicine and surgery 48064  
issued by another state or country and that within the two-year 48065  
period immediately preceding application, the applicant has done 48066  
one of the following: 48067

(a) Actively practiced medicine and surgery or osteopathic 48068  
medicine and surgery in the United States; 48069

(b) Participated in a graduate medical education program 48070  
accredited by either the accreditation council for graduate 48071  
medical education of the American medical association or the 48072  
American osteopathic association; 48073

(c) Successfully passed the federation licensing examination 48074  
established by the federation of state medical boards, a special 48075  
examination established by the federation of state medical boards, 48076  
or all parts of a standard medical licensing examination 48077  
established for purposes of determining the competence of 48078  
individuals to practice medicine and surgery or osteopathic 48079  
medicine and surgery in the United States. 48080

(2) The applicant meets the same educational requirements 48081  
that individuals must meet under sections 4731.09 and 4731.14 of 48082  
the Revised Code. 48083

(3) The applicant's practice in conjunction with the special 48084  
activity, program, or event will be in the public interest. 48085

(C) The applicant shall pay a fee of one hundred twenty-five 48086  
dollars ~~unless the applicant holds a telemedicine certificate~~ 48087

~~issued under section 4731.296 of the Revised Code. If the 48088  
applicant holds a telemedicine certificate, the board shall not 48089  
charge a fee for issuing a certificate under this section. The 48090  
board shall maintain a register of all persons who hold a special 48091  
activity certificate. 48092~~

(D) The holder of a special activity certificate may practice 48093  
medicine and surgery or osteopathic medicine and surgery only in 48094  
conjunction with the special activity, event, or program for which 48095  
the certificate is issued. The board may revoke a certificate on 48096  
receiving proof satisfactory to the board that the holder of the 48097  
certificate has engaged in practice in this state outside the 48098  
scope of the certificate or that there are grounds for action 48099  
against the certificate holder under section 4731.22 of the 48100  
Revised Code. 48101

(E) A special activity certificate is valid for the shorter 48102  
of thirty days or the duration of the special activity, program, 48103  
or event. The certificate may not be renewed. 48104

(F) The state medical board shall adopt rules in accordance 48105  
with Chapter 119. of the Revised Code that specify how often an 48106  
applicant may be granted a certificate under this section. 48107

**Sec. 4731.299.** (A) The state medical board may issue, without 48108  
examination, to an applicant who meets all of the requirements of 48109  
this section an expedited license to practice medicine and surgery 48110  
or osteopathic medicine and surgery by endorsement. 48111

(B) An individual who seeks an expedited license by 48112  
endorsement shall file with the board a written application on a 48113  
form prescribed and supplied by the board. The application shall 48114  
include all of the information the board considers necessary to 48115  
process it. 48116  
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(C) To be eligible to receive an expedited license by endorsement, an applicant shall do both of the following:	48118 48119
(1) Provide evidence satisfactory to the board that the applicant meets all of the following requirements:	48120 48121
(a) Has passed one of the following:	48122
(i) Steps one, two, and three of the United States medical licensing examination;	48123 48124
(ii) Levels one, two, and three of the comprehensive osteopathic medical licensing examination of the United States;	48125 48126
(iii) Any other medical licensing examination recognized by the board.	48127 48128
(b) <del>For at least five years</del> <u>During the five-year period</u> immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province;	48129 48130 48131 48132 48133
(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting;	48134 48135 48136
(d) Is in compliance with the medical education and training requirements in sections 4731.09 and 4731.14 of the Revised Code.	48137 48138
(2) Certify to the board that all of the following are the case:	48139 48140
(a) Not more than two malpractice claims, <u>which resulted in a finding of liability or in payment</u> , have been filed against the applicant <del>within a</del> <u>during the ten-year period of ten years immediately preceding the date of application</u> and no malpractice claim against the applicant <u>during that ten-year period</u> has resulted in total payment of more than five hundred thousand dollars.	48141 48142 48143 48144 48145 48146 48147

(b) The applicant does not have a criminal record according 48148  
to the criminal records check required by section 4731.08 of the 48149  
Revised Code. 48150

(c) The applicant does not have a medical condition that 48151  
could affect the applicant's ability to practice according to 48152  
acceptable and prevailing standards of care. 48153

(d) No adverse action has been taken against the applicant by 48154  
a health care institution. 48155

(e) To the applicant's knowledge, no federal agency, medical 48156  
society, medical association, or branch of the United States 48157  
military has investigated or taken action against the applicant. 48158

(f) No professional licensing or regulatory authority has 48159  
filed a complaint against, investigated, or taken action against 48160  
the applicant and the applicant has not withdrawn a professional 48161  
license application. 48162

(g) The applicant has not been suspended or expelled from any 48163  
institution of higher education or school, including a medical 48164  
school. 48165

(D) An applicant for an expedited license by endorsement 48166  
shall comply with section 4731.08 of the Revised Code. 48167

(E) At the time of application, the applicant shall pay to 48168  
the board a fee of one thousand dollars, no part of which shall be 48169  
returned. No application shall be considered filed until the board 48170  
receives the fee. 48171

(F) The secretary and supervising member of the board shall 48172  
review all applications received under this section. 48173

If the secretary and supervising member determine that an 48174  
applicant meets the requirements for an expedited license by 48175  
endorsement, the board shall issue the license to the applicant. 48176

If the secretary and supervising member determine that an 48177

applicant does not meet the requirements for an expedited license 48178  
by endorsement, the application shall be treated as an application 48179  
under section 4731.09 of the Revised Code. 48180

(G) Each license issued by the board under this section shall 48181  
be signed by the president and secretary of the board and attested 48182  
by the board's seal. 48183

(H) Within sixty days after September 29, 2013, the board 48184  
shall approve acceptable means of demonstrating compliance with 48185  
sections 4731.09 and 4731.14 of the Revised Code as required by 48186  
division (C)(1)(d) of this section. 48187

**Sec. 4731.56.** (A) The state medical board shall review all 48188  
applications received under section 4731.52 of the Revised Code. 48189  
The board shall determine whether an applicant meets the 48190  
requirements for a license to practice podiatric medicine and 48191  
surgery. ~~An affirmative vote of not fewer than six members of the~~ 48192  
~~board is required to determine that an applicant meets the~~ 48193  
~~requirements for a license.~~ 48194

(B) If the board determines that the applicant meets the 48195  
requirements for a license and that the documentation provided is 48196  
satisfactory to the board, the board shall issue to the applicant 48197  
a license to practice podiatric medicine and surgery. Each license 48198  
shall be signed by the president and secretary of the board and 48199  
attested by its seal. 48200

(C) A person who holds a license to practice podiatric 48201  
medicine and surgery issued under this section may use the title 48202  
"Dr.," "doctor," "D.P.M.," "physician," or "surgeon." 48203

(D) The holder of a license issued under this section shall 48204  
either provide verification of licensure status from the board's 48205  
internet web site on request or prominently display a wall 48206  
certificate in the license holder's office or the place where a 48207

major portion of the license holder's practice is conducted. 48208

**Sec. 4731.572.** (A) The state medical board may issue, without 48209  
examination, a visiting podiatric faculty certificate to any 48210  
person who holds a current, unrestricted license to practice 48211  
podiatric medicine and surgery issued by another state or country 48212  
and has been appointed to serve in this state on the academic 48213  
staff of an approved college of podiatric medicine and surgery in 48214  
good standing, as determined by the board. 48215

(B) An applicant for a visiting podiatric faculty certificate 48216  
shall submit evidence satisfactory to the board that the applicant 48217  
meets the requirements of division (A) of this section. The 48218  
applicant shall pay a fee of one hundred twenty-five dollars. ~~The~~ 48219  
~~board shall maintain a register of all persons who hold a visiting~~ 48220  
~~podiatric faculty certificate.~~ 48221

(C) The holder of a visiting podiatric faculty certificate 48222  
may practice podiatric medicine and surgery only as is incidental 48223  
to the certificate holder's teaching duties at the college or the 48224  
teaching hospitals affiliated with the college. The board may 48225  
revoke a certificate on receiving proof satisfactory to the board 48226  
that the holder of the certificate has engaged in practice in this 48227  
state outside the scope of the certificate or that there are 48228  
grounds for action against the certificate holder under section 48229  
4731.22 of the Revised Code. 48230

(D) A visiting podiatric faculty certificate is valid for the 48231  
shorter of one year or the duration of the holder's appointment to 48232  
the academic staff of the college. The certificate may not be 48233  
renewed. 48234

**Sec. 4731.573.** (A) An individual seeking to pursue an 48235  
internship, residency, or clinical fellowship program in podiatric 48236  
medicine and surgery in this state, who does not hold a license to 48237

practice podiatric medicine and surgery issued under this chapter, 48238  
shall apply to the state medical board for a training certificate. 48239  
The application shall be made on forms that the board shall 48240  
furnish and shall be accompanied by an application fee of one 48241  
hundred thirty dollars. 48242

An applicant for a training certificate shall furnish to the 48243  
board all of the following: 48244

(1) Evidence satisfactory to the board that the applicant is 48245  
at least eighteen years of age and is of good moral character; 48246

(2) Evidence satisfactory to the board that the applicant has 48247  
been accepted or appointed to participate in this state in one of 48248  
the following: 48249

(a) An internship ~~or~~, residency, or clinical fellowship 48250  
program accredited by either the council on podiatric medical 48251  
education or the American podiatric medical association; 48252

(b) A clinical fellowship program that is not accredited as 48253  
described in division (A)(2)(a) of this section, but is conducted 48254  
at an institution with a residency program that is accredited ~~by~~ 48255  
~~either the council on podiatric medical education or the American~~ 48256  
~~podiatric medical association that~~ as described in that division 48257  
and is in a clinical field the same as or related to the clinical 48258  
field of the fellowship program. 48259

(3) Information identifying the beginning and ending dates of 48260  
the period for which the applicant has been accepted or appointed 48261  
to participate in the internship, residency, or clinical 48262  
fellowship program; 48263

(4) Any other information that the board requires. 48264

(B) If no grounds for denying a license or certificate under 48265  
section 4731.22 of the Revised Code apply and the applicant meets 48266  
the requirements of division (A) of this section, the board shall 48267

issue a training certificate to the applicant. The board shall not  
require an examination as a condition of receiving a training  
certificate.

A training certificate issued pursuant to this section shall  
be valid only for three years, but may ~~in the discretion of the~~  
~~board and upon application duly made,~~ be renewed by the board for  
one additional three-year period. ~~The~~ To renew a training  
certificate, the holder shall apply to the board on or before the  
certificate's expiration date.

The fee for renewal of a training certificate shall be one  
hundred dollars. A late application may be submitted not more than  
thirty days after the certificate's expiration date. In such a  
case, the holder shall include with the application a  
one-hundred-fifty-dollar reinstatement fee.

~~The board shall maintain a register of all individuals who~~  
~~hold training certificates.~~

(C) The holder of a valid training certificate shall be  
entitled to perform such acts as may be prescribed by or  
incidental to the holder's internship, residency, or clinical  
fellowship program, but the holder shall not be entitled otherwise  
to engage in the practice of podiatric medicine and surgery in  
this state. The holder shall limit activities under the  
certificate to the programs of the hospitals or facilities for  
which the training certificate is issued. The holder shall train  
only under the supervision of the podiatrists responsible for  
supervision as part of the internship, residency, or clinical  
fellowship program. A training certificate may be revoked by the  
board upon proof, satisfactory to the board, that the holder  
thereof has engaged in practice in this state outside the scope of  
the internship, residency, or clinical fellowship program for  
which the training certificate has been issued, or upon proof,  
satisfactory to the board, that the holder thereof has engaged in

unethical conduct or that there are grounds for action against the holder under section 4731.22 of the Revised Code. 48300  
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(D) The board may adopt rules as the board finds necessary to effect the purpose of this section. 48302  
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**Sec. 4734.281.** Except in cases where a chiropractor holds a certificate license issued under section 4762.04 of the Revised Code or is an individual described in division (B) of section 4762.02 of the Revised Code, a chiropractor licensed under this chapter shall not engage in the practice of acupuncture unless the chiropractor holds a valid certificate to practice acupuncture issued by the state chiropractic board under this chapter. 48304  
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**Sec. 4735.023.** (A) An oil and gas land professional who is not otherwise permitted to engage in the activities described in division (A) of section 4735.01 of the Revised Code may perform such activities, if the oil and gas land professional does all of the following: 48311  
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(1)(a) Registers on an annual basis as an oil and gas land professional with the superintendent of real estate by such date specified and on a form approved by the superintendent, which form includes both of the following: 48316  
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(i) The name and address of the oil and gas land professional; 48320  
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(ii) Evidence of the oil and gas land professional's membership in good standing in a national, state, or local professional organization that has been in existence for at least three years and has, as part of its mission, developed a set of standards of performance and ethics for oil and gas land professionals. 48322  
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(b) Pays an annual fee, established by the superintendent in an amount not to exceed one hundred dollars, which shall accompany 48328  
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the registration. 48330

(2) At or prior to first contacting any landowner or other 48331  
person with an interest in real estate for the purpose of engaging 48332  
in the activities of an oil and gas land professional, and on a 48333  
form approved by the superintendent, discloses to the landowner or 48334  
other person all of the following: 48335

(a) The oil and gas land professional's name and address as 48336  
registered with the superintendent; 48337

(b) That the oil and gas land professional is registered as 48338  
such with the superintendent and is a member in good standing in a 48339  
national, state, or local professional organization that has been 48340  
in existence for at least three years and has, as part of its 48341  
mission, developed a set of standards of performance and ethics 48342  
for oil and gas land professionals; 48343

(c) That the oil and gas land professional is not a licensed 48344  
real estate broker or real estate salesperson under Chapter 4735. 48345  
of the Revised Code; 48346

(d) That the landowner or other person with an interest in 48347  
real estate may seek legal counsel in connection with any 48348  
transaction with the oil and gas land professional; 48349

(e) That the oil and gas land professional is not 48350  
representing the landowner or other person with an interest in 48351  
real estate. 48352

(3) At or prior to entering into any agreements for the 48353  
purpose of exploring for, transporting, producing, or developing 48354  
oil and gas mineral interests including, but not limited to, oil 48355  
and gas leases and pipeline easements with any landowner or other 48356  
person with an interest in real estate, and on a form approved by 48357  
the superintendent, discloses to the landowner or other person 48358  
with an interest in real estate all of the following: 48359

(a) The oil and gas land professional's name and address as registered with the superintendent; 48360  
48361

(b) That the oil and gas land professional is registered as such with the superintendent and a member in good standing in a national, state, or local professional organization that has been in existence for at least three years and has, as part of its mission, developed a set of standards of performance and ethics for oil and gas land professionals; 48362  
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(c) That the oil and gas land professional is not a licensed real estate broker or real estate salesperson under Chapter 4735. of the Revised Code; 48368  
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(d) That the landowner or other person may seek legal counsel in connection with any transaction with the oil and gas land professional; 48371  
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(e) That the oil and gas land professional is not representing the landowner or other person with an interest in real estate. 48374  
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(B) Any oil and gas land professional who must be registered as such with the superintendent pursuant to this section who ceases to be a member in good standing of an organization described in division (A)(1)(a)(ii) of this section shall report the change in membership status to the superintendent within thirty days of that change. Failure to report such change in membership status shall result in the automatic suspension of registration status and subject the registrant to the penalties for unlicensed activity as found in section ~~4735.02~~ 4735.052 of the Revised Code. 48377  
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(C) Any oil and gas land professional who fails to register with the superintendent pursuant to this section is subject to the penalties for unlicensed activity as found in section ~~4735.02~~ 4735.052 of the Revised Code. 48387  
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Sec. 4735.052. (A) Upon receipt of a written complaint or 48391  
upon the superintendent's own motion, the superintendent may 48392  
investigate any person that has allegedly violated section 48393  
4735.02, 4735.023, or 4735.25 of the Revised Code, except that the 48394  
superintendent shall not initiate an investigation, pursuant to 48395  
this section, of any person who held a suspended or inactive 48396  
license under this chapter on the date of the alleged violation. 48397

(B) If, after investigation, the superintendent determines 48398  
there exists reasonable evidence of a violation of section 48399  
4735.02, 4735.023, or 4735.25 of the Revised Code, within fourteen 48400  
business days after that determination, the superintendent shall 48401  
send the party who is the subject of the investigation, a written 48402  
notice, by regular mail, that includes all of the following 48403  
information: 48404

(1) A description of the activity in which the party 48405  
allegedly is engaging or has engaged that is a violation of 48406  
section 4735.02, 4735.023, or 4735.25 of the Revised Code; 48407

(2) The applicable law allegedly violated; 48408

(3) A statement informing the party that a hearing concerning 48409  
the alleged violation will be held, upon the party's request, 48410  
before a hearing examiner pursuant to Chapter 119. of the Revised 48411  
Code. 48412

(C)(1) If a hearing is requested, the hearing examiner shall 48413  
hear the testimony of all parties present at the hearing and 48414  
consider any written testimony submitted pursuant to this section, 48415  
and determine if there has been a violation of section 4735.02, 48416  
4735.023, or 4735.25 of the Revised Code. 48417

(2) After the conclusion of formal hearings, the hearing 48418  
examiner shall file a report of findings of fact and conclusions 48419  
of law with the superintendent, the commission, the complainant, 48420

and the parties. Within twenty days of receipt of such copy of the  
written report of findings of fact and conclusions of law, the  
parties and the division may file with the commission written  
objections to the report, which shall be considered by the  
commission before approving, modifying, or disapproving the  
report.

(3) The commission shall review the hearing examiner's report  
at the next regularly scheduled commission meeting held at least  
twenty business days after receipt of the hearing examiner's  
report. The commission shall hear the testimony of the complainant  
or the parties upon request.

(4) The commission shall decide whether to impose  
disciplinary sanctions upon a party for a violation of section  
4735.02 or 4735.023 of the Revised Code. If the commission finds  
that a violation has occurred, the commission may assess a civil  
penalty, in an amount it determines, not to exceed one thousand  
dollars per violation. Each day a violation occurs or continues is  
a separate violation. The commission shall determine the terms of  
payment. The commission shall maintain a record of the proceedings  
of the hearing and issue a written opinion to all parties, citing  
its findings and grounds for any action taken.

(D) Civil penalties collected under this section shall be  
deposited in the real estate operating fund, which is created in  
the state treasury under section 4735.211 of the Revised Code.

(E) If a party fails to pay a civil penalty assessed pursuant  
to this section within the time prescribed by the commission, the  
superintendent shall forward to the attorney general the name of  
the party and the amount of the civil penalty, for the purpose of  
collecting that civil penalty. In addition to the civil penalty  
assessed pursuant to this section, the party also shall pay any  
fee assessed by the attorney general for collection of the civil  
penalty.

(F) The superintendent may reserve the right to bring a civil 48453  
action against a party that fails to pay a civil penalty for 48454  
breach of contract in a court of competent jurisdiction. 48455

**Sec. 4735.06.** (A) Application for a license as a real estate 48456  
broker shall be made to the superintendent of real estate on forms 48457  
furnished by the superintendent and filed with the superintendent 48458  
and shall be signed by the applicant or its members or officers. 48459  
Each application shall state the name of the person applying and 48460  
the location of the place of business for which the license is 48461  
desired, and give such other information as the superintendent 48462  
requires in the form of application prescribed by the 48463  
superintendent. 48464

(B)(1) If the applicant is a partnership, limited liability 48465  
company, limited liability partnership, or association, the names 48466  
of all the members also shall be stated, and, if the applicant is 48467  
a corporation, the names of its president and of each of its 48468  
officers also shall be stated. 48469

The superintendent has the right to reject the application of 48470  
any partnership, association, limited liability company, limited 48471  
liability partnership, or corporation if the name proposed to be 48472  
used by such partnership, association, limited liability company, 48473  
limited liability partnership, or corporation is likely to mislead 48474  
the public or if the name is not such as to distinguish it from 48475  
the name of any existing partnership, association, limited 48476  
liability company, limited liability partnership, or corporation 48477  
licensed under this chapter, unless there is filed with the 48478  
application the written consent of such existing partnership, 48479  
association, limited liability company, limited liability 48480  
partnership, or corporation, executed by a duly authorized 48481  
representative of it, permitting the use of the name of such 48482  
existing partnership, association, limited liability company, 48483

limited liability partnership, or corporation. 48484

(2) The superintendent shall approve the use of a trade name 48485  
by a brokerage, if the name meets both of the following criteria: 48486

(a) The proposed name is not the same as or is clearly 48487  
distinguishable from a name registered with the division of real 48488  
estate and professional licensing by another existing brokerage. 48489  
If the superintendent determines that the proposed name is not 48490  
clearly distinguishable from any other existing brokerage, the 48491  
superintendent may approve the use of the trade name if there is 48492  
filed with the superintendent the written consent of the existing 48493  
brokerage with the same or similar name. 48494

(b) The name is not misleading or likely to mislead the 48495  
public. 48496

(3) The superintendent may approve the use of more than one 48497  
trade name for a brokerage. 48498

(4) When a brokerage has received the approval of the 48499  
superintendent to conduct business under one or more trade names, 48500  
those trade names shall be the only identifying names used by the 48501  
brokerage in all advertising. 48502

(C) A fee of one hundred thirty-five dollars shall accompany 48503  
the application for a real estate broker's license. The initial 48504  
licensing period commences at the time the license is issued and 48505  
ends on the applicant's first birthday thereafter. However, if the 48506  
applicant was an inactive or active salesperson immediately 48507  
preceding application for a broker's license, then the initial 48508  
licensing period shall commence at the time the broker's license 48509  
is issued and ends on the date the licensee's continuing education 48510  
is due as set when the applicant was a salesperson. The 48511  
application fee shall be nonrefundable. A fee of one hundred 48512  
thirty-five dollars shall be charged by the superintendent for 48513  
each successive application made by an applicant. In the case of 48514

issuance of a three-year license, upon passing the examination, or 48515  
upon waiver of the examination requirement, if the superintendent 48516  
determines it is necessary, the applicant shall submit an 48517  
additional fee determined by the superintendent based upon the 48518  
number of years remaining in a real estate salesperson's licensing 48519  
period. 48520

(D) One dollar of each application fee for a real estate 48521  
broker's license shall be credited to the real estate education 48522  
and research fund, which is hereby created in the state treasury. 48523  
The Ohio real estate commission may use the fund in discharging 48524  
the duties prescribed in divisions (E), (F), (G), and (H) of 48525  
section 4735.03 of the Revised Code and shall use it in the 48526  
advancement of education and research in real estate at any 48527  
institution of higher education in the state, or in contracting 48528  
with any such institution or a trade organization for a particular 48529  
research or educational project in the field of real estate, or in 48530  
advancing loans, not exceeding two thousand dollars, to applicants 48531  
for salesperson licenses, to defray the costs of satisfying the 48532  
educational requirements of division (F) of section 4735.09 of the 48533  
Revised Code. Such loans shall be made according to rules 48534  
established by the commission under the procedures of Chapter 119. 48535  
of the Revised Code, and they shall be repaid to the fund within 48536  
three years of the time they are made. No more than twenty-five 48537  
thousand dollars shall be lent from the fund in any one fiscal 48538  
year. 48539

The governor may appoint a representative from the executive 48540  
branch to be a member ex officio of the commission for the purpose 48541  
of advising on research requests or educational projects. The 48542  
commission shall report to the general assembly on the third 48543  
Tuesday after the third Monday in January of each year setting 48544  
forth the total amount contained in the fund and the amount of 48545  
each research grant that it has authorized and the amount of each 48546

research grant requested. A copy of all research reports shall be 48547  
submitted to the state library of Ohio and the library of the 48548  
legislative service commission. 48549

(E) If the superintendent, with the consent of the 48550  
commission, enters into an agreement with a national testing 48551  
service to administer the real estate broker's examination, 48552  
pursuant to division (A) of section 4735.07 of the Revised Code, 48553  
the superintendent may require an applicant to pay the testing 48554  
service's examination fee directly to the testing service. If the 48555  
superintendent requires the payment of the examination fee 48556  
directly to the testing service, each applicant shall submit to 48557  
the superintendent a processing fee in an amount determined by the 48558  
Ohio real estate commission pursuant to division (A)(2) of section 48559  
4735.10 of the Revised Code. 48560

**Sec. 4735.09.** (A) Application for a license as a real estate 48561  
salesperson shall be made to the superintendent of real estate on 48562  
forms furnished by the superintendent and signed by the applicant. 48563  
The application shall be in the form prescribed by the 48564  
superintendent and shall contain such information as is required 48565  
by this chapter and the rules of the Ohio real estate commission. 48566  
The application shall be accompanied by the recommendation of the 48567  
real estate broker with whom the applicant is associated or with 48568  
whom the applicant intends to be associated, certifying that the 48569  
applicant is honest, truthful, and of good reputation, has not 48570  
been convicted of a felony or a crime involving moral turpitude, 48571  
and has not been finally adjudged by a court to have violated any 48572  
municipal, state, or federal civil rights laws relevant to the 48573  
protection of purchasers or sellers of real estate, which 48574  
conviction or adjudication the applicant has not disclosed to the 48575  
superintendent, and recommending that the applicant be admitted to 48576  
the real estate salesperson examination. 48577

(B) A fee of ~~sixty~~ eighty-one dollars shall accompany the 48578  
application, which fee includes the fee for the initial year of 48579  
the licensing period, if a license is issued. The initial year of 48580  
the licensing period commences at the time the license is issued 48581  
and ends on the applicant's first birthday thereafter. The 48582  
application fee shall be nonrefundable. A fee of ~~sixty~~ eighty-one 48583  
dollars shall be charged by the superintendent for each successive 48584  
application made by the applicant. One dollar of each application 48585  
fee shall be credited to the real estate education and research 48586  
fund. 48587

(C) There shall be no limit placed on the number of times an 48588  
applicant may retake the examination. 48589

(D) The superintendent, with the consent of the commission, 48590  
may enter into an agreement with a recognized national testing 48591  
service to administer the real estate salesperson's examination 48592  
under the superintendent's supervision and control, consistent 48593  
with the requirements of this chapter as to the contents of the 48594  
examination. 48595

If the superintendent, with the consent of the commission, 48596  
enters into an agreement with a national testing service to 48597  
administer the real estate salesperson's examination, the 48598  
superintendent may require an applicant to pay the testing 48599  
service's examination fee directly to the testing service. If the 48600  
superintendent requires the payment of the examination fee 48601  
directly to the testing service, each applicant shall submit to 48602  
the superintendent a processing fee in an amount determined by the 48603  
Ohio real estate commission pursuant to division (A)(1) of section 48604  
4735.10 of the Revised Code. 48605

(E) The superintendent shall issue a real estate 48606  
salesperson's license when satisfied that the applicant has 48607  
received a passing score on each portion of the salesperson's 48608  
examination as determined by rule by the real estate commission, 48609

except that the superintendent may waive one or more of the requirements of this section in the case of an applicant who is a licensed real estate salesperson in another state pursuant to a reciprocity agreement with the licensing authority of the state from which the applicant holds a valid real estate salesperson's license.

(F) No applicant for a salesperson's license shall take the salesperson's examination who has not established to the satisfaction of the superintendent that the applicant:

(1) Is honest, truthful, and of good reputation;

(2)(a) Has not been convicted of a felony or crime of moral turpitude or, if the applicant has been so convicted, the superintendent has disregarded the conviction because the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's activities and employment record since the conviction show that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved;

(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant again will violate the laws involved.

(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any

rule adopted pursuant to this chapter, or, if the applicant has 48641  
violated such provision or rule, has established to the 48642  
satisfaction of the superintendent that the applicant will not 48643  
again violate such provision or rule; 48644

(4) Is at least eighteen years of age; 48645

(5) If born after the year 1950, has a high school diploma or 48646  
a certificate of high school equivalence issued by the department 48647  
of education; 48648

(6) Has successfully completed at an institution of higher 48649  
education all of the following credit-eligible courses by either 48650  
classroom instruction or distance education: 48651

(a) Forty hours of instruction in real estate practice; 48652

(b) Forty hours of instruction that includes the subjects of 48653  
Ohio real estate law, municipal, state, and federal civil rights 48654  
law, new case law on housing discrimination, desegregation issues, 48655  
and methods of eliminating the effects of prior discrimination. If 48656  
feasible, the instruction in Ohio real estate law shall be taught 48657  
by a member of the faculty of an accredited law school. If 48658  
feasible, the instruction in municipal, state, and federal civil 48659  
rights law, new case law on housing discrimination, desegregation 48660  
issues, and methods of eliminating the effects of prior 48661  
discrimination shall be taught by a staff member of the Ohio civil 48662  
rights commission who is knowledgeable with respect to those 48663  
subjects. The requirements of this division do not apply to an 48664  
applicant who is admitted to practice before the supreme court. 48665

(c) Twenty hours of instruction in real estate appraisal; 48666

(d) Twenty hours of instruction in real estate finance. 48667

(G)(1) Successful completion of the instruction required by 48668  
division (F)(6) of this section shall be determined by the law in 48669  
effect on the date the instruction was completed. 48670

(2) Division (F)(6)(c) of this section does not apply to any 48671  
new applicant who holds a valid Ohio real estate appraiser license 48672  
or certificate issued prior to the date of application for a real 48673  
estate salesperson's license. 48674

(H) Only for noncredit course offerings, an institution of 48675  
higher education shall obtain approval from the appropriate state 48676  
authorizing entity prior to offering a real estate course that is 48677  
designed and marketed as satisfying the salesperson license 48678  
education requirements of division (F)(6) of this section. The 48679  
state authorizing entity may consult with the superintendent in 48680  
reviewing the course for compliance with this section. 48681

(I) Any person who has not been licensed as a real estate 48682  
salesperson or broker within a four-year period immediately 48683  
preceding the person's current application for the salesperson's 48684  
examination shall have successfully completed the prelicensure 48685  
instruction required by division (F)(6) of this section within a 48686  
ten-year period immediately preceding the person's current 48687  
application for the salesperson's examination. 48688

(J) Not earlier than the date of issue of a real estate 48689  
salesperson's license to a licensee, but not later than twelve 48690  
months after the date of issue of a real estate salesperson 48691  
license to a licensee, the licensee shall submit proof 48692  
satisfactory to the superintendent, on forms made available by the 48693  
superintendent, of the completion of twenty hours of instruction 48694  
that shall be completed in schools, seminars, and educational 48695  
institutions approved by the commission. The instruction shall 48696  
include, but is not limited to, current practices relating to 48697  
commercial real estate, property management, short sales, and land 48698  
contracts; contract law; federal and state programs; economic 48699  
conditions; and fiduciary responsibility. Approval of the 48700  
curriculum and providers shall be granted according to rules 48701  
adopted pursuant to section 4735.10 of the Revised Code and may be 48702

taken through classroom instruction or distance education. 48703

If proof of completion of the required instruction is not 48704  
submitted within twelve months of the date a license is issued 48705  
under this section, the licensee's license is suspended 48706  
automatically without the taking of any action by the 48707  
superintendent. The superintendent immediately shall notify the 48708  
broker with whom such salesperson is associated of the suspension 48709  
of the salesperson's license. A salesperson whose license has been 48710  
suspended under this division shall have twelve months after the 48711  
date of the suspension of the salesperson's license to submit 48712  
proof of successful completion of the instruction required under 48713  
this division. No such license shall be reactivated by the 48714  
superintendent until it is established, to the satisfaction of the 48715  
superintendent, that the requirements of this division have been 48716  
met and that the licensee is in compliance with this chapter. A 48717  
licensee's license is revoked automatically without the taking of 48718  
any action by the superintendent when the licensee fails to submit 48719  
the required proof of completion of the education requirements 48720  
under division (I) of this section within twelve months of the 48721  
date the license is suspended. 48722

(K) Examinations shall be administered with reasonable 48723  
accommodations in accordance with the requirements of the 48724  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 48725  
U.S.C. 12189. The contents of an examination shall be consistent 48726  
with the classroom instructional requirements of division (F)(6) 48727  
of this section. An applicant who has completed the classroom 48728  
instructional requirements of division (F)(6) of this section at 48729  
the time of application shall be examined no later than twelve 48730  
months after the applicant is notified of the applicant's 48731  
admission to the examination. 48732

**Sec. 4735.12.** (A) The real estate recovery fund is hereby 48733

created in the state treasury, to be administered by the 48734  
superintendent of real estate. Amounts collected by the 48735  
superintendent as prescribed in this section and interest earned 48736  
on the assets of the fund shall be credited by the treasurer of 48737  
state to the fund. The amount of money in the fund shall be 48738  
ascertained by the superintendent as of the first day of July of 48739  
each year. 48740

The commission, in accordance with rules adopted under 48741  
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 48742  
impose a special assessment not to exceed ten dollars per year for 48743  
each year of a licensing period on each licensee filing a notice 48744  
of renewal under section 4735.14 of the Revised Code if the amount 48745  
available in the fund is less than ~~five~~ two hundred fifty thousand 48746  
dollars on the first day of July preceding that filing. ~~The~~ 48747  
~~commission may impose a special assessment not to exceed five~~ 48748  
~~dollars per year for each year of a licensing period if the amount~~ 48749  
~~available in the fund is greater than one million dollars, but~~ 48750  
~~less than two million dollars on the first day of July preceding~~ 48751  
~~that filing.~~ The commission shall not impose a special assessment 48752  
if the amount available in the fund exceeds two ~~million~~ hundred 48753  
fifty thousand dollars on the first day of July preceding that 48754  
filing. 48755

(B)(1) Any person who obtains a final judgment in any court 48756  
of competent jurisdiction against any broker or salesperson 48757  
licensed under this chapter, on the grounds of conduct that is in 48758  
violation of this chapter or the rules adopted under it, and that 48759  
is associated with an act or transaction that only a licensed real 48760  
estate broker or licensed real estate salesperson is authorized to 48761  
perform as specified in division (A) or (C) of section 4735.01 of 48762  
the Revised Code, may file a verified application, as described in 48763  
division (B)(3) of this section, in the court of common pleas of 48764  
Franklin county for an order directing payment out of the real 48765

estate recovery fund of the portion of the judgment that remains 48766  
unpaid and that represents the actual and direct loss sustained by 48767  
the applicant. 48768

(2) Punitive damages, attorney's fees, and interest on a 48769  
judgment are not recoverable from the fund. In the discretion of 48770  
the superintendent of real estate, court costs may be recovered 48771  
from the fund, and, if the superintendent authorizes the recovery 48772  
of court costs, the order of the court of common pleas then may 48773  
direct their payment from the fund. 48774

(3) The application shall specify the nature of the act or 48775  
transaction upon which the underlying judgment was based, the 48776  
activities of the applicant in pursuit of remedies available under 48777  
law for the collection of judgments, and the actual and direct 48778  
losses, attorney's fees, and the court costs sustained or incurred 48779  
by the applicant. The applicant shall attach to the application a 48780  
copy of each pleading and order in the underlying court action. 48781

(4) The court shall order the superintendent to make such 48782  
payments out of the fund when the person seeking the order has 48783  
shown all of the following: 48784

(a) The person has obtained a judgment, as provided in this 48785  
division; 48786

(b) All appeals from the judgment have been exhausted and the 48787  
person has given notice to the superintendent, as required by 48788  
division (C) of this section; 48789

(c) The person is not a spouse of the judgment debtor, or the 48790  
personal representative of such spouse; 48791

(d) The person has diligently pursued the person's remedies 48792  
against all the judgment debtors and all other persons liable to 48793  
the person in the transaction for which the person seeks recovery 48794  
from the fund; 48795

(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment. 48796  
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(5) Divisions (B)(1) to (4) of this section do not apply to any of the following: 48799  
48800

(a) Actions arising from property management accounts maintained in the name of the property owner; 48801  
48802

(b) A bonding company when it is not a principal in a real estate transaction; 48803  
48804

(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code; 48805  
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48807  
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(d) Losses incurred by investors in real estate if the applicant and the licensee are principals in the investment. 48809  
48810

(C) A person who applies to a court of common pleas for an order directing payment out of the fund shall file notice of the application with the superintendent. The superintendent may defend any such action on behalf of the fund and shall have recourse to all appropriate means of defense and review, including examination of witnesses, verification of actual and direct losses, and challenges to the underlying judgment required in division (B)(4)(a) of this section to determine whether the underlying judgment is based on activity only a licensed broker or licensed salesperson is permitted to perform. The superintendent may move the court at any time to dismiss the application when it appears there are no triable issues and the application is without merit. The motion may be supported by affidavit of any person having knowledge of the facts and may be made on the basis that the application, including the judgment referred to in it, does not form the basis for a meritorious recovery claim; provided, that 48811  
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the superintendent shall give written notice to the applicant at 48827  
least ten days before such motion. The superintendent may, subject 48828  
to court approval, compromise a claim based upon the application 48829  
of an aggrieved party. The superintendent shall not be bound by 48830  
any prior compromise or stipulation of the judgment debtor. 48831

(D) Notwithstanding any other provision of this section, the 48832  
liability of the fund shall not exceed forty thousand dollars for 48833  
any one licensee. If a licensee's license is reactivated as 48834  
provided in division (E) of this section, the liability of the 48835  
fund for the licensee under this section shall again be forty 48836  
thousand dollars, but only for transactions that occur subsequent 48837  
to the time of reactivation. 48838

If the forty-thousand-dollar liability of the fund is 48839  
insufficient to pay in full the valid claims of all aggrieved 48840  
persons by whom claims have been filed against any one licensee, 48841  
the forty thousand dollars shall be distributed among them in the 48842  
ratio that their respective claims bear to the aggregate of valid 48843  
claims or in such other manner as the court finds equitable. 48844  
Distribution of moneys shall be among the persons entitled to 48845  
share in it, without regard to the order of priority in which 48846  
their respective judgments may have been obtained or their claims 48847  
have been filed. Upon petition of the superintendent, the court 48848  
may require all claimants and prospective claimants against one 48849  
licensee to be joined in one action, to the end that the 48850  
respective rights of all such claimants to the fund may be 48851  
equitably adjudicated and settled. 48852

(E) If the superintendent pays from the fund any amount in 48853  
settlement of a claim or toward satisfaction of a judgment against 48854  
a licensed broker or salesperson, the license of the broker or 48855  
salesperson shall be automatically suspended upon the date of 48856  
payment from the fund. The superintendent shall not reactivate the 48857  
suspended license of that broker or salesperson until the broker 48858

or salesperson has repaid in full, plus interest per annum at the 48859  
rate specified in division (A) of section 1343.03 of the Revised 48860  
Code, the amount paid from the fund on the broker's or 48861  
salesperson's account. A discharge in bankruptcy does not relieve 48862  
a person from the suspension and requirements for reactivation 48863  
provided in this section unless the underlying judgment has been 48864  
included in the discharge and has not been reaffirmed by the 48865  
debtor. 48866

(F) If, at any time, the money deposited in the fund is 48867  
insufficient to satisfy any duly authorized claim or portion of a 48868  
claim, the superintendent shall, when sufficient money has been 48869  
deposited in the fund, satisfy such unpaid claims or portions, in 48870  
the order that such claims or portions were originally filed, plus 48871  
accumulated interest per annum at the rate specified in division 48872  
(A) of section 1343.03 of the Revised Code. 48873

(G) When, upon the order of the court, the superintendent has 48874  
paid from the fund any sum to the judgment creditor, the 48875  
superintendent shall be subrogated to all of the rights of the 48876  
judgment creditor to the extent of the amount so paid, and the 48877  
judgment creditor shall assign all the judgment creditor's right, 48878  
title, and interest in the judgment to the superintendent to the 48879  
extent of the amount so paid. Any amount and interest so recovered 48880  
by the superintendent on the judgment shall be deposited in the 48881  
fund. 48882

(H) Nothing contained in this section shall limit the 48883  
authority of the superintendent to take disciplinary action 48884  
against any licensee under other provisions of this chapter; nor 48885  
shall the repayment in full of all obligations to the fund by any 48886  
licensee nullify or modify the effect of any other disciplinary 48887  
proceeding brought pursuant to this chapter. 48888

(I) The superintendent shall collect from the fund a service 48889  
fee in an amount equivalent to the interest rate specified in 48890

division (A) of section 1343.03 of the Revised Code multiplied by 48891  
the annual interest earned on the assets of the fund, to defray 48892  
the expenses incurred in the administration of the fund. 48893

**Sec. 4735.13.** (A) Every real estate broker licensed under 48894  
this chapter shall have and maintain a definite place of business 48895  
in this state. A post office box address is not a definite place 48896  
of business for purposes of this section. The license of a real 48897  
estate broker shall be prominently displayed in the office or 48898  
place of business of the broker, and no license shall authorize 48899  
the licensee to do business except from the location specified in 48900  
it. If the broker maintains more than one place of business within 48901  
the state, the broker shall apply for and procure a duplicate 48902  
license for each branch office maintained by the broker. Each 48903  
branch office shall be in the charge of a licensed broker or 48904  
salesperson. The branch office license shall be prominently 48905  
displayed at the branch office location. 48906

(B) The license of each real estate salesperson shall be 48907  
mailed to and remain in the possession of the licensed broker with 48908  
whom the salesperson is or is to be associated until the licensee 48909  
places the license on inactive or resigned status or until the 48910  
salesperson leaves the brokerage or is terminated. The broker 48911  
shall keep each salesperson's license in a way that it can, and 48912  
shall on request, be made immediately available for public 48913  
inspection at the office or place of business of the broker. 48914  
Except as provided in divisions (G) and (H) of this section, 48915  
immediately upon the salesperson's leaving the association or 48916  
termination of the association of a real estate salesperson with 48917  
the broker, the broker shall return the salesperson's license to 48918  
the superintendent of real estate. 48919

The failure of a broker to return the license of a real 48920  
estate salesperson or broker who leaves or who is terminated, via 48921

certified mail return receipt requested, within three business 48922  
days of the receipt of a written request from the superintendent 48923  
for the return of the license, is prima-facie evidence of 48924  
misconduct under division (A)(6) of section 4735.18 of the Revised 48925  
Code. 48926

(C) A licensee shall notify the superintendent in writing 48927  
within fifteen days of any of the following occurrences: 48928

(1) The licensee is convicted of a felony. 48929

(2) The licensee is convicted of a crime involving moral 48930  
turpitude. 48931

(3) The licensee is found to have violated any federal, 48932  
state, or municipal civil rights law pertaining to discrimination 48933  
in housing. 48934

(4) The licensee is found to have engaged in a discriminatory 48935  
practice pertaining to housing accommodations described in 48936  
division (H) of section 4112.02 of the Revised Code. 48937

(5) The licensee is the subject of an order by the department 48938  
of commerce, the department of insurance, or the department of 48939  
agriculture revoking or permanently surrendering any professional 48940  
license, certificate, or registration. 48941

(6) The licensee is the subject of an order by any government 48942  
agency concerning real estate, financial matters, or the 48943  
performance of fiduciary duties with respect to any license, 48944  
certificate, or registration. 48945

If a licensee fails to notify the superintendent within the 48946  
required time, the superintendent immediately may suspend the 48947  
license of the licensee. 48948

Any court that convicts a licensee of a violation of any 48949  
municipal civil rights law pertaining to housing discrimination 48950  
also shall notify the Ohio civil rights commission within fifteen 48951

days of the conviction. 48952

(D) In case of any change of business location, a broker 48953  
shall give notice to the superintendent, on a form prescribed by 48954  
the superintendent, within thirty days after the change of 48955  
location, whereupon the superintendent shall issue new licenses 48956  
for the unexpired period without charge. If a broker changes a 48957  
business location without giving the required notice and without 48958  
receiving new licenses that action is prima-facie evidence of 48959  
misconduct under division (A)(6) of section 4735.18 of the Revised 48960  
Code. 48961

(E) If a real estate broker desires to associate with another 48962  
real estate broker in the capacity of a real estate salesperson, 48963  
the broker shall apply to the superintendent to deposit the 48964  
broker's real estate broker's license with the superintendent and 48965  
for the issuance of a real estate salesperson's license. The 48966  
application shall be made on a form prescribed by the 48967  
superintendent and shall be accompanied by the recommendation of 48968  
the real estate broker with whom the applicant intends to become 48969  
associated and a fee of ~~twenty-five~~ thirty-four dollars for the 48970  
real estate salesperson's license. One dollar of the fee shall be 48971  
credited to the real estate education and research fund. If the 48972  
superintendent is satisfied that the applicant is honest, 48973  
truthful, and of good reputation, has not been convicted of a 48974  
felony or a crime involving moral turpitude, and has not been 48975  
finally adjudged by a court to have violated any municipal, state, 48976  
or federal civil rights laws relevant to the protection of 48977  
purchasers or sellers of real estate, and that the association of 48978  
the real estate broker and the applicant will be in the public 48979  
interest, the superintendent shall grant the application and issue 48980  
a real estate salesperson's license to the applicant. Any license 48981  
so deposited with the superintendent shall be subject to this 48982  
chapter. A broker who intends to deposit the broker's license with 48983

the superintendent, as provided in this section, shall give 48984  
written notice of this fact in a format prescribed by the 48985  
superintendent to all salespersons associated with the broker when 48986  
applying to place the broker's license on deposit. 48987

(F) If a real estate broker desires to become a member or 48988  
officer of a partnership, association, limited liability company, 48989  
limited liability partnership, or corporation that is or intends 48990  
to become a licensed real estate broker, the broker shall notify 48991  
the superintendent of the broker's intentions. The notice of 48992  
intention shall be on a form prescribed by the superintendent and 48993  
shall be accompanied by a fee of ~~twenty-five~~ thirty-four dollars. 48994  
One dollar of the fee shall be credited to the real estate 48995  
education and research fund. 48996

A licensed real estate broker who is a member or officer of a 48997  
partnership, association, limited liability company, limited 48998  
liability partnership, or corporation shall only act as a real 48999  
estate broker for such partnership, association, limited liability 49000  
company, limited liability partnership, or corporation. 49001

(G)(1) If a real estate broker or salesperson enters the 49002  
armed forces, the broker or salesperson may place the broker's or 49003  
salesperson's license on deposit with the Ohio real estate 49004  
commission. The licensee shall not be required to renew the 49005  
license until the renewal date that follows the date of discharge 49006  
from the armed forces. Any license deposited with the commission 49007  
shall be subject to this chapter. 49008

Any licensee whose license is on deposit under this division 49009  
and who fails to meet the continuing education requirements of 49010  
section 4735.141 of the Revised Code because the licensee is in 49011  
the armed forces shall satisfy the commission that the licensee 49012  
has complied with the continuing education requirements within 49013  
twelve months of the licensee's first birthday after discharge or 49014  
within the amount of time equal to the total number of months the 49015

licensee spent on active duty, whichever is greater. The licensee 49016  
shall submit proper documentation of active duty service and the 49017  
length of that active duty service to the superintendent. The 49018  
extension shall not exceed the total number of months that the 49019  
licensee served in active duty. The superintendent shall notify 49020  
the licensee of the licensee's obligations under section 4735.141 49021  
of the Revised Code at the time the licensee applies for 49022  
reactivation of the licensee's license. 49023

(2) If a licensee is a spouse of a member of the armed forces 49024  
and the spouse's service resulted in the licensee's absence from 49025  
this state, both of the following apply: 49026

(a) The licensee shall not be required to renew the license 49027  
until the renewal date that follows the date of the spouse's 49028  
discharge from the armed forces. 49029

(b) If the licensee fails to meet the continuing education 49030  
requirements of section 4735.141 of the Revised Code, the licensee 49031  
shall satisfy the commission that the licensee has complied with 49032  
the continuing education requirements within twelve months after 49033  
the licensee's first birthday after the spouse's discharge or 49034  
within the amount of time equal to the total number of months the 49035  
licensee's spouse spent on active duty, whichever is greater. The 49036  
licensee shall submit proper documentation of the spouse's active 49037  
duty service and the length of that active duty service. This 49038  
extension shall not exceed the total number of months that the 49039  
licensee's spouse served in active duty. 49040

(3) In the case of a licensee as described in division (G)(2) 49041  
of this section, who holds the license through a reciprocity 49042  
agreement with another state, the spouse's service shall have 49043  
resulted in the licensee's absence from the licensee's state of 49044  
residence for the provisions of that division to apply. 49045

(4) As used in this division, "armed forces" means the armed 49046

forces of the United States or reserve component of the armed 49047  
forces of the United States including the Ohio national guard or 49048  
the national guard of any other state. 49049

(H) If a licensed real estate salesperson submits an 49050  
application to the superintendent to leave the association of one 49051  
broker to associate with a different broker, the broker possessing 49052  
the licensee's license need not return the salesperson's license 49053  
to the superintendent. The superintendent may process the 49054  
application regardless of whether the licensee's license is 49055  
returned to the superintendent. 49056

**Sec. 4735.15.** (A) The nonrefundable fees for reactivation or 49057  
transfer of a license shall be as follows: 49058

(1) Reactivation or transfer of a broker's license into or 49059  
out of a partnership, association, limited liability company, 49060  
limited liability partnership, or corporation or from one 49061  
partnership, association, limited liability company, limited 49062  
liability partnership, or corporation to another partnership, 49063  
association, limited liability company, limited liability 49064  
partnership, or corporation, ~~twenty-five~~ thirty-four dollars. An 49065  
application for such transfer shall be made to the superintendent 49066  
of real estate on forms provided by the superintendent. 49067

(2) Reactivation or transfer of a license by a real estate 49068  
salesperson, ~~twenty-five~~ thirty-four dollars. 49069

(B) Except as may otherwise be specified pursuant to division 49070  
(F) of this section or any rules adopted by the Ohio real estate 49071  
commission pursuant to division (A)(2)(b) of section 4735.10 of 49072  
the Revised Code, the nonrefundable fees ~~for a branch office~~ 49073  
~~license, license renewal, late filing, and foreign real estate~~ 49074  
~~dealer and salesperson license~~ are as follows ~~per year~~ for each 49075  
~~year of a~~ licensing period: 49076

- (1) Branch office license, ~~fifteen~~ twenty dollars; 49077
- (2) Renewal of a three-year real estate broker's license, 49078  
~~sixty two hundred forty-three~~ dollars. If the licensee is a 49079  
partnership, association, limited liability company, limited 49080  
liability partnership, or corporation, the full broker's renewal 49081  
fee shall be required for each member of such partnership, 49082  
association, limited liability company, limited liability 49083  
partnership, or corporation that is a real estate broker. If the 49084  
real estate broker has not less than eleven nor more than twenty 49085  
real estate salespersons associated with the broker, an additional 49086  
fee of sixty-four dollars shall be assessed to the brokerage. For 49087  
every additional ten real estate salespersons or fraction of that 49088  
number, the brokerage assessment fee shall be increased in the 49089  
amount of thirty-seven dollars. 49090
- (3) Renewal of a three-year real estate salesperson's 49091  
license, ~~forty-five~~ one hundred eighty-two dollars; 49092
- (4) Renewal of a real estate broker's or salesperson's 49093  
license filed within twelve months after the licensee's renewal 49094  
date, an additional late filing penalty of fifty per cent of the 49095  
required three-year fee; 49096
- (5) Foreign real estate dealer's license and each renewal of 49097  
the license, thirty dollars per salesperson employed by the 49098  
dealer, but not less than ~~one~~ two hundred fifty three dollars; 49099
- (6) Foreign real estate salesperson's license and each 49100  
renewal of the license, ~~fifty~~ sixty-eight dollars. 49101
- (C) All fees collected under this section shall be paid to 49102  
the treasurer of state. One dollar of each such fee shall be 49103  
credited to the real estate education and research fund, except 49104  
that for fees that are assessed only once every three years, three 49105  
dollars of each triennial fee shall be credited to the real estate 49106  
education and research fund. 49107

(D) In all cases, the fee and any penalty shall accompany the application for the license, license transfer, or license reactivation or shall accompany the filing of the renewal.

(E) The commission may establish by rule reasonable fees for services not otherwise established by this chapter.

(F) The commission may adopt rules that provide for a reduction in the fees established in divisions (B)(2) and (3) of this section.

**Sec. 4735.18.** (A) Subject to section 4735.32 of the Revised Code, the superintendent of real estate, upon the superintendent's own motion, may investigate the conduct of any licensee. Subject to division (E) of this section and section 4735.32 of the Revised Code, the Ohio real estate commission shall impose disciplinary sanctions upon any licensee who, whether or not acting in the licensee's capacity as a real estate broker or salesperson, or in handling the licensee's own property, is found to have been convicted of a felony or a crime of moral turpitude, and may impose disciplinary sanctions upon any licensee who, in the licensee's capacity as a real estate broker or salesperson, or in handling the licensee's own property, is found guilty of:

(1) Knowingly making any misrepresentation;

(2) Making any false promises with intent to influence, persuade, or induce;

(3) A continued course of misrepresentation or the making of false promises through agents, salespersons, advertising, or otherwise;

(4) Acting for more than one party in a transaction except as permitted by and in compliance with section 4735.71 of the Revised Code;

(5) Failure within a reasonable time to account for or to

remit any money coming into the licensee's possession which 49138  
belongs to others; 49139

(6) Dishonest or illegal dealing, gross negligence, 49140  
incompetency, or misconduct; 49141

(7)(a) By final adjudication by a court, a violation of any 49142  
municipal or federal civil rights law relevant to the protection 49143  
of purchasers or sellers of real estate or, by final adjudication 49144  
by a court, any unlawful discriminatory practice pertaining to the 49145  
purchase or sale of real estate prohibited by Chapter 4112. of the 49146  
Revised Code, provided that such violation arose out of a 49147  
situation wherein parties were engaged in bona fide efforts to 49148  
purchase, sell, or lease real estate, in the licensee's practice 49149  
as a licensed real estate broker or salesperson; 49150

(b) A second or subsequent violation of any unlawful 49151  
discriminatory practice pertaining to the purchase or sale of real 49152  
estate prohibited by Chapter 4112. of the Revised Code or any 49153  
second or subsequent violation of municipal or federal civil 49154  
rights laws relevant to purchasing or selling real estate whether 49155  
or not there has been a final adjudication by a court, provided 49156  
that such violation arose out of a situation wherein parties were 49157  
engaged in bona fide efforts to purchase, sell, or lease real 49158  
estate. For any second offense under this division, the commission 49159  
shall suspend for a minimum of two months or revoke the license of 49160  
the broker or salesperson. For any subsequent offense, the 49161  
commission shall revoke the license of the broker or salesperson. 49162

(8) Procuring a license under this chapter, for the licensee 49163  
or any salesperson by fraud, misrepresentation, or deceit; 49164

(9) Having violated or failed to comply with any provision of 49165  
sections 4735.51 to 4735.74 of the Revised Code or having 49166  
willfully disregarded or violated any other provisions of this 49167  
chapter; 49168

(10) As a real estate broker, having demanded, without	49169
reasonable cause, other than from a broker licensed under this	49170
chapter, a commission to which the licensee is not entitled, or,	49171
as a real estate salesperson, having demanded, without reasonable	49172
cause, a commission to which the licensee is not entitled;	49173
(11) Except as permitted under section 4735.20 of the Revised	49174
Code, having paid commissions or fees to, or divided commissions	49175
or fees with, anyone not licensed as a real estate broker or	49176
salesperson under this chapter or anyone not operating as an	49177
out-of-state commercial real estate broker or salesperson under	49178
section 4735.022 of the Revised Code;	49179
(12) Having falsely represented membership in any real estate	49180
professional association of which the licensee is not a member;	49181
(13) Having accepted, given, or charged any undisclosed	49182
commission, rebate, or direct profit on expenditures made for a	49183
principal;	49184
(14) Having offered anything of value other than the	49185
consideration recited in the sales contract as an inducement to a	49186
person to enter into a contract for the purchase or sale of real	49187
estate or having offered real estate or the improvements on real	49188
estate as a prize in a lottery or scheme of chance;	49189
(15) Having acted in the dual capacity of real estate broker	49190
and undisclosed principal, or real estate salesperson and	49191
undisclosed principal, in any transaction;	49192
(16) Having guaranteed, authorized, or permitted any person	49193
to guarantee future profits which may result from the resale of	49194
real property;	49195
(17) Having advertised or placed a sign on any property	49196
offering it for sale or for rent without the consent of the owner	49197
or the owner's authorized agent;	49198

(18) Having induced any party to a contract of sale or lease	49199
to break such contract for the purpose of substituting in lieu of	49200
it a new contract with another principal;	49201
(19) Having negotiated the sale, exchange, or lease of any	49202
real property directly with a seller, purchaser, lessor, or tenant	49203
knowing that such seller, purchaser, lessor, or tenant is	49204
represented by another broker under a written exclusive agency	49205
agreement, exclusive right to sell or lease listing agreement, or	49206
exclusive purchaser agency agreement with respect to such property	49207
except as provided for in section 4735.75 of the Revised Code;	49208
(20) Having offered real property for sale or for lease	49209
without the knowledge and consent of the owner or the owner's	49210
authorized agent, or on any terms other than those authorized by	49211
the owner or the owner's authorized agent;	49212
(21) Having published advertising, whether printed, radio,	49213
display, or of any other nature, which was misleading or	49214
inaccurate in any material particular, or in any way having	49215
misrepresented any properties, terms, values, policies, or	49216
services of the business conducted;	49217
(22) Having knowingly withheld from or inserted in any	49218
statement of account or invoice any statement that made it	49219
inaccurate in any material particular;	49220
(23) Having published or circulated unjustified or	49221
unwarranted threats of legal proceedings which tended to or had	49222
the effect of harassing competitors or intimidating their	49223
customers;	49224
(24) Having failed to keep complete and accurate records of	49225
all transactions for a period of three years from the date of the	49226
transaction, such records to include copies of listing forms,	49227
earnest money receipts, offers to purchase and acceptances of	49228
them, records of receipts and disbursements of all funds received	49229

by the licensee as broker and incident to the licensee's 49230  
transactions as such, and records required pursuant to divisions 49231  
(C)(4) and (5) of section 4735.20 of the Revised Code, and any 49232  
other instruments or papers related to the performance of any of 49233  
the acts set forth in the definition of a real estate broker; 49234

(25) Failure of a real estate broker or salesperson to 49235  
furnish all parties involved in a real estate transaction true 49236  
copies of all listings and other agreements to which they are a 49237  
party, at the time each party signs them; 49238

(26) Failure to maintain at all times a special or trust bank 49239  
account in a depository located in this state. The account shall 49240  
be noninterest-bearing, separate and distinct from any personal or 49241  
other account of the broker, and, except as provided in division 49242  
(A)(27) of this section, shall be used for the deposit and 49243  
maintenance of all escrow funds, security deposits, and other 49244  
moneys received by the broker in a fiduciary capacity. The name, 49245  
account number, if any, and location of the depository wherein 49246  
such special or trust account is maintained shall be submitted in 49247  
writing to the superintendent. Checks drawn on such special or 49248  
trust bank accounts are deemed to meet the conditions imposed by 49249  
section 1349.21 of the Revised Code. Funds deposited in the trust 49250  
or special account in connection with a purchase agreement shall 49251  
be maintained in accordance with section 4735.24 of the Revised 49252  
Code. 49253

(27) Failure to maintain at all times a special or trust bank 49254  
account in a depository in this state, to be used exclusively for 49255  
the deposit and maintenance of all rents, security deposits, 49256  
escrow funds, and other moneys received by the broker in a 49257  
fiduciary capacity in the course of managing real property. This 49258  
account shall be separate and distinct from any other account 49259  
maintained by the broker. The name, account number, and location 49260  
of the depository shall be submitted in writing to the 49261

superintendent. This account may earn interest, which shall be 49262  
paid to the property owners on a pro rata basis. 49263

Division (A)(27) of this section does not apply to brokers 49264  
who are not engaged in the management of real property on behalf 49265  
of real property owners. 49266

(28) Having failed to put definite expiration dates in all 49267  
written agency agreements to which the broker is a party; 49268

(29) Having an unsatisfied final judgment or lien in any 49269  
court of record against the licensee arising out of the licensee's 49270  
conduct as a licensed broker or salesperson; 49271

(30) Failing to render promptly upon demand a full and 49272  
complete statement of the expenditures by the broker or 49273  
salesperson of funds advanced by or on behalf of a party to a real 49274  
estate transaction to the broker or salesperson for the purpose of 49275  
performing duties as a licensee under this chapter in conjunction 49276  
with the real estate transaction; 49277

(31) Failure within a reasonable time, after the receipt of 49278  
the commission by the broker, to render an accounting to and pay a 49279  
real estate salesperson the salesperson's earned share of it; 49280

(32) Performing any service for another constituting the 49281  
practice of law, as determined by any court of law; 49282

(33) Having been adjudicated incompetent for the purpose of 49283  
holding the license by a court, as provided in section 5122.301 of 49284  
the Revised Code. A license revoked or suspended under this 49285  
division shall be reactivated upon proof to the commission of the 49286  
removal of the disability. 49287

(34) Having authorized or permitted a person to act as an 49288  
agent in the capacity of a real estate broker, or a real estate 49289  
salesperson, who was not then licensed as a real estate broker or 49290  
real estate salesperson under this chapter or who was not then 49291

operating as an out-of-state commercial real estate broker or 49292  
salesperson under section 4735.022 of the Revised Code; 49293

(35) Having knowingly inserted or participated in inserting 49294  
any materially inaccurate term in a document, including naming a 49295  
false consideration; 49296

(36) Having failed to inform the licensee's client of the 49297  
existence of an offer or counteroffer or having failed to present 49298  
an offer or counteroffer in a timely manner, unless otherwise 49299  
instructed by the client, provided the instruction of the client 49300  
does not conflict with any state or federal law; 49301

(37) Having failed to comply with section 4735.24 of the 49302  
Revised Code; 49303

(38) Having acted as a broker without authority, impeded the 49304  
ability of a principal broker to perform any of the duties 49305  
described in section 4735.081 of the Revised Code, or impeded the 49306  
ability a management level licensee to perform the licensee's 49307  
duties. 49308

(B) Whenever the commission, pursuant to section 4735.051 of 49309  
the Revised Code, imposes disciplinary sanctions for any violation 49310  
of this section, the commission also may impose such sanctions 49311  
upon the broker with whom the salesperson is affiliated if the 49312  
commission finds that the broker had knowledge of the 49313  
salesperson's actions that violated this section. 49314

(C) The commission shall, pursuant to section 4735.051 of the 49315  
Revised Code, impose disciplinary sanctions upon any foreign real 49316  
estate dealer or salesperson who, in that capacity or in handling 49317  
the dealer's or salesperson's own property, is found guilty of any 49318  
of the acts or omissions specified or comprehended in division (A) 49319  
of this section insofar as the acts or omissions pertain to 49320  
foreign real estate. If the commission imposes such sanctions upon 49321  
a foreign real estate salesperson for a violation of this section, 49322

the commission also may suspend or revoke the license of the 49323  
foreign real estate dealer with whom the salesperson is affiliated 49324  
if the commission finds that the dealer had knowledge of the 49325  
salesperson's actions that violated this section. 49326

(D) The commission may suspend, in whole or in part, the 49327  
imposition of the penalty of suspension of a license under this 49328  
section. 49329

(E) A person licensed under this chapter who represents a 49330  
party to a transaction or a proposed transaction involving the 49331  
sale, purchase, exchange, lease, or management of real property 49332  
that is or will be used in the cultivation, processing, 49333  
dispensing, or testing of medical marijuana under Chapter 3796. of 49334  
the Revised Code, or who receives, holds, or disburses funds from 49335  
a real estate brokerage trust account in connection with such a 49336  
transaction, shall not be subject to disciplinary sanctions under 49337  
this chapter as a consequence of that action. 49338

**Sec. 4735.182.** If a check or other draft instrument used to 49339  
pay any fee required under this chapter is returned to the 49340  
superintendent unpaid by the financial institution upon which it 49341  
is drawn for any reason, the superintendent shall notify the 49342  
entity or person that the check or other draft instrument was 49343  
returned for insufficient funds. 49344

(A) If the check or draft instrument was submitted by a 49345  
licensee, the superintendent shall also notify the licensee that 49346  
the licensee's license will be suspended unless the licensee, 49347  
within fifteen days after the mailing of the notice, submits the 49348  
fee and a one-hundred-dollar fee to the superintendent. If the 49349  
licensee does not submit both fees within that time period, or if 49350  
any check or other draft instrument used to pay either of those 49351  
fees is returned to the superintendent unpaid by the financial 49352  
institution upon which it is drawn for any reason, the license 49353

shall be suspended immediately without a hearing and the licensee 49354  
shall cease activity as a licensee under this chapter. 49355

(B) If the check or draft instrument was remitted by a person 49356  
or entity applying to qualify foreign real estate or renew a 49357  
property registration, the superintendent shall also notify the 49358  
applicant that registration will be suspended, unless the 49359  
applicant, within fifteen days after the mailing of the notice, 49360  
submits the fee and a one-hundred-dollar fee to the 49361  
superintendent. If the applicant does not submit both fees within 49362  
that time period, or if any check or other draft instrument used 49363  
to pay either of the fees is returned to the superintendent unpaid 49364  
by the financial institution upon which it is drawn for any 49365  
reason, the property registration shall be suspended immediately 49366  
without a hearing and the applicant shall cease activity. 49367

(C) If the check or draft instrument was remitted by an 49368  
applicant for licensure, that application shall automatically be 49369  
rejected or approval withdrawn, unless the applicant, within 49370  
fifteen days after the mailing of the notice, submits the fee and 49371  
a one-hundred-dollar fee to the superintendent. If the applicant 49372  
does not submit both fees within that time period, or if any check 49373  
or other draft instrument used to pay either of those fees is 49374  
returned to the superintendent unpaid by the financial institution 49375  
upon which it is drawn for any reason, the application shall be 49376  
denied or approval withdrawn. 49377

(D) If the check or draft instrument was remitted by an 49378  
education course provider or course provider applicant, that 49379  
application shall automatically be rejected or approval withdrawn, 49380  
unless the applicant, within fifteen days after the mailing of the 49381  
notice, submits the fee and a ~~one-hundred-dollar~~ 49382  
one-hundred-thirty-five-dollar fee to the superintendent. If the 49383  
applicant does not submit both fees within that time period, or if 49384  
any check or other draft instrument used to pay either of those 49385

fees is returned to the superintendent unpaid by the financial 49386  
institution upon which it is drawn for any reason, the application 49387  
shall be denied or approval withdrawn. 49388

**Sec. 4735.27.** (A) An application to act as a foreign real 49389  
estate dealer shall be in writing and filed with the 49390  
superintendent of real estate. It shall be in the form the 49391  
superintendent prescribes and shall contain the following 49392  
information: 49393

(1) The name and address of the applicant; 49394

(2) A description of the applicant, including, if the 49395  
applicant is a partnership, unincorporated association, or any 49396  
similar form of business organization, the names and the residence 49397  
and business addresses of all partners, officers, directors, 49398  
trustees, or managers of the organization, and the limitation of 49399  
the liability of any partner or member; and if the applicant is a 49400  
corporation, a list of its officers and directors, and the 49401  
residence and business addresses of each, and, if it is a foreign 49402  
corporation, a copy of its articles of incorporation in addition; 49403

(3) The location and addresses of the principal office and 49404  
all other offices of the applicant; 49405

(4) A general description of the business of the applicant 49406  
prior to the application, including a list of states in which the 49407  
applicant is a licensed foreign real estate dealer; 49408

(5) The names and addresses of all ~~salesmen~~ salespersons of 49409  
the applicant at the date of the application; 49410

(6) The nature of the business of the applicant, and its 49411  
places of business, for the ten-year period preceding the date of 49412  
application. 49413

(B) Every nonresident applicant shall name a person within 49414  
this state upon whom process against the applicant may be served 49415

and shall give the complete residence and business address of the person designated. Every applicant shall file an irrevocable written consent, executed and acknowledged by an individual duly authorized to give such consent, that actions growing out of a fraud committed by the applicant in connection with the sale in this state of foreign real estate may be commenced against it, in the proper court of any county in this state in which a cause of action for such fraud may arise or in which the plaintiff in such action may reside, by serving on the secretary of state any proper process or pleading authorized by the laws of this state, in the event that the applicant if a resident of this state, or the person designated by the nonresident applicant, cannot be found at the address given. The consent shall stipulate that the service of process on the secretary of state shall be taken in all courts to be as valid and binding as if service had been made upon the foreign real estate dealer. If the applicant is a corporation or an unincorporated association, the consent shall be accompanied by a certified copy of the resolution of the board of directors, trustees, or managers of the corporation or association, authorizing such individual to execute the consent.

(C) The superintendent may investigate any applicant for a dealer's license, and may require any additional information ~~he~~ the superintendent considers necessary to determine the business repute and qualifications of the applicant to act as a foreign real estate dealer. If the application for a dealer's license involves investigation outside this state, the superintendent may require the applicant to advance sufficient funds to pay any of the actual expenses of the investigation, and an itemized statement of such expense shall be furnished to the applicant.

(D) Every applicant shall take a written examination, prescribed and conducted by the superintendent, which covers ~~his~~ the applicant's knowledge of the principles of real estate

practice, real estate law, financing and appraisal, real estate 49448  
transactions and instruments relating to them, canons of business 49449  
ethics relating to real estate transactions, and the duties of 49450  
foreign real estate dealers and ~~salesmen~~ salespersons. The fee for 49451  
the examination, when administered by the superintendent, is 49452  
~~seventy-five~~ one hundred one dollars. If the applicant does not 49453  
appear for the examination, the fee shall be forfeited and a new 49454  
application and fee shall be filed, unless good cause for the 49455  
failure to appear is shown to the superintendent. The requirement 49456  
of an examination may be waived in whole or in part by the 49457  
superintendent if an applicant is licensed as a real estate broker 49458  
by any state. 49459

Any applicant who fails the examination twice shall wait six 49460  
months before applying to retake the examination. 49461

(E) No person shall take the foreign real estate dealer's 49462  
examination who has not established to the satisfaction of the 49463  
superintendent that ~~he~~ the person:

(1) Has not been convicted of a felony or a crime of moral 49465  
turpitude or, if ~~he~~ the applicant has been so convicted, the 49466  
superintendent has disregarded the conviction because the 49467  
applicant has proven to the superintendent, by a preponderance of 49468  
the evidence, that ~~his~~ the applicant's activities and employment 49469  
record since the conviction show that ~~he~~ the applicant is honest, 49470  
truthful, and of good reputation, and there is no basis in fact 49471  
for believing that ~~he~~ the applicant again will violate the laws 49472  
involved; 49473

(2) Has not been finally adjudged by a court to have violated 49474  
any municipal, state, or federal civil rights laws relevant to the 49475  
protection of purchasers or sellers of real estate or, if ~~he~~ the 49476  
applicant has been so adjudged, at least two years have passed 49477  
since the court decision and the superintendent has disregarded 49478  
the adjudication because the applicant has proven, by a 49479

preponderance of the evidence, that ~~his~~ the applicant's activities 49480  
and employment record since the adjudication show that ~~he~~ the 49481  
applicant is honest, truthful, and of good reputation, and there 49482  
is no basis in fact for believing that ~~he~~ the applicant again will 49483  
violate the laws involved; 49484

(3) Has not, during any period for which ~~he~~ the applicant was 49485  
licensed under this chapter or any former section of the Revised 49486  
Code applicable to licensed foreign real estate dealers or 49487  
~~salesmen~~ salespersons, violated any provision of, or any rule 49488  
adopted pursuant to, this chapter or that section, or, if ~~he~~ the 49489  
applicant has violated any such provision or rule, has established 49490  
to the satisfaction of the superintendent that ~~he~~ the applicant 49491  
will not again violate the provision or rule. 49492

(F) If the superintendent finds that an applicant for a 49493  
license as a foreign real estate dealer, or each named member, 49494  
manager, or officer of a partnership, association, or corporate 49495  
applicant is at least eighteen years of age, is of good business 49496  
repute, has passed the examination required under this section or 49497  
has had the requirement of an examination waived, and appears 49498  
otherwise qualified, the superintendent shall issue a license to 49499  
the applicant to engage in business in this state as a foreign 49500  
real estate dealer. Dealers licensed pursuant to this section 49501  
shall employ as ~~salesmen~~ salespersons of foreign real estate only 49502  
persons licensed pursuant to section 4735.28 of the Revised Code. 49503  
If at any time such ~~salesmen~~ salespersons resign or are discharged 49504  
or new ~~salesmen~~ salespersons are added, the dealer forthwith shall 49505  
notify the superintendent and shall file with the division of real 49506  
estate the names and addresses of new ~~salesmen~~ salespersons. 49507

(G) If the applicant merely is renewing ~~his~~ the applicant's 49508  
license for the previous year, the application need contain only 49509  
the information required by divisions (A)(2), (3), and (6) of this 49510  
section. 49511

Sec. 4735.28. (A) An application to act as a foreign real estate ~~salesman~~ salesperson shall be in writing and filed with the superintendent of real estate. It shall be in the form the superintendent prescribes and shall contain the following information:

(1) The name and complete residence and business addresses of the applicant;

(2) The name of the foreign real estate dealer who is employing the applicant or who intends to employ ~~him~~ the applicant;

(3) The age and education of the applicant, and ~~his~~ the applicant's experience in the sale of foreign real estate; whether ~~he~~ the applicant has ever been licensed by the superintendent, and if so, when; whether ~~he~~ the applicant has ever been refused a license by the superintendent; and whether ~~he~~ the applicant has ever been licensed or refused a license or any similar permit by any division or superintendent of real estate, by whatsoever name known or designated, anywhere;

(4) The nature of the employment, and the names and addresses of the employers, of the applicant for the period of ten years immediately preceding the date of the application.

(B) Every applicant shall take a written examination, prescribed and conducted by the superintendent, which covers ~~his~~ the applicant's knowledge of the principles of real estate practice, real estate law, financing and appraisal, real estate transactions and instruments relating to them, canons of business ethics relating to real estate transactions, and the duties of foreign real estate ~~salesmen~~ salespersons. The fee for the examination, when administered by the superintendent, is ~~fifty~~ sixty-eight dollars. If the applicant does not appear for the examination, the fee shall be forfeited and a new application and

fee shall be filed, unless good cause for the failure to appear is 49543  
shown to the superintendent. The requirement of an examination may 49544  
be waived in whole or in part by the superintendent if an 49545  
applicant is licensed as a real estate broker or ~~salesman~~ 49546  
salesperson by any state. 49547

Any applicant who fails the examination twice shall wait six 49548  
months before applying to retake the examination. 49549

(C) No person shall take the foreign real estate ~~salesman's~~ 49550  
salesperson's examination who has not established to the 49551  
satisfaction of the superintendent that ~~he~~ the person: 49552

(1) Has not been convicted of a felony or a crime of moral 49553  
turpitude or, if ~~he~~ the applicant has been so convicted, the 49554  
superintendent has disregarded the conviction because the 49555  
applicant has proven to the superintendent, by a preponderance of 49556  
the evidence, that ~~his~~ the applicant's activities and employment 49557  
record since the conviction show that ~~he~~ the applicant is honest, 49558  
truthful, and of good reputation, and there is no basis in fact 49559  
for believing that ~~he~~ the applicant again will violate the laws 49560  
involved; 49561

(2) Has not been finally adjudged by a court to have violated 49562  
any municipal, state, or federal civil rights laws relevant to the 49563  
protection of purchasers or sellers of real estate or, if ~~he~~ the 49564  
applicant has been so adjudged, at least two years have passed 49565  
since the court decision and the superintendent has disregarded 49566  
the adjudication because the applicant has proven, by a 49567  
preponderance of the evidence, that ~~his~~ the applicant's activities 49568  
and employment record since the adjudication show that ~~he~~ the 49569  
applicant is honest, truthful, and of good reputation, and there 49570  
is no basis in fact for believing that ~~he~~ the applicant will again 49571  
violate the laws; 49572

(3) Has not, during any period for which ~~he~~ the applicant was 49573

licensed under this chapter or any former section of the Revised Code ~~aplicable~~ applicable to licensed foreign real estate dealers or ~~salesmen~~ salespersons, violated any provision of, or any rule adopted pursuant to, this chapter or that section, or, if ~~he~~ the applicant has violated any such provision or rule, has established to the satisfaction of the superintendent that ~~he~~ the applicant will not again violate the provision or rule.

(D) Every ~~salesman~~ salesperson of foreign real estate shall be licensed by the superintendent of real estate and shall be employed only by the licensed foreign real estate dealer specified on ~~his~~ the salesperson's license.

(E) If the superintendent finds that the applicant is of good business repute, appears to be qualified to act as a foreign real estate ~~salesman~~ salesperson, and has fully complied with the provisions of this chapter, and that the dealer in the application is a licensed foreign real estate dealer, the superintendent, upon payment of the fees prescribed by section 4735.15 of the Revised Code, shall issue a license to the applicant authorizing ~~him~~ the applicant to act as ~~salesman~~ a salesperson for the dealer named in the application.

**Sec. 4737.045.** (A) To register as a scrap metal dealer or a bulk merchandise container dealer with the director of public safety as required by division (B) of section 4737.04 of the Revised Code, a person shall do all of the following:

(1) Provide the name and street address of the dealer's place of business;

(2) Provide the name of the primary owner of the business, and of the manager of the business, if the manager is not the primary owner;

(3) Provide the electronic mail address of the business;

(4) Provide confirmation that the dealer has the capabilities to electronically connect with the department of public safety for the purpose of sending and receiving information;

(5) Provide any other information required by the director in rules the director adopts pursuant to sections 4737.01 to 4737.045 of the Revised Code;

(6) Pay an initial registration fee of two hundred dollars.

(B) A person engaging in the business of a scrap metal dealer or a bulk merchandise container dealer in this state on or before September 28, 2012, shall register with the director not later than January 1, 2013. With respect to a person who commences engaging in the business of a scrap metal dealer or a bulk merchandise container dealer after September 28, 2012, the person shall register with the director pursuant to this section prior to commencing business as a scrap metal dealer or a bulk merchandise container dealer.

(C) A registration issued to a scrap metal dealer or a bulk merchandise container dealer pursuant to this section is valid for a period of one year. A dealer shall renew the registration in accordance with the rules adopted by the director and pay a renewal fee of one hundred fifty dollars to cover the costs of operating and maintaining the registry created pursuant to division (E) of this section.

(D) A scrap metal dealer or a bulk merchandise container dealer registered under this section shall prominently display a copy of the annual registration certificate received from the director pursuant to division (E)(2) of this section.

(E) The director shall do all of the following:

(1) Develop and implement, by January 1, 2014, and maintain as a registry a secure database for use by law enforcement agencies that is capable of all of the following:

(a) Receiving and securely storing all of the information required by division (A) of this section and the daily transaction data that scrap metal dealers and bulk merchandise dealers are required to send pursuant to division (E)(1) of section 4737.04 of the Revised Code;	49635 49636 49637 49638 49639
(b) Providing secure search capabilities to law enforcement agencies for enforcement purposes;	49640 49641
(c) Creating a link and retransmission capability for receipt of routine scrap theft alerts published by the institute of scrap recycling industries for transmission to dealers and law enforcement agencies in the state;	49642 49643 49644 49645
(d) Making the electronic lists prepared pursuant to division (F)(2) of section 4737.04 of the Revised Code available through an electronic searchable format for individual law enforcement agencies and for dealers in the state;	49646 49647 49648 49649
(e) Providing, without charge, interlink programming enabling the transfer of information to dealers.	49650 49651
(2) Issue, reissue, or deny registration to dealers;	49652
(3) Adopt rules to enforce sections 4737.01 to 4737.045 of the Revised Code, rules establishing procedures to renew a registration issued under this section, rules for the format and maintenance for the records required under division (A) of section 4737.012 of the Revised Code or division (C) of section 4737.04 of the Revised Code, and rules regarding the delivery of the report required by division (E)(1) of section 4737.04 of the Revised Code to the registry, which shall be used exclusively by law enforcement agencies.	49653 49654 49655 49656 49657 49658 49659 49660 49661
(F) A scrap metal dealer or bulk merchandise container dealer may search, modify, or update only the dealer's own business data contained within the registry established in division (E) of this section.	49662 49663 49664 49665

(G) All fees received by the director pursuant to this section and division (F) of section 4737.99 of the Revised Code shall be used to develop and maintain the registry required under this section and for the department of public safety's operating expenses. The fees shall be deposited into the infrastructure protection fund which is hereby created in the state treasury.

**Sec. 4743.02.** The examination papers of each applicant examined by boards, commissions, or agencies created under or by virtue of Chapters 4701. to 4741., 4751., and 4757. of the Revised Code shall be open for inspection by the applicant or his attorney for at least ninety days subsequent to the announcement of the applicant's grade; provided, papers not graded by members of examining boards or their employees and which by terms of a contract with any testing company the papers are not available for inspection, need not be made available for inspection; but it shall be the applicant's right to have any such paper regraded manually, upon written request of either himself or his attorney made to the board within ninety days after announcement of the grade.

**Sec. 4745.04.** (A) As used in this section:

(1) "Indigent and uninsured person" and "volunteer" have the same meanings as in section 2305.234 of the Revised Code.

(2) "Licensing agency that licenses health care professionals" means all of the following:

(a) The state dental board established under Chapter 4715. of the Revised Code;

(b) The board of nursing established under Chapter 4723. of the Revised Code;

(c) The state vision professionals board established under Chapter 4725. of the Revised Code;

(d) The state board of pharmacy established under Chapter 4729. of the Revised Code;	49696 49697
(e) The state medical board established under Chapter 4731. of the Revised Code;	49698 49699
(f) The state board of psychology established under Chapter 4732. of the Revised Code;	49700 49701
(g) The state chiropractic board established under Chapter 4734. of the Revised Code;	49702 49703
(h) The Ohio occupational therapy, physical therapy, and athletic trainers board established under Chapter 4755. of the Revised Code;	49704 49705 49706
(i) The counselor, social worker, and marriage and family therapist board established under Chapter 4757. of the Revised Code;	49707 49708 49709
(j) The chemical dependency professionals board established under Chapter 4758. of the Revised Code;	49710 49711
(k) The state board of emergency medical services established under Chapter 4765. of the Revised Code;	49712 49713
(l) The state speech and hearing professionals board established under Chapter 4744. of the Revised Code;	49714 49715
(m) Any other licensing agency that considers its licensees to be health care professionals.	49716 49717
(B) Notwithstanding any provision of the Revised Code to the contrary, a licensing agency that licenses health care professionals shall apply toward the satisfaction of a portion of a licensee's continuing education requirement the provision of health care services if all of the following apply:	49718 49719 49720 49721 49722
(1) The licensing agency that licenses health care professionals requires a licensee to complete continuing education as a condition of having a license renewed by the agency.	49723 49724 49725

(2) The licensee provides the health care services to an indigent and uninsured person.	49726 49727
(3) The licensee provides the health care services as a volunteer.	49728 49729
(4) The licensee satisfies the requirements of section 2305.234 of the Revised Code to qualify for the immunity from liability granted under that section.	49730 49731 49732
(5) The health care services provided are within the scope of authority of the licensee renewing the license.	49733 49734
(C) <u>A (1) Except as provided in division (C)(2) of this section, a licensing agency that licenses health care professionals shall permit a licensee to satisfy up to one-third of the licensee's continuing education requirement by providing health care services as a volunteer. A licensing agency that licenses health care professionals shall permit a licensee to earn continuing education credits at the rate of one credit hour for each sixty minutes spent providing health care services as a volunteer.</u>	49735 49736 49737 49738 49739 49740 49741 49742 49743
<u>(2) In the case of a person holding a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, the state medical board shall permit the person to satisfy not more than three hours of the person's continuing education requirement by providing health care services as a volunteer.</u>	49744 49745 49746 49747 49748 49749
(D) A licensing agency that licenses health care professionals shall adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.	49750 49751 49752 49753
(E) Continuing education credit received under this section for providing health care services is not compensation or any other form of remuneration for purposes of section 2305.234 of the	49754 49755 49756

Revised Code and does not make the provider of those services 49757  
ineligible for the immunity from liability granted under that 49758  
section. 49759

**Sec. 4751.01.** As used in ~~sections 4751.01 to 4751.13 of the~~ 49760  
~~Revised Code~~ this chapter: 49761

(A) "Health-care licensing agency" means any department, 49762  
division, board, section of a board, or other government unit that 49763  
is authorized by a statute of this or another state to issue a 49764  
license, certificate, permit, card, or other authority to do 49765  
either of the following in the context of health care: 49766

(1) Engage in a specific profession, occupation, or 49767  
occupational activity; 49768

(2) Have charge of and operate certain specified equipment, 49769  
machinery, or premises. 49770

(B) "Licensed health services executive" means an individual 49771  
who holds a valid health services executive license. 49772

(C) "Licensed nursing home administrator" means an individual 49773  
who holds a valid nursing home administrator license. 49774

(D) "Licensed temporary nursing home administrator" means an 49775  
individual who holds a valid temporary nursing home administrator 49776  
license. 49777

(E) "Long-term services and supports ~~settings~~ setting" means 49778  
any institutional or community-based setting in which medical, 49779  
health, ~~psycho-social~~ psychosocial, habilitative, rehabilitative, 49780  
or personal care services are provided to individuals on a 49781  
post-acute care basis. 49782

~~(B) "Nursing home administrator" means any individual~~ 49783  
~~responsible for planning, organizing, directing, and managing the~~ 49784  
~~operation of a nursing home, or who in fact performs such~~ 49785  
~~function, whether or not such functions and duties are shared by~~ 49786

~~one or more other persons.~~ 49787

~~(C)~~(F) "Nursing home" means a nursing home as defined by or 49788  
under the authority of section 3721.01 of the Revised Code, or a 49789  
nursing home operated by a governmental agency. 49790

~~(D) "Temporary license" means a license for a period not to 49791  
exceed one hundred eighty days issued pursuant to division (B) of 49792  
section 4751.06 of the Revised Code.~~ 49793

~~(E)~~(G) "Nursing home administration" means planning, 49794  
organizing, directing, and managing the operation of a nursing 49795  
home. 49796

(H) "Nursing home administrator" means any individual who 49797  
engages in the practice of nursing home administration, whether or 49798  
not the individual shares the functions and duties of nursing home 49799  
administration with one or more other individuals. 49800

(I) "Valid health services executive license" means a health 49801  
services executive license to which all of the following apply: 49802

(1) It was issued by the board of executives of long-term 49803  
services and supports under section 4751.21, 4751.23, 4751.25, or 49804  
4751.33 of the Revised Code; 49805

(2) It was not sold, fraudulently furnished, or fraudulently 49806  
obtained in violation of division (F) of section 4751.10 of the 49807  
Revised Code; 49808

(3) It is current and in good standing. 49809

(J) "Valid nursing home administrator license" means a 49810  
nursing home administrator license to which all of the following 49811  
apply: 49812

(1) It was issued by the board under section 4751.20, 49813  
4751.201, 4751.23, 4751.24, or 4751.33 of the Revised Code; 49814

(2) It was not sold, fraudulently furnished, or fraudulently 49815  
obtained in violation of division (F) of section 4751.10 of the 49816

<u>Revised Code;</u>	49817
<u>(3) It is current and in good standing.</u>	49818
<u>(K) "Valid temporary nursing home administrator license"</u>	49819
<u>means a temporary nursing home administrator license to which all</u>	49820
<u>of the following apply:</u>	49821
<u>(1) It was issued by the board under section 4751.202,</u>	49822
<u>4751.23, or 4751.33 of the Revised Code;</u>	49823
<u>(2) It was not sold, fraudulently furnished, or fraudulently</u>	49824
<u>obtained in violation of division (F) of section 4751.10 of the</u>	49825
<u>Revised Code;</u>	49826
<u>(3) It is current and in good standing.</u>	49827
<b>Sec. <del>4751.03</del> 4751.02.</b> (A) There is hereby established in the	49828
department of aging a board of executives of long-term services	49829
and supports, which board shall be composed of the following	49830
eleven members:	49831
(1) Four members who are nursing home administrators, owners	49832
of nursing homes, or officers of corporations owning nursing	49833
homes, and who shall have an understanding of person-centered	49834
care, and experience with a range of long-term services and	49835
supports settings;	49836
(2)(a) Three members who work in long-term services and	49837
supports settings that are not nursing homes, and who shall have	49838
an understanding of person-centered care, and experience with a	49839
range of long-term services and supports settings;	49840
(b) At least one of the members described in division	49841
(A)(2)(a) of this section shall be a home health administrator,	49842
<u>hospice administrator</u> , an owner of a home health agency <u>or hospice</u>	49843
<u>care program</u> , or an officer of a home health agency <u>or hospice</u>	49844
<u>care program</u> .	49845

(3) One member who is a member of the academic community;	49846
(4) One member who is a consumer of services offered in a long-term services and supports setting;	49847 49848
(5) One nonvoting member who is a representative of the department of health, designated by the director of health, who is involved in the nursing home survey and certification process, who shall serve in an advisory capacity only;	49849 49850 49851 49852
(6) One nonvoting member who is a representative of the office of the state long-term care ombudsman, designated by the state long-term care ombudsman, who shall serve in an advisory capacity only.	49853 49854 49855 49856
All members of the board shall be citizens of the United States and residents of this state. No member of the board who is appointed under divisions (A)(3) to (6) of this section may have or acquire any direct financial interest in a nursing home or long-term services and supports settings.	49857 49858 49859 49860 49861
(B) The term of office for each appointed member of the board shall be for three years, commencing on the twenty-eighth day of May and ending on the twenty-seventh day of May. Each member shall serve from the date of appointment until the end of the term for which appointed. No member shall serve more than two consecutive full terms.	49862 49863 49864 49865 49866 49867
(C) Appointments to the board shall be made by the governor. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any appointed member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.	49868 49869 49870 49871 49872 49873 49874 49875
(D) The governor may remove any member of the board for	49876

misconduct, incapacity, incompetence, or neglect of duty after the 49877  
member so charged has been served with a written statement of 49878  
charges and has been given an opportunity to be heard. 49879

(E) Each member of the board, except the member designated by 49880  
the director of health and the member designated by the ombudsman, 49881  
shall be paid in accordance with section 124.15 of the Revised 49882  
Code and each member shall be reimbursed for the member's actual 49883  
and necessary expenses incurred in the discharge of such duties. 49884

(F) The board shall elect annually from its membership a 49885  
chairperson and a vice-chairperson. 49886

(G) The board shall hold and conduct meetings quarterly and 49887  
at such other times as its business requires. A majority of the 49888  
voting members of the board shall constitute a quorum. The 49889  
affirmative vote of a majority of the voting members of the board 49890  
is necessary for the board to act. 49891

(H) The board shall appoint a secretary who has no financial 49892  
interest in a long-term services and supports setting, and may 49893  
employ and prescribe the powers and duties of such employees and 49894  
consultants as are necessary to carry out this chapter and the 49895  
rules adopted under it. 49896

**Sec. ~~4751.042~~ 4751.021.** (A) The board of executives of 49897  
long-term services and supports shall enter into a written 49898  
agreement with the department of aging for the department to serve 49899  
as the board's fiscal agent. The fiscal agent shall be responsible 49900  
for all the board's fiscal matters and financial transactions, as 49901  
specified in the agreement. The written agreement shall specify 49902  
the fees that the board shall pay to the fiscal agent for services 49903  
performed under the agreement, and such fees shall be in 49904  
proportion to the services performed for the board. 49905

(1) The agreement shall require the fiscal agent to provide 49906

the following services:	49907
(a) Preparation and processing of payroll and other personnel documents that the board approves;	49908 49909
(b) Maintenance of ledgers of accounts and reports of account balances, and monitoring of budgets and allotment plans in consultation with the board;	49910 49911 49912
(c) Performance of other routine support services, specified in the agreement, that the fiscal agent considers appropriate to achieve efficiency.	49913 49914 49915
(2) The agreement may require the fiscal agent to provide the following services:	49916 49917
(a) Any shared services between the board and the fiscal agent;	49918 49919
(b) Any other services agreed to by the board and the department, including administrative or technical services.	49920 49921
(B) The board, in conjunction and consultation with the fiscal agent, has the following authority and responsibility relative to fiscal matters:	49922 49923 49924
(1) Sole authority to expend funds from the board's accounts for programs and any other necessary expenses the board may incur;	49925 49926
(2) Responsibility to cooperate with and inform the fiscal agent fully of all financial transactions.	49927 49928
(C) The board shall follow all state procurement, fiscal, human resources, information technology, statutory, and administrative rule requirements.	49929 49930 49931
(D) In its role as fiscal agent for the board, the department shall serve as a contractor of the board, and does not assume responsibility for the debts or fiscal obligations of the board.	49932 49933 49934
<b>Sec. <del>4751.14</del> <u>4751.03</u>.</b> There is hereby created in the state	49935

treasury the board of executives of long-term services and 49936  
supports fund. The fund shall consist of the amounts the board of of 49937  
executives of long-term services and supports collects under this 49938  
chapter as ~~license and registration fees, other~~ fees, civil 49939  
penalties, and fines. ~~Money~~ The board shall use the money in the 49940  
fund ~~shall be used by the board of executives of long term~~ 49941  
~~services and supports~~ to administer and enforce this chapter and 49942  
the rules adopted under ~~it~~ section 4751.04 of the Revised Code. 49943  
Investment earnings of the fund shall be credited to the fund. 49944

Sec. 4751.04. The board of executives of long-term services 49945  
and supports shall adopt rules in accordance with Chapter 119. of 49946  
the Revised Code as necessary to implement and enforce this 49947  
chapter. 49948

Sec. 4751.10. No person shall knowingly do any of the 49949  
following: 49950

(A) Operate a nursing home unless it is under the supervision 49951  
of an administrator whose principal occupation is nursing home 49952  
administration or hospital administration and who is a licensed 49953  
nursing home administrator or licensed temporary nursing home 49954  
administrator; 49955

(B) Practice or offer to practice nursing home administration 49956  
unless the person is a licensed nursing home administrator or 49957  
licensed temporary nursing home administrator; 49958

(C) Use any of the following unless the person is a licensed 49959  
nursing home administrator: 49960

(1) The title "licensed nursing home administrator," "nursing 49961  
home administrator," "licensed assistant nursing home 49962  
administrator," or "assistant nursing home administrator"; 49963

(2) The acronym "LNHA," "L.N.H.A.," "NHA," "N.H.A.," "LANHA," 49964

<u>"L.A.N.H.A.," "ANHA," or "A.N.H.A." after the person's name;</u>	49965
<u>(3) Any other words, letters, signs, cards, or devices that tend to indicate or imply that the person is a licensed nursing home administrator.</u>	49966 49967 49968
<u>(D) Use any of the following unless the person is a licensed temporary nursing home administrator:</u>	49969 49970
<u>(1) The title "licensed temporary nursing home administrator," "temporary nursing home administrator," "licensed temporary assistant nursing home administrator," or "temporary assistant nursing home administrator";</u>	49971 49972 49973 49974
<u>(2) The acronym "LTNHA," "L.T.N.H.A.," "TNHA," "T.N.H.A.," "LTANHA," "L.T.A.N.H.A.," "TANHA," or "T.A.N.H.A." after the person's name;</u>	49975 49976 49977
<u>(3) Any other words, letters, signs, cards, or devices that tend to indicate or imply that the person is a licensed temporary nursing home administrator.</u>	49978 49979 49980
<u>(E) Use any of the following unless the person is a licensed health services executive:</u>	49981 49982
<u>(1) The title "licensed health services executive" or "health services executive";</u>	49983 49984
<u>(2) The acronym "LHSE," "L.H.S.E.," "HSE," or "H.S.E." after the person's name;</u>	49985 49986
<u>(3) Any other words, letters, signs, cards, or devices that tend to indicate or imply that the person is a licensed health services executive.</u>	49987 49988 49989
<u>(F) Sell, fraudulently furnish, fraudulently obtain, or aid or abet another person in selling, fraudulently furnishing, or fraudulently obtaining any of the following:</u>	49990 49991 49992
<u>(1) A nursing home administrator license;</u>	49993

<u>(2) A temporary nursing home administrator license;</u>	49994
<u>(3) A health services executive license.</u>	49995
<u>(G) Otherwise violate any of the provisions of this chapter</u>	49996
<u>or the rules adopted under section 4751.04 of the Revised Code.</u>	49997
<b><u>Sec. 4751.101.</u></b> <u>Nothing in this chapter or the rules adopted</u>	49998
<u>under it shall be construed as requiring either of the following:</u>	49999
<u>(A) An individual to be a licensed health services executive</u>	50000
<u>in order to do either of the following:</u>	50001
<u>(1) Practice nursing home administration;</u>	50002
<u>(2) Serve in a leadership position at a long-term services</u>	50003
<u>and supports setting or direct the practices of others in such a</u>	50004
<u>setting.</u>	50005
<u>(B) An applicant for a nursing home administrator license or</u>	50006
<u>temporary nursing home administrator license who is employed by an</u>	50007
<u>institution for the care and treatment of the sick to demonstrate</u>	50008
<u>proficiency in any medical techniques or to meet any medical</u>	50009
<u>educational qualifications or medical standards not in accord with</u>	50010
<u>the remedial care and treatment provided by the institution if all</u>	50011
<u>of the following apply to the institution:</u>	50012
<u>(1) It is operated exclusively for patients who use spiritual</u>	50013
<u>means for healing and for whom the acceptance of medical care is</u>	50014
<u>inconsistent with their religious beliefs.</u>	50015
<u>(2) It is accredited by a national accrediting organization.</u>	50016
<u>(3) It is exempt from federal income taxation under section</u>	50017
<u>501 of the "Internal Revenue Code of 1986," 26 U.S.C. 501.</u>	50018
<u>(4) It provides twenty-four hour nursing care pursuant to the</u>	50019
<u>exemption in division (E) of section 4723.32 of the Revised Code</u>	50020
<u>from the licensing requirements of Chapter 4723. of the Revised</u>	50021
<u>Code.</u>	50022

Sec. 4751.102. Every operator of a nursing home shall report 50023  
to the board of executives of long-term services and supports the 50024  
name and license number of each licensed nursing home 50025  
administrator and licensed temporary nursing home administrator 50026  
who practices nursing home administration at the nursing home not 50027  
later than ten days after the following dates: 50028

(A) The date the licensed nursing home administrator or 50029  
licensed temporary nursing home administrator begins to practice 50030  
nursing home administration at the nursing home; 50031

(B) The date the licensed nursing home administrator or 50032  
licensed temporary nursing home administrator ceases to practice 50033  
nursing home administration at the nursing home. 50034

Sec. 4751.05 4751.15. ~~(A)~~ The board of executives of 50035  
long-term services and supports, ~~or shall administer, or contract~~ 50036  
~~with~~ a government or private entity ~~under contract with the board~~ 50037  
to administer, examinations for licensure as that an individual 50038  
must pass to obtain a nursing home administrator, ~~shall admit to~~ 50039  
~~an examination any candidate who:~~ 50040

~~(1) Pays the application fee of fifty dollars;~~ 50041

~~(2) Submits evidence of good moral character and suitability;~~ 50042

~~(3) Is at least eighteen years of age;~~ 50043

~~(4) Has completed educational requirements and work~~ 50044  
~~experience satisfactory to the board;~~ 50045

~~(5) Submits an application on forms prescribed by the board;~~ 50046

~~(6) Pays~~ license under section 4751.20 or 4751.201 of the 50047  
Revised Code. If the board contracts with a government or private 50048  
entity to administer the examinations, the contract may authorize 50049  
the entity to collect and keep, as all or part of the entity's 50050  
compensation under the contract, any fee an individual pays to 50051

take the examination. The entity is not required to deposit the 50052  
fee into the state treasury. 50053

To be admitted to an examination administered under this 50054  
section, an individual must pay the examination fee charged by the 50055  
board or government or private entity. 50056

~~(B) Nothing in Chapter 4751. of the Revised Code or the rules~~ 50057  
~~adopted thereunder shall be construed to require an applicant for~~ 50058  
~~licensure or a temporary license, who is employed by an~~ 50059  
~~institution for the care and treatment of the sick to demonstrate~~ 50060  
~~proficiency in any medical techniques or to meet any medical~~ 50061  
~~educational qualifications or medical standards not in accord with~~ 50062  
~~the remedial care and treatment provided by the institution if the~~ 50063  
~~institution is all of the following:~~ 50064

~~(1) Operated exclusively for patients who use spiritual means~~ 50065  
~~for healing and for whom the acceptance of medical care is~~ 50066  
~~inconsistent with their religious beliefs;~~ 50067

~~(2) Accredited by a national accrediting organization;~~ 50068

~~(3) Exempt from federal income taxation under section 501 of~~ 50069  
~~the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1,~~ 50070  
~~as amended;~~ 50071

~~(4) Providing twenty four hour nursing care pursuant to the~~ 50072  
~~exemption in division (E) of section 4723.32 of the Revised Code~~ 50073  
~~from the licensing requirements of Chapter 4723. of the Revised~~ 50074  
~~Code.~~ 50075

~~(C) entity. If a person an individual fails three times to~~ 50076  
~~attain a passing grade on pass the examination, said person the~~ 50077  
~~individual, before the person may again be being admitted to the~~ 50078  
~~examination a subsequent time, shall meet such additional also~~ 50079  
~~must satisfy any education ~~or~~ requirements, experience~~ 50080  
~~requirements, or both, as that may be prescribed by the board in~~ 50081  
~~rules adopted under section 4751.04 of the Revised Code in~~ 50082

addition to any education requirements or experience requirements 50083  
that must be satisfied to obtain a nursing home administrator 50084  
license under section 4751.20 or 4751.201 of the Revised Code. 50085

**Sec. ~~4751.041~~ 4751.151.** Except when the board of executives 50086  
of long-term services and supports considers it necessary, the 50087  
board shall not disclose test materials, examinations, or 50088  
evaluation tools used in an examination ~~for licensure as a nursing~~ 50089  
~~home administrator that the board administers~~ administered under 50090  
section ~~4751.04~~ 4751.15 of the Revised Code ~~or contracts under~~ 50091  
~~that section with a private or government entity to administer.~~ 50092

**Sec. ~~4751.06~~ 4751.20.** (A) ~~An applicant for licensure as~~ 50093  
Subject to section 4751.32 of the Revised Code, the board of 50094  
executives of long-term services and supports shall issue a 50095  
nursing home administrator ~~who has successfully completed the~~ 50096  
~~requirements of section 4751.05 of the Revised Code,~~ license to an 50097  
individual under this section if all of the following requirements 50098  
are satisfied: 50099

(1) The individual has submitted to the board a completed 50100  
application for the license in accordance with rules adopted under 50101  
section 4751.04 of the Revised Code. 50102

(2) If the individual is required by rules adopted under 50103  
section 4751.04 of the Revised Code to serve as a nursing home 50104  
administrator in training, the individual has paid to the board 50105  
the administrator in training fee of fifty dollars. 50106

(3) The individual is at least twenty-one years of age. 50107

(4) The individual has successfully completed educational 50108  
requirements and work experience specified in rules adopted under 50109  
section 4751.04 of the Revised Code, including, if so required by 50110  
the rules, experience obtained as a nursing home administrator in 50111  
training. 50112

- (5) The individual is of good moral character. 50113
- (6) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check. 50114  
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- (7) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license. 50116  
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- (8) The individual has passed the licensing examination administered by the board of executives of long term services and supports or a government or private entity under contract with the board, and paid section 4751.15 of the Revised Code. 50119  
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- (9) The individual has paid to the board an original a license fee of two hundred fifty dollars shall be issued a license on a form provided by the board. Such 50123  
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- (10) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code. 50126  
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- (B) A nursing home administrator license shall certify that the applicant individual to whom it was issued has met the licensure applicable requirements of Chapter 4751. this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is entitled authorized to practice as a licensed nursing home administrator administration while the license is valid. 50129  
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- ~~(B) A temporary license for a period not to exceed one hundred eighty days may be issued to an individual temporarily filling the position of a nursing home administrator vacated by reason of death, illness, or other unexpected cause, pursuant to regulations adopted by the board.~~ 50136  
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- ~~(C) The fee for a temporary license is one hundred dollars. Said fee must accompany the application for the temporary license.~~ 50141  
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~~(D) Any license or temporary license issued by the board 50143  
pursuant to this section shall be under the hand of the 50144  
chairperson and the secretary of the board. 50145~~

~~(E) A duplicate of the original certificate of registration 50146  
or license may be secured to replace one that has been lost or 50147  
destroyed by submitting to the board a notarized statement 50148  
explaining the conditions of the loss, mutilation, or destruction 50149  
of the certificate or license and by paying a fee of twenty five 50150  
dollars. 50151~~

~~(F) A duplicate certificate of registration and license may 50152  
be issued in the event of a legal change of name by submitting to 50153  
the board a certified copy of the court order or marriage license 50154  
establishing the change of name, by returning at the same time the 50155  
original license and certificate of registration, and by paying a 50156  
fee of twenty five dollars. 50157~~

**Sec. 4751.08 4751.201.** ~~The (A) Subject to section 4751.32 of 50158  
the Revised Code, the board of executives of long-term services 50159  
and supports, ~~in its discretion, and otherwise subject to Chapter 50160  
4751. of the Revised Code and the rules adopted by the board 50161  
thereunder prescribing the qualifications for a nursing home 50162  
administrator license, may license issue a nursing home 50163  
administrator without examination if the nursing home 50164  
administrator has a valid license issued by the proper authorities 50165  
of any other state, upon payment of to an individual under this 50166  
section if all of the following requirements are satisfied: 50167~~~~

~~(1) The individual is legally authorized to practice nursing 50168  
home administration in another state. 50169~~

~~(2) The individual has submitted to the board a completed 50170  
application for the license in accordance with rules adopted under 50171  
section 4751.04 of the Revised Code. 50172~~

<u>(3) The individual is at least twenty-one years of age.</u>	50173
<u>(4) The individual holds at least a bachelor's degree from an accredited educational institution.</u>	50174 50175
<u>(5) The individual is of good moral character.</u>	50176
<u>(6) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check.</u>	50177 50178
<u>(7) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license.</u>	50179 50180 50181
<u>(8) The individual has passed the licensing examination administered under section 4751.15 of the Revised Code.</u>	50182 50183
<u>(9) The individual has paid to the board a license fee of one two hundred fifty dollars, and upon submission of evidence satisfactory to the board both:</u>	50184 50185 50186
<u>(A) That such other state maintained a system and standard of qualifications and examinations for a nursing home administrator license which were substantially equivalent to those required in this state at the time such other license was issued by such other state;</u>	50187 50188 50189 50190 50191
<u>(B) That such other state gives similar recognition to nursing home administrators licensed in this state.</u>	50192 50193
<u>(10) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code.</u>	50194 50195 50196
<u>(B) A nursing home administrator license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is authorized to practice nursing home administration while the license is valid.</u>	50197 50198 50199 50200 50201

Sec. 4751.202. (A) Subject to section 4751.32 of the Revised Code, the board of executives of long-term services and supports may issue a temporary nursing home administrator license to an individual if all of the following requirements are satisfied: 50202  
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(1) The operator of a nursing home has requested that the board issue a temporary nursing home administrator license to the individual to authorize the individual to temporarily practice nursing home administration at the nursing home because of a vacancy in the position of nursing home administrator at the nursing home resulting from a death, illness, or other unexpected cause. 50206  
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(2) The individual is at least twenty-one years of age. 50213

(3) The individual is of good moral character. 50214

(4) The individual has complied with section 4776.02 of the Revised Code regarding a criminal records check. 50215  
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(5) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license. 50217  
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(6) The individual has paid to the board a fee for the temporary license of one hundred dollars. 50220  
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(7) The individual has satisfied any additional requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code. 50222  
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(B) A temporary nursing home administrator license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is authorized to practice nursing home administration while the temporary license is valid. 50225  
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(C) Except as provided in section 4751.32 of the Revised 50231

Code, a temporary nursing home administrator license is valid for 50232  
a period of time the board shall specify on the temporary license. 50233  
That period shall not exceed one hundred eighty days. If that 50234  
period is less than one hundred eighty days, the individual 50235  
holding the temporary license may apply to the board for renewal 50236  
of the temporary license in accordance with rules the board shall 50237  
adopt under section 4751.04 of the Revised Code. Except as 50238  
provided in section 4751.32 of the Revised Code, a renewed 50239  
temporary nursing home administrator license is valid for a period 50240  
of time the board shall specify on the renewed temporary license. 50241  
That period shall not exceed the difference between one hundred 50242  
eighty days and the number of days for which the original 50243  
temporary license was valid. A renewed temporary nursing home 50244  
administrator license shall not be renewed. A licensed temporary 50245  
nursing home administrator who intends to continue to practice 50246  
nursing home administration after the temporary license, 50247  
including, if applicable, the renewed temporary license, expires 50248  
must obtain a nursing home administrator license under section 50249  
4751.20 of the Revised Code. 50250

**Sec. 4751.21.** (A) Subject to section 4751.32 of the Revised 50251  
Code, the board of executives of long-term services and supports 50252  
shall issue a health services executive license to an individual 50253  
if all of the following requirements are satisfied: 50254

(1) The individual has submitted to the board a completed 50255  
application for the license in accordance with rules adopted under 50256  
section 4751.04 of the Revised Code. 50257

(2) The individual is a licensed nursing home administrator. 50258

(3) The individual has obtained the health services executive 50259  
qualification through the national association of long-term care 50260  
administrator boards. 50261

(4) The individual has complied with section 4776.02 of the 50262

<u>Revised Code regarding a criminal records check.</u>	50263
<u>(5) The board, in its discretion, has determined that the results of the criminal records check do not make the individual ineligible for the license.</u>	50264 50265 50266
<u>(6) The individual has paid to the board a license fee of one hundred dollars.</u>	50267 50268
<u>(B) A health services executive license shall certify that the individual to whom it was issued has met the applicable requirements of this chapter and any applicable rules adopted under section 4751.04 of the Revised Code and is a licensed health services executive while the license is valid.</u>	50269 50270 50271 50272 50273
<u>Sec. 4751.22. All licenses and temporary licenses that the board of executives of long-term services and supports issues under this chapter shall include the signatures of the board's chairperson and secretary.</u>	50274 50275 50276 50277
<u>Sec. 4751.23. (A) Subject to section 4751.32 of the Revised Code, the board of executives of long-term services and supports may issue to a licensed nursing home administrator, licensed temporary nursing home administrator, or licensed health services executive a duplicate of the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license if the license or temporary license has been lost, mutilated, or destroyed and the individual does both of the following:</u>	50278 50279 50280 50281 50282 50283 50284 50285 50286
<u>(1) Submits to the board a notarized statement explaining the conditions of the loss, mutilation, or destruction;</u>	50287 50288
<u>(2) Pays to the board a fee of twenty-five dollars.</u>	50289
<u>(B) Subject to section 4751.32 of the Revised Code, the board may issue to a licensed nursing home administrator, licensed</u>	50290 50291

temporary nursing home administrator, or licensed health services executive whose name has been legally changed a duplicate of the individual's nursing home administrator license, temporary nursing home administrator license, or health services executive license that has the individual's new name if the individual does all of the following: 50292  
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(1) Submits to the board a certified copy of the court order or marriage license establishing the change of name; 50298  
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(2) Returns to the board the license or temporary license that has the individual's previous name; 50300  
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(3) Pays to the board a fee of twenty-five dollars. 50302

~~**Sec. 4751.07 4751.24.** (A) Every individual who holds a valid license as a nursing home administrator issued under division (A) of section 4751.06 of the Revised Code, shall immediately upon issuance thereof be registered with the board of executives of long term services and supports and be issued a certificate of registration. Such individual shall annually apply to the board for a new certificate of registration on forms provided for such purpose prior to the expiration of the certificate of registration and shall at the same time submit Subject to section 4751.32 of the Revised Code, a nursing home administrator license is valid for one year and may be renewed and reinstated in accordance with this section.~~ 50303  
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(B) If a licensed nursing home administrator intends to continue to practice nursing home administration without interruption after the administrator's license expires, the administrator shall apply to the board of executives of long-term services and supports for a renewed nursing home administrator license. Subject to section 4751.32 of the Revised Code, the board shall renew the license if the administrator does all of the following before the license expires: 50315  
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- (1) Submits to the board a completed application for license renewal in accordance with rules adopted under section 4751.04 of the Revised Code; 50323  
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- (2) Pays to the board the license renewal fee of three hundred dollars; 50326  
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- (3) Submits to the board satisfactory evidence to the board of having attended such continuing education programs or courses of study as may be prescribed in rules adopted by the board under section 4751.04 of the Revised Code; 50328  
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- (4) Satisfies any other requirements as may be prescribed in rules adopted under section 4751.04 of the Revised Code. 50332  
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- ~~(B) Upon making an application for a new certificate of registration such individual shall pay the annual registration fee of three hundred dollars.~~ 50334  
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- ~~(C) Upon receipt of such application for registration and the registration fee required by divisions (A) and (B) of this section, the board shall issue a certificate of registration to such nursing home administrator. If a nursing home administrator license issued under section 4751.20 or 4751.201 of the Revised Code is not renewed before it expires, the individual who held the license may apply to the board for the license's reinstatement. Subject to section 4751.32 of the Revised Code, the board shall reinstate the license if the individual does all of the following not later than one year after the date the license expired:~~ 50337  
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- (1) Submits to the board the completed application for license reinstatement in accordance with rules adopted under section 4751.04 of the Revised Code; 50347  
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- (2) Pays to the board the license reinstatement fee equal to the sum of the following: 50350  
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- (a) Three hundred dollars; 50352

(b) Fifty dollars for each calendar quarter that occurs 50353  
during the period beginning on the date the license expires and 50354  
ending on the last day of the calendar quarter during which the 50355  
individual applies for license reinstatement, up to a maximum of 50356  
two hundred dollars. 50357

(3) Submits to the board satisfactory evidence of having 50358  
attended such continuing education programs or courses of study as 50359  
may be prescribed in rules adopted by the board under section 50360  
4751.04 of the Revised Code; 50361

(4) Satisfies any other requirements as may be prescribed in 50362  
rules adopted under section 4751.04 of the Revised Code. 50363

~~(D) The license of a nursing home administrator who fails to~~ 50364  
~~comply with this section shall automatically lapse.~~ 50365

~~(E) A licensed nursing home administrator who has been~~ 50366  
~~licensed and registered in this state who determines to~~ 50367  
~~temporarily abandon the practice of nursing home administration~~ 50368  
~~shall notify the board in writing immediately; provided, that such~~ 50369  
~~individual. The former administrator may thereafter register to~~ 50370  
~~resume the practice of nursing home administration within the~~ 50371  
~~state upon complying with the requirements of this section~~ 50372  
~~regarding annual registration license renewal or license~~ 50373  
~~reinstatement, whichever is applicable.~~ 50374

~~(F) Only an individual who has qualified as a licensed and~~ 50375  
~~registered nursing home administrator under Chapter 4751. of the~~ 50376  
~~Revised Code and the rules adopted thereunder, and who holds a~~ 50377  
~~valid current registration certificate pursuant to this section,~~ 50378  
~~may use the title "nursing home administrator," or the~~ 50379  
~~abbreviation "N.H.A." after the individual's name. No other person~~ 50380  
~~shall use such title or such abbreviation or any other words,~~ 50381  
~~letters, sign, card, or device tending to indicate or to imply~~ 50382  
~~that the person is a licensed and registered nursing home~~ 50383

administrator. 50384

~~(G) Every person holding a valid license entitling the person 50385  
to practice nursing home administration in this state shall 50386  
display said license in the nursing home which is the person's 50387  
principal place of employment, and while engaged in the practice 50388  
of nursing home administration shall have at hand the current 50389  
registration certificate. 50390~~

~~(H) Every person holding a valid temporary license shall have 50391  
such license at hand while engaged in the practice of nursing home 50392  
administration. 50393~~

Sec. 4751.25. (A) Subject to section 4751.32 of the Revised 50394  
Code, a health services executive license is valid for one year 50395  
and may be renewed and reinstated in accordance with this section. 50396

(B) A licensed health services executive may apply to the 50397  
board of executives of long-term services and supports for a 50398  
renewed license. Subject to section 4751.32 of the Revised Code, 50399  
the board shall renew the license if the licensed health services 50400  
executive does all of the following before the license expires: 50401

(1) Submits to the board the completed application for 50402  
license renewal in accordance with rules adopted under section 50403  
4751.04 of the Revised Code; 50404

(2) Pays to the board the license renewal fee of fifty 50405  
dollars; 50406

(3) Submits to the board satisfactory evidence of having 50407  
attended such continuing education programs or courses of study as 50408  
may be prescribed in rules adopted under section 4751.04 of the 50409  
Revised Code. 50410

(C)(1) If a health services executive license is not renewed 50411  
before it expires, the individual who held the license may apply 50412  
to the board for the license's reinstatement. Subject to section 50413

4751.32 of the Revised Code, the board shall reinstate the license 50414  
if the individual does all of the following not later than one 50415  
year after the date the license expired: 50416

(a) Submits to the board the completed application for 50417  
license reinstatement in accordance with rules adopted under 50418  
section 4751.04 of the Revised Code; 50419

(b) Pays to the board the license reinstatement fee specified 50420  
in division (C)(2) of this section; 50421

(c) Submits to the board satisfactory evidence of having 50422  
attended such continuing education programs or courses of study as 50423  
may be prescribed in rules adopted under section 4751.04 of the 50424  
Revised Code. 50425

(2) The fee to reinstate a health services executive license 50426  
under division (C)(1) of this section is the following: 50427

(a) If the individual applying for reinstatement has, at the 50428  
same time, applied for reinstatement of a nursing home 50429  
administrator license under division (C) of section 4751.24 of the 50430  
Revised Code and paid the reinstatement fee required by division 50431  
(C)(2) of that section, one hundred dollars; 50432

(b) If division (C)(2)(a) of this section does not apply to 50433  
the individual, the sum of the following: 50434

(i) One hundred dollars; 50435

(ii) Twenty-five dollars for each calendar quarter that 50436  
occurs during the period beginning on the date the license expired 50437  
and ending on the last day of the calendar quarter during which 50438  
the individual applies for license reinstatement, up to a maximum 50439  
of one hundred dollars. 50440

**Sec. 4751.044 4751.26.** The board of executives of long-term 50441  
services and supports shall approve continuing education courses 50442  
for licensed nursing home administrators and licensed health 50443

services executives. The board may establish a fee for approval of 50444  
such courses that is adequate to cover any expense the board 50445  
incurs in the approval process. 50446

**Sec. 4751.30.** (A) Any person may submit to the board of 50447  
executives of long-term services and supports a complaint that the 50448  
person reasonably believes that another person has violated, or 50449  
failed to comply with a requirement of, this chapter or a rule 50450  
adopted under section 4751.04 of the Revised Code. All of the 50451  
following apply to complaints submitted to the board under this 50452  
section: 50453

(1) They are not subject to discovery in any civil action. 50454

(2) They are not public records for purposes of section 50455  
149.43 of the Revised Code. 50456

(3) They are not subject to inspection or copying under 50457  
section 1347.08 of the Revised Code. 50458

(B) Except as provided in division (D) of section 4751.31 of 50459  
the Revised Code, the board shall protect the confidentiality of 50460  
each person who submits a complaint to the board under this 50461  
section. 50462

**Sec. 4751.31.** (A) The board of executives of long-term 50463  
services and supports shall receive, investigate, and take 50464  
appropriate action with respect to any complaint submitted to the 50465  
board under section 4751.30 of the Revised Code and any other 50466  
credible information the board possesses that indicates a person 50467  
may have violated, or failed to comply with a requirement of, this 50468  
chapter or a rule adopted under section 4751.04 of the Revised 50469  
Code. 50470

(B) In conducting an investigation under this section, the 50471  
board may do any of the following: 50472

<u>(1) Question witnesses;</u>	50473
<u>(2) Conduct interviews;</u>	50474
<u>(3) Inspect and copy any books, accounts, papers, records, or other documents;</u>	50475 50476
<u>(4) Issue subpoenas;</u>	50477
<u>(5) Compel the attendance of witnesses and the production of documents and testimony.</u>	50478 50479
<u>(C) No member of the board who supervises an investigation conducted under this section shall participate in any adjudication arising from the investigation.</u>	50480 50481 50482
<u>(D) The board may disclose any information it receives as part of an investigation conducted under this section, including the identity of a person who submits a complaint under section 4751.30 of the Revised Code, to a law enforcement agency, licensing board, or other government agency that investigates, prosecutes, or adjudicates alleged violations of statutes or rules. An agency or board that receives such information shall protect the confidentiality of a person who submits a complaint under section 4751.30 of the Revised Code in the same manner as the board of executives of long-term services and supports, notwithstanding any other information that the agency or other board possesses.</u>	50483 50484 50485 50486 50487 50488 50489 50490 50491 50492 50493 50494
<b>Sec. <del>4751.10</del> 4751.32.</b> <u>(A) The license or registration, or both, or the temporary license of any person practicing or offering to practice nursing home administration, shall be revoked or suspended by the board of executives of long-term services and supports may take any of the actions authorized by division (B) of this section against an individual who has applied for or holds a nursing home administrator license, temporary nursing home administrator license, or health services executive license if</u>	50495 50496 50497 50498 50499 50500 50501 50502

~~such licensee or temporary licensee~~ any of the following apply to 50503  
the individual: 50504

~~(A) Is~~ (1) The individual has failed to satisfy any 50505  
requirement established by this chapter or the rules adopted under 50506  
section 4751.04 of the Revised Code that must be satisfied to 50507  
obtain the license or temporary license. 50508

(2) The individual has violated, or failed to comply with a 50509  
requirement of, this chapter or a rule adopted under section 50510  
4751.04 of the Revised Code regarding the practice of nursing home 50511  
administration, including the requirements of sections 4751.40 and 50512  
4751.41 of the Revised Code. 50513

(3) The individual is unfit or incompetent to practice 50514  
nursing home administration, serve in a leadership position at a 50515  
long-term services and supports setting, or direct the practices 50516  
of others in such a setting by reason of negligence, habits, or 50517  
other causes. 50518

~~(B) Has willfully or repeatedly violated any of the~~ 50519  
~~provisions of Chapter 4751. of the Revised Code or the regulations~~ 50520  
~~adopted thereunder; or willfully or repeatedly, including the~~ 50521  
individual's habitual or excessive use or abuse of drugs, alcohol, 50522  
or other substances. 50523

(4) The individual has acted in a manner inconsistent with 50524  
the health and safety of either of the patients following: 50525

(a) The residents of the nursing home in at which the 50526  
~~licensee or temporary licensee is the administrator~~ individual 50527  
practices nursing home administration; 50528

~~(C) Is guilty of fraud or deceit in the practice of nursing~~ 50529  
~~home administration or in the licensee's or temporary licensee's~~ 50530  
~~admission to such practice;~~ 50531

~~(D) Has~~ (b) The consumers of services and supports provided 50532

by a long-term services and supports setting at which the 50533  
individual serves in a leadership position or directs the 50534  
practices of others. 50535

(5) The individual has been convicted of, or pleaded guilty 50536  
to, either of the following in a court of competent jurisdiction, 50537  
either within or without this state, of a: 50538

(a) A felony; 50539

(b) An offense of moral turpitude that constitutes a 50540  
misdemeanor in this state. 50541

(6) The individual made a false, fraudulent, deceptive, or 50542  
misleading statement in seeking to obtain, or obtaining, a nursing 50543  
home administrator license, temporary nursing home administrator 50544  
license, or health services executive license. 50545

(7) The individual made a fraudulent misrepresentation in 50546  
attempting to obtain, or obtaining, money or anything of value in 50547  
the practice of nursing home administration or while serving in a 50548  
leadership position at a long-term services and supports setting 50549  
or directing the practices of others in such a setting. 50550

(8) The individual has substantially deviated from the 50551  
board's code of ethics. 50552

(9) Another health care licensing agency has taken any of the 50553  
following actions against the individual for any reason other than 50554  
nonpayment of a fee: 50555

(a) Denied, refused to renew or reinstate, limited, revoked, 50556  
or suspended, or accepted the surrender of, a license or other 50557  
authorization to practice; 50558

(b) Imposed probation; 50559

(c) Issued a censure or other reprimand. 50560

(10) The individual has failed to do any of the following: 50561

<u>(a) Cooperate with an investigation conducted by the board</u>	50562
<u>under section 4751.31 of the Revised Code;</u>	50563
<u>(b) Respond to or comply with a subpoena issued by the board</u>	50564
<u>in an investigation of the individual;</u>	50565
<u>(c) Comply with any disciplinary action the board has taken</u>	50566
<u>against the individual pursuant to this section.</u>	50567
<u>(B) The following are the actions that the board may take for</u>	50568
<u>the purpose of division (A) of this section:</u>	50569
<u>(1) Deny the individual any of the following:</u>	50570
<u>(a) A nursing home administrator license under section</u>	50571
<u>4751.20, 4751.201, 4751.23, or 4751.24 of the Revised Code;</u>	50572
<u>(b) A temporary nursing home administrator license under</u>	50573
<u>section 4751.202 or 4751.23 of the Revised Code;</u>	50574
<u>(c) A health services executive license under section</u>	50575
<u>4751.21, 4751.23, or 4751.25 of the Revised Code.</u>	50576
<u>(2) Suspend the individual's nursing home administrator</u>	50577
<u>license, temporary nursing home administrator license, or health</u>	50578
<u>services executive license;</u>	50579
<u>(3) Revoke the individual's nursing home administrator</u>	50580
<u>license, temporary nursing home administrator license, or health</u>	50581
<u>services executive license, either permanently or for a period of</u>	50582
<u>time the board specifies;</u>	50583
<u>(4) Place a limitation on the individual's nursing home</u>	50584
<u>administrator license, temporary nursing home administrator</u>	50585
<u>license, or health services executive license;</u>	50586
<u>(5) Place the individual on probation;</u>	50587
<u>(6) Issue a written reprimand of the individual;</u>	50588
<u>(7) Impose on the individual a civil penalty, fine, or other</u>	50589
<u>sanction specified in rules adopted under section 4751.04 of the</u>	50590

Revised Code. 50591

(C) The board shall take actions authorized by division (B) of this section in accordance with Chapter 119. of the Revised Code, except that the board may enter into a consent agreement with an individual to resolve an alleged violation of this chapter or a rule adopted under section 4751.04 of the Revised Code in lieu of making an adjudication regarding the alleged violation. A consent agreement constitutes the board's findings and order with respect to the matter addressed in the consent agreement if the board ratifies the consent agreement. Any admissions or findings included in a proposed consent agreement have no force or effect if the board refuses to ratify the consent agreement. 50592  
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**Sec. ~~4751.11~~ 4751.33.** (A) The board of executives of long-term services and supports may, in its discretion, reissue a nursing home administrator license or registration, or both, temporary nursing home administrator license, or health services executive license to any ~~person~~ individual whose license or ~~registration, or both, temporary license~~ has been ~~revoked~~. 50603  
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~~(B) revoked.~~ Application for the reissuance of ~~a license or registration, or both,~~ shall not be made prior to one year after revocation and shall be made in such manner as the board may direct. 50609  
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~~(C)~~(B) If ~~a person~~ an individual who has been convicted of, or pleaded guilty to, a felony is subsequently pardoned by the governor of the state where such conviction or plea was had or by the president of the United States, or receives a final release granted by the adult parole authority of this state or its equivalent agency of another state, the board may, in its discretion, on application of ~~such person~~ the individual and on the submission of evidence satisfactory to the board, ~~restore to such person~~ the individual's nursing home administrator's 50613  
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administrator license or registration, temporary nursing home 50622  
administrator license, or both health services executive license. 50623

**Sec. ~~4751.12~~ 4751.35.** On receipt of a notice pursuant to 50624  
section 3123.43 of the Revised Code, the board of executives of 50625  
long-term services and supports shall comply with sections 3123.41 50626  
to 3123.50 of the Revised Code and any applicable rules adopted 50627  
under section 3123.63 of the Revised Code with respect to a 50628  
license or temporary license issued pursuant to this chapter. 50629

**Sec. ~~4751.13~~ 4751.36.** The board of executives of long-term 50630  
services and supports shall comply with section 4776.20 of the 50631  
Revised Code. 50632

**Sec. 4751.37.** The board of executives of long-term services 50633  
and supports shall take such actions as may be necessary to enable 50634  
the state to meet the requirements set forth in section 1908 of 50635  
the "Social Security Act," 42 U.S.C. 1396g. 50636

**Sec. 4751.38.** The board of executives of long-term services 50637  
and supports shall create opportunities for the education, 50638  
training, and credentialing of nursing home administrators, 50639  
persons in leadership positions who practice in long-term services 50640  
and supports settings or who direct the practices of others in 50641  
those settings, and persons interested in serving in those roles. 50642  
In carrying out this duty, the board shall do both the following: 50643

(A) Identify core competencies and areas of knowledge that 50644  
are appropriate for nursing home administrators, credentialed 50645  
individuals, and others working within the long-term services and 50646  
supports settings system, with an emphasis on all of the 50647  
following: 50648

(1) Leadership; 50649

<u>(2) Person-centered care;</u>	50650
<u>(3) Principles of management within both the business and regulatory environments;</u>	50651 50652
<u>(4) An understanding of all post-acute settings, including transitions from acute settings and between post-acute settings.</u>	50653 50654
<u>(B) Assist in the development of a strong, competitive market in this state for making training, continuing education, and degree programs available to individuals seeking to practice nursing home administration, serve in a leadership position at a long-term services and support setting, or direct the practice of others in such a setting.</u>	50655 50656 50657 50658 50659 50660
<b>Sec. <del>4751.043</del> <u>4751.381</u>.</b> (A) Training and education programs developed by the board of executives of long-term services and supports pursuant to <del>division (A)(10) of section 4751.04</del> <u>4751.38</u> of the Revised Code may be conducted in person or through electronic media. The board may establish and charge a fee for the education and training programs.	50661 50662 50663 50664 50665 50666
(B) The board may enter into a contract with a government or private entity to perform the board's duties under <del>division (A)(10) of section 4751.04</del> <u>4751.38</u> of the Revised Code to develop and conduct education and training programs. If the board enters into such a contract, the contract may authorize the entity to pay any or all costs associated with the education or training programs and to collect and keep, as all or part of the entity's compensation under the contract, any fee an applicant for education or training pays to enroll in the education or training program.	50667 50668 50669 50670 50671 50672 50673 50674 50675 50676
<b>Sec. <u>4751.40</u>.</b> <u>Each licensed nursing home administrator, licensed temporary nursing home administrator, and licensed health services executive shall report to the board of executives of</u>	50677 50678 50679

long-term services and supports any change in any of the following 50680  
not later than ten days after the change: 50681

(A) The individual's residence mailing address; 50682

(B) The name and address of each place at which the 50683  
individual practices nursing home administration; 50684

(C) The name and address of each long-term services and 50685  
supports setting at which the individual serves in a leadership 50686  
position or directs the practices of others. 50687

**Sec. 4751.41.** Every licensed nursing home administrator, 50688  
licensed temporary nursing home administrator, and licensed health 50689  
services executive shall display the individual's license or 50690  
temporary license in the place at which the individual practices 50691  
nursing home administration and the long-term services and 50692  
supports setting at which the individual serves in a leadership 50693  
position or directs the practices of others. 50694

**Sec. 4751.45.** An individual who is a licensed nursing home 50695  
administrator, licensed temporary nursing home administrator, or 50696  
licensed health services executive may request that the board of 50697  
executives of long-term services and supports provide to a 50698  
licensing board or agency of another state verification of the 50699  
individual's licensure status under this chapter and other related 50700  
information in the board's possession. The board shall provide the 50701  
licensing board or agency of the other state the verification and 50702  
other related information so requested if the individual pays to 50703  
the board the fee for this service. The board shall adopt a rule 50704  
under section 4751.04 of the Revised Code establishing the fee. 50705

**Sec. 4751.99.** Whoever violates section ~~4751.02~~ or ~~4751.09~~ 50706  
4751.10 of the Revised Code may be fined not more than five 50707  
hundred dollars for the first offense; for each subsequent offense 50708

such person may be fined not more than five hundred dollars or 50709  
imprisoned for not more than ninety days, or both. 50710

The imposition of fines pursuant to this section does not 50711  
preclude the imposition of any civil penalties or fines authorized 50712  
~~under~~ by section ~~4751.04~~ 4751.32 or any other section of the 50713  
Revised Code. 50714

**Sec. 4757.10.** (A) The counselor, social worker, and marriage 50715  
and family therapist board may adopt any rules necessary to carry 50716  
out this chapter. 50717

(B) The board shall adopt rules that do all of the following: 50718

~~(A)~~(1) Concern intervention for and treatment of any impaired 50719  
person holding a license or certificate of registration issued 50720  
under this chapter; 50721

~~(B)~~(2) Establish standards for training and experience of 50722  
supervisors described in division (C) of section 4757.30 of the 50723  
Revised Code; 50724

~~(C)~~(3) Define the requirement that an applicant be of good 50725  
moral character in order to be licensed or registered under this 50726  
chapter; 50727

~~(D)~~(4) Establish requirements for criminal records checks of 50728  
applicants under section 4776.03 of the Revised Code; 50729

~~(E)~~(5) Establish a graduated system of fines based on the 50730  
scope and severity of violations and the history of compliance, 50731  
not to exceed five hundred dollars per incident, that any 50732  
professional standards committee of the board may charge for a 50733  
disciplinary violation described in section 4757.36 of the Revised 50734  
Code; 50735

~~(F)~~(6) Establish the amount and content of corrective action 50736  
courses required by the board under section ~~4755.36~~ 4757.36 of the 50737  
Revised Code; 50738

~~(G)(7)~~ Provide for voluntary registration of all of the 50739  
following: 50740

~~(1)(a)~~ Master's level counselor trainees enrolled in practice 50741  
and internships; 50742

~~(2)(b)~~ Master's level social worker trainees enrolled in 50743  
fieldwork, practice, and internships; 50744

~~(3)(c)~~ Master's level marriage and family therapist trainees 50745  
enrolled in practice and internships. 50746

(8) Establish a schedule of deadlines for renewal. 50747

(C) Rules adopted under division ~~(G)(B)(7)~~ of this section 50748  
shall not require a trainee to register with the board, and if a 50749  
trainee has not registered, shall prohibit any adverse effect with 50750  
respect to a trainee's application for licensure by the board. 50751

(D) All rules adopted under this section shall be adopted in 50752  
accordance with Chapter 119. of the Revised Code. When it adopts 50753  
rules under this section or any other section of this chapter, the 50754  
board may consider standards established by any national 50755  
association or other organization representing the interests of 50756  
those involved in professional counseling, social work, or 50757  
marriage and family therapy. 50758

**Sec. 4757.13.** ~~(A) Each individual who engages in the practice 50759  
of professional counseling, social work, or marriage and family 50760  
therapy shall prominently display, in a conspicuous place in the 50761  
office or place where a major portion of the individual's practice 50762  
is conducted, and in such a manner as to be easily seen and read, 50763  
the license granted to the individual by the state counselor, 50764  
social worker, and marriage and family therapist board. 50765~~

~~(B)~~ A person holding a license holder issued under this 50766  
chapter who is engaged in a private individual practice, 50767  
partnership, or group practice shall prominently display the 50768

license holder's fee schedule in the office or place where a major 50769  
portion of the license holder's practice is conducted. The bottom 50770  
of the first page of the fee schedule shall include the following 50771  
statement, which shall be followed by the name, address, and 50772  
telephone number of the board: 50773

"This information is required by the Counselor, Social 50774  
Worker, and Marriage and Family Therapist Board, which regulates 50775  
the practices of professional counseling, social work, and 50776  
marriage and family therapy in this state." 50777

**Sec. 4757.18.** The counselor, social worker, and marriage and 50778  
family therapist board may enter into a reciprocal agreement with 50779  
any state that regulates individuals practicing in the same 50780  
capacities as those regulated under this chapter if the board 50781  
finds that the state has requirements substantially equivalent to 50782  
the requirements this state has for receipt of a license or 50783  
certificate of registration under this chapter. In a reciprocal 50784  
agreement, the board agrees to issue the appropriate license or 50785  
certificate of registration to any resident of the other state 50786  
whose practice is currently authorized by that state if that 50787  
state's regulatory body agrees to authorize the appropriate 50788  
practice of any resident of this state who holds a valid license 50789  
or certificate of registration issued under this chapter. 50790

The Subject to section 4757.25 of the Revised Code, the 50791  
professional standards committees of the board may, by 50792  
endorsement, issue the appropriate license or certificate of 50793  
registration to a resident of a state with which the board does 50794  
not have a reciprocal agreement, if the person submits proof 50795  
satisfactory to the committee of currently being licensed, 50796  
certified, registered, or otherwise authorized to practice by that 50797  
state. 50798

**Sec. 4757.22.** (A) The counselors professional standards 50799  
committee of the counselor, social worker, and marriage and family 50800  
therapist board shall issue a license to practice as a licensed 50801  
professional clinical counselor to each applicant who submits a 50802  
properly completed application, pays the fee established under 50803  
section 4757.31 of the Revised Code, and meets the requirements 50804  
specified in division (B) of this section. 50805

(B)(1) To be eligible for a licensed professional clinical 50806  
counselor license, an individual must meet the following 50807  
requirements: 50808

(a) The individual must be of good moral character. 50809

(b) The individual must hold a graduate degree in counseling 50810  
as described in division (B)(2) of this section. 50811

(c) The individual must complete a minimum of ninety quarter 50812  
hours or sixty semester hours of graduate credit in counselor 50813  
training acceptable to the committee, including instruction in the 50814  
following areas: 50815

(i) Clinical psychopathology, personality, and abnormal 50816  
behavior; 50817

(ii) Evaluation of mental and emotional disorders; 50818

(iii) Diagnosis of mental and emotional disorders; 50819

(iv) Methods of prevention, intervention, and treatment of 50820  
mental and emotional disorders. 50821

(d) The individual must complete, in either a private or 50822  
clinical counseling setting, supervised experience in counseling 50823  
that is of a type approved by the committee, is supervised by a 50824  
licensed professional clinical counselor or other qualified 50825  
professional approved by the committee, and is in the following 50826  
amounts: 50827

- (i) In the case of an individual holding only a master's degree, not less than two years of experience, which must be completed after the award of the master's degree; 50828  
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- (ii) In the case of an individual holding a doctorate, not less than one year of experience, which must be completed after the award of the doctorate. 50831  
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- (e) The individual must pass a field evaluation that meets the following requirements: 50834  
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- (i) Has been completed by the applicant's instructors, employers, supervisors, or other persons determined by the committee to be competent to evaluate an individual's professional competence; 50836  
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- (ii) Includes documented evidence of the quality, scope, and nature of the applicant's experience and competence in diagnosing and treating mental and emotional disorders. 50840  
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- (f) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional clinical counselor. 50843  
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- (2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a ~~mental health~~ counseling program in this state after January 1, 2018, must be from one of the following: 50846  
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- (a) A ~~clinical mental health counseling program, a clinical rehabilitation counseling program, or an addiction~~ counseling program accredited by the council for accreditation of counseling and related educational programs; 50850  
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- (b) A counseling education program approved by the board in accordance with rules adopted by the board under division (G) of this section. 50854  
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- (3) All of the following meet the educational requirements of 50857

division (B)(1)(c) of this section: 50858

(a) A clinical mental health counseling program accredited by 50859  
the council for accreditation of counseling and related 50860  
educational programs; 50861

(b) Until January 1, 2018, a mental health counseling program 50862  
accredited by the council for accreditation of counseling and 50863  
related educational programs; 50864

(c) A graduate degree in counseling issued by another state 50865  
from a clinical mental health counseling program, a clinical 50866  
rehabilitation counseling program, or an addiction counseling 50867  
program that is accredited by the council for accreditation of 50868  
counseling and related educational programs; 50869

(d) A counseling education program approved by the board in 50870  
accordance with rules adopted under division (G) of this section. 50871

(C) To be accepted by the committee for purposes of division 50872  
(B) of this section, counselor training must include at least the 50873  
following: 50874

(1) Instruction in human growth and development; counseling 50875  
theory; counseling techniques; group dynamics, processing, and 50876  
counseling; appraisal of individuals; research and evaluation; 50877  
professional, legal, and ethical responsibilities; social and 50878  
cultural foundations; and lifestyle and career development; 50879

(2) Participation in a supervised practicum and clinical 50880  
internship in counseling. 50881

(D) The committee may issue a temporary license to an 50882  
applicant who meets all of the requirements to be licensed under 50883  
this section, pending the receipt of transcripts or action by the 50884  
committee to issue a license to practice as a licensed 50885  
professional clinical counselor. 50886

(E) An individual may not sit for the licensing examination 50887

unless the individual meets the educational requirements to be 50888  
licensed under this section. An individual who is denied admission 50889  
to the licensing examination may appeal the denial in accordance 50890  
with Chapter 119. of the Revised Code. 50891

(F) The board shall adopt any rules necessary for the 50892  
committee to implement this section. The rules shall do both of 50893  
the following: 50894

(1) Establish criteria for the committee to use in 50895  
determining whether an applicant's training should be accepted and 50896  
supervised experience approved; 50897

(2) Establish course content requirements for qualifying 50898  
counseling degrees issued by institutions in other states from 50899  
clinical mental health counseling programs, clinical 50900  
rehabilitation counseling programs, and addiction counseling 50901  
programs that are not accredited by the council for accreditation 50902  
of counseling and related educational programs. 50903

Rules adopted under this division shall be adopted in 50904  
accordance with Chapter 119. of the Revised Code. 50905

(G)(1) The board may adopt rules to temporarily approve a 50906  
counseling education program created after January 1, 2018, that 50907  
has not been accredited by the council for accreditation of 50908  
counseling and related educational programs. If the board adopts 50909  
rules under this division, the board shall do all of the following 50910  
in the rules: 50911

(a) Create an application process under which a program 50912  
administrator may apply to the board for approval of the program; 50913

(b) Identify the educational requirements that an individual 50914  
must satisfy to receive a graduate degree in counseling from the 50915  
approved program; 50916

(c) Establish a time period during which an individual may 50917

use an unaccredited degree granted under the program to satisfy 50918  
the requirements of divisions (B)(1)(b) and (c) of this section; 50919

(d) Specify that, if the program is denied accreditation, a 50920  
student enrolled in the program before the accreditation is denied 50921  
may apply for licensure before completing the program and, on 50922  
receiving a degree from the program, is considered to satisfy 50923  
divisions (B)(1)(b) and (c) of this section. 50924

(2) A degree from a counseling education program approved by 50925  
the board pursuant to the rules adopted under division (G)(1) of 50926  
this section satisfies the requirements of divisions (B)(1)(b) and 50927  
(c) of this section for the time period approved by the board. 50928

**Sec. 4757.23.** (A) The counselors professional standards 50929  
committee of the counselor, social worker, and marriage and family 50930  
therapist board shall issue a license as a licensed professional 50931  
counselor to each applicant who submits a properly completed 50932  
application, pays the fee established under section 4757.31 of the 50933  
Revised Code, and meets the requirements established under 50934  
division (B) of this section. 50935

(B)(1) To be eligible for a license as a licensed 50936  
professional counselor, an individual must meet the following 50937  
requirements: 50938

(a) The individual must be of good moral character. 50939

(b) The individual must hold a graduate degree in counseling 50940  
as described in division (B)(2) of this section. 50941

(c) The individual must complete a minimum of ninety quarter 50942  
hours or sixty semester hours of graduate credit in counselor 50943  
training acceptable to the committee, which the individual may 50944  
complete while working toward receiving a graduate degree in 50945  
counseling, or subsequent to receiving the degree, and which shall 50946  
include training in the following areas: 50947

(i) Clinical psychopathology, personality, and abnormal behavior;	50948 50949
(ii) Evaluation of mental and emotional disorders;	50950
(iii) Diagnosis of mental and emotional disorders;	50951
(iv) Methods of prevention, intervention, and treatment of mental and emotional disorders.	50952 50953
(d) The individual must pass an examination administered by the board for the purpose of determining ability to practice as a licensed professional counselor.	50954 50955 50956
(2) To meet the requirement of division (B)(1)(b) of this section, a graduate degree in counseling obtained from a <del>mental health</del> counseling program in this state after January 1, 2018, must be from one of the following:	50957 50958 50959 50960
(a) A <del>clinical mental health counseling program, clinical rehabilitation counseling program, or addiction</del> counseling program accredited by the council for accreditation of counseling and related educational programs;	50961 50962 50963 50964
(b) A counseling education program approved by the board in accordance with rules adopted by the board under division (G) of this section.	50965 50966 50967
(3) All of the following meet the educational requirements of division (B)(1)(c) of this section:	50968 50969
(a) A clinical mental health counseling program accredited by the council for accreditation of counseling and related educational programs;	50970 50971 50972
(b) Until January 1, 2018, a mental health counseling program accredited by the council for accreditation of counseling and related educational programs;	50973 50974 50975
(c) A graduate degree in counseling issued by an institution in another state from a clinical mental health counseling program,	50976 50977

a clinical rehabilitation counseling program, or an addiction 50978  
counseling program that is accredited by the council for 50979  
accreditation of counseling and related educational programs; 50980

(d) A counseling education program approved by the board in 50981  
accordance with rules adopted under division (G) of this section. 50982

(C) To be accepted by the committee for purposes of division 50983  
(B) of this section, counselor training must include at least the 50984  
following: 50985

(1) Instruction in human growth and development; counseling 50986  
theory; counseling techniques; group dynamics, processing, and 50987  
counseling; appraisal of individuals; research and evaluation; 50988  
professional, legal, and ethical responsibilities; social and 50989  
cultural foundations; and lifestyle and career development; 50990

(2) Participation in a supervised practicum and clinical 50991  
internship in counseling. 50992

(D) The committee may issue a temporary license to practice 50993  
as a licensed professional counselor to an applicant who meets all 50994  
of the requirements to be licensed under this section as follows: 50995

(1) Pending the receipt of transcripts or action by the 50996  
committee to issue a license as a licensed professional counselor; 50997

(2) For a period not to exceed ninety days, to an applicant 50998  
who provides the board with a statement from the applicant's 50999  
academic institution indicating that the applicant has met the 51000  
academic requirements for the applicant's degree and the projected 51001  
date the applicant will receive the applicant's transcript showing 51002  
a conferred degree. 51003

On application to the committee, a temporary license issued 51004  
under division (D)(2) of this section may be renewed for good 51005  
cause shown. 51006

(E) An individual may not sit for the licensing examination 51007

unless the individual meets the educational requirements to be 51008  
licensed under this section. An individual who is denied admission 51009  
to the licensing examination may appeal the denial in accordance 51010  
with Chapter 119. of the Revised Code. 51011

(F) The board shall adopt any rules necessary for the 51012  
committee to implement this section. The rules shall do both of 51013  
the following: 51014

(1) Establish criteria for the committee to use in 51015  
determining whether an applicant's training should be accepted and 51016  
supervised experience approved; 51017

(2) Establish course content requirements for qualifying 51018  
counseling degrees issued by institutions in other states from 51019  
clinical mental health counseling programs, clinical 51020  
rehabilitation counseling programs, and addiction counseling 51021  
programs that are not accredited by the council for accreditation 51022  
of counseling and related educational programs. 51023

Rules adopted under this division shall be adopted in 51024  
accordance with Chapter 119. of the Revised Code. 51025

(G)(1) The board may adopt rules to temporarily approve a 51026  
counseling education program created after January 1, 2018, that 51027  
has not been accredited by the council for accreditation of 51028  
counseling and related educational programs. If the board adopts 51029  
rules under this division, the board shall do all of the following 51030  
in the rules: 51031

(a) Create an application process under which a program 51032  
administrator may apply to the board for approval of the program; 51033

(b) Identify the educational requirements that an individual 51034  
must satisfy to receive a graduate degree in counseling from the 51035  
approved program; 51036

(c) Establish a time period during which an individual may 51037

use an unaccredited degree granted under the program to satisfy 51038  
the requirements of divisions (B)(1)(b) and (c) of this section; 51039

(d) Specify that, if the program is denied accreditation, a 51040  
student enrolled in the program before the accreditation is denied 51041  
may apply for licensure before completing the program and, on 51042  
receiving a degree from the program, is considered to satisfy 51043  
divisions (B)(1)(b) and (c) of this section. 51044

(2) A degree from a counseling education program approved by 51045  
the board pursuant to the rules adopted under division (G)(1) of 51046  
this section satisfies the requirements of divisions (B)(1)(b) and 51047  
(c) of this section for the time period approved by the board. 51048

Sec. 4757.25. (A) Notwithstanding any provision in sections 51049  
4757.22 and 4757.23 of the Revised Code to the contrary, the 51050  
counselors professional standards committee of the counselor, 51051  
social worker, and marriage and family therapist board may, by 51052  
endorsement, issue a license to practice as a licensed 51053  
professional clinical counselor or a licensed professional 51054  
counselor to a person who is authorized to practice in another 51055  
state even though the person does not hold a graduate degree in 51056  
counseling if the person meets all of the following requirements: 51057

(1) The person has a graduate degree in a field of study that 51058  
demonstrates an education in the diagnosis and treatment of mental 51059  
and emotional disorders. 51060

(2) The person has continuously engaged in the practice of 51061  
professional counseling in the other state for a period of five 51062  
years or more immediately preceding the date the application is 51063  
submitted. 51064

(3) The person's scope of practice in the other state is 51065  
comparable to the scope of practice associated with the license 51066  
the person is requesting. 51067

(4) The person's license, certificate, registration, or other authorization to practice in the other state is in good standing at the time the person submits the application. 51068  
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(5) The person has not been disciplined by the regulatory authority of the other state that issued the license, certificate, registration, or other authorization for a period of five years or more preceding the date the application is submitted. 51071  
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(6) The person has achieved a passing score on the examination required by the board for licensure as a licensed professional clinical counselor or a licensed professional counselor, as applicable. 51075  
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(B) To meet the requirement of division (A)(1) of this section, the coursework the person completed to obtain the graduate degree must be comparable to the coursework required to obtain a degree in clinical mental health counseling from a program accredited by the council for accreditation of counseling and related educational programs. 51079  
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(C) Before issuing a license to practice as a licensed professional clinical counselor by endorsement under this section, the committee shall require an applicant to complete not less than seven hundred fifty hours of supervised experience that is of a type approved by the committee. 51085  
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**Sec. 4757.32.** A license or certificate of registration issued under this chapter ~~expires two years after it is issued and is~~ valid without further recommendation or examination until revoked or suspended or until the license or certificate of registration expires for failure to renew as provided for in this section. 51090  
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Licenses and certificates of registration shall be renewed biennially in accordance with the schedule established in rules adopted by the counselor, social worker, and marriage and family therapist board under section 4757.10 of the Revised Code. A 51095  
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license or certificate of registration may be renewed in 51099  
accordance with the standard renewal procedure established under 51100  
Chapter 4745. of the Revised Code. 51101

Subject to section 4757.36 of the Revised Code, the staff of 51102  
the appropriate professional standards committee of the ~~counselor,~~ 51103  
~~social worker, and marriage and family therapist~~ board shall, on 51104  
behalf of each committee, issue a renewed license or certificate 51105  
of registration to each applicant who has paid the renewal fee 51106  
established by the board under section 4757.31 of the Revised Code 51107  
and satisfied the continuing education requirements established by 51108  
the board under section 4757.33 of the Revised Code. 51109

A license or certificate of registration that is not renewed 51110  
lapses on its expiration date. A license or certificate of 51111  
registration that has lapsed may be restored if the individual, 51112  
not later than two years after the license or certificate expired, 51113  
applies for restoration of the license or certificate. The staff 51114  
of the appropriate professional standards committee shall issue a 51115  
restored license or certificate of registration to the applicant 51116  
if the applicant pays the renewal fee established under section 51117  
4757.31 of the Revised Code and satisfies the continuing education 51118  
requirements established under section 4757.33 of the Revised Code 51119  
for restoring the license or certificate of registration. The 51120  
board and its professional standards committees shall not require 51121  
a person to take an examination as a condition of having a lapsed 51122  
license or certificate of registration restored. 51123

**Sec. 4759.02.** (A) Except as otherwise provided in this 51124  
section or in section 4759.10 of the Revised Code, no person shall 51125  
practice, offer to practice, or hold self forth to practice 51126  
dietetics unless the person has been licensed under section 51127  
4759.06 of the Revised Code. 51128

(B) Except for a person licensed under section 4759.06 of the Revised Code, or as otherwise provided in this section or in section 4759.10 of the Revised Code:

(1) No person shall use the title "dietitian";

(2) No person except for a person licensed under Title XLVII of the Revised Code, when acting within the scope of their practice, shall use any other title, designation, words, letters, abbreviation, or insignia or combination of any title, designation, words, letters, abbreviation, or insignia tending to indicate that the person is practicing dietetics.

(C) Notwithstanding division (B) of this section, a person who is a dietitian registered by the commission on dietetic registration and who does not violate division (A) of this section may use the designation "registered dietitian" and the abbreviation "R.D."

(D) Division (A) of this section does not apply to:

(1) A student enrolled in an academic program that is in compliance with division (A)(4) of section 4759.06 of the Revised Code who is engaging in the practice of dietetics under the supervision of a dietitian licensed under section 4759.06 of the Revised Code or a dietitian registered by the commission on dietetic registration, as part of the academic program;

(2) A person participating in the pre-professional experience required by division (A)(5) of section 4759.06 of the Revised Code;

(3) A person holding a limited permit under division ~~(E)~~(G) of section 4759.06 of the Revised Code.

(E) The attorney general, the prosecuting attorney of any county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a

person who either directly or by complicity is in violation of 51159  
this section, may, in accordance with provisions of the Revised 51160  
Code governing injunctions, maintain an action in the name of the 51161  
state to enjoin any person from engaging either directly or by 51162  
complicity in the unlawful activity by applying for an injunction 51163  
in the Franklin county court of common pleas or any other court of 51164  
competent jurisdiction. 51165

Prior to application for such injunction, the secretary of 51166  
the state medical board shall notify the person allegedly engaged 51167  
either directly or by complicity in the unlawful activity by 51168  
registered mail that the secretary has received information 51169  
indicating that the person is so engaged. The person shall answer 51170  
the secretary within thirty days showing that the person is either 51171  
properly licensed for the stated activity or that the person is 51172  
not in violation of this chapter. If the answer is not forthcoming 51173  
within thirty days after notice by the secretary, the secretary 51174  
shall request that the attorney general, the prosecuting attorney 51175  
of the county in which the offense was committed or the offender 51176  
resides, or the state medical board proceed as authorized in this 51177  
section. 51178

Upon the filing of a verified petition in court, the court 51179  
shall conduct a hearing on the petition and shall give the same 51180  
preference to this proceeding as is given all proceedings under 51181  
Chapter 119. of the Revised Code, irrespective of the position of 51182  
the proceeding on the calendar of the court. Injunction 51183  
proceedings shall be in addition to, and not in lieu of, all 51184  
penalties and other remedies provided under this chapter. 51185

**Sec. 4759.05.** (A) The state medical board shall adopt, amend, 51186  
or rescind rules pursuant to Chapter 119. of the Revised Code to 51187  
carry out the provisions of this chapter, including rules 51188  
governing the following: 51189

(1) Selection and approval of a dietitian licensure examination offered by the commission on dietetic registration or any other examination;	51190 51191 51192
(2) The examination of applicants for licensure as a dietitian, as required under division (A) of section 4759.06 of the Revised Code;	51193 51194 51195
(3) Requirements for pre-professional dietetic experience of applicants for licensure as a dietitian that are at least equivalent to the requirements adopted by the commission on dietetic registration;	51196 51197 51198 51199
(4) Requirements for a person holding a limited permit under division <del>(E)</del> <u>(G)</u> of section 4759.06 of the Revised Code, including the duration of validity of a limited permit and procedures for renewal;	51200 51201 51202 51203
(5) Continuing education requirements for renewal of a license, including rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for license holders who <del>are in their first renewal period</del> , have been disabled by illness or accident, or have been absent from the country. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration.	51204 51205 51206 51207 51208 51209 51210 51211
(6) Any additional education requirements the board considers necessary, for applicants who have not practiced dietetics within five years of the initial date of application for licensure;	51212 51213 51214
(7) Standards of professional responsibility and practice for persons licensed under this chapter that are consistent with those standards of professional responsibility and practice adopted by the academy of nutrition and dietetics;	51215 51216 51217 51218
(8) Formulation of an application form for licensure or license renewal;	51219 51220

(9) Procedures for license renewal;	51221
(10) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.	51222 51223
(B)(1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.	51224 51225 51226 51227 51228 51229 51230 51231 51232 51233 51234 51235
(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4759.012 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.	51236 51237 51238 51239 51240 51241 51242 51243 51244
(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, the board may issue subpoenas, question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, and compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without	51245 51246 51247 51248 51249 51250 51251 51252

consultation with the attorney general's office and approval of 51253  
the secretary and supervising member of the board. 51254

Before issuance of a subpoena for patient record information, 51255  
the secretary and supervising member shall determine whether there 51256  
is probable cause to believe that the complaint filed alleges a 51257  
violation of this chapter or any rule adopted under it and that 51258  
the records sought are relevant to the alleged violation and 51259  
material to the investigation. The subpoena may apply only to 51260  
records that cover a reasonable period of time surrounding the 51261  
alleged violation. 51262

On failure to comply with any subpoena issued by the board 51263  
and after reasonable notice to the person being subpoenaed, the 51264  
board may move for an order compelling the production of persons 51265  
or records pursuant to the Rules of Civil Procedure. 51266

A subpoena issued by the board may be served by a sheriff, 51267  
the sheriff's deputy, or a board employee or agent designated by 51268  
the board. Service of a subpoena issued by the board may be made 51269  
by delivering a copy of the subpoena to the person named therein, 51270  
reading it to the person, or leaving it at the person's usual 51271  
place of residence, usual place of business, or address on file 51272  
with the board. When serving a subpoena to an applicant for or the 51273  
holder of a license or limited permit issued under this chapter, 51274  
service of the subpoena may be made by certified mail, return 51275  
receipt requested, and the subpoena shall be deemed served on the 51276  
date delivery is made or the date the person refuses to accept 51277  
delivery. If the person being served refuses to accept the 51278  
subpoena or is not located, service may be made to an attorney who 51279  
notifies the board that the attorney is representing the person. 51280

A sheriff's deputy who serves a subpoena shall receive the 51281  
same fees as a sheriff. Each witness who appears before the board 51282  
in obedience to a subpoena shall receive the fees and mileage 51283  
provided for under section 119.094 of the Revised Code. 51284

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given.

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court

include sealing its records or deleting specific information from  
its records.

(6) On a quarterly basis, the board shall prepare a report  
that documents the disposition of all cases during the preceding  
three months. The report shall contain the following information  
for each case with which the board has completed its activities:

(a) The case number assigned to the complaint or alleged  
violation;

(b) The type of license, if any, held by the individual  
against whom the complaint is directed;

(c) A description of the allegations contained in the  
complaint;

(d) The disposition of the case.

The report shall state how many cases are still pending and  
shall be prepared in a manner that protects the identity of each  
person involved in each case. The report shall be a public record  
under section 149.43 of the Revised Code.

(C) The board shall keep records as are necessary to carry  
out the provisions of this chapter.

(D) The board shall maintain and publish on its internet web  
site the board's rules and requirements for licensure adopted  
under division (A) of this section.

**Sec. 4759.06.** (A) The state medical board shall issue a  
license to practice dietetics to an applicant who meets all of the  
following requirements:

(1) Has satisfactorily completed an application for licensure  
in accordance with rules adopted under division (A) of section  
4759.05 of the Revised Code;

(2) Has paid the fee required under division (A) of section

4759.08 of the Revised Code; 51346

(3) Is of good moral character; 51347

(4) Has received a baccalaureate or higher degree from an 51348  
institution of higher education that is approved by the board or a 51349  
regional accreditation agency that is recognized by the council on 51350  
postsecondary accreditation, and has completed a program 51351  
consistent with the academic standards for dietitians established 51352  
by the academy of nutrition and dietetics; 51353

(5) Has successfully completed a pre-professional dietetic 51354  
experience approved by the academy of nutrition and dietetics, or 51355  
experience approved by the board under division (A)(3) of section 51356  
4759.05 of the Revised Code; 51357

(6) Has passed the examination approved by the board under 51358  
division (A)(1) of section 4759.05 of the Revised Code. 51359

(B) The board shall waive the requirements of divisions 51360  
(A)(4), (5), and (6) of this section and any rules adopted under 51361  
division (A)(6) of section 4759.05 of the Revised Code if the 51362  
applicant presents satisfactory evidence to the board of current 51363  
registration as a registered dietitian with the commission on 51364  
dietetic registration. 51365

(C)(1) The board shall issue a license to practice dietetics 51366  
to an applicant who meets the requirements of division (A) of this 51367  
section. A license ~~issued before July 1, 2018, shall expire on~~ 51368  
~~June 30, 2018. A license issued on or after July 1, 2018, shall be~~ 51369  
valid for a two-year period unless revoked or suspended by the 51370  
board and shall expire on the thirtieth day of June of the next 51371  
even-numbered year date that is two years after the date of 51372  
issuance. A license may be renewed for additional two-year 51373  
periods. 51374

(2) The board shall renew an applicant's license if the 51375  
applicant ~~meets the continuing education requirements adopted~~ 51376

~~under division (A)(5) of section 4759.05 of the Revised Code and~~ 51377  
has paid the license renewal fee specified in section 4759.08 of 51378  
the Revised Code and certifies to the board that the applicant has 51379  
met the continuing education requirements adopted under division 51380  
(A)(5) of section 4759.05 of the Revised Code. The renewal shall 51381  
be pursuant to the standard renewal procedure of sections 4745.01 51382  
to 4745.03 of the Revised Code. 51383

At least one month before a license expires, the board shall 51384  
provide a renewal notice. Failure of any person to receive a 51385  
notice of renewal from the board shall not excuse the person from 51386  
the requirements contained in this section. Each person holding a 51387  
license shall give notice to the board of a change in the license 51388  
holder's residence address, business address, or electronic mail 51389  
address not later than thirty days after the change occurs. 51390

(D) Any person licensed to practice dietetics by the former 51391  
Ohio board of dietetics before January 21, 2018, may continue to 51392  
practice dietetics in this state under that license if the person 51393  
continues to meet the requirements to renew a license under this 51394  
chapter and renews the license through the state medical board. 51395

The state medical board may take any of the following 51396  
actions, as provided in section 4759.07 of the Revised Code, 51397  
against the holder of a license to practice dietetics issued 51398  
before January 21, 2018, by the former Ohio board of dietetics: 51399

- (1) Limit, revoke, or suspend the holder's license; 51400
- (2) Refuse to renew or reinstate the holder's license; 51401
- (3) Reprimand the holder or place the holder on probation. 51402

(E) The board may require a random sample of dietitians to 51403  
submit materials documenting that the continuing education 51404  
requirements adopted under division (A)(5) of section 4759.05 of 51405  
the Revised Code have been met. 51406

This division does not limit the board's authority to conduct investigations pursuant to section 4759.07 of the Revised Code. 51407  
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(F)(1) If, through a random sample conducted under division (E) of this section or any other means, the board finds that an individual who certified completion of the number of hours and type of continuing education required to renew, reinstate, or restore a license to practice did not complete the requisite continuing education, the board may do either of the following: 51409  
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(a) Take disciplinary action against the individual under section 4759.07 of the Revised Code, impose a civil penalty, or both; 51415  
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(b) Permit the individual to agree in writing to complete the continuing education and pay a civil penalty. 51418  
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(4) The board's finding in any disciplinary action taken under division (F)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 51420  
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(5) A civil penalty imposed under division (F)(1)(a) of this section or paid under division (F)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 51424  
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(G)(1) The board may grant a limited permit to a person who has completed the education and pre-professional requirements of divisions (A)(4) and (5) of this section and who presents evidence to the board of having applied to take the examination approved by the board under division (A)(1) of section 4759.05 of the Revised Code. An application for a limited permit shall be made on forms that the board shall furnish and shall be accompanied by the limited permit fee specified in section 4759.08 of the Revised Code. 51429  
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(2) If no grounds apply under section 4759.07 of the Revised Code for denying a license to the applicant and the applicant meets the requirements of division ~~(E)~~(G)(1) of this section, the board shall issue a limited permit to the applicant.

A limited permit expires in accordance with rules adopted under section 4759.05 of the Revised Code. A limited permit may be renewed in accordance with those rules.

~~(3) The board shall maintain a register of all persons holding limited permits under this chapter.~~

~~(4)~~ A person holding a limited permit who has failed the examination shall practice only under the direct supervision of a licensed dietitian.

~~(5)~~(4) The board may revoke a limited permit on proof satisfactory to the board that the permit holder has engaged in practice in this state outside the scope of the permit, that the holder has engaged in unethical conduct, or that grounds for action against the holder exist under section 4759.07 of the Revised Code.

**Sec. 4759.062.** (A) A license to practice dietetics that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension shall be considered as practicing in violation of section 4759.02 of the Revised Code.

(B) If a license has been suspended pursuant to division (A) of this section for two years or less, it may be reinstated. The state medical board shall reinstate the license upon the applicant's submission of a complete renewal application and payment of a reinstatement fee of two hundred five dollars.

(C)~~(1)~~ If a license has been suspended pursuant to division (A) of this section for more than two years, it may be restored.

~~The Subject to section 4759.063 of the Revised Code, the board may restore the license upon an applicant's submission of a complete restoration application and a restoration fee of two hundred thirty dollars and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a license unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a license issued pursuant to section 4759.06 of the Revised Code.~~

~~(2) The board may impose terms and conditions for the restoration, including any one or more of the following:~~

~~(a) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;~~

~~(b) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;~~

~~(c) Restricting or limiting the extent, scope, or type of practice of the applicant.~~

Sec. 4759.063. (A) This section applies to both of the following:

(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years;

(2) An applicant seeking issuance of a license pursuant to this chapter who for more than two years has not been engaged in the practice of dietetics as any of the following:

(a) An active practitioner;

(b) A participant in a pre-professional dietetic experience as described in section 4759.06 of the Revised Code;

(c) A student in a program described in section 4759.06 of

the Revised Code. 51497

(B) Before issuing a license to an applicant subject to this section or restoring a license to good standing for an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following: 51498  
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(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice; 51502  
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(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training; 51505  
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(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care; 51507  
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(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 51512  
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 51514  
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 51518  
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity. The board shall not issue or restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 51520  
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**Sec. 4760.02.** (A) Except as provided in division (B) of this section, no person shall practice as an anesthesiologist assistant 51525  
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unless the person holds a current, valid ~~certificate~~ license 51527  
issued under this chapter to practice as an anesthesiologist 51528  
assistant. 51529

(B) Division (A) of this section does not apply to either of 51530  
the following: 51531

(1) A person participating in a training program leading 51532  
toward certification by the national commission for certification 51533  
of anesthesiologist assistants, as long as the person is 51534  
supervised by an anesthesiologist, an individual participating in 51535  
a hospital residency program in preparation to practice as an 51536  
anesthesiologist, or an anesthesiologist assistant who holds a 51537  
current, valid ~~certificate to practice~~ license issued under this 51538  
chapter; 51539

(2) Any person who otherwise holds professional authority 51540  
granted pursuant to the Revised Code to perform any of the 51541  
activities that an anesthesiologist assistant is authorized to 51542  
perform. 51543

**Sec. 4760.03.** (A) An individual seeking a ~~certificate~~ license 51544  
to practice as an anesthesiologist assistant shall file with the 51545  
state medical board a written application on a form prescribed and 51546  
supplied by the board. The application shall include all of the 51547  
following information: 51548

(1) Evidence satisfactory to the board that the applicant is 51549  
at least twenty-one years of age and of good moral character; 51550

(2) Evidence satisfactory to the board that the applicant has 51551  
successfully completed the training necessary to prepare 51552  
individuals to practice as anesthesiologist assistants, as 51553  
specified in section 4760.031 of the Revised Code; 51554

(3) Evidence satisfactory to the board that the applicant 51555  
holds current certification from the national commission for 51556

certification of anesthesiologist assistants and that the 51557  
requirements for receiving the certification included passage of 51558  
an examination to determine the individual's competence to 51559  
practice as an anesthesiologist assistant; 51560

(4) Any other information the board considers necessary to 51561  
process the application and evaluate the applicant's 51562  
qualifications. 51563

(B) At the time of making application for a ~~certificate to~~ 51564  
~~practice~~ license, the applicant shall pay the board a fee of one 51565  
hundred dollars, no part of which shall be returned. 51566

(C) The board shall review all applications received under 51567  
this section. Not later than sixty days after receiving a complete 51568  
application, the board shall determine whether an applicant meets 51569  
the requirements to receive a ~~certificate to practice~~ license. ~~The~~ 51570  
~~affirmative vote of not fewer than six members of the board is~~ 51571  
~~required to determine that an applicant meets the requirements for~~ 51572  
~~a certificate.~~ The board shall not issue a ~~certificate~~ license to 51573  
an applicant unless the applicant is certified by the national 51574  
commission for certification of anesthesiologist assistants or a 51575  
successor organization that is recognized by the board. 51576

**Sec. 4760.031.** As a condition of being eligible to receive a 51577  
~~certificate~~ license to practice as an anesthesiologist assistant, 51578  
an individual must successfully complete the following training 51579  
requirements: 51580

(A) A baccalaureate or higher degree program at an 51581  
institution of higher education accredited by an organization 51582  
recognized by the ~~board of regents~~ department of higher education. 51583  
The program must have included courses in the following areas of 51584  
study: 51585

(1) General biology; 51586

(2) General chemistry;	51587
(3) Organic chemistry;	51588
(4) Physics;	51589
(5) Calculus.	51590
(B) A training program conducted for the purpose of preparing individuals to practice as anesthesiologist assistants. If the program was completed prior to May 31, 2000, the program must have been completed at case western reserve university or emory university in Atlanta, Georgia. If the program is completed on or after May 31, 2000, the program must be a graduate-level program accredited by the commission on accreditation of allied health education programs or any of the commission's successor organizations. In either case, the training program must have included at least all of the following components:	51591 51592 51593 51594 51595 51596 51597 51598 51599 51600
(1) Basic sciences of anesthesia: physiology, pathophysiology, anatomy, and biochemistry. The courses must be presented as a continuum of didactic courses designed to teach students the foundations of human biological existence on which clinical correlations to anesthesia practice are based.	51601 51602 51603 51604 51605
(2) Pharmacology for the anesthetic sciences. The course must include instruction in the anesthetic principles of pharmacology, pharmacodynamics, pharmacokinetics, uptake and distribution, intravenous anesthetics and narcotics, and volatile anesthetics.	51606 51607 51608 51609
(3) Physics in anesthesia.	51610
(4) Fundamentals of anesthetic sciences, presented as a continuum of courses covering a series of topics in basic medical sciences with special emphasis on the effects of anesthetics on normal physiology and pathophysiology.	51611 51612 51613 51614
(5) Patient instrumentation and monitoring, presented as a continuum of courses focusing on the design of, proper preparation	51615 51616

of, and proper methods of resolving problems that arise with 51617  
anesthesia equipment. The courses must provide a balance between 51618  
the engineering concepts used in anesthesia instruments and the 51619  
clinical application of anesthesia instruments. 51620

(6) Clinically based conferences in which techniques of 51621  
anesthetic management, quality assurance issues, and current 51622  
professional literature are reviewed from the perspective of 51623  
practice improvement. 51624

(7) Clinical experience consisting of at least two thousand 51625  
hours of direct patient contact, presented as a continuum of 51626  
courses throughout the entirety of the program, beginning with a 51627  
gradual introduction of the techniques for the anesthetic 51628  
management of patients and culminating in the assimilation of the 51629  
graduate of the program into the work force. Areas of instruction 51630  
must include the following: 51631

(a) Preoperative patient assessment; 51632

(b) Indwelling vascular catheter placement, including 51633  
intravenous and arterial catheters; 51634

(c) Airway management, including mask airway and orotracheal 51635  
intubation; 51636

(d) Intraoperative charting; 51637

(e) Administration and maintenance of anesthetic agents, 51638  
narcotics, hypnotics, and muscle relaxants; 51639

(f) Administration and maintenance of volatile anesthetics; 51640

(g) Administration of blood products and fluid therapy; 51641

(h) Patient monitoring; 51642

(i) Postoperative management of patients; 51643

(j) Regional anesthesia techniques; 51644

(k) Administration of vasoactive substances for treatment of 51645

unacceptable patient hemodynamic status; 51646

(1) Specific clinical training in all the subspecialties of 51647  
anesthesia, including pediatrics, neurosurgery, cardiovascular 51648  
surgery, trauma, obstetrics, orthopedics, and vascular surgery. 51649

(8) Basic life support that qualifies the individual to 51650  
administer cardiopulmonary resuscitation to patients in need. The 51651  
course must include the instruction necessary to be certified in 51652  
basic life support by the American red cross or the American heart 51653  
association. 51654

(9) Advanced cardiac life support that qualifies the 51655  
individual to participate in the pharmacologic intervention and 51656  
management resuscitation efforts for a patient in full cardiac 51657  
arrest. The course must include the instruction necessary to be 51658  
certified in advanced cardiac life support by the American red 51659  
cross or the American heart association. 51660

**Sec. 4760.032.** In addition to any other eligibility 51661  
requirement set forth in this chapter, each applicant for a 51662  
~~certificate~~ license to practice as an anesthesiologist assistant 51663  
shall comply with sections 4776.01 to 4776.04 of the Revised Code. 51664  
The state medical board shall not grant to an applicant a 51665  
~~certificate~~ license to practice as an anesthesiologist assistant 51666  
unless the board, in its discretion, decides that the results of 51667  
the criminal records check do not make the applicant ineligible 51668  
for a ~~certificate~~ license issued pursuant to section 4760.04 of 51669  
the Revised Code. 51670

**Sec. 4760.04.** If the state medical board determines under 51671  
section 4760.03 of the Revised Code that an applicant meets the 51672  
requirements for a ~~certificate~~ license to practice as an 51673  
anesthesiologist assistant, the secretary of the board shall 51674  
register the applicant as an anesthesiologist assistant and issue 51675

to the applicant a ~~certificate~~ license to practice as an 51676  
anesthesiologist assistant. The ~~certificate~~ license shall be valid 51677  
for a two-year period unless revoked or suspended, shall expire 51678  
~~biennially~~ on the date that is two years after the date of 51679  
issuance, and may be renewed for additional two-year periods in 51680  
accordance with section 4760.06 of the Revised Code. 51681

**Sec. 4760.05.** On application by the holder of a ~~certificate~~ 51682  
license to practice as an anesthesiologist assistant, the state 51683  
medical board shall issue a duplicate ~~certificate~~ license to 51684  
replace one that is missing or damaged, to reflect a name change, 51685  
or for any other reasonable cause. The fee for a duplicate 51686  
~~certificate~~ license is thirty-five dollars. 51687

**Sec. 4760.06.** (A) A person seeking to renew a ~~certificate~~ 51688  
license to practice as an anesthesiologist assistant shall, on or 51689  
before the ~~thirty first day of January of each even numbered year~~ 51690  
license's expiration date, apply to the state medical board for 51691  
renewal of the ~~certificate~~ license. The ~~state medical~~ board shall 51692  
provide renewal notices to license holders at least one month 51693  
prior to the expiration date. 51694

Applications shall be submitted to the board in a manner 51695  
prescribed by the board. Each application shall be accompanied by 51696  
a biennial renewal fee of one hundred dollars. 51697

The applicant shall report any criminal offense that 51698  
constitutes grounds for refusing to issue a ~~certificate~~ license to 51699  
practice under section 4760.13 of the Revised Code to which the 51700  
applicant has pleaded guilty, of which the applicant has been 51701  
found guilty, or for which the applicant has been found eligible 51702  
for intervention in lieu of conviction, since last signing an 51703  
application for a ~~certificate~~ license to practice as an 51704  
anesthesiologist assistant. 51705

(B) To be eligible for renewal, an anesthesiologist assistant must certify to the board that the assistant has maintained certification by the national commission for the certification of anesthesiologist assistants.

(C) If an applicant submits a complete renewal application and qualifies for renewal pursuant to division (B) of this section, the board shall renew the ~~certificate~~ license to practice as an anesthesiologist assistant.

(D) A ~~certificate~~ license to practice that is not renewed on or before its expiration date is automatically suspended on its expiration date. ~~If~~

If a ~~certificate~~ license has been suspended pursuant to this division for two years or less, the board shall reinstate the ~~certificate~~ license upon an applicant's submission of a renewal application, the biennial renewal fee, and the applicable monetary penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~

If a ~~certificate~~ license has been suspended pursuant to this division for more than two years, it may be restored. Subject to section 4760.061 of the Revised Code, the board may restore the license upon an applicant's submission of a restoration application, the biennial renewal fee, and the applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a ~~certificate to practice~~ license unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4760.04 of the Revised Code. The penalty for restoration is fifty dollars.

Sec. 4760.061. (A) This section applies to both of the following:

<u>(1) An applicant seeking restoration of a license issued</u>	51736
<u>under this chapter that has been in a suspended or inactive state</u>	51737
<u>for any cause for more than two years;</u>	51738
<u>(2) An applicant seeking issuance of a license pursuant to</u>	51739
<u>this chapter who for more than two years has not been practicing</u>	51740
<u>as an anesthesiologist assistant as either of the following:</u>	51741
<u>(a) An active practitioner;</u>	51742
<u>(b) A participant in a training program as described in</u>	51743
<u>section 4760.031 of the Revised Code.</u>	51744
<u>(B) Before issuing a license or certificate to an applicant</u>	51745
<u>subject to this section or restoring a license to good standing</u>	51746
<u>for an applicant subject to this section, the state medical board</u>	51747
<u>may impose terms and conditions including any one or more of the</u>	51748
<u>following:</u>	51749
<u>(1) Requiring the applicant to pass an oral or written</u>	51750
<u>examination, or both, to determine the applicant's present fitness</u>	51751
<u>to resume practice;</u>	51752
<u>(2) Requiring the applicant to obtain additional training and</u>	51753
<u>to pass an examination upon completion of such training;</u>	51754
<u>(3) Requiring an assessment of the applicant's physical</u>	51755
<u>skills for purposes of determining whether the applicant's</u>	51756
<u>coordination, fine motor skills, and dexterity are sufficient for</u>	51757
<u>performing evaluations and procedures in a manner that meets the</u>	51758
<u>minimal standards of care;</u>	51759
<u>(4) Requiring an assessment of the applicant's skills in</u>	51760
<u>recognizing and understanding diseases and conditions;</u>	51761
<u>(5) Requiring the applicant to undergo a comprehensive</u>	51762
<u>physical examination, which may include an assessment of physical</u>	51763
<u>abilities, evaluation of sensory capabilities, or screening for</u>	51764
<u>the presence of neurological disorders;</u>	51765

(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 51766  
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity. The board shall not issue or restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 51768  
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**Sec. 4760.13.** (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a ~~certificate~~ license to practice as an anesthesiologist assistant to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the ~~certificate~~ license. 51773  
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(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's ~~certificate~~ license to practice as an anesthesiologist assistant, refuse to issue a ~~certificate~~ license to an applicant, refuse to renew a ~~certificate~~ license, refuse to reinstate a ~~certificate~~ license, or reprimand or place on probation the holder of a ~~certificate~~ license for any of the following reasons: 51779  
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(1) Permitting the holder's name or ~~certificate~~ license to be used by another person; 51787  
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(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 51789  
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(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 51792  
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(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a certificate license to practice as an anesthesiologist assistant.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	51826 51827 51828
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	51829 51830 51831
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	51832 51833 51834
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	51835 51836 51837
(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	51838 51839 51840
(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	51841 51842 51843 51844 51845
(17) Any of the following actions taken by the state agency responsible for regulating the practice of anesthesiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	51846 51847 51848 51849 51850 51851 51852 51853
(18) Violation of the conditions placed by the board on a <del>certificate</del> <u>license</u> to practice;	51854 51855

(19) Failure to use universal blood and body fluid 51856  
precautions established by rules adopted under section 4731.051 of 51857  
the Revised Code; 51858

(20) Failure to cooperate in an investigation conducted by 51859  
the board under section 4760.14 of the Revised Code, including 51860  
failure to comply with a subpoena or order issued by the board or 51861  
failure to answer truthfully a question presented by the board at 51862  
a deposition or in written interrogatories, except that failure to 51863  
cooperate with an investigation shall not constitute grounds for 51864  
discipline under this section if a court of competent jurisdiction 51865  
has issued an order that either quashes a subpoena or permits the 51866  
individual to withhold the testimony or evidence in issue; 51867

(21) Failure to comply with any code of ethics established by 51868  
the national commission for the certification of anesthesiologist 51869  
assistants; 51870

(22) Failure to notify the state medical board of the 51871  
revocation or failure to maintain certification from the national 51872  
commission for certification of anesthesiologist assistants. 51873

(C) Disciplinary actions taken by the board under divisions 51874  
(A) and (B) of this section shall be taken pursuant to an 51875  
adjudication under Chapter 119. of the Revised Code, except that 51876  
in lieu of an adjudication, the board may enter into a consent 51877  
agreement with an anesthesiologist assistant or applicant to 51878  
resolve an allegation of a violation of this chapter or any rule 51879  
adopted under it. A consent agreement, when ratified by an 51880  
affirmative vote of not fewer than six members of the board, shall 51881  
constitute the findings and order of the board with respect to the 51882  
matter addressed in the agreement. If the board refuses to ratify 51883  
a consent agreement, the admissions and findings contained in the 51884  
consent agreement shall be of no force or effect. 51885

(D) For purposes of divisions (B)(11), (14), and (15) of this 51886

section, the commission of the act may be established by a finding 51887  
by the board, pursuant to an adjudication under Chapter 119. of 51888  
the Revised Code, that the applicant or ~~certificate~~ license holder 51889  
committed the act in question. The board shall have no 51890  
jurisdiction under these divisions in cases where the trial court 51891  
renders a final judgment in the ~~certificate~~ license holder's favor 51892  
and that judgment is based upon an adjudication on the merits. The 51893  
board shall have jurisdiction under these divisions in cases where 51894  
the trial court issues an order of dismissal on technical or 51895  
procedural grounds. 51896

(E) The sealing of conviction records by any court shall have 51897  
no effect on a prior board order entered under the provisions of 51898  
this section or on the board's jurisdiction to take action under 51899  
the provisions of this section if, based upon a plea of guilty, a 51900  
judicial finding of guilt, or a judicial finding of eligibility 51901  
for intervention in lieu of conviction, the board issued a notice 51902  
of opportunity for a hearing prior to the court's order to seal 51903  
the records. The board shall not be required to seal, destroy, 51904  
redact, or otherwise modify its records to reflect the court's 51905  
sealing of conviction records. 51906

(F) For purposes of this division, any individual who holds a 51907  
~~certificate~~ license to practice issued under this chapter, or 51908  
applies for a ~~certificate~~ license to practice, shall be deemed to 51909  
have given consent to submit to a mental or physical examination 51910  
when directed to do so in writing by the board and to have waived 51911  
all objections to the admissibility of testimony or examination 51912  
reports that constitute a privileged communication. 51913

(1) In enforcing division (B)(5) of this section, the board, 51914  
on a showing of a possible violation, may compel any individual 51915  
who holds a ~~certificate~~ license to practice issued under this 51916  
chapter or who has applied for a ~~certificate~~ license to practice 51917  
pursuant to this chapter to submit to a mental or physical 51918

examination, or both. A physical examination may include an HIV 51919  
test. The expense of the examination is the responsibility of the 51920  
individual compelled to be examined. Failure to submit to a mental 51921  
or physical examination or consent to an HIV test ordered by the 51922  
board constitutes an admission of the allegations against the 51923  
individual unless the failure is due to circumstances beyond the 51924  
individual's control, and a default and final order may be entered 51925  
without the taking of testimony or presentation of evidence. If 51926  
the board finds an anesthesiologist assistant unable to practice 51927  
because of the reasons set forth in division (B)(5) of this 51928  
section, the board shall require the anesthesiologist assistant to 51929  
submit to care, counseling, or treatment by physicians approved or 51930  
designated by the board, as a condition for an initial, continued, 51931  
reinstated, or renewed ~~certificate~~ license to practice. An 51932  
individual affected by this division shall be afforded an 51933  
opportunity to demonstrate to the board the ability to resume 51934  
practicing in compliance with acceptable and prevailing standards 51935  
of care. 51936

(2) For purposes of division (B)(6) of this section, if the 51937  
board has reason to believe that any individual who holds a 51938  
~~certificate~~ license to practice issued under this chapter or any 51939  
applicant for a ~~certificate~~ license to practice suffers such 51940  
impairment, the board may compel the individual to submit to a 51941  
mental or physical examination, or both. The expense of the 51942  
examination is the responsibility of the individual compelled to 51943  
be examined. Any mental or physical examination required under 51944  
this division shall be undertaken by a treatment provider or 51945  
physician qualified to conduct such examination and chosen by the 51946  
board. 51947

Failure to submit to a mental or physical examination ordered 51948  
by the board constitutes an admission of the allegations against 51949  
the individual unless the failure is due to circumstances beyond 51950

the individual's control, and a default and final order may be 51951  
entered without the taking of testimony or presentation of 51952  
evidence. If the board determines that the individual's ability to 51953  
practice is impaired, the board shall suspend the individual's 51954  
~~certificate~~ license or deny the individual's application and shall 51955  
require the individual, as a condition for an initial, continued, 51956  
reinstated, or renewed ~~certificate~~ license to practice, to submit 51957  
to treatment. 51958

Before being eligible to apply for reinstatement of a 51959  
~~certificate~~ license suspended under this division, the 51960  
anesthesiologist assistant shall demonstrate to the board the 51961  
ability to resume practice in compliance with acceptable and 51962  
prevailing standards of care. The demonstration shall include the 51963  
following: 51964

(a) Certification from a treatment provider approved under 51965  
section 4731.25 of the Revised Code that the individual has 51966  
successfully completed any required inpatient treatment; 51967

(b) Evidence of continuing full compliance with an aftercare 51968  
contract or consent agreement; 51969

(c) Two written reports indicating that the individual's 51970  
ability to practice has been assessed and that the individual has 51971  
been found capable of practicing according to acceptable and 51972  
prevailing standards of care. The reports shall be made by 51973  
individuals or providers approved by the board for making such 51974  
assessments and shall describe the basis for their determination. 51975

The board may reinstate a ~~certificate~~ license suspended under 51976  
this division after such demonstration and after the individual 51977  
has entered into a written consent agreement. 51978

When the impaired anesthesiologist assistant resumes 51979  
practice, the board shall require continued monitoring of the 51980  
anesthesiologist assistant. The monitoring shall include 51981

monitoring of compliance with the written consent agreement 51982  
entered into before reinstatement or with conditions imposed by 51983  
board order after a hearing, and, on termination of the consent 51984  
agreement, submission to the board for at least two years of 51985  
annual written progress reports made under penalty of 51986  
falsification stating whether the anesthesiologist assistant has 51987  
maintained sobriety. 51988

(G) If the secretary and supervising member determine that 51989  
there is clear and convincing evidence that an anesthesiologist 51990  
assistant has violated division (B) of this section and that the 51991  
individual's continued practice presents a danger of immediate and 51992  
serious harm to the public, they may recommend that the board 51993  
suspend the individual's ~~certificate~~ license without a prior 51994  
hearing. Written allegations shall be prepared for consideration 51995  
by the board. 51996

The board, on review of the allegations and by an affirmative 51997  
vote of not fewer than six of its members, excluding the secretary 51998  
and supervising member, may suspend a ~~certificate~~ license without 51999  
a prior hearing. A telephone conference call may be utilized for 52000  
reviewing the allegations and taking the vote on the summary 52001  
suspension. 52002

The board shall issue a written order of suspension by 52003  
certified mail or in person in accordance with section 119.07 of 52004  
the Revised Code. The order shall not be subject to suspension by 52005  
the court during pendency of any appeal filed under section 119.12 52006  
of the Revised Code. If the anesthesiologist assistant requests an 52007  
adjudicatory hearing by the board, the date set for the hearing 52008  
shall be within fifteen days, but not earlier than seven days, 52009  
after the anesthesiologist assistant requests the hearing, unless 52010  
otherwise agreed to by both the board and the ~~certificate~~ license 52011  
holder. 52012

A summary suspension imposed under this division shall remain 52013

in effect, unless reversed on appeal, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order within sixty days after completion of its hearing. Failure to issue the order within sixty days shall result in dissolution of the summary suspension order, but shall not invalidate any subsequent, final adjudicative order.

(H) If the board takes action under division (B)(11), (13), or (14) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, on exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. On receipt of a petition and supporting court documents, the board shall reinstate the ~~certificate~~ license to practice. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions specified in division (B) of this section.

(I) The ~~certificate~~ license to practice of an anesthesiologist assistant and the assistant's practice in this state are automatically suspended as of the date the anesthesiologist assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment of intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another

jurisdiction: aggravated murder, murder, voluntary manslaughter, 52046  
felonious assault, kidnapping, rape, sexual battery, gross sexual 52047  
imposition, aggravated arson, aggravated robbery, or aggravated 52048  
burglary. Continued practice after the suspension shall be 52049  
considered practicing without a ~~certificate~~ license. 52050

The board shall notify the individual subject to the 52051  
suspension by certified mail or in person in accordance with 52052  
section 119.07 of the Revised Code. If an individual whose 52053  
~~certificate~~ license is suspended under this division fails to make 52054  
a timely request for an adjudication under Chapter 119. of the 52055  
Revised Code, the board shall enter a final order permanently 52056  
revoking the individual's ~~certificate~~ license to practice. 52057

(J) In any instance in which the board is required by Chapter 52058  
119. of the Revised Code to give notice of opportunity for hearing 52059  
and the individual subject to the notice does not timely request a 52060  
hearing in accordance with section 119.07 of the Revised Code, the 52061  
board is not required to hold a hearing, but may adopt, by an 52062  
affirmative vote of not fewer than six of its members, a final 52063  
order that contains the board's findings. In the final order, the 52064  
board may order any of the sanctions identified under division (A) 52065  
or (B) of this section. 52066

(K) Any action taken by the board under division (B) of this 52067  
section resulting in a suspension shall be accompanied by a 52068  
written statement of the conditions under which the 52069  
anesthesiologist assistant's ~~certificate~~ license may be 52070  
reinstated. The board shall adopt rules in accordance with Chapter 52071  
119. of the Revised Code governing conditions to be imposed for 52072  
reinstatement. Reinstatement of a ~~certificate~~ license suspended 52073  
pursuant to division (B) of this section requires an affirmative 52074  
vote of not fewer than six members of the board. 52075

(L) When the board refuses to grant or issue a ~~certificate~~ 52076  
license to practice as an anesthesiologist assistant to an 52077

applicant, revokes an individual's ~~certificate~~ license, refuses to 52078  
renew an individual's ~~certificate~~ license, or refuses to reinstate 52079  
an individual's ~~certificate~~ license, the board may specify that 52080  
its action is permanent. An individual subject to a permanent 52081  
action taken by the board is forever thereafter ineligible to hold 52082  
a ~~certificate~~ license to practice as an anesthesiologist assistant 52083  
and the board shall not accept an application for reinstatement of 52084  
the ~~certificate~~ license or for issuance of a new ~~certificate~~ 52085  
license. 52086

(M) Notwithstanding any other provision of the Revised Code, 52087  
all of the following apply: 52088

(1) The surrender of a ~~certificate~~ license to practice issued 52089  
under this chapter is not effective unless or until accepted by 52090  
the board. Reinstatement of a ~~certificate~~ license surrendered to 52091  
the board requires an affirmative vote of not fewer than six 52092  
members of the board. 52093

(2) An application made under this chapter for a ~~certificate~~ 52094  
license to practice may not be withdrawn without approval of the 52095  
board. 52096

(3) Failure by an individual to renew a ~~certificate~~ license 52097  
to practice in accordance with section 4760.06 of the Revised Code 52098  
shall not remove or limit the board's jurisdiction to take 52099  
disciplinary action under this section against the individual. 52100

**Sec. 4760.131.** On receipt of a notice pursuant to section 52101  
3123.43 of the Revised Code, the state medical board shall comply 52102  
with sections 3123.41 to 3123.50 of the Revised Code and any 52103  
applicable rules adopted under section 3123.63 of the Revised Code 52104  
with respect to a ~~certificate~~ license to practice as an 52105  
anesthesiologist assistant issued pursuant to this chapter. 52106

**Sec. 4760.132.** If the state medical board has reason to 52107

believe that any person who has been granted a ~~certificate~~ license 52108  
to practice as an anesthesiologist assistant under this chapter is 52109  
mentally ill or mentally incompetent, it may file in the probate 52110  
court of the county in which the person has a legal residence an 52111  
affidavit in the form prescribed in section 5122.11 of the Revised 52112  
Code and signed by the board secretary or a member of the board 52113  
secretary's staff, whereupon the same proceedings shall be had as 52114  
provided in Chapter 5122. of the Revised Code. The attorney 52115  
general may represent the board in any proceeding commenced under 52116  
this section. 52117

If any person who has been granted a ~~certificate~~ license to 52118  
practice is adjudged by a probate court to be mentally ill or 52119  
mentally incompetent, the person's ~~certificate~~ license shall be 52120  
automatically suspended until the person has filed with the state 52121  
medical board a certified copy of an adjudication by a probate 52122  
court of the person's subsequent restoration to competency or has 52123  
submitted to the board proof, satisfactory to the board, that the 52124  
person has been discharged as having a restoration to competency 52125  
in the manner and form provided in section 5122.38 of the Revised 52126  
Code. The judge of the probate court shall forthwith notify the 52127  
state medical board of an adjudication of mental illness or mental 52128  
incompetence, and shall note any suspension of a ~~certificate~~ 52129  
license in the margin of the court's record of such ~~certificate~~ 52130  
license. 52131

**Sec. 4760.14.** (A) The state medical board shall investigate 52132  
evidence that appears to show that any person has violated this 52133  
chapter or the rules adopted under it. Any person may report to 52134  
the board in a signed writing any information the person has that 52135  
appears to show a violation of any provision of this chapter or 52136  
the rules adopted under it. In the absence of bad faith, a person 52137  
who reports such information or testifies before the board in an 52138  
adjudication conducted under Chapter 119. of the Revised Code 52139

shall not be liable for civil damages as a result of reporting the 52140  
information or providing testimony. Each complaint or allegation 52141  
of a violation received by the board shall be assigned a case 52142  
number and be recorded by the board. 52143

(B) Investigations of alleged violations of this chapter or 52144  
rules adopted under it shall be supervised by the supervising 52145  
member elected by the board in accordance with section 4731.02 of 52146  
the Revised Code and by the secretary as provided in section 52147  
4760.15 of the Revised Code. The board's president may designate 52148  
another member of the board to supervise the investigation in 52149  
place of the supervising member. A member of the board who 52150  
supervises the investigation of a case shall not participate in 52151  
further adjudication of the case. 52152

(C) In investigating a possible violation of this chapter or 52153  
the rules adopted under it, the board may administer oaths, order 52154  
the taking of depositions, issue subpoenas, and compel the 52155  
attendance of witnesses and production of books, accounts, papers, 52156  
records, documents, and testimony, except that a subpoena for 52157  
patient record information shall not be issued without 52158  
consultation with the attorney general's office and approval of 52159  
the secretary and supervising member of the board. Before issuance 52160  
of a subpoena for patient record information, the secretary and 52161  
supervising member shall determine whether there is probable cause 52162  
to believe that the complaint filed alleges a violation of this 52163  
chapter or the rules adopted under it and that the records sought 52164  
are relevant to the alleged violation and material to the 52165  
investigation. The subpoena may apply only to records that cover a 52166  
reasonable period of time surrounding the alleged violation. 52167

On failure to comply with any subpoena issued by the board 52168  
and after reasonable notice to the person being subpoenaed, the 52169  
board may move for an order compelling the production of persons 52170

or records pursuant to the Rules of Civil Procedure. 52171

A subpoena issued by the board may be served by a sheriff, 52172  
the sheriff's deputy, or a board employee designated by the board. 52173  
Service of a subpoena issued by the board may be made by 52174  
delivering a copy of the subpoena to the person named therein, 52175  
reading it to the person, or leaving it at the person's usual 52176  
place of residence. When the person being served is an 52177  
anesthesiologist assistant, service of the subpoena may be made by 52178  
certified mail, restricted delivery, return receipt requested, and 52179  
the subpoena shall be deemed served on the date delivery is made 52180  
or the date the person refuses to accept delivery. 52181

A sheriff's deputy who serves a subpoena shall receive the 52182  
same fees as a sheriff. Each witness who appears before the board 52183  
in obedience to a subpoena shall receive the fees and mileage 52184  
provided for under section 119.094 of the Revised Code. 52185

(D) All hearings and investigations of the board shall be 52186  
considered civil actions for the purposes of section 2305.252 of 52187  
the Revised Code. 52188

(E) Information received by the board pursuant to an 52189  
investigation is confidential and not subject to discovery in any 52190  
civil action. 52191

The board shall conduct all investigations and proceedings in 52192  
a manner that protects the confidentiality of patients and persons 52193  
who file complaints with the board. The board shall not make 52194  
public the names or any other identifying information about 52195  
patients or complainants unless proper consent is given. 52196

The board may share any information it receives pursuant to 52197  
an investigation, including patient records and patient record 52198  
information, with law enforcement agencies, other licensing 52199  
boards, and other governmental agencies that are prosecuting, 52200  
adjudicating, or investigating alleged violations of statutes or 52201

administrative rules. An agency or board that receives the 52202  
information shall comply with the same requirements regarding 52203  
confidentiality as those with which the state medical board must 52204  
comply, notwithstanding any conflicting provision of the Revised 52205  
Code or procedure of the agency or board that applies when it is 52206  
dealing with other information in its possession. In a judicial 52207  
proceeding, the information may be admitted into evidence only in 52208  
accordance with the Rules of Evidence, but the court shall require 52209  
that appropriate measures are taken to ensure that confidentiality 52210  
is maintained with respect to any part of the information that 52211  
contains names or other identifying information about patients or 52212  
complainants whose confidentiality was protected by the state 52213  
medical board when the information was in the board's possession. 52214  
Measures to ensure confidentiality that may be taken by the court 52215  
include sealing its records or deleting specific information from 52216  
its records. 52217

(F) The state medical board shall develop requirements for 52218  
and provide appropriate initial training and continuing education 52219  
for investigators employed by the board to carry out its duties 52220  
under this chapter. The training and continuing education may 52221  
include enrollment in courses operated or approved by the Ohio 52222  
peace officer training commission that the board considers 52223  
appropriate under conditions set forth in section 109.79 of the 52224  
Revised Code. 52225

(G) On a quarterly basis, the board shall prepare a report 52226  
that documents the disposition of all cases during the preceding 52227  
three months. The report shall contain the following information 52228  
for each case with which the board has completed its activities: 52229

(1) The case number assigned to the complaint or alleged 52230  
violation; 52231

(2) The type of ~~certificate~~ license to practice, if any, held 52232  
by the individual against whom the complaint is directed; 52233

(3) A description of the allegations contained in the 52234  
complaint; 52235

(4) The disposition of the case. 52236

The report shall state how many cases are still pending, and 52237  
shall be prepared in a manner that protects the identity of each 52238  
person involved in each case. The report is a public record for 52239  
purposes of section 149.43 of the Revised Code. 52240

**Sec. 4760.15.** (A) As used in this section, "prosecutor" has 52241  
the same meaning as in section 2935.01 of the Revised Code. 52242

(B) Whenever any person holding a valid ~~certificate~~ license 52243  
issued pursuant to this chapter pleads guilty to, is subject to a 52244  
judicial finding of guilt of, or is subject to a judicial finding 52245  
of eligibility for intervention in lieu of conviction for a 52246  
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 52247  
of any substantively comparable ordinance of a municipal 52248  
corporation in connection with the person's practice, the 52249  
prosecutor in the case, on forms prescribed and provided by the 52250  
state medical board, shall promptly notify the board of the 52251  
conviction. Within thirty days of receipt of that information, the 52252  
board shall initiate action in accordance with Chapter 119. of the 52253  
Revised Code to determine whether to suspend or revoke the 52254  
~~certificate~~ license under section 4760.13 of the Revised Code. 52255

(C) The prosecutor in any case against any person holding a 52256  
valid ~~certificate~~ license to practice issued pursuant to this 52257  
chapter, on forms prescribed and provided by the state medical 52258  
board, shall notify the board of any of the following: 52259

(1) A plea of guilty to, a finding of guilt by a jury or 52260  
court of, or judicial finding of eligibility for intervention in 52261  
lieu of conviction for a felony, or a case in which the trial 52262  
court issues an order of dismissal upon technical or procedural 52263

grounds of a felony charge; 52264

(2) A plea of guilty to, a finding of guilt by a jury or 52265  
court of, or judicial finding of eligibility for intervention in 52266  
lieu of conviction for a misdemeanor committed in the course of 52267  
practice, or a case in which the trial court issues an order of 52268  
dismissal upon technical or procedural grounds of a charge of a 52269  
misdemeanor, if the alleged act was committed in the course of 52270  
practice; 52271

(3) A plea of guilty to, a finding of guilt by a jury or 52272  
court of, or judicial finding of eligibility for intervention in 52273  
lieu of conviction for a misdemeanor involving moral turpitude, or 52274  
a case in which the trial court issues an order of dismissal upon 52275  
technical or procedural grounds of a charge of a misdemeanor 52276  
involving moral turpitude. 52277

The report shall include the name and address of the 52278  
~~certificate~~ license holder, the nature of the offense for which 52279  
the action was taken, and the certified court documents recording 52280  
the action. 52281

**Sec. 4760.16.** (A) Within sixty days after the imposition of 52282  
any formal disciplinary action taken by any health care facility, 52283  
including a hospital, health care facility operated by ~~an~~ a health 52284  
insuring corporation, ambulatory surgical facility, or similar 52285  
facility, against any individual holding a valid ~~certificate~~ 52286  
license to practice as an anesthesiologist assistant, the chief 52287  
administrator or executive officer of the facility shall report to 52288  
the state medical board the name of the individual, the action 52289  
taken by the facility, and a summary of the underlying facts 52290  
leading to the action taken. On request, the board shall be 52291  
provided certified copies of the patient records that were the 52292  
basis for the facility's action. Prior to release to the board, 52293  
the summary shall be approved by the peer review committee that 52294

reviewed the case or by the governing board of the facility. 52295

The filing of a report with the board or decision not to file 52296  
a report, investigation by the board, or any disciplinary action 52297  
taken by the board, does not preclude a health care facility from 52298  
taking disciplinary action against an anesthesiologist assistant. 52299

In the absence of fraud or bad faith, no individual or entity 52300  
that provides patient records to the board shall be liable in 52301  
damages to any person as a result of providing the records. 52302

(B)(1) Except as provided in division (B)(2) of this section, 52303  
an anesthesiologist assistant, professional association or society 52304  
of anesthesiologist assistants, physician, or professional 52305  
association or society of physicians that believes a violation of 52306  
any provision of this chapter, Chapter 4731. of the Revised Code, 52307  
or rule of the board has occurred shall report to the board the 52308  
information on which the belief is based. 52309

(2) An anesthesiologist assistant, professional association 52310  
or society of anesthesiologist assistants, physician, or 52311  
professional association or society of physicians that believes 52312  
that a violation of division (B)(6) of section 4760.13 of the 52313  
Revised Code has occurred shall report the information upon which 52314  
the belief is based to the monitoring organization conducting the 52315  
program established by the board under section 4731.251 of the 52316  
Revised Code. If any such report is made to the board, it shall be 52317  
referred to the monitoring organization unless the board is aware 52318  
that the individual who is the subject of the report does not meet 52319  
the program eligibility requirements of section 4731.252 of the 52320  
Revised Code. 52321

(C) Any professional association or society composed 52322  
primarily of anesthesiologist assistants that suspends or revokes 52323  
an individual's membership for violations of professional ethics, 52324  
or for reasons of professional incompetence or professional 52325

malpractice, within sixty days after a final decision, shall 52326  
report to the board, on forms prescribed and provided by the 52327  
board, the name of the individual, the action taken by the 52328  
professional organization, and a summary of the underlying facts 52329  
leading to the action taken. 52330

The filing of a report with the board or decision not to file 52331  
a report, investigation by the board, or any disciplinary action 52332  
taken by the board, does not preclude a professional organization 52333  
from taking disciplinary action against an anesthesiologist 52334  
assistant. 52335

(D) Any insurer providing professional liability insurance to 52336  
any person holding a valid ~~certificate~~ license to practice as an 52337  
anesthesiologist assistant or any other entity that seeks to 52338  
indemnify the professional liability of an anesthesiologist 52339  
assistant shall notify the board within thirty days after the 52340  
final disposition of any written claim for damages where such 52341  
disposition results in a payment exceeding twenty-five thousand 52342  
dollars. The notice shall contain the following information: 52343

(1) The name and address of the person submitting the 52344  
notification; 52345

(2) The name and address of the insured who is the subject of 52346  
the claim; 52347

(3) The name of the person filing the written claim; 52348

(4) The date of final disposition; 52349

(5) If applicable, the identity of the court in which the 52350  
final disposition of the claim took place. 52351

(E) The board may investigate possible violations of this 52352  
chapter or the rules adopted under it that are brought to its 52353  
attention as a result of the reporting requirements of this 52354  
section, except that the board shall conduct an investigation if a 52355

possible violation involves repeated malpractice. As used in this 52356  
division, "repeated malpractice" means three or more claims for 52357  
malpractice within the previous five-year period, each resulting 52358  
in a judgment or settlement in excess of twenty-five thousand 52359  
dollars in favor of the claimant, and each involving negligent 52360  
conduct by the anesthesiologist assistant. 52361

(F) All summaries, reports, and records received and 52362  
maintained by the board pursuant to this section shall be held in 52363  
confidence and shall not be subject to discovery or introduction 52364  
in evidence in any federal or state civil action involving an 52365  
anesthesiologist assistant, supervising physician, or health care 52366  
facility arising out of matters that are the subject of the 52367  
reporting required by this section. The board may use the 52368  
information obtained only as the basis for an investigation, as 52369  
evidence in a disciplinary hearing against an anesthesiologist 52370  
assistant or supervising physician, or in any subsequent trial or 52371  
appeal of a board action or order. 52372

The board may disclose the summaries and reports it receives 52373  
under this section only to health care facility committees within 52374  
or outside this state that are involved in credentialing or 52375  
recredentialing an anesthesiologist assistant or supervising 52376  
physician or reviewing their privilege to practice within a 52377  
particular facility. The board shall indicate whether or not the 52378  
information has been verified. Information transmitted by the 52379  
board shall be subject to the same confidentiality provisions as 52380  
when maintained by the board. 52381

(G) Except for reports filed by an individual pursuant to 52382  
division (B) of this section, the board shall send a copy of any 52383  
reports or summaries it receives pursuant to this section to the 52384  
anesthesiologist assistant. The anesthesiologist assistant shall 52385  
have the right to file a statement with the board concerning the 52386  
correctness or relevance of the information. The statement shall 52387

at all times accompany that part of the record in contention. 52388

(H) An individual or entity that reports to the board, 52389  
reports to the monitoring organization described in section 52390  
4731.251 of the Revised Code, or refers an impaired 52391  
anesthesiologist assistant to a treatment provider approved by the 52392  
board under section 4731.25 of the Revised Code shall not be 52393  
subject to suit for civil damages as a result of the report, 52394  
referral, or provision of the information. 52395

(I) In the absence of fraud or bad faith, a professional 52396  
association or society of anesthesiologist assistants that 52397  
sponsors a committee or program to provide peer assistance to an 52398  
anesthesiologist assistant with substance abuse problems, a 52399  
representative or agent of such a committee or program, a 52400  
representative or agent of the monitoring organization described 52401  
in section 4731.251 of the Revised Code, and a member of the state 52402  
medical board shall not be held liable in damages to any person by 52403  
reason of actions taken to refer an anesthesiologist assistant to 52404  
a treatment provider approved under section 4731.25 of the Revised 52405  
Code for examination or treatment. 52406

**Sec. 4760.18.** The attorney general, the prosecuting attorney 52407  
of any county in which the offense was committed or the offender 52408  
resides, the state medical board, or any other person having 52409  
knowledge of a person engaged either directly or by complicity in 52410  
practicing as an anesthesiologist assistant without having first 52411  
obtained a ~~certificate~~ license to practice ~~pursuant to~~ issued 52412  
under this chapter, may, in accordance with provisions of the 52413  
Revised Code governing injunctions, maintain an action in the name 52414  
of the state to enjoin any person from engaging either directly or 52415  
by complicity in unlawfully practicing as an anesthesiologist 52416  
assistant by applying for an injunction in any court of competent 52417  
jurisdiction. 52418

Prior to application for an injunction, the secretary of the state medical board shall notify the person allegedly engaged either directly or by complicity in the unlawful practice by registered mail that the secretary has received information indicating that this person is so engaged. The person shall answer the secretary within thirty days showing that the person is either properly licensed for the stated activity or that the person is not in violation of this chapter. If the answer is not forthcoming within thirty days after notice by the secretary, the secretary shall request that the attorney general, the prosecuting attorney of the county in which the offense was committed or the offender resides, or the state medical board proceed as authorized in this section.

Upon the filing of a verified petition in court, the court shall conduct a hearing on the petition and shall give the same preference to this proceeding as is given all proceedings under Chapter 119. of the Revised Code, irrespective of the position of the proceeding on the calendar of the court.

Injunction proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in this chapter.

**Sec. 4761.05.** (A) The state medical board shall issue a license to any applicant who complies with the requirements of section 4761.04 of the Revised Code, files the prescribed application form, and pays the fee or fees required under section 4761.07 of the Revised Code. The license entitles the holder to practice respiratory care.

(B)(1) The board shall issue a limited permit to any applicant who meets the requirements of division (A)(1) of section 4761.04 of the Revised Code, files an application on a form furnished by the board, pays the fee required under section

4761.07 of the Revised Code, and meets either of the following requirements: 52450  
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(a) Is enrolled in and is in good standing in a respiratory care educational program approved by the board that meets the requirements of division (A)(2) of section 4761.04 of the Revised Code leading to a degree or certificate of completion or is a graduate of the program; 52452  
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(b) Is employed as a provider of respiratory care in this state and was employed as a provider of respiratory care in this state prior to March 14, 1989. 52457  
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(2) If no grounds apply under section 4761.09 of the Revised Code for denying a limited permit to the applicant and the applicant meets the requirements of division (B) of this section, the board shall issue a limited permit to the applicant. 52460  
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~~The board shall maintain a register of all persons holding limited permits under this chapter.~~ The limited permit authorizes the holder to provide respiratory care under the supervision of a respiratory care professional. A person issued a limited permit under division (B)(1)(a) of this section may practice respiratory care under the limited permit for not more than three years after the date the limited permit is issued, except that the limited permit shall cease to be valid one year following the date of receipt of a certificate of completion from a board-approved respiratory care education program or immediately if the holder discontinues participation in the educational program. 52464  
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The holder shall notify the board as soon as practicable when the holder completes a board-approved respiratory care education program or discontinues participation in the educational program. 52475  
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This division does not require a student enrolled in an educational program leading to a degree or certificate of completion in respiratory care approved by the board to obtain a 52478  
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limited permit to perform any duties that are part of the required 52481  
course of study. 52482

(3) A person issued a limited permit under division (B)(1)(b) 52483  
of this section may practice under a limited permit for not more 52484  
than three years, except that this restriction does not apply to a 52485  
permit holder who, on March 14, 1989, has been employed as a 52486  
provider of respiratory care for an average of not less than 52487  
twenty-five hours per week for a period of not less than five 52488  
years by a hospital. 52489

(4) During the three-year period in which a person may 52490  
practice under a limited permit, the person shall apply for 52491  
renewal on an annual basis in accordance with section 4761.06 of 52492  
the Revised Code. 52493

(5) The board may revoke a limited permit upon proof 52494  
satisfactory to the board that the permit holder has engaged in 52495  
practice in this state outside the scope of the permit, that the 52496  
holder has engaged in unethical conduct, or that there are grounds 52497  
for action against the holder under section 4761.09 of the Revised 52498  
Code. 52499

(C) The holder of a license or limited permit issued under 52500  
this section shall either provide verification of licensure or 52501  
permit status from the board's internet web site on request or 52502  
prominently display a wall certificate in the license holder's 52503  
office or place where the majority of the holder's practice is 52504  
conducted. 52505

**Sec. 4761.06.** (A) Each license to practice respiratory care 52506  
shall be renewed biennially ~~expire on or before the last day of~~ 52507  
~~June of every even-numbered year~~ the date that is two years after 52508  
the date of issuance and may be renewed for additional two-year 52509  
periods. Each limited permit to practice respiratory care shall be 52510  
renewed annually. Each person ~~holding~~ seeking to renew a license 52511

or limited permit to practice respiratory care shall apply to the 52512  
state medical board ~~on the form and according to the schedule in a~~ 52513  
~~manner~~ prescribed by the board ~~for renewal of the license or~~ 52514  
~~limited permit~~. Licenses and limited permits shall be renewed in 52515  
accordance with the standard renewal procedure of Chapter 4745. of 52516  
the Revised Code. The ~~state medical~~ board shall renew a license if 52517  
the holder pays the license renewal fee prescribed under section 52518  
4761.07 of the Revised Code and certifies that the holder has 52519  
completed the continuing education or reexamination requirements 52520  
of division (B) of this section. 52521

At least one month before a license expires, the board shall 52522  
provide to the license holder a renewal notice. Failure of any 52523  
~~person~~ license holder to receive a notice of renewal from the 52524  
board shall not excuse the ~~person~~ holder from the requirements 52525  
contained in this section. Each ~~person holding a~~ license holder 52526  
shall give notice to the board of a change in the ~~license~~ holder's 52527  
residence address, business address, or electronic mail address 52528  
not later than thirty days after the change occurs. 52529

The board shall renew a limited permit if the holder pays the 52530  
limited permit renewal fee prescribed under section 4761.07 of the 52531  
Revised Code and does either of the following: 52532

(1) If the limited permit was issued on the basis of division 52533  
(B)(1)(a) of section 4761.05 of the Revised Code, certifies that 52534  
the holder is enrolled and in good standing in an educational 52535  
program that meets the requirements of division (A)(2) of section 52536  
4761.04 of the Revised Code or has graduated from such a program; 52537

(2) If the limited permit was issued on the basis of division 52538  
(B)(1)(b) of section 4761.05 of the Revised Code, certifies that 52539  
the applicant is employed as a provider of respiratory care under 52540  
the supervision of a respiratory care professional. 52541

(B) ~~On and after March 14, 1991, and every year thereafter,~~ 52542

~~on~~ or before the annual renewal date, the holder of a limited 52543  
permit issued under division (B)(1)(b) of section 4761.05 of the 52544  
Revised Code shall certify to the board that the holder has 52545  
satisfactorily completed the number of hours of continuing 52546  
education required by the board, which shall not be less than 52547  
three nor more than ten hours of continuing education acceptable 52548  
to the board. 52549

On or before the ~~biennial renewal~~ date a license expires, a 52550  
license holder shall certify to the board that the license holder 52551  
has satisfactorily completed the number of hours of continuing 52552  
education required by the board, which shall be not less than six 52553  
nor more than twenty hours of continuing education acceptable to 52554  
the board, or has passed a reexamination in accordance with the 52555  
board's renewal requirements. 52556

(C)(1) A license to practice respiratory care that is not 52557  
renewed on or before its expiration date is automatically 52558  
suspended on its expiration date. Continued practice after 52559  
suspension shall be considered as practicing in violation of 52560  
section 4761.10 of the Revised Code. 52561

(2) If a license has been suspended pursuant to division 52562  
(C)(1) of this section for two years or less, it may be 52563  
reinstated. The ~~state medical~~ board shall reinstate the license 52564  
upon the applicant's submission of a complete renewal application 52565  
and payment of a reinstatement fee of one hundred dollars. 52566

~~(3)(a)~~ If a license has been suspended pursuant to division 52567  
(C)(1) of this section for more than two years, it may be 52568  
restored. The Subject to section 4761.061 of the Revised Code, the 52569  
board may restore the license upon an applicant's submission of a 52570  
complete restoration application and a restoration fee of one 52571  
hundred twenty-five dollars and compliance with sections 4776.01 52572  
to 4776.04 of the Revised Code. The board shall not restore a 52573  
license unless the board, in its discretion, decides that the 52574

results of the criminal records check do not make the applicant 52575  
ineligible for a license issued pursuant to division (A) of this 52576  
section. 52577

~~(b) The board may impose terms and conditions for the 52578  
restoration, including any one or more of the following: 52579~~

~~(i) Requiring the applicant to pass an oral or written 52580  
examination, or both, to determine the applicant's present fitness 52581  
to resume practice; 52582~~

~~(ii) Requiring the applicant to obtain additional training 52583  
and to pass an examination upon completion of such training; 52584~~

~~(iii) Restricting or limiting the extent, scope, or type of 52585  
practice of the applicant. 52586~~

(D)(1) The board may require a random sample of limited 52587  
permit holders to submit materials documenting that the holder has 52588  
completed the number of hours of continuing education as described 52589  
in division (B) of this section. 52590

(2) The board may require a random sample of license holders 52591  
to submit materials documenting that the holder has completed the 52592  
number of hours of continuing education as described in division 52593  
(B) of this section or has passed a reexamination. 52594

(3) Division (D)(1) or (2) of this section does not limit the 52595  
board's authority to conduct investigations pursuant to section 52596  
4731.22 of the Revised Code. 52597

(E)(1) If, through a random sample conducted under division 52598  
(D) of this section or any other means, the board finds that an 52599  
individual who certified passing the reexamination or completion 52600  
of the number of hours and type of continuing education required 52601  
to renew, reinstate, or restore a limited permit or license did 52602  
not pass the reexamination or complete the requisite continuing 52603  
education, the board may do either of the following: 52604

(a) Take disciplinary action against the individual under section 4761.09 of the Revised Code, impose a civil penalty, or both; 52605  
52606  
52607

(b) Permit the individual to agree in writing to pass the reexamination or complete the continuing education and pay a civil penalty. 52608  
52609  
52610

(2) The board's finding in any disciplinary action taken under division (E)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 52611  
52612  
52613  
52614

(3) A civil penalty imposed under division (E)(1)(a) of this section or paid under division (E)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 52615  
52616  
52617  
52618  
52619

**Sec. 4761.061.** (A) This section applies to both of the following: 52620  
52621

(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years; 52622  
52623  
52624

(2) An applicant seeking issuance of a license or certificate pursuant to this chapter who for more than two years has not been engaged in the practice of respiratory care as either of the following: 52625  
52626  
52627  
52628

(a) An active practitioner; 52629

(b) A student in an educational program as described in section 4761.04 of the Revised Code. 52630  
52631

(B) Before issuing a license or certificate to an applicant subject to this section or restoring a license to good standing for an applicant subject to this section, the state medical board 52632  
52633  
52634

may impose terms and conditions including any one or more of the 52635  
following: 52636

(1) Requiring the applicant to pass an oral or written 52637  
examination, or both, to determine the applicant's present fitness 52638  
to resume practice; 52639

(2) Requiring the applicant to obtain additional training and 52640  
to pass an examination upon completion of such training; 52641

(3) Requiring an assessment of the applicant's physical 52642  
skills for purposes of determining whether the applicant's 52643  
coordination, fine motor skills, and dexterity are sufficient for 52644  
performing evaluations and procedures in a manner that meets the 52645  
minimal standards of care; 52646

(4) Requiring an assessment of the applicant's skills in 52647  
recognizing and understanding diseases and conditions; 52648

(5) Requiring the applicant to undergo a comprehensive 52649  
physical examination, which may include an assessment of physical 52650  
abilities, evaluation of sensory capabilities, or screening for 52651  
the presence of neurological disorders; 52652

(6) Restricting or limiting the extent, scope, or type of 52653  
practice of the applicant. 52654

The board shall consider the moral background and the 52655  
activities of the applicant during the period of suspension or 52656  
inactivity. The board shall not issue or restore a license under 52657  
this section unless the applicant complies with sections 4776.01 52658  
to 4776.04 of the Revised Code. 52659

**Sec. 4762.02.** (A) Except as provided in division (B), (C), or 52660  
(D) of this section, no person shall do either of the following: 52661  
52662

(1) Engage in the practice of oriental medicine unless the 52663  
person holds a valid ~~certificate~~ license to practice as an 52664

oriental medicine practitioner issued by the state medical board 52665  
under this chapter; 52666

(2) Engage in the practice of acupuncture unless the person 52667  
holds a valid ~~certificate~~ license to practice as an acupuncturist 52668  
issued by the state medical board under this chapter. 52669

(B) Division (A) of this section does not apply to a 52670  
physician. 52671

(C) Division (A)(1) of this section does not apply to the 52672  
following: 52673

(1) A person who engages in activities included in the 52674  
practice of oriental medicine as part of a training program in 52675  
oriental medicine, but only if both of the following conditions 52676  
are met: 52677

(a) The training program is operated by an educational 52678  
institution that holds an effective certificate of authorization 52679  
issued by the ~~Ohio board of regents~~ chancellor of higher education 52680  
under section 1713.02 of the Revised Code or a school that holds 52681  
an effective certificate of registration issued by the state board 52682  
of career colleges and schools under section 3332.05 of the 52683  
Revised Code. 52684

(b) The person engages in the activities under the general 52685  
supervision of an individual who holds a ~~certificate~~ license to 52686  
practice as an oriental medicine practitioner issued under this 52687  
chapter and is not practicing within the supervisory period 52688  
required by section 4762.10 of the Revised Code. 52689

(2) To the extent that acupuncture is a component of oriental 52690  
medicine, an individual who holds a ~~certificate~~ license to 52691  
practice as an acupuncturist issued under this chapter or a 52692  
chiropractor who holds a certificate to practice acupuncture 52693  
issued by the state chiropractic board under section 4734.283 of 52694  
the Revised Code. 52695

(D) Division (A)(2) of this section does not apply to the 52696  
following: 52697

(1) A person who performs acupuncture as part of a training 52698  
program in acupuncture, but only if both of the following 52699  
conditions are met: 52700

(a) The training program is operated by an educational 52701  
institution that holds an effective certificate of authorization 52702  
issued by the ~~Ohio board of regents~~ chancellor of higher education 52703  
under section 1713.02 of the Revised Code or a school that holds 52704  
an effective certificate of registration issued by the state board 52705  
of career colleges and schools under section 3332.05 of the 52706  
Revised Code. 52707

(b) The person performs the acupuncture under the general 52708  
supervision of an acupuncturist who holds a ~~certificate~~ license to 52709  
practice as an acupuncturist issued under this chapter and is not 52710  
practicing within the supervisory period required by section 52711  
4762.10 of the Revised Code. 52712

(2) An individual who holds a ~~certificate~~ license to practice 52713  
as an oriental medicine practitioner issued under this chapter. 52714

(3) A chiropractor who holds a certificate to practice 52715  
acupuncture issued by the state chiropractic board under section 52716  
4734.283 of the Revised Code. 52717

**Sec. 4762.03.** (A) An individual seeking a ~~certificate~~ license 52718  
to practice as an oriental medicine practitioner or ~~certificate~~ 52719  
license to practice as an acupuncturist shall file with the state 52720  
medical board a written application on a form prescribed and 52721  
supplied by the board. 52722

(B) To be eligible for the ~~certificate to practice~~ license, 52723  
an applicant shall meet all of the following conditions, as 52724  
applicable: 52725

(1) The applicant shall submit evidence satisfactory to the board that the applicant is at least eighteen years of age and of good moral character.

(2) In the case of an applicant seeking a ~~certificate~~ license to practice as an oriental medicine practitioner, the applicant shall submit evidence satisfactory to the board of both of the following:

(a) That the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as either a diplomate in oriental medicine or diplomate of acupuncture and Chinese herbology;

(b) That the applicant has successfully completed, in the two-year period immediately preceding application for the ~~certificate~~ license to practice, one course approved by the commission on federal food and drug administration dispensary and compounding guidelines and procedures.

(3) In the case of an applicant seeking a ~~certificate~~ license to practice as an acupuncturist, the applicant shall submit evidence satisfactory to the board that the applicant holds a current and active designation from the national certification commission for acupuncture and oriental medicine as a diplomate in acupuncture.

(4) The applicant shall demonstrate to the board proficiency in spoken English by satisfying one of the following requirements:

(a) Passing the examination described in section 4731.142 of the Revised Code;

(b) Submitting evidence satisfactory to the board that the applicant was required to demonstrate proficiency in spoken English as a condition of obtaining designation from the national certification commission for acupuncture and oriental medicine as a diplomate in oriental medicine, diplomate of acupuncture and

Chinese herbology, or diplomate in acupuncture; 52757

(c) Submitting evidence satisfactory to the board that the 52758  
applicant, in seeking a designation from the national 52759  
certification commission for acupuncture and oriental medicine as 52760  
a diplomate of oriental medicine, diplomate of acupuncture and 52761  
Chinese herbology, or diplomate of acupuncture, has successfully 52762  
completed in English the examination required for such a 52763  
designation by the national certification commission for 52764  
acupuncture and oriental medicine; 52765

(d) In the case of an applicant seeking a ~~certificate~~ license 52766  
to practice as an oriental medicine practitioner, submitting 52767  
evidence satisfactory to the board that the applicant has 52768  
previously held a ~~certificate~~ license to practice as an 52769  
acupuncturist issued under section 4762.04 of the Revised Code. 52770

(5) The applicant shall submit to the board any other 52771  
information the board requires. 52772

(6) The applicant shall pay to the board a fee of one hundred 52773  
dollars, no part of which may be returned to the applicant. 52774

(C) The board shall review all applications received under 52775  
this section. The board shall determine whether an applicant meets 52776  
the requirements to receive a ~~certificate to practice~~ license not 52777  
later than sixty days after receiving a complete application. ~~The~~ 52778  
~~affirmative vote of not fewer than six members of the board is~~ 52779  
~~required to determine that an applicant meets the requirements for~~ 52780  
~~a certificate.~~ 52781

**Sec. 4762.031.** In addition to any other eligibility 52782  
requirement set forth in this chapter, each applicant for a 52783  
~~certificate~~ license to practice as an oriental medicine 52784  
practitioner or ~~certificate~~ license to practice as an 52785  
acupuncturist shall comply with sections 4776.01 to 4776.04 of the 52786

Revised Code. The state medical board shall not grant to an 52787  
applicant a ~~certificate~~ license to practice unless the board, in 52788  
its discretion, decides that the results of the criminal records 52789  
check do not make the applicant ineligible for a ~~certificate~~ 52790  
license issued pursuant to section 4762.04 of the Revised Code. 52791

**Sec. 4762.04.** If the state medical board determines under 52792  
section 4762.03 of the Revised Code that an applicant meets the 52793  
requirements for a ~~certificate~~ license to practice as an oriental 52794  
medicine practitioner or ~~certificate~~ license to practice as an 52795  
acupuncturist, the secretary of the board shall register the 52796  
applicant as an oriental medicine practitioner or acupuncturist, 52797  
as appropriate, and issue to the applicant the appropriate 52798  
~~certificate~~ license to practice. The ~~certificate~~ license shall be 52799  
valid for a two-year period unless revoked or suspended, shall 52800  
expire ~~biennially~~ on the date that is two years after the date of 52801  
issuance, and may be renewed for additional two-year periods in 52802  
accordance with section 4762.06 of the Revised Code. 52803

**Sec. 4762.05.** Upon application by the holder of a ~~certificate~~ 52804  
license to practice as an oriental medicine practitioner or 52805  
~~certificate~~ license to practice as an acupuncturist, the state 52806  
medical board shall issue a duplicate ~~certificate~~ license to 52807  
replace one that is missing or damaged, to reflect a name change, 52808  
or for any other reasonable cause. The fee for a duplicate 52809  
~~certificate~~ license is thirty-five dollars. 52810

**Sec. 4762.06.** (A) A person seeking to renew a ~~certificate~~ 52811  
license to practice as an oriental medicine practitioner or 52812  
~~certificate~~ license to practice as an acupuncturist shall, on or 52813  
before the ~~thirty first day of January of each even numbered year~~ 52814  
license's expiration date, apply to the state medical board for 52815  
renewal ~~of the certificate.~~ The ~~state medical~~ board shall provide 52816

renewal notices to license holders at least one month prior to the 52817  
expiration date. 52818

Applications shall be submitted to the board in a manner 52819  
prescribed by the board. Each application shall be accompanied by 52820  
a biennial renewal fee of one hundred dollars. 52821

The applicant shall report any criminal offense that 52822  
constitutes grounds for refusing to issue a ~~certificate~~ license 52823  
under section 4762.13 of the Revised Code to which the applicant 52824  
has pleaded guilty, of which the applicant has been found guilty, 52825  
or for which the applicant has been found eligible for 52826  
intervention in lieu of conviction, since last signing an 52827  
application for a ~~certificate~~ license to practice as an oriental 52828  
medicine practitioner or ~~certificate~~ license to practice as an 52829  
acupuncturist. 52830

(B)(1) To be eligible for renewal of a ~~certificate~~ license to 52831  
practice as an oriental medicine practitioner, an applicant shall 52832  
certify to the board both of the following, as applicable: 52833

(a) That the applicant has maintained a current and active 52834  
designation from the national certification commission for 52835  
acupuncture and oriental medicine as either a diplomate in 52836  
oriental medicine or diplomate of acupuncture and Chinese 52837  
herbology; 52838

(b) That the applicant has successfully completed one 52839  
six-hour course in herb and drug interaction approved by the 52840  
national certification commission for acupuncture and oriental 52841  
medicine in the four years immediately preceding the expiration 52842  
date of the applicant's current and active designation from the 52843  
commission as a diplomate in oriental medicine or diplomate of 52844  
acupuncture and Chinese herbology. 52845

(2) To be eligible for renewal of a ~~certificate~~ license to 52846  
practice as an acupuncturist, an applicant shall certify to the 52847

board that the acupuncturist has maintained a current and active 52848  
designation from the national certification commission for 52849  
acupuncture and oriental medicine as a diplomate in acupuncture. 52850

(C) If an applicant submits a complete renewal application 52851  
and qualifies for renewal pursuant to division (B) of this 52852  
section, the board shall issue to the applicant a renewed 52853  
~~certificate~~ license to practice. 52854

(D) A ~~certificate~~ license to practice that is not renewed on 52855  
or before its expiration date is automatically suspended on its 52856  
expiration date. ~~If~~ 52857

If a ~~certificate~~ license has been suspended pursuant to this 52858  
division for two years or less, the board shall reinstate the 52859  
~~certificate~~ license upon an applicant's submission of a renewal 52860  
application, the biennial renewal fee, and the applicable monetary 52861  
penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~ 52862

If a ~~certificate~~ license has been suspended pursuant to this 52863  
division for more than two years, it may be restored. Subject to 52864  
section 4762.061 of the Revised Code, the board may restore the 52865  
license upon an applicant's submission of a restoration 52866  
application, the biennial renewal fee, and the applicable monetary 52867  
penalty and compliance with sections 4776.01 to 4776.04 of the 52868  
Revised Code. The board shall not restore a ~~certificate to~~ 52869  
~~practice~~ license unless the board, in its discretion, decides that 52870  
the results of the criminal records check do not make the 52871  
applicant ineligible for a certificate issued pursuant to section 52872  
4762.04 of the Revised Code. The penalty for restoration is fifty 52873  
dollars. 52874

**Sec. 4762.061.** (A) This section applies to both of the 52875  
following: 52876

(1) An applicant seeking restoration of a license issued 52877

<u>under this chapter that has been in a suspended or inactive state</u>	52878
<u>for any cause for more than two years;</u>	52879
<u>(2) An applicant seeking issuance of a license pursuant to</u>	52880
<u>this chapter who for more than two years has not been engaged in</u>	52881
<u>the practice of oriental medicine or acupuncture as either of the</u>	52882
<u>following:</u>	52883
<u>(a) An active practitioner;</u>	52884
<u>(b) A participant in a training program as described in</u>	52885
<u>section 4762.02 of the Revised Code.</u>	52886
<u>(B) Before issuing a license to an applicant subject to this</u>	52887
<u>section or restoring a license to good standing for an applicant</u>	52888
<u>subject to this section, the state medical board may impose terms</u>	52889
<u>and conditions including any one or more of the following:</u>	52890
<u>(1) Requiring the applicant to pass an oral or written</u>	52891
<u>examination, or both, to determine the applicant's present fitness</u>	52892
<u>to resume practice;</u>	52893
<u>(2) Requiring the applicant to obtain additional training and</u>	52894
<u>to pass an examination upon completion of such training;</u>	52895
<u>(3) Requiring an assessment of the applicant's physical</u>	52896
<u>skills for purposes of determining whether the applicant's</u>	52897
<u>coordination, fine motor skills, and dexterity are sufficient for</u>	52898
<u>performing evaluations and procedures in a manner that meets the</u>	52899
<u>minimal standards of care;</u>	52900
<u>(4) Requiring an assessment of the applicant's skills in</u>	52901
<u>recognizing and understanding diseases and conditions;</u>	52902
<u>(5) Requiring the applicant to undergo a comprehensive</u>	52903
<u>physical examination, which may include an assessment of physical</u>	52904
<u>abilities, evaluation of sensory capabilities, or screening for</u>	52905
<u>the presence of neurological disorders;</u>	52906
<u>(6) Restricting or limiting the extent, scope, or type of</u>	52907

practice of the applicant. 52908

The board shall consider the moral background and the 52909  
activities of the applicant during the period of suspension or 52910  
inactivity. The board shall not issue or restore a license under 52911  
this section unless the applicant complies with sections 4776.01 52912  
to 4776.04 of the Revised Code. 52913

**Sec. 4762.08.** (A) A person who holds a ~~certificate~~ license to 52914  
practice as an oriental medicine practitioner issued under this 52915  
chapter may use the following titles, initials, or abbreviations, 52916  
or the equivalent of such titles, initials, or abbreviations, to 52917  
identify the person as an oriental medicine practitioner: 52918  
"Oriental Medicine Practitioner," "Licensed Oriental Medicine 52919  
Practitioner," "L.O.M.," "Diplomate in Oriental Medicine 52920  
(NCCAOM)," "Dipl. O.M. (NCCAOM)," "National Board Certified in 52921  
Oriental Medicine (NCCAOM)," "Acupuncturist," "Licensed 52922  
Acupuncturist," "L.Ac. and L.C.H.," "Diplomate of Acupuncture and 52923  
Chinese Herbology (NCCAOM)," "Dipl. Ac. and Dipl. C.H. (NCCAOM)," 52924  
or "National Board Certified in Acupuncture and Chinese Herbology 52925  
(NCCAOM)." The person shall not use other titles, initials, or 52926  
abbreviations in conjunction with the person's practice of 52927  
oriental medicine, including the title "doctor." 52928

(B) A person who holds a ~~certificate~~ license to practice as 52929  
an acupuncturist issued under this chapter may use the following 52930  
titles, initials, or abbreviations, or the equivalent of such 52931  
titles, initials, or abbreviations, to identify the person as an 52932  
acupuncturist: "Acupuncturist," "Licensed Acupuncturist," "L.Ac.," 52933  
"Diplomate in Acupuncture (NCCAOM)," "Dipl. Ac. (NCCAOM)," or 52934  
"National Board Certified in Acupuncture (NCCAOM)." The person 52935  
shall not use other titles, initials, or abbreviations in 52936  
conjunction with the person's practice of acupuncture, including 52937  
the title "doctor." 52938

**Sec. 4762.09.** An individual who holds a ~~certificate~~ license 52939  
to practice as an oriental medicine practitioner or ~~certificate~~ 52940  
license to practice as an acupuncturist issued under this chapter 52941  
shall conspicuously display at the individual's primary place of 52942  
business both of the following: 52943

(A) The individual's ~~certificate~~ license, as evidence that 52944  
the individual is authorized to practice in this state; 52945

(B) A notice specifying that the practice of oriental 52946  
medicine or acupuncture, as applicable, under the ~~certificate~~ 52947  
license is regulated by the state medical board and the address 52948  
and telephone number of the board's office. 52949

**Sec. 4762.10.** The following, as applicable, apply to an 52950  
individual who holds a ~~certificate~~ license to practice as an 52951  
oriental medicine practitioner or ~~certificate~~ license to practice 52952  
as an acupuncturist: 52953

(A) On receipt of an initial ~~certificate~~ license to practice, 52954  
the practice of the oriental medicine practitioner or 52955  
acupuncturist is subject to a supervisory period. The supervisory 52956  
period shall begin on the date the initial ~~certificate~~ license is 52957  
granted and end one year thereafter, except that if the oriental 52958  
medicine practitioner or acupuncturist is subject during that year 52959  
to disciplinary action taken by the state medical board pursuant 52960  
to section 4762.13 of the Revised Code, the supervision shall 52961  
continue until the practitioner or acupuncturist has not been 52962  
subject to any disciplinary action for one year. 52963

(B) During the supervisory period, both of the following 52964  
apply to an oriental medicine practitioner's or acupuncturist's 52965  
practice in addition to the applicable requirements of divisions 52966  
(D) and (E) of this section: 52967

(1) An oriental medicine practitioner shall perform oriental 52968

medicine or acupuncture for a patient only if the patient has 52969  
received a written referral or prescription for oriental medicine 52970  
or acupuncture from a physician or for acupuncture from a 52971  
chiropractor. An acupuncturist shall perform acupuncture for a 52972  
patient only if the patient has received a written referral or 52973  
prescription for acupuncture from a physician or chiropractor. As 52974  
specified in the referral or prescription, the oriental medicine 52975  
practitioner or acupuncturist shall provide reports to the 52976  
physician or chiropractor on the patient's condition or progress 52977  
in treatment and comply with the conditions or restrictions on the 52978  
practitioner's or acupuncturist's course of treatment. 52979

(2) The oriental medicine practitioner or acupuncturist shall 52980  
perform oriental medicine or acupuncture under the general 52981  
supervision of the patient's referring or prescribing physician or 52982  
chiropractor, except that an oriental medicine practitioner using 52983  
herbal therapy in the treatment of a patient shall not provide 52984  
herbal therapy under the general supervision of a chiropractor. 52985  
General supervision does not require that the oriental medicine 52986  
practitioner or acupuncturist and supervising physician or 52987  
chiropractor practice in the same office. 52988

(C) After the supervisory period has ended, both of the 52989  
following apply to an oriental medicine practitioner's or 52990  
acupuncturist's practice in addition to the applicable 52991  
requirements of divisions (D) and (E) of this section: 52992

(1) Before treating a patient for a particular condition, an 52993  
oriental medicine practitioner or acupuncturist shall confirm 52994  
whether the patient has undergone within the past six months a 52995  
diagnostic examination that was related to the condition for which 52996  
the patient is seeking oriental medicine or acupuncture and was 52997  
performed by a physician or chiropractor acting within the 52998  
physician's or chiropractor's scope of practice. Confirmation that 52999  
the diagnostic examination was performed may be made by obtaining 53000

from the patient a signed form stating that the patient has 53001  
undergone the examination. 53002

(2) If the patient does not provide the signed form specified 53003  
in division (C)(1) of this section or an oriental medicine 53004  
practitioner or acupuncturist otherwise determines that the 53005  
patient has not undergone the diagnostic examination specified in 53006  
that division, the practitioner or acupuncturist shall provide to 53007  
the patient a written recommendation to undergo a diagnostic 53008  
examination by a physician or chiropractor. 53009

(D) In an individual's practice of oriental medicine or 53010  
acupuncture pursuant to a ~~certificate~~ license to practice issued 53011  
under this chapter, all of the following apply: 53012

(1) Prior to treating a patient, the individual shall advise 53013  
the patient that oriental medicine or acupuncture, as applicable, 53014  
is not a substitute for conventional medical diagnosis and 53015  
treatment. 53016

(2) On initially meeting a patient in person, the individual 53017  
shall provide in writing the individual's name, business address, 53018  
and business telephone number, and information on oriental 53019  
medicine or acupuncture, as applicable, including the techniques 53020  
that are used. 53021

(3) While treating a patient, the individual shall not make a 53022  
diagnosis. If a patient's condition is not improving or a patient 53023  
requires emergency medical treatment, the individual shall consult 53024  
promptly with a physician. 53025

(4) The individual shall maintain records for each patient 53026  
treated. The records shall be confidential and shall be retained 53027  
for not less than three years following termination of treatment. 53028  
The individual shall include in a patient's records the written 53029  
referral or prescription pursuant to which ~~the~~ the patient is 53030  
treated during a supervisory period and any written referral or 53031

prescription for oriental medicine or acupuncture received for a 53032  
patient being treated after the supervisory period. 53033

(E) In an individual's practice of oriental medicine by using 53034  
herbal therapy in the treatment of a patient, all of the following 53035  
apply: 53036

(1) The oriental medicine practitioner shall provide to the 53037  
patient counseling and treatment instructions. The treatment 53038  
instructions shall do all of the following: 53039

(a) Explain the need for herbal therapy; 53040

(b) Instruct the patient how to take the herbal therapy; 53041

(c) Explain possible contraindications to the herbal therapy 53042  
and provide sources of care in case of an adverse reaction; 53043

(d) Instruct the patient to inform the patient's other health 53044  
care providers, including the patient's pharmacist, of the herbal 53045  
therapy that has been provided to the patient. 53046

(2) The oriental medicine practitioner shall document all of 53047  
the following in the patient's record: 53048

(a) The type, amount, and strength of herbal therapy 53049  
recommended for the patient's use; 53050

(b) The counseling and treatment instructions provided to the 53051  
patient under division (E)(1) of this section; 53052

(c) Any adverse reaction reported by the patient in 53053  
conjunction with the use of herbal therapy. 53054

(3) The oriental medicine practitioner shall report to the 53055  
state medical board any adverse reactions reported by the patient 53056  
under division (E)(2)(c) of this section. 53057

**Sec. 4762.13.** (A) The state medical board, by an affirmative 53058  
vote of not fewer than six members, may revoke or may refuse to 53059  
grant a ~~certificate~~ license to practice as an oriental medicine 53060

practitioner or ~~certificate~~ license to practice as an 53061  
acupuncturist to a person found by the board to have committed 53062  
fraud, misrepresentation, or deception in applying for or securing 53063  
the ~~certificate~~ license. 53064

(B) The board, by an affirmative vote of not fewer than six 53065  
members, shall, to the extent permitted by law, limit, revoke, or 53066  
suspend an individual's ~~certificate~~ license to practice, refuse to 53067  
issue a ~~certificate~~ license to an applicant, refuse to renew a 53068  
~~certificate~~ license, refuse to reinstate a ~~certificate~~ license, or 53069  
reprimand or place on probation the holder of a ~~certificate~~ 53070  
license for any of the following reasons: 53071

(1) Permitting the holder's name or ~~certificate~~ license to be 53072  
used by another person; 53073

(2) Failure to comply with the requirements of this chapter, 53074  
Chapter 4731. of the Revised Code, or any rules adopted by the 53075  
board; 53076

(3) Violating or attempting to violate, directly or 53077  
indirectly, or assisting in or abetting the violation of, or 53078  
conspiring to violate, any provision of this chapter, Chapter 53079  
4731. of the Revised Code, or the rules adopted by the board; 53080

(4) A departure from, or failure to conform to, minimal 53081  
standards of care of similar practitioners under the same or 53082  
similar circumstances whether or not actual injury to the patient 53083  
is established; 53084

(5) Inability to practice according to acceptable and 53085  
prevailing standards of care by reason of mental illness or 53086  
physical illness, including physical deterioration that adversely 53087  
affects cognitive, motor, or perceptive skills; 53088

(6) Impairment of ability to practice according to acceptable 53089  
and prevailing standards of care because of habitual or excessive 53090  
use or abuse of drugs, alcohol, or other substances that impair 53091

ability to practice;	53092
(7) Willfully betraying a professional confidence;	53093
(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a <del>certificate</del> <u>license</u> to practice as an oriental medicine practitioner or <del>certificate</del> <u>license</u> to practice as an acupuncturist.	53094 53095 53096 53097 53098
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	53099 53100 53101 53102 53103 53104 53105 53106
(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;	53107 53108 53109 53110
(10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	53111 53112 53113
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	53114 53115 53116
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	53117 53118 53119
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of	53120 53121

conviction for, a misdemeanor committed in the course of practice;	53122
(14) A plea of guilty to, a judicial finding of guilt of, or	53123
a judicial finding of eligibility for intervention in lieu of	53124
conviction for, a misdemeanor involving moral turpitude;	53125
(15) Commission of an act in the course of practice that	53126
constitutes a misdemeanor in this state, regardless of the	53127
jurisdiction in which the act was committed;	53128
(16) Commission of an act involving moral turpitude that	53129
constitutes a misdemeanor in this state, regardless of the	53130
jurisdiction in which the act was committed;	53131
(17) A plea of guilty to, a judicial finding of guilt of, or	53132
a judicial finding of eligibility for intervention in lieu of	53133
conviction for violating any state or federal law regulating the	53134
possession, distribution, or use of any drug, including	53135
trafficking in drugs;	53136
(18) Any of the following actions taken by the state agency	53137
responsible for regulating the practice of oriental medicine or	53138
acupuncture in another jurisdiction, for any reason other than the	53139
nonpayment of fees: the limitation, revocation, or suspension of	53140
an individual's license to practice; acceptance of an individual's	53141
license surrender; denial of a license; refusal to renew or	53142
reinstate a license; imposition of probation; or issuance of an	53143
order of censure or other reprimand;	53144
(19) Violation of the conditions placed by the board on a	53145
<del>certificate</del> <u>license</u> to practice as an oriental medicine	53146
practitioner or <del>certificate</del> <u>license</u> to practice as an	53147
acupuncturist;	53148
(20) Failure to use universal blood and body fluid	53149
precautions established by rules adopted under section 4731.051 of	53150
the Revised Code;	53151

(21) Failure to cooperate in an investigation conducted by 53152  
the board under section 4762.14 of the Revised Code, including 53153  
failure to comply with a subpoena or order issued by the board or 53154  
failure to answer truthfully a question presented by the board at 53155  
a deposition or in written interrogatories, except that failure to 53156  
cooperate with an investigation shall not constitute grounds for 53157  
discipline under this section if a court of competent jurisdiction 53158  
has issued an order that either quashes a subpoena or permits the 53159  
individual to withhold the testimony or evidence in issue; 53160

(22) Failure to comply with the standards of the national 53161  
certification commission for acupuncture and oriental medicine 53162  
regarding professional ethics, commitment to patients, commitment 53163  
to the profession, and commitment to the public; 53164

(23) Failure to have adequate professional liability 53165  
insurance coverage in accordance with section 4762.22 of the 53166  
Revised Code; 53167

(24) Failure to maintain a current and active designation as 53168  
a diplomate in oriental medicine, diplomate of acupuncture and 53169  
Chinese herbology, or diplomate in acupuncture, as applicable, 53170  
from the national certification commission for acupuncture and 53171  
oriental medicine, including revocation by the commission of the 53172  
individual's designation, failure by the individual to meet the 53173  
commission's requirements for redesignation, or failure to notify 53174  
the board that the appropriate designation has not been 53175  
maintained. 53176

(C) Disciplinary actions taken by the board under divisions 53177  
(A) and (B) of this section shall be taken pursuant to an 53178  
adjudication under Chapter 119. of the Revised Code, except that 53179  
in lieu of an adjudication, the board may enter into a consent 53180  
agreement with an oriental medicine practitioner or acupuncturist 53181  
or applicant to resolve an allegation of a violation of this 53182  
chapter or any rule adopted under it. A consent agreement, when 53183

ratified by an affirmative vote of not fewer than six members of 53184  
the board, shall constitute the findings and order of the board 53185  
with respect to the matter addressed in the agreement. If the 53186  
board refuses to ratify a consent agreement, the admissions and 53187  
findings contained in the consent agreement shall be of no force 53188  
or effect. 53189

(D) For purposes of divisions (B)(12), (15), and (16) of this 53190  
section, the commission of the act may be established by a finding 53191  
by the board, pursuant to an adjudication under Chapter 119. of 53192  
the Revised Code, that the applicant or ~~certificate~~ license holder 53193  
committed the act in question. The board shall have no 53194  
jurisdiction under these divisions in cases where the trial court 53195  
renders a final judgment in the ~~certificate~~ license holder's favor 53196  
and that judgment is based upon an adjudication on the merits. The 53197  
board shall have jurisdiction under these divisions in cases where 53198  
the trial court issues an order of dismissal upon technical or 53199  
procedural grounds. 53200

(E) The sealing of conviction records by any court shall have 53201  
no effect upon a prior board order entered under the provisions of 53202  
this section or upon the board's jurisdiction to take action under 53203  
the provisions of this section if, based upon a plea of guilty, a 53204  
judicial finding of guilt, or a judicial finding of eligibility 53205  
for intervention in lieu of conviction, the board issued a notice 53206  
of opportunity for a hearing or entered into a consent agreement 53207  
prior to the court's order to seal the records. The board shall 53208  
not be required to seal, destroy, redact, or otherwise modify its 53209  
records to reflect the court's sealing of conviction records. 53210

(F) For purposes of this division, any individual who holds a 53211  
~~certificate~~ license to practice issued under this chapter, or 53212  
applies for a ~~certificate~~ license to practice, shall be deemed to 53213  
have given consent to submit to a mental or physical examination 53214  
when directed to do so in writing by the board and to have waived 53215

all objections to the admissibility of testimony or examination reports that constitute a privileged communication. 53216  
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(1) In enforcing division (B)(5) of this section, the board, upon a showing of a possible violation, may compel any individual who holds a ~~certificate~~ license to practice issued under this chapter or who has applied for a ~~certificate~~ license pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an oriental medicine practitioner or acupuncturist unable to practice because of the reasons set forth in division (B)(5) of this section, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed ~~certificate~~ license to practice. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care. 53218  
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(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a ~~certificate~~ license to practice issued under this chapter or any applicant for a ~~certificate~~ license suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any 53241  
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mental or physical examination required under this division shall 53248  
be undertaken by a treatment provider or physician qualified to 53249  
conduct such examination and chosen by the board. 53250

Failure to submit to a mental or physical examination ordered 53251  
by the board constitutes an admission of the allegations against 53252  
the individual unless the failure is due to circumstances beyond 53253  
the individual's control, and a default and final order may be 53254  
entered without the taking of testimony or presentation of 53255  
evidence. If the board determines that the individual's ability to 53256  
practice is impaired, the board shall suspend the individual's 53257  
~~certificate~~ license or deny the individual's application and shall 53258  
require the individual, as a condition for an initial, continued, 53259  
reinstated, or renewed ~~certificate~~ license, to submit to 53260  
treatment. 53261

Before being eligible to apply for reinstatement of a 53262  
~~certificate~~ license suspended under this division, the oriental 53263  
medicine practitioner or acupuncturist shall demonstrate to the 53264  
board the ability to resume practice in compliance with acceptable 53265  
and prevailing standards of care. The demonstration shall include 53266  
the following: 53267

(a) Certification from a treatment provider approved under 53268  
section 4731.25 of the Revised Code that the individual has 53269  
successfully completed any required inpatient treatment; 53270

(b) Evidence of continuing full compliance with an aftercare 53271  
contract or consent agreement; 53272

(c) Two written reports indicating that the individual's 53273  
ability to practice has been assessed and that the individual has 53274  
been found capable of practicing according to acceptable and 53275  
prevailing standards of care. The reports shall be made by 53276  
individuals or providers approved by the board for making such 53277  
assessments and shall describe the basis for their determination. 53278

The board may reinstate a ~~certificate~~ license suspended under 53279  
this division after such demonstration and after the individual 53280  
has entered into a written consent agreement. 53281

When the impaired individual resumes practice, the board 53282  
shall require continued monitoring of the individual. The 53283  
monitoring shall include monitoring of compliance with the written 53284  
consent agreement entered into before reinstatement or with 53285  
conditions imposed by board order after a hearing, and, upon 53286  
termination of the consent agreement, submission to the board for 53287  
at least two years of annual written progress reports made under 53288  
penalty of falsification stating whether the individual has 53289  
maintained sobriety. 53290

(G) If the secretary and supervising member determine both of 53291  
the following, they may recommend that the board suspend an 53292  
individual's ~~certificate~~ license to practice without a prior 53293  
hearing: 53294

(1) That there is clear and convincing evidence that an 53295  
oriental medicine practitioner or acupuncturist has violated 53296  
division (B) of this section; 53297

(2) That the individual's continued practice presents a 53298  
danger of immediate and serious harm to the public. 53299

Written allegations shall be prepared for consideration by 53300  
the board. The board, upon review of the allegations and by an 53301  
affirmative vote of not fewer than six of its members, excluding 53302  
the secretary and supervising member, may suspend a ~~certificate~~ 53303  
license without a prior hearing. A telephone conference call may 53304  
be utilized for reviewing the allegations and taking the vote on 53305  
the summary suspension. 53306

The board shall issue a written order of suspension by 53307  
certified mail or in person in accordance with section 119.07 of 53308  
the Revised Code. The order shall not be subject to suspension by 53309

the court during pendency of any appeal filed under section 119.12 53310  
of the Revised Code. If the oriental medicine practitioner or 53311  
acupuncturist requests an adjudicatory hearing by the board, the 53312  
date set for the hearing shall be within fifteen days, but not 53313  
earlier than seven days, after the hearing is requested, unless 53314  
otherwise agreed to by both the board and the ~~certificate~~ license 53315  
holder. 53316

A summary suspension imposed under this division shall remain 53317  
in effect, unless reversed on appeal, until a final adjudicative 53318  
order issued by the board pursuant to this section and Chapter 53319  
119. of the Revised Code becomes effective. The board shall issue 53320  
its final adjudicative order within sixty days after completion of 53321  
its hearing. Failure to issue the order within sixty days shall 53322  
result in dissolution of the summary suspension order, but shall 53323  
not invalidate any subsequent, final adjudicative order. 53324

(H) If the board takes action under division (B)(11), (13), 53325  
or (14) of this section, and the judicial finding of guilt, guilty 53326  
plea, or judicial finding of eligibility for intervention in lieu 53327  
of conviction is overturned on appeal, upon exhaustion of the 53328  
criminal appeal, a petition for reconsideration of the order may 53329  
be filed with the board along with appropriate court documents. 53330  
Upon receipt of a petition and supporting court documents, the 53331  
board shall reinstate the ~~certificate to practice~~ license. The 53332  
board may then hold an adjudication under Chapter 119. of the 53333  
Revised Code to determine whether the individual committed the act 53334  
in question. Notice of opportunity for hearing shall be given in 53335  
accordance with Chapter 119. of the Revised Code. If the board 53336  
finds, pursuant to an adjudication held under this division, that 53337  
the individual committed the act, or if no hearing is requested, 53338  
it may order any of the sanctions specified in division (B) of 53339  
this section. 53340

(I) The ~~certificate~~ license to practice of an oriental 53341

medicine practitioner or acupuncturist and the practitioner's or 53342  
acupuncturist's practice in this state are automatically suspended 53343  
as of the date the practitioner or acupuncturist pleads guilty to, 53344  
is found by a judge or jury to be guilty of, or is subject to a 53345  
judicial finding of eligibility for intervention in lieu of 53346  
conviction in this state or treatment or intervention in lieu of 53347  
conviction in another jurisdiction for any of the following 53348  
criminal offenses in this state or a substantially equivalent 53349  
criminal offense in another jurisdiction: aggravated murder, 53350  
murder, voluntary manslaughter, felonious assault, kidnapping, 53351  
rape, sexual battery, gross sexual imposition, aggravated arson, 53352  
aggravated robbery, or aggravated burglary. Continued practice 53353  
after the suspension shall be considered practicing without a 53354  
~~certificate~~ license. 53355

The board shall notify the individual subject to the 53356  
suspension by certified mail or in person in accordance with 53357  
section 119.07 of the Revised Code. If an individual whose 53358  
~~certificate~~ license is suspended under this division fails to make 53359  
a timely request for an adjudication under Chapter 119. of the 53360  
Revised Code, the board shall enter a final order permanently 53361  
revoking the individual's ~~certificate to practice~~ license. 53362

(J) In any instance in which the board is required by Chapter 53363  
119. of the Revised Code to give notice of opportunity for hearing 53364  
and the individual subject to the notice does not timely request a 53365  
hearing in accordance with section 119.07 of the Revised Code, the 53366  
board is not required to hold a hearing, but may adopt, by an 53367  
affirmative vote of not fewer than six of its members, a final 53368  
order that contains the board's findings. In the final order, the 53369  
board may order any of the sanctions identified under division (A) 53370  
or (B) of this section. 53371

(K) Any action taken by the board under division (B) of this 53372  
section resulting in a suspension shall be accompanied by a 53373

written statement of the conditions under which the ~~certificate to~~ 53374  
~~practice~~ license may be reinstated. The board shall adopt rules in 53375  
accordance with Chapter 119. of the Revised Code governing 53376  
conditions to be imposed for reinstatement. Reinstatement of a 53377  
~~certificate~~ license suspended pursuant to division (B) of this 53378  
section requires an affirmative vote of not fewer than six members 53379  
of the board. 53380

(L) When the board refuses to grant or issue a ~~certificate to~~ 53381  
~~practice~~ license to an applicant, revokes an individual's 53382  
~~certificate~~ license, refuses to renew an individual's ~~certificate~~ 53383  
license, or refuses to reinstate an individual's ~~certificate~~ 53384  
license, the board may specify that its action is permanent. An 53385  
individual subject to a permanent action taken by the board is 53386  
forever thereafter ineligible to hold a ~~certificate~~ license to 53387  
practice as an oriental medicine practitioner or ~~certificate~~ 53388  
license to practice as an acupuncturist and the board shall not 53389  
accept an application for reinstatement of the ~~certificate~~ license 53390  
or for issuance of a new ~~certificate~~ license. 53391

(M) Notwithstanding any other provision of the Revised Code, 53392  
all of the following apply: 53393

(1) The surrender of a ~~certificate~~ license to practice as an 53394  
oriental medicine practitioner or ~~certificate~~ license to practice 53395  
as an acupuncturist issued under this chapter is not effective 53396  
unless or until accepted by the board. Reinstatement of a 53397  
~~certificate~~ license surrendered to the board requires an 53398  
affirmative vote of not fewer than six members of the board. 53399

(2) An application made under this chapter for a ~~certificate~~ 53400  
license may not be withdrawn without approval of the board. 53401

(3) Failure by an individual to renew a ~~certificate~~ license 53402  
in accordance with section 4762.06 of the Revised Code shall not 53403  
remove or limit the board's jurisdiction to take disciplinary 53404

action under this section against the individual. 53405

**Sec. 4762.131.** On receipt of a notice pursuant to section 53406  
3123.43 of the Revised Code, the state medical board shall comply 53407  
with sections 3123.41 to 3123.50 of the Revised Code and any 53408  
applicable rules adopted under section 3123.63 of the Revised Code 53409  
with respect to a ~~certificate~~ license to practice as an oriental 53410  
medicine practitioner or ~~certificate~~ license to practice as an 53411  
acupuncturist issued pursuant to this chapter. 53412

**Sec. 4762.132.** If the state medical board has reason to 53413  
believe that any person who has been granted under this chapter a 53414  
~~certificate~~ license to practice as an oriental medicine 53415  
practitioner or ~~certificate~~ license to practice as an 53416  
acupuncturist is mentally ill or mentally incompetent, it may file 53417  
in the probate court of the county in which the person has a legal 53418  
residence an affidavit in the form prescribed in section 5122.11 53419  
of the Revised Code and signed by the board secretary or a member 53420  
of the board secretary's staff, whereupon the same proceedings 53421  
shall be had as provided in Chapter 5122. of the Revised Code. The 53422  
attorney general may represent the board in any proceeding 53423  
commenced under this section. 53424

If any person who has been granted a ~~certificate~~ license is 53425  
adjudged by a probate court to be mentally ill or mentally 53426  
incompetent, the person's ~~certificate~~ license shall be 53427  
automatically suspended until the person has filed with the state 53428  
medical board a certified copy of an adjudication by a probate 53429  
court of the person's subsequent restoration to competency or has 53430  
submitted to the board proof, satisfactory to the board, that the 53431  
person has been discharged as having a restoration to competency 53432  
in the manner and form provided in section 5122.38 of the Revised 53433  
Code. The judge of the probate court shall forthwith notify the 53434  
state medical board of an adjudication of mental illness or mental 53435

incompetence, and shall note any suspension of a ~~certificate~~ 53436  
license in the margin of the court's record of such ~~certificate~~ 53437  
license. 53438

**Sec. 4762.14.** (A) The state medical board shall investigate 53439  
evidence that appears to show that any person has violated this 53440  
chapter or the rules adopted under it. Any person may report to 53441  
the board in a signed writing any information the person has that 53442  
appears to show a violation of any provision of this chapter or 53443  
the rules adopted under it. In the absence of bad faith, a person 53444  
who reports such information or testifies before the board in an 53445  
adjudication conducted under Chapter 119. of the Revised Code 53446  
shall not be liable for civil damages as a result of reporting the 53447  
information or providing testimony. Each complaint or allegation 53448  
of a violation received by the board shall be assigned a case 53449  
number and be recorded by the board. 53450

(B) Investigations of alleged violations of this chapter or 53451  
rules adopted under it shall be supervised by the supervising 53452  
member elected by the board in accordance with section 4731.02 of 53453  
the Revised Code and by the secretary as provided in section 53454  
4762.17 of the Revised Code. The board's president may designate 53455  
another member of the board to supervise the investigation in 53456  
place of the supervising member. A member of the board who 53457  
supervises the investigation of a case shall not participate in 53458  
further adjudication of the case. 53459

(C) In investigating a possible violation of this chapter or 53460  
the rules adopted under it, the board may administer oaths, order 53461  
the taking of depositions, issue subpoenas, and compel the 53462  
attendance of witnesses and production of books, accounts, papers, 53463  
records, documents, and testimony, except that a subpoena for 53464  
patient record information shall not be issued without 53465  
consultation with the attorney general's office and approval of 53466

the secretary and supervising member of the board. Before issuance 53467  
of a subpoena for patient record information, the secretary and 53468  
supervising member shall determine whether there is probable cause 53469  
to believe that the complaint filed alleges a violation of this 53470  
chapter or the rules adopted under it and that the records sought 53471  
are relevant to the alleged violation and material to the 53472  
investigation. The subpoena may apply only to records that cover a 53473  
reasonable period of time surrounding the alleged violation. 53474

On failure to comply with any subpoena issued by the board 53475  
and after reasonable notice to the person being subpoenaed, the 53476  
board may move for an order compelling the production of persons 53477  
or records pursuant to the Rules of Civil Procedure. 53478

A subpoena issued by the board may be served by a sheriff, 53479  
the sheriff's deputy, or a board employee designated by the board. 53480  
Service of a subpoena issued by the board may be made by 53481  
delivering a copy of the subpoena to the person named therein, 53482  
reading it to the person, or leaving it at the person's usual 53483  
place of residence. When the person being served is an oriental 53484  
medicine practitioner or acupuncturist, service of the subpoena 53485  
may be made by certified mail, restricted delivery, return receipt 53486  
requested, and the subpoena shall be deemed served on the date 53487  
delivery is made or the date the person refuses to accept 53488  
delivery. 53489

A sheriff's deputy who serves a subpoena shall receive the 53490  
same fees as a sheriff. Each witness who appears before the board 53491  
in obedience to a subpoena shall receive the fees and mileage 53492  
provided for under section 119.094 of the Revised Code. 53493

(D) All hearings and investigations of the board shall be 53494  
considered civil actions for the purposes of section 2305.252 of 53495  
the Revised Code. 53496

(E) Information received by the board pursuant to an 53497

investigation is confidential and not subject to discovery in any 53498  
civil action. 53499

The board shall conduct all investigations and proceedings in 53500  
a manner that protects the confidentiality of patients and persons 53501  
who file complaints with the board. The board shall not make 53502  
public the names or any other identifying information about 53503  
patients or complainants unless proper consent is given. 53504

The board may share any information it receives pursuant to 53505  
an investigation, including patient records and patient record 53506  
information, with law enforcement agencies, other licensing 53507  
boards, and other governmental agencies that are prosecuting, 53508  
adjudicating, or investigating alleged violations of statutes or 53509  
administrative rules. An agency or board that receives the 53510  
information shall comply with the same requirements regarding 53511  
confidentiality as those with which the state medical board must 53512  
comply, notwithstanding any conflicting provision of the Revised 53513  
Code or procedure of the agency or board that applies when it is 53514  
dealing with other information in its possession. In a judicial 53515  
proceeding, the information may be admitted into evidence only in 53516  
accordance with the Rules of Evidence, but the court shall require 53517  
that appropriate measures are taken to ensure that confidentiality 53518  
is maintained with respect to any part of the information that 53519  
contains names or other identifying information about patients or 53520  
complainants whose confidentiality was protected by the state 53521  
medical board when the information was in the board's possession. 53522  
Measures to ensure confidentiality that may be taken by the court 53523  
include sealing its records or deleting specific information from 53524  
its records. 53525

(F) The state medical board shall develop requirements for 53526  
and provide appropriate initial training and continuing education 53527  
for investigators employed by the board to carry out its duties 53528  
under this chapter. The training and continuing education may 53529

include enrollment in courses operated or approved by the Ohio  
peace officer training commission that the board considers  
appropriate under conditions set forth in section 109.79 of the  
Revised Code.

(G) On a quarterly basis, the board shall prepare a report  
that documents the disposition of all cases during the preceding  
three months. The report shall contain the following information  
for each case with which the board has completed its activities:

(1) The case number assigned to the complaint or alleged  
violation;

(2) The type of ~~certificate to practice~~ license, if any, held  
by the individual against whom the complaint is directed;

(3) A description of the allegations contained in the  
complaint;

(4) The disposition of the case.

The report shall state how many cases are still pending, and  
shall be prepared in a manner that protects the identity of each  
person involved in each case. The report is a public record for  
purposes of section 149.43 of the Revised Code.

**Sec. 4762.15.** (A) As used in this section, "prosecutor" has  
the same meaning as in section 2935.01 of the Revised Code.

(B) Whenever any person holding a valid ~~certificate~~ license  
to practice as an oriental medicine practitioner or valid  
~~certificate~~ license to practice as an acupuncturist issued  
pursuant to this chapter pleads guilty to, is subject to a  
judicial finding of guilt of, or is subject to a judicial finding  
of eligibility for intervention in lieu of conviction for a  
violation of Chapter 2907., 2925., or 3719. of the Revised Code or  
of any substantively comparable ordinance of a municipal  
corporation in connection with the person's practice, the

prosecutor in the case, on forms prescribed and provided by the 53560  
state medical board, shall promptly notify the board of the 53561  
conviction. Within thirty days of receipt of that information, the 53562  
board shall initiate action in accordance with Chapter 119. of the 53563  
Revised Code to determine whether to suspend or revoke the 53564  
~~certificate~~ license under section 4762.13 of the Revised Code. 53565

(C) The prosecutor in any case against any person holding a 53566  
valid ~~certificate to practice~~ license issued pursuant to this 53567  
chapter, on forms prescribed and provided by the state medical 53568  
board, shall notify the board of any of the following: 53569

(1) A plea of guilty to, a finding of guilt by a jury or 53570  
court of, or judicial finding of eligibility for intervention in 53571  
lieu of conviction for a felony, or a case in which the trial 53572  
court issues an order of dismissal upon technical or procedural 53573  
grounds of a felony charge; 53574

(2) A plea of guilty to, a finding of guilt by a jury or 53575  
court of, or judicial finding of eligibility for intervention in 53576  
lieu of conviction for a misdemeanor committed in the course of 53577  
practice, or a case in which the trial court issues an order of 53578  
dismissal upon technical or procedural grounds of a charge of a 53579  
misdemeanor, if the alleged act was committed in the course of 53580  
practice; 53581

(3) A plea of guilty to, a finding of guilt by a jury or 53582  
court of, or judicial finding of eligibility for intervention in 53583  
lieu of conviction for a misdemeanor involving moral turpitude, or 53584  
a case in which the trial court issues an order of dismissal upon 53585  
technical or procedural grounds of a charge of a misdemeanor 53586  
involving moral turpitude. 53587

The report shall include the name and address of the 53588  
~~certificate~~ license holder, the nature of the offense for which 53589  
the action was taken, and the certified court documents recording 53590

the action. 53591

**Sec. 4762.16.** (A) Within sixty days after the imposition of 53592  
any formal disciplinary action taken by any health care facility, 53593  
including a hospital, health care facility operated by a health 53594  
insuring corporation, ambulatory surgical center, or similar 53595  
facility, against any individual holding a valid ~~certificate~~ 53596  
license to practice as an oriental medicine practitioner or valid 53597  
~~certificate~~ license to practice as an acupuncturist, the chief 53598  
administrator or executive officer of the facility shall report to 53599  
the state medical board the name of the individual, the action 53600  
taken by the facility, and a summary of the underlying facts 53601  
leading to the action taken. Upon request, the board shall be 53602  
provided certified copies of the patient records that were the 53603  
basis for the facility's action. Prior to release to the board, 53604  
the summary shall be approved by the peer review committee that 53605  
reviewed the case or by the governing board of the facility. 53606

The filing of a report with the board or decision not to file 53607  
a report, investigation by the board, or any disciplinary action 53608  
taken by the board, does not preclude a health care facility from 53609  
taking disciplinary action against an oriental medicine 53610  
practitioner or acupuncturist. 53611

In the absence of fraud or bad faith, no individual or entity 53612  
that provides patient records to the board shall be liable in 53613  
damages to any person as a result of providing the records. 53614

(B)(1) Except as provided in division (B)(2) of this section, 53615  
an oriental medicine practitioner or acupuncturist, professional 53616  
association or society of oriental medicine practitioners or 53617  
acupuncturists, physician, or professional association or society 53618  
of physicians that believes a violation of any provision of this 53619  
chapter, Chapter 4731. of the Revised Code, or rule of the board 53620  
has occurred shall report to the board the information upon which 53621

the belief is based. 53622

(2) An oriental medicine practitioner or acupuncturist, 53623  
professional association or society of oriental medicine 53624  
practitioners or acupuncturists, physician, or professional 53625  
association or society of physicians that believes a violation of 53626  
division (B)(6) of section 4762.13 of the Revised Code has 53627  
occurred shall report the information upon which the belief is 53628  
based to the monitoring organization conducting the program 53629  
established by the board under section 4731.251 of the Revised 53630  
Code. If any such report is made to the board, it shall be 53631  
referred to the monitoring organization unless the board is aware 53632  
that the individual who is the subject of the report does not meet 53633  
the program eligibility requirements of section 4731.252 of the 53634  
Revised Code. 53635

(C) Any professional association or society composed 53636  
primarily of oriental medicine practitioners or acupuncturists 53637  
that suspends or revokes an individual's membership for violations 53638  
of professional ethics, or for reasons of professional 53639  
incompetence or professional malpractice, within sixty days after 53640  
a final decision, shall report to the board, on forms prescribed 53641  
and provided by the board, the name of the individual, the action 53642  
taken by the professional organization, and a summary of the 53643  
underlying facts leading to the action taken. 53644

The filing of a report with the board or decision not to file 53645  
a report, investigation by the board, or any disciplinary action 53646  
taken by the board, does not preclude a professional organization 53647  
from taking disciplinary action against an individual. 53648

(D) Any insurer providing professional liability insurance to 53649  
any person holding a valid ~~certificate~~ license to practice as an 53650  
oriental medicine practitioner or valid ~~certificate~~ license to 53651  
practice as an acupuncturist or any other entity that seeks to 53652  
indemnify the professional liability of an oriental medicine 53653

practitioner or acupuncturist shall notify the board within thirty 53654  
days after the final disposition of any written claim for damages 53655  
where such disposition results in a payment exceeding twenty-five 53656  
thousand dollars. The notice shall contain the following 53657  
information: 53658

(1) The name and address of the person submitting the 53659  
notification; 53660

(2) The name and address of the insured who is the subject of 53661  
the claim; 53662

(3) The name of the person filing the written claim; 53663

(4) The date of final disposition; 53664

(5) If applicable, the identity of the court in which the 53665  
final disposition of the claim took place. 53666

(E) The board may investigate possible violations of this 53667  
chapter or the rules adopted under it that are brought to its 53668  
attention as a result of the reporting requirements of this 53669  
section, except that the board shall conduct an investigation if a 53670  
possible violation involves repeated malpractice. As used in this 53671  
division, "repeated malpractice" means three or more claims for 53672  
malpractice within the previous five-year period, each resulting 53673  
in a judgment or settlement in excess of twenty-five thousand 53674  
dollars in favor of the claimant, and each involving negligent 53675  
conduct by the oriental medicine practitioner or acupuncturist. 53676

(F) All summaries, reports, and records received and 53677  
maintained by the board pursuant to this section shall be held in 53678  
confidence and shall not be subject to discovery or introduction 53679  
in evidence in any federal or state civil action involving an 53680  
oriental medicine practitioner, acupuncturist, supervising 53681  
physician, or health care facility arising out of matters that are 53682  
the subject of the reporting required by this section. The board 53683  
may use the information obtained only as the basis for an 53684

investigation, as evidence in a disciplinary hearing against an 53685  
oriental medicine practitioner, acupuncturist, or supervising 53686  
physician, or in any subsequent trial or appeal of a board action 53687  
or order. 53688

The board may disclose the summaries and reports it receives 53689  
under this section only to health care facility committees within 53690  
or outside this state that are involved in credentialing or 53691  
recredentialing an oriental medicine practitioner, acupuncturist, 53692  
or supervising physician or reviewing their privilege to practice 53693  
within a particular facility. The board shall indicate whether or 53694  
not the information has been verified. Information transmitted by 53695  
the board shall be subject to the same confidentiality provisions 53696  
as when maintained by the board. 53697

(G) Except for reports filed by an individual pursuant to 53698  
division (B) of this section, the board shall send a copy of any 53699  
reports or summaries it receives pursuant to this section to the 53700  
acupuncturist. The oriental medicine practitioner or acupuncturist 53701  
shall have the right to file a statement with the board concerning 53702  
the correctness or relevance of the information. The statement 53703  
shall at all times accompany that part of the record in 53704  
contention. 53705

(H) An individual or entity that reports to the board, 53706  
reports to the monitoring organization described in section 53707  
4731.251 of the Revised Code, or refers an impaired oriental 53708  
medicine practitioner or impaired acupuncturist to a treatment 53709  
provider approved by the board under section 4731.25 of the 53710  
Revised Code shall not be subject to suit for civil damages as a 53711  
result of the report, referral, or provision of the information. 53712

(I) In the absence of fraud or bad faith, a professional 53713  
association or society of oriental medicine practitioners or 53714  
acupuncturists that sponsors a committee or program to provide 53715  
peer assistance to an oriental medicine practitioner or 53716

acupuncturist with substance abuse problems, a representative or 53717  
agent of such a committee or program, a representative or agent of 53718  
the monitoring organization described in section 4731.251 of the 53719  
Revised Code, and a member of the state medical board shall not be 53720  
held liable in damages to any person by reason of actions taken to 53721  
refer an oriental medicine practitioner or acupuncturist to a 53722  
treatment provider approved under section 4731.25 of the Revised 53723  
Code for examination or treatment. 53724

**Sec. 4762.18.** (A) Subject to division (E) of this section, 53725  
the attorney general, the prosecuting attorney of any county in 53726  
which the offense was committed or the offender resides, the state 53727  
medical board, or any other person having knowledge of a person 53728  
engaged either directly or by complicity in the practice of 53729  
oriental medicine or acupuncture without having first obtained a 53730  
~~certificate~~ license to do so pursuant to this chapter, may, in 53731  
accord with provisions of the Revised Code governing injunctions, 53732  
maintain an action in the name of the state to enjoin any person 53733  
from engaging either directly or by complicity in the unlawful 53734  
practice of oriental medicine or acupuncture by applying for an 53735  
injunction in any court of competent jurisdiction. 53736

(B) Prior to application for an injunction under division (A) 53737  
of this section, the secretary of the state medical board shall 53738  
notify the person allegedly engaged either directly or by 53739  
complicity in the unlawful practice of oriental medicine or 53740  
acupuncture by registered mail that the secretary has received 53741  
information indicating that this person is so engaged. The person 53742  
shall answer the secretary within thirty days showing that the 53743  
person is either properly licensed for the stated activity or that 53744  
the person is not in violation of this chapter. If the answer is 53745  
not forthcoming within thirty days after notice by the secretary, 53746  
the secretary shall request that the attorney general, the 53747  
prosecuting attorney of the county in which the offense was 53748

committed or the offender resides, or the state medical board 53749  
proceed as authorized in this section. 53750

(C) Upon the filing of a verified petition in court, the 53751  
court shall conduct a hearing on the petition and shall give the 53752  
same preference to this proceeding as is given all proceedings 53753  
under Chapter 119. of the Revised Code, irrespective of the 53754  
position of the proceeding on the calendar of the court. 53755

(D) Injunction proceedings as authorized by this section 53756  
shall be in addition to, and not in lieu of, all penalties and 53757  
other remedies provided in this chapter. 53758

(E) An injunction proceeding permitted by division (A) of 53759  
this section may not be maintained against a person described in 53760  
division (B) of section 4762.02 of the Revised Code or a 53761  
chiropractor who holds a valid certificate to practice acupuncture 53762  
issued under section 4734.283 of the Revised Code. 53763

**Sec. 4762.22.** An individual who holds a ~~certificate~~ license 53764  
to practice as an oriental medicine practitioner or ~~certificate~~ 53765  
license to practice as an acupuncturist issued under this chapter 53766  
shall have professional liability insurance coverage in an amount 53767  
that is not less than five hundred thousand dollars. 53768

**Sec. 4763.16.** (A) The real estate appraiser recovery fund is 53769  
hereby created in the state treasury, to be administered by the 53770  
superintendent of real estate. The treasurer of state shall credit 53771  
to the fund amounts collected by the superintendent as prescribed 53772  
in this section and interest earned on the assets of the fund. The 53773  
superintendent shall ascertain the balance of the fund as of the 53774  
first day of October of each year. If that balance is less than 53775  
~~five~~ two hundred thousand dollars at any time, the director of 53776  
budget and management, upon the request of the superintendent and 53777  
approval of the controlling board, may transfer from the real 53778

estate appraiser operating fund to the real estate appraiser 53779  
recovery fund a sum as will bring the real estate appraiser 53780  
recovery fund to that amount. 53781

(B) When any person obtains a final judgment in any court of 53782  
competent jurisdiction against a certificate holder, registrant, 53783  
or licensee, based upon conduct that is in violation of this 53784  
chapter or the rules adopted under it, which conduct occurred on 53785  
or after the date of their certification, registration, or 53786  
licensure, and that is associated with an act or transaction of a 53787  
certificate holder, registrant, or licensee specified in this 53788  
chapter, that person may file a verified complaint, as described 53789  
in this division, in the Franklin county court of common pleas for 53790  
an order directing payment out of the real estate appraiser 53791  
recovery fund of the portion of the judgment that remains unpaid 53792  
and that represents the actual and direct loss of the person for 53793  
the act or transaction upon which the underlying judgment was 53794  
based, and court costs, if awarded in the underlying judgment, 53795  
provided that no person shall receive more than ten thousand 53796  
dollars from the fund for any one judgment. A bonding or insurance 53797  
company or any partnership, corporation, or association that uses 53798  
any tool to develop a valuation of real property for purposes of a 53799  
loan or that employs, retains, or engages as an independent 53800  
contractor a person licensed, registered, or certified as a real 53801  
estate appraiser in its usual or occasional operations may not 53802  
seek an order directing, and is not eligible for, payment out of 53803  
the fund. Punitive or exemplary damages are not recoverable from 53804  
the fund. 53805

The complaint shall specify the nature of the act or 53806  
transaction upon which the underlying judgment was based, the 53807  
activities of the applicant in pursuit of remedies available under 53808  
law for the collection of judgments, and the amount of the fee 53809  
paid by the applicant to the certificate holder, registrant, or 53810

licensee. The applicant shall attach to the complaint a copy of 53811  
each pleading and order in the underlying court action. 53812

The Franklin county court of common pleas shall order the 53813  
superintendent to make payments out of the fund when the person 53814  
seeking the order has shown all of the following: 53815

(1) The person has obtained a judgment, as provided in this 53816  
division; 53817

(2) All appeals from the judgment have been exhausted and the 53818  
person has given notice to the superintendent, as required by 53819  
division (C) of this section; 53820

(3) The person is not a spouse of the certificate holder, 53821  
registrant, or licensee, or the personal representative of the 53822  
spouse; 53823

(4) The person has diligently pursued the person's remedies 53824  
against all the certificate holders, registrants, licensees, and 53825  
all other persons liable to the person in the transaction for 53826  
which the person seeks recovery from the fund; 53827

(5) The person is making a complaint not more than one year 53828  
after termination of all proceedings, including appeals, in 53829  
connection with the judgment. 53830

(C) A person who applies to the Franklin county court of 53831  
common pleas for an order directing payment out of the fund shall 53832  
file notice of the complaint with the superintendent. The 53833  
superintendent shall send notice to the affected certificate 53834  
holder, registrant, or licensee, where possible. The 53835  
superintendent may defend the action on behalf of the fund and 53836  
shall have recourse to all appropriate means of defense and 53837  
review, including examination of witnesses. The superintendent may 53838  
move the court at any time to dismiss the complaint when it 53839  
appears there are no triable issues and the complaint is without 53840  
merit. The motion may be supported by affidavit of any person 53841

having knowledge of the facts and may be made on the basis that 53842  
the complaint, including the judgment referred to in the 53843  
complaint, does not form the basis for a meritorious recovery 53844  
claim. The superintendent may, subject to court approval, 53845  
compromise a claim based upon the complaint of an aggrieved party. 53846  
The superintendent is not bound by any prior compromise or 53847  
stipulation of the certificate holder, registrant, or licensee. 53848  
Upon petition of the superintendent, the court may require all 53849  
claimants and prospective claimants against one certificate 53850  
holder, registrant, or licensee to be joined in one action, to the 53851  
end that the respective rights of all such claimants to the fund 53852  
may be equitably adjudicated and settled. 53853

(D) If the superintendent pays from the fund any amount in 53854  
settlement of a claim or toward satisfaction of a judgment against 53855  
a certificate holder, registrant, or licensee, the certificate, 53856  
registration, or license of the certificate holder, registrant, or 53857  
licensee automatically is suspended upon the date of payment from 53858  
the fund. No certificate, registration, or license that has been 53859  
suspended pursuant to this division shall be reinstated until the 53860  
certificate holder, registrant, or licensee has repaid in full, 53861  
plus interest per annum at the rate specified in division (A) of 53862  
section 1343.03 of the Revised Code, the amount paid from the fund 53863  
on the certificate holder's, registrant's, or licensee's account. 53864  
A discharge in bankruptcy does not relieve a person from the 53865  
suspension and requirements for reinstatement provided in this 53866  
section. 53867

(E) If, at any time, the money deposited in the fund is 53868  
insufficient to satisfy any duly authorized claim or portion of a 53869  
claim, the superintendent shall, when sufficient money has been 53870  
deposited in the fund, satisfy the unpaid claims or portions, in 53871  
the order that the claims or portions were originally filed, plus 53872  
accumulated interest per annum at the rate specified in division 53873

(A) of section 1343.03 of the Revised Code. 53874

(F) When, upon the order of the court, the superintendent has 53875  
paid from the fund any sum to the judgment creditor, the 53876  
superintendent is subrogated to all of the rights of the judgment 53877  
creditor to the extent of the amount so paid, and the judgment 53878  
creditor shall assign all of the judgment creditor's right, title, 53879  
and interest in the judgment to the superintendent to the extent 53880  
of the amount so paid. The superintendent shall deposit in the 53881  
fund any amount and interest so recovered by the superintendent on 53882  
the judgment. 53883

(G) Nothing contained in this section shall limit the 53884  
authority of the real estate appraiser board to take disciplinary 53885  
action against a certificate holder, registrant, or licensee under 53886  
other provisions of this chapter. The repayment in full of all 53887  
obligations to the fund by a certificate holder, registrant, or 53888  
licensee does not nullify or modify the effect of any other 53889  
disciplinary proceeding brought pursuant to this chapter, unless 53890  
repayment is imposed as a condition in that proceeding. 53891

(H) The superintendent shall collect from the fund a service 53892  
fee in an amount equivalent to the interest rate specified in 53893  
division (A) of section 1343.03 of the Revised Code multiplied by 53894  
the annual interest earned on the assets of the fund, to defray 53895  
the expenses incurred in the administration of the fund. 53896

Sec. 4765.60. (A) As used in this section and sections 53897  
4765.601 to 4765.609 of the Revised Code: 53898

(1) "Minor" means an individual under eighteen years of age 53899  
who is not emancipated. 53900

For purposes of this section, an individual under eighteen 53901  
years of age is emancipated only if the individual has married, 53902  
has entered the armed services of the United States, has become 53903

employed and self-sustaining, or otherwise has become independent 53904  
from the care and control of the individual's parent, guardian, or 53905  
legal custodian. 53906

(2) "Prescriber" means any of the following: 53907

(a) An advanced practice registered nurse who holds a 53908  
current, valid license issued under Chapter 4723. of the Revised 53909  
Code and is designated as a clinical nurse specialist, certified 53910  
nurse-midwife, or certified nurse practitioner; 53911

(b) A physician authorized under Chapter 4731. of the Revised 53912  
Code to practice medicine and surgery or osteopathic medicine and 53913  
surgery; 53914

(c) A physician assistant who is licensed under Chapter 4730. 53915  
of the Revised Code, holds a valid prescriber number issued by the 53916  
state medical board, and has been granted physician-delegated 53917  
prescriptive authority. 53918

(3) "Opioid analgesic" has the same meaning as in section 53919  
3719.01 of the Revised Code. 53920

(B) Not later than one year after the effective date of this 53921  
section, the state board of emergency medical, fire, and 53922  
transportation services shall develop a non-opioid directive form. 53923  
The form shall specify that the patient who is the subject of the 53924  
form desires not to be offered, prescribed, administered, 53925  
personally furnished, or otherwise provided with an opioid 53926  
analgesic. When developing the form, the board shall seek input on 53927  
the form's content from all of the following: 53928

(1) Prescribers; 53929

(2) Pharmacists; 53930

(3) Emergency medical services personnel, firefighters, 53931  
volunteer firefighters, and law enforcement officers; 53932

(4) Addiction treatment professionals; 53933

<u>(5) Nursing homes;</u>	53934
<u>(6) Hospitals;</u>	53935
<u>(7) Ambulatory surgical facilities;</u>	53936
<u>(8) Any other constituency that the board determines to be appropriate.</u>	53937 53938
<u>The board shall make the form available on its internet web site. The form shall be made available in a format that can be downloaded free of charge and reproduced.</u>	53939 53940 53941
<u>Sec. 4765.601. A patient's decision to sign a non-opioid directive form is voluntary. A form does not become effective until it is signed by the patient to whom it pertains, or that individual's representative, and is placed in the patient's paper or electronic medical record. In the case of a patient who is a minor, the patient's representative is the patient's parent, guardian, or legal custodian.</u>	53942 53943 53944 53945 53946 53947 53948
<u>An individual who places a signed non-opioid directive form in a patient's medical record, or that individual's delegate, shall notify the state board of pharmacy that the patient has signed a non-opioid directive form and where the form is maintained.</u>	53949 53950 53951 53952 53953
<u>Sec. 4765.602. (A) A non-opioid directive form shall be distributed to both of the following:</u>	53954 53955
<u>(1) Each individual who has completed treatment with a community addiction services provider, as defined in section 5119.01 of the Revised Code, at the time of discharge from such treatment;</u>	53956 53957 53958 53959
<u>(2) Each individual who served a prison term for a drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code, at the time of release from</u>	53960 53961 53962

prison. 53963

(B) An individual who receives a non-opioid directive form as described in this section shall not be pressured to sign it. 53964  
53965

Sec. 4765.603. The state board of emergency medical, fire, and transportation services shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following: 53966  
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(A) Specify procedures to ensure that a signed non-opioid directive form is properly filed in the medical record of the patient to whom it pertains and that a notification of its existence is sent to the state board of pharmacy; 53969  
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(B) If the state board of pharmacy maintains a drug database pursuant to section 4729.75 of the Revised Code, specify a marker or other form of notification that shall be included in that database under the name and patient identifier of a patient who has signed a non-opioid directive form; 53973  
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(C) Specify a procedure for the transmission, sharing, and distribution of a patient's non-opioid directive form between health care providers, health care facilities, emergency medical services personnel, firefighters, volunteer firefighters, and law enforcement officers that ensures that protected health information is disclosed only in a manner that is consistent with applicable state and federal laws regarding the use and disclosure of such information; 53978  
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(D) Specify the circumstances under which a patient may authorize another individual, including an attorney in fact under a durable power of attorney for health care created pursuant to sections 1337.11 to 1337.17 of the Revised Code, to override a patient's non-opioid directive form, and a procedure to accomplish an override. 53986  
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Sec. 4765.604. The patient who is the subject of a non-opioid 53992

directive form, the patient's representative, or, if the patient 53993  
is under eighteen years of age, the patient's parent, guardian, or 53994  
legal custodian, may revoke a non-opioid directive form at any 53995  
time and in any manner that communicates the intent to revoke. 53996  
53997

**Sec. 4765.605.** In an emergency situation, emergency medical 53998  
services personnel, firefighters, volunteer firefighters, and law 53999  
enforcement officers are not required to inquire about the 54000  
existence of a non-opioid directive form for a patient or 54001  
determine if the patient is the subject of a non-opioid directive 54002  
form. If a patient is the subject of a non-opioid directive form, 54003  
if any of the foregoing persons provide care to the patient in an 54004  
emergency situation, and if, at that time, those persons do not 54005  
know that the patient is the subject of a non-opioid directive 54006  
form or if they believe based on their professional judgment that 54007  
the patient's chances of recovery would be substantially improved 54008  
through use of an opioid analgesic, the foregoing persons or 54009  
emergency department personnel are not subject to any of the 54010  
following associated with offering, prescribing, administering, 54011  
personally furnishing, or otherwise providing an opioid analgesic 54012  
to the patient if doing so is otherwise in accordance with 54013  
applicable law: 54014

(A) Criminal prosecution; 54015

(B) Liability for damages in a tort or other civil action for 54016  
injury, death, or loss to person or property; 54017

(C) Professional disciplinary action. 54018

**Sec. 4765.606.** (A) A pharmacist or pharmacy intern to whom a 54019  
valid prescription for an opioid analgesic is presented for 54020  
dispensing is neither required to inquire about the existence of a 54021  
non-opioid directive form for the patient who is the subject of 54022

the prescription nor is required to determine if the patient is 54023  
the subject of a non-opioid directive form. 54024

(B)(1) Except on evidence that a pharmacist or pharmacy 54025  
intern knowingly failed to comply with a patient's non-opioid 54026  
directive form, the pharmacist or pharmacy intern shall not be 54027  
subject to criminal prosecution associated with dispensing the 54028  
opioid analgesic. 54029

(2) Except on evidence that a pharmacist or pharmacy intern 54030  
failed to comply with a patient's non-opioid directive form in a 54031  
manner that constitutes willful or wanton misconduct, the 54032  
pharmacist or pharmacy intern shall not be subject to either of 54033  
the following associated with dispensing the opioid analgesic: 54034

(a) Liability for damages in tort or other civil action for 54035  
injury, death, or loss to person or property; 54036

(b) Professional disciplinary action. 54037

**Sec. 4765.607.** (A) Except on evidence that a prescriber, 54038  
employee or contractor of a prescriber, or delegate of a 54039  
prescriber knowingly failed to comply with a non-opioid directive 54040  
form signed by a patient or the patient's representative, that 54041  
individual shall not be subject to criminal prosecution associated 54042  
with offering, prescribing, administering, personally furnishing, 54043  
or otherwise providing an opioid analgesic to a patient who has an 54044  
effective non-opioid directive form. 54045

(B) Except on evidence that a prescriber, employee or 54046  
contractor of a prescriber, or delegate of a prescriber failed to 54047  
comply with a non-opioid directive form signed by a patient or the 54048  
patient's representative in a manner that constitutes willful or 54049  
wanton misconduct, that individual shall not be subject to 54050  
liability for either of the following associated with offering, 54051  
prescribing, administering, personally furnishing, or otherwise 54052

providing an opioid analgesic to a patient who has an effective 54053  
non-opioid directive form: 54054

(1) Liability for damages in a tort or other civil action for 54055  
injury, death, or loss to person or property; 54056

(2) Professional disciplinary action. 54057

**Sec. 4765.608.** The existence or nonexistence of a non-opioid 54058  
directive form for a patient shall not do any of the following: 54059

(A) Affect in any manner the sale, procurement, issuance, or 54060  
renewal of a policy of life insurance or annuity, notwithstanding 54061  
any term of a policy or annuity to the contrary; 54062

(B) Modify in any manner or invalidate the terms of a policy 54063  
of life insurance or annuity that is in effect on the effective 54064  
date of this section; 54065

(C) Impair or invalidate a policy of life insurance or 54066  
annuity or any health benefit plan. 54067

**Sec. 4765.609.** No prescriber, health care facility, or other 54068  
health care provider, person authorized to engage in the business 54069  
of insurance under this state under Title XXXIX of the Revised 54070  
Code, health insuring corporation, other health care benefit plan, 54071  
legal entity that is self-insured and provides benefits to its 54072  
employees or members, government entity, or other person shall 54073  
require that an individual be the subject of a non-opioid 54074  
directive form, or shall require an individual to revoke or 54075  
refrain from being the subject of a non-opioid directive form, as 54076  
a condition of being insured or receiving health care benefits or 54077  
services. 54078

**Sec. 4766.17.** An air medical service organization licensed 54079  
under this chapter that uses a rotorcraft or fixed wing air 54080  
ambulance shall do both of the following: 54081

(A) Use at a minimum a physician who holds a current, valid 54082  
license issued under Chapter 4731. of the Revised Code or 54083  
registered nurse who holds a current, valid license issued under 54084  
Chapter 4723. of the Revised Code, and a paramedic or one other 54085  
person, designated by the medical director of the air medical 54086  
service organization, who holds a current, valid certificate or 54087  
license to practice a health care profession in this state; 54088

(B) Employ as a medical director an individual who holds a 54089  
current, valid ~~certificate~~ license issued under Chapter 4731. of 54090  
the Revised Code authorizing the practice of medicine and surgery 54091  
or osteopathic medicine and surgery. 54092

**Sec. 4768.09.** (A) ~~Except within the first thirty days after~~ 54093  
~~an appraiser is first added to the appraiser panel of an appraisal~~ 54094  
~~management company, an~~ An appraisal management company shall not 54095  
remove the appraiser from its appraiser panel or otherwise refuse 54096  
to assign requests for real estate appraisal services to the 54097  
appraiser without first doing both of the following: 54098

(1) Notifying the appraiser in writing of the reasons the 54099  
appraiser is being removed from the appraiser panel or is refused 54100  
assignment requests for appraisal services; 54101

(2) Providing the appraiser with an opportunity to respond to 54102  
that notification, in writing, within ten business days after the 54103  
appraisal management company sends the removal notification. 54104

(B) The notice described in division (A)(1) of this section 54105  
shall be sent by a delivery system that delivers letters, 54106  
packages, and other materials in its ordinary course of business 54107  
with traceable delivery and signature receipt. An appraisal 54108  
management company that sends such notice shall keep a copy of the 54109  
notice for at least five years from the date the notice is sent to 54110  
the appraiser. 54111

(C) Nothing in this section prohibits an appraisal management company from suspending an appraiser from receiving assignment requests during the period described in division (A)(2) of this section.

**Sec. 4773.01.** As used in this chapter:

(A) "General x-ray machine operator" means an individual who performs standard, diagnostic, radiologic procedures; whose performance of radiologic procedures is limited to specific body sites; and who does not, to any significant degree, determine the site or dosage of radiation to which a patient is exposed.

(B) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.

(C) "Ionizing radiation" means any electromagnetic or particulate radiation that interacts with atoms to produce ionization in matter, including x-rays, gamma rays, alpha and beta particles, high speed electrons, neutrons, and other nuclear particles.

(D) "Physician" means an individual ~~who holds a certificate issued~~ authorized under Chapter 4731. of the Revised Code ~~authorizing the individual~~ to practice medicine and surgery or osteopathic medicine and surgery.

(E) "Podiatrist" means an individual ~~who holds a certificate issued~~ authorized under Chapter 4731. of the Revised Code ~~authorizing the individual~~ to practice ~~podiatry~~ podiatric medicine and surgery.

(F) "Nuclear medicine technologist" means an individual who prepares and administers radio-pharmaceuticals to human beings and conducts in vivo or in vitro detection and measurement of radioactivity for medical purposes.

(G) "Radiation therapy technologist" means an individual who

utilizes ionizing radiation-generating equipment for therapeutic 54142  
purposes on human subjects. 54143

(H) "Radiographer" means an individual who performs a 54144  
comprehensive scope of diagnostic radiologic procedures employing 54145  
equipment that emits ionizing radiation, exposes radiographs, and 54146  
performs other procedures that contribute significantly to 54147  
determining the site or dosage of ionizing radiation to which a 54148  
patient is exposed. 54149

(I) "Mechanotherapist" means an individual who holds a 54150  
certificate issued under section 4731.15 of the Revised Code 54151  
authorizing the individual to practice mechanotherapy. 54152

**Sec. 4773.02.** (A) Except as provided in division (B) of this 54153  
section, no person shall practice or hold ~~himself~~ self out as a 54154  
general x-ray machine operator, radiographer, radiation therapy 54155  
technologist, or nuclear medicine technologist without a valid 54156  
license issued under this chapter for ~~his~~ the person's area of 54157  
practice. 54158

(B) Division (A) of this section does not apply to any of the 54159  
following: 54160

(1) A physician, podiatrist, mechanotherapist, or 54161  
chiropractor; 54162

(2) An individual licensed under Chapter 4715. of the Revised 54163  
Code to practice dentistry, to practice as a dental hygienist, or 54164  
to practice as a dental x-ray machine operator; 54165

(3) As specified in 42 C.F.R. 75, radiologic personnel 54166  
employed by the federal government or serving in a branch of the 54167  
armed forces of the United States; 54168

(4) Students engaging in any of the activities performed by 54169  
basic x-ray machine operators, radiographers, radiation therapy 54170  
technologists, and nuclear medicine technologists as an integral 54171

part of a program of study leading to receipt of a license issued 54172  
under this chapter, or Chapter 4715., 4731., or Chapter 4734. of 54173  
the Revised Code; ~~or a certificate issued under Chapter 4731. of~~ 54174  
~~the Revised Code.~~ 54175

**Sec. 4773.08.** The director of health shall adopt rules to 54176  
implement and administer this chapter. In adopting the rules, the 54177  
director shall consider any recommendations made by the radiation 54178  
advisory council created under section ~~3701.93~~ 3748.20 of the 54179  
Revised Code. The rules shall be adopted in accordance with 54180  
Chapter 119. of the Revised Code and shall not be less stringent 54181  
than any applicable standards specified in 42 C.F.R. 75. The rules 54182  
shall establish all of the following: 54183

(A) Standards for licensing general x-ray machine operators, 54184  
radiographers, radiation therapy technologists, and nuclear 54185  
medicine technologists; 54186

(B) Application, renewal, and reinstatement fees for licenses 54187  
issued under this chapter that do not exceed the cost incurred in 54188  
issuing, renewing, and reinstating the licenses; 54189

(C) Standards for accreditation of educational programs and 54190  
approval of continuing education programs in general x-ray machine 54191  
operation, radiography, radiation therapy technology, and nuclear 54192  
medicine technology; 54193

(D) Fees for accrediting educational programs and approving 54194  
continuing education programs in general x-ray machine operation, 54195  
radiography, radiation therapy technology, and nuclear medicine 54196  
technology that do not exceed the cost incurred in accrediting the 54197  
educational programs; 54198

(E) Fees for issuing conditional licenses under section 54199  
4773.05 of the Revised Code that do not exceed the cost incurred 54200  
in issuing the licenses; 54201

(F) Continuing education requirements that must be met to have a license renewed or reinstated under section 4773.03 of the Revised Code; 54202  
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(G) Continuing education requirements that the holder of a conditional license must meet to receive a license issued under section 4773.03 of the Revised Code; 54205  
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(H) Any other rules necessary for the implementation or administration of this chapter. 54208  
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**Sec. 4774.02.** (A)(1) Except as provided in division (B) of this section, no person shall practice as a radiologist assistant unless the person holds a current, valid ~~certificate~~ license to practice as a radiologist assistant issued under this chapter. 54210  
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(2) No person shall use the title "radiologist assistant" or otherwise hold the person out as a radiologist assistant, unless the person holds a current, valid ~~certificate~~ license to practice as a radiologist assistant issued under this chapter. 54214  
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(B) Division (A)(1) of this section does not apply to either of the following: 54218  
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(1) A student participating in an advanced academic program that must be completed to receive a ~~certificate~~ license to practice as a radiologist assistant, as those programs are described in division (B)(3) of section 4774.03 of the Revised Code; 54220  
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(2) A person who is otherwise authorized to perform any of the activities that a radiologist assistant is authorized to perform, either pursuant to another provision of the Revised Code or pursuant to the rules adopted by the state medical board under section 4731.053 of the Revised Code governing physician delegation of medical tasks. 54225  
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**Sec. 4774.03.** (A) An individual seeking a ~~certificate~~ license 54231  
to practice as a radiologist assistant shall file with the state 54232  
medical board a written application on a form prescribed and 54233  
supplied by the board. The application shall include all the 54234  
information the board considers necessary to process the 54235  
application, including evidence satisfactory to the board that the 54236  
applicant meets the requirements specified in division (B) of this 54237  
section. 54238

At the time an application is submitted, the applicant shall 54239  
pay the board the application fee specified by the board in rules 54240  
adopted under section 4774.11 of the Revised Code. No part of the 54241  
fee shall be returned. 54242

(B) To be eligible to receive a ~~certificate~~ license to 54243  
practice as a radiologist assistant, an applicant shall meet all 54244  
of the following requirements: 54245

(1) Be at least eighteen years of age and of good moral 54246  
character; 54247

(2) Hold a current, valid license as a radiographer under 54248  
Chapter 4773. of the Revised Code; 54249

(3) Have attained a baccalaureate degree or postbaccalaureate 54250  
certificate from an advanced academic program encompassing a 54251  
nationally recognized radiologist assistant curriculum that 54252  
includes a radiologist-directed clinical preceptorship; 54253

(4) Hold current certification as a registered radiologist 54254  
assistant from the American registry of radiologic technologists 54255  
and have attained the certification by meeting the standard 54256  
certification requirements established by the registry, including 54257  
the registry's requirements for documenting clinical education in 54258  
the form of a clinical portfolio and passing an examination to 54259  
determine competence to practice; 54260

(5) Hold current certification in advanced cardiac life support. 54261  
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(C) The board shall review all applications received under this section. Not later than sixty days after receiving an application the board considers to be complete, the board shall determine whether the applicant meets the requirements to receive a certificate license to practice as a radiologist assistant. ~~The affirmative vote of not fewer than six members of the board is required to determine that the applicant meets the requirements for a certificate to practice as a radiologist assistant.~~ 54263  
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**Sec. 4774.031.** In addition to any other eligibility requirement set forth in this chapter, each applicant for a certificate license to practice as a radiologist assistant shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state medical board shall not grant to an applicant a certificate license to practice as a radiologist assistant unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate license issued pursuant to section 4774.04 of the Revised Code. 54271  
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**Sec. 4774.04.** If the state medical board determines under section 4774.03 of the Revised Code that an applicant meets the requirements for a certificate license to practice as a radiologist assistant, the secretary of the board shall register the applicant as a radiologist assistant and issue to the applicant a certificate license to practice as a radiologist assistant. The certificate license shall be valid for a two-year period unless revoked or suspended, shall expire biennially on the date that is two years after the date of issuance, and may be renewed for additional two-year periods in accordance with section 4774.06 of the Revised Code. 54281  
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**Sec. 4774.05.** On application by the holder of a ~~certificate~~ license to practice as a radiologist assistant, the state medical board shall issue a duplicate ~~certificate~~ license to replace one that is missing or damaged, to reflect a name change, or for any other reasonable cause. The fee for a duplicate ~~certificate~~ license is thirty-five dollars.

**Sec. 4774.06.** (A) An individual seeking to renew a ~~certificate~~ license to practice as a radiologist assistant shall, on or before the ~~thirty first day of January of each even numbered year~~ license's expiration date, apply to the state medical board for renewal ~~of the certificate~~. The ~~state medical~~ board shall provide renewal notices to license holders at least one month prior to the expiration date.

Renewal applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee specified by the board in rules adopted under section 4774.11 of the Revised Code.

The applicant shall report any criminal offense that constitutes grounds for refusing to issue a ~~certificate~~ license under section 4774.13 of the Revised Code to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a ~~certificate~~ license to practice as a radiologist assistant.

(B) To be eligible for renewal, a radiologist assistant shall certify to the board that the assistant has maintained both of the following:

(1) A license as a radiographer under Chapter 4773. of the Revised Code;

(2) Certification as a registered radiologist assistant from 54322  
the American registry of radiologic technologists by meeting the 54323  
registry's requirements for annual registration, including 54324  
completion of the continuing education requirements established by 54325  
the registry. 54326

(C) If an applicant submits a renewal application that the 54327  
board considers to be complete and qualifies for renewal pursuant 54328  
to division (B) of this section, the board shall issue to the 54329  
applicant a renewed ~~certificate~~ license to practice as a 54330  
radiologist assistant. 54331

(D) A ~~certificate to practice~~ license that is not renewed on 54332  
or before its expiration date is automatically suspended on its 54333  
expiration date, subject to the provisions of section 119.06 of 54334  
the Revised Code specifying that an applicant who appropriately 54335  
files a renewal application is not required to discontinue 54336  
practicing merely because the board has failed to act on the 54337  
application. ~~If~~ 54338

If a ~~certificate~~ license has been suspended pursuant to this 54339  
division for two years or less, the board shall reinstate the 54340  
~~certificate~~ license upon an applicant's submission of a renewal 54341  
application, the biennial renewal fee, and the applicable monetary 54342  
penalty. The penalty for reinstatement is twenty-five dollars. ~~If~~ 54343

If a ~~certificate~~ license has been suspended pursuant to this 54344  
division for more than two years, it may be restored. Subject to 54345  
section 4774.061 of the Revised Code, the board may restore the 54346  
license upon an applicant's submission of a restoration 54347  
application, the biennial renewal fee, and the applicable monetary 54348  
penalty and compliance with sections 4776.01 to 4776.04 of the 54349  
Revised Code. The board shall not restore a ~~certificate~~ license 54350  
unless the board, in its discretion, decides that the results of 54351  
the criminal records check do not make the applicant ineligible 54352  
for a certificate issued pursuant to section 4774.04 of the 54353

Revised Code. The penalty for restoration is fifty dollars. 54354

Sec. 4774.061. (A) This section applies to both of the 54355  
following: 54356

(1) An applicant seeking restoration of a license issued 54357  
under this chapter that has been in a suspended or inactive state 54358  
for any cause for more than two years; 54359

(2) An applicant seeking issuance of a license pursuant to 54360  
this chapter who for more than two years has not been practicing 54361  
as a radiologist assistant as either of the following: 54362

(a) An active practitioner; 54363

(b) A student in an academic program as described in section 54364  
4774.03 of the Revised Code. 54365

(B) Before issuing a license to an applicant subject to this 54366  
section or restoring a license to good standing for an applicant 54367  
subject to this section, the state medical board may impose terms 54368  
and conditions including any one or more of the following: 54369

(1) Requiring the applicant to pass an oral or written 54370  
examination, or both, to determine the applicant's present fitness 54371  
to resume practice; 54372

(2) Requiring the applicant to obtain additional training and 54373  
to pass an examination upon completion of such training; 54374

(3) Requiring an assessment of the applicant's physical 54375  
skills for purposes of determining whether the applicant's 54376  
coordination, fine motor skills, and dexterity are sufficient for 54377  
performing evaluations and procedures in a manner that meets the 54378  
minimal standards of care; 54379

(4) Requiring an assessment of the applicant's skills in 54380  
recognizing and understanding diseases and conditions; 54381

(5) Requiring the applicant to undergo a comprehensive 54382

physical examination, which may include an assessment of physical 54383  
abilities, evaluation of sensory capabilities, or screening for 54384  
the presence of neurological disorders; 54385

(6) Restricting or limiting the extent, scope, or type of 54386  
practice of the applicant. 54387

The board shall consider the moral background and the 54388  
activities of the applicant during the period of suspension or 54389  
inactivity. The board shall not issue or restore a license under 54390  
this section unless the applicant complies with sections 4776.01 54391  
to 4776.04 of the Revised Code. 54392

**Sec. 4774.09.** At all times when an individual who is a 54393  
radiologist assistant is providing direct patient care, the 54394  
individual shall display in an appropriate manner the title 54395  
"radiologist assistant" as a means of identifying the individual's 54396  
authority to practice under this chapter. 54397

In the case of an individual who is a student participating 54398  
in an advanced academic program that must be completed to receive 54399  
a ~~certificate~~ license to practice as a radiologist assistant, as 54400  
those programs are described in division (B)(3) of section 4774.03 54401  
of the Revised Code, when the individual is providing direct 54402  
patient care or is otherwise involved with direct patient care 54403  
under the program, the individual shall display in an appropriate 54404  
manner the title "student radiologist assistant" or another 54405  
appropriate designation as a means of identifying the individual 54406  
as a student participating in the program. 54407

**Sec. 4774.11.** (A) The state medical board shall adopt rules 54408  
in accordance with Chapter 119. of the Revised Code to implement 54409  
and administer this chapter. In adopting the rules, the board 54410  
shall take into consideration the guidelines adopted by the 54411  
American college of radiology, the American society of radiologic 54412

technologists, and the American registry of radiologic 54413  
technologists. 54414

(B) The rules adopted under this section shall include all of 54415  
the following: 54416

(1) Standards and procedures for issuing and renewing 54417  
~~certificates~~ licenses to practice as a radiologist assistant; 54418

(2) Application fees for an initial or renewed ~~certificate to~~ 54419  
~~practice~~ license; 54420

(3) Any additional radiologic procedures that radiologist 54421  
assistants may perform pursuant to division (A)(5) of section 54422  
4774.08 of the Revised Code and the level of supervision that the 54423  
supervising radiologist is required to provide pursuant to section 54424  
4774.10 of the Revised Code; 54425

(4) Definitions of "general anesthesia," "deep sedation," 54426  
"moderate sedation," and "minimal sedation"; 54427

(5) Any other standards and procedures the board considers 54428  
necessary to govern the practice of radiologist assistants, the 54429  
supervisory relationship between radiologist assistants and 54430  
supervising radiologists, and the administration and enforcement 54431  
of this chapter. 54432

**Sec. 4774.13.** (A) The state medical board, by an affirmative 54433  
vote of not fewer than six members, may revoke or may refuse to 54434  
grant a ~~certificate~~ license to practice as a radiologist assistant 54435  
to an individual found by the board to have committed fraud, 54436  
misrepresentation, or deception in applying for or securing the 54437  
~~certificate~~ license. 54438

(B) The board, by an affirmative vote of not fewer than six 54439  
members, shall, to the extent permitted by law, limit, revoke, or 54440  
suspend an individual's ~~certificate~~ license to practice as a 54441

radiologist assistant, refuse to issue a ~~certificate~~ license to an 54442  
applicant, refuse to renew a ~~certificate~~ license, refuse to 54443  
reinstate a ~~certificate~~ license, or reprimand or place on 54444  
probation the holder of a ~~certificate~~ license for any of the 54445  
following reasons: 54446

(1) Permitting the holder's name or ~~certificate~~ license to be 54447  
used by another person; 54448

(2) Failure to comply with the requirements of this chapter, 54449  
Chapter 4731. of the Revised Code, or any rules adopted by the 54450  
board; 54451

(3) Violating or attempting to violate, directly or 54452  
indirectly, or assisting in or abetting the violation of, or 54453  
conspiring to violate, any provision of this chapter, Chapter 54454  
4731. of the Revised Code, or the rules adopted by the board; 54455

(4) A departure from, or failure to conform to, minimal 54456  
standards of care of similar practitioners under the same or 54457  
similar circumstances whether or not actual injury to the patient 54458  
is established; 54459

(5) Inability to practice according to acceptable and 54460  
prevailing standards of care by reason of mental illness or 54461  
physical illness, including physical deterioration that adversely 54462  
affects cognitive, motor, or perceptive skills; 54463

(6) Impairment of ability to practice according to acceptable 54464  
and prevailing standards of care because of habitual or excessive 54465  
use or abuse of drugs, alcohol, or other substances that impair 54466  
ability to practice; 54467

(7) Willfully betraying a professional confidence; 54468

(8) Making a false, fraudulent, deceptive, or misleading 54469  
statement in securing or attempting to secure a ~~certificate~~ 54470  
license to practice as a radiologist assistant. 54471

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;

(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(16) A plea of guilty to, a judicial finding of guilt of, or

a judicial finding of eligibility for intervention in lieu of 54502  
conviction for violating any state or federal law regulating the 54503  
possession, distribution, or use of any drug, including 54504  
trafficking in drugs; 54505

(17) Any of the following actions taken by the state agency 54506  
responsible for regulating the practice of radiologist assistants 54507  
in another jurisdiction, for any reason other than the nonpayment 54508  
of fees: the limitation, revocation, or suspension of an 54509  
individual's license to practice; acceptance of an individual's 54510  
license surrender; denial of a license; refusal to renew or 54511  
reinstate a license; imposition of probation; or issuance of an 54512  
order of censure or other reprimand; 54513

(18) Violation of the conditions placed by the board on a 54514  
~~certificate~~ license to practice as a radiologist assistant; 54515

(19) Failure to use universal blood and body fluid 54516  
precautions established by rules adopted under section 4731.051 of 54517  
the Revised Code; 54518

(20) Failure to cooperate in an investigation conducted by 54519  
the board under section 4774.14 of the Revised Code, including 54520  
failure to comply with a subpoena or order issued by the board or 54521  
failure to answer truthfully a question presented by the board at 54522  
a deposition or in written interrogatories, except that failure to 54523  
cooperate with an investigation shall not constitute grounds for 54524  
discipline under this section if a court of competent jurisdiction 54525  
has issued an order that either quashes a subpoena or permits the 54526  
individual to withhold the testimony or evidence in issue; 54527

(21) Failure to maintain a license as a radiographer under 54528  
Chapter 4773. of the Revised Code; 54529

(22) Failure to maintain certification as a registered 54530  
radiologist assistant from the American registry of radiologic 54531  
technologists, including revocation by the registry of the 54532

assistant's certification or failure by the assistant to meet the 54533  
registry's requirements for annual registration, or failure to 54534  
notify the board that the certification as a registered 54535  
radiologist assistant has not been maintained; 54536

(23) Failure to comply with any of the rules of ethics 54537  
included in the standards of ethics established by the American 54538  
registry of radiologic technologists, as those rules apply to an 54539  
individual who holds the registry's certification as a registered 54540  
radiologist assistant. 54541

(C) Disciplinary actions taken by the board under divisions 54542  
(A) and (B) of this section shall be taken pursuant to an 54543  
adjudication under Chapter 119. of the Revised Code, except that 54544  
in lieu of an adjudication, the board may enter into a consent 54545  
agreement with a radiologist assistant or applicant to resolve an 54546  
allegation of a violation of this chapter or any rule adopted 54547  
under it. A consent agreement, when ratified by an affirmative 54548  
vote of not fewer than six members of the board, shall constitute 54549  
the findings and order of the board with respect to the matter 54550  
addressed in the agreement. If the board refuses to ratify a 54551  
consent agreement, the admissions and findings contained in the 54552  
consent agreement shall be of no force or effect. 54553

(D) For purposes of divisions (B)(11), (14), and (15) of this 54554  
section, the commission of the act may be established by a finding 54555  
by the board, pursuant to an adjudication under Chapter 119. of 54556  
the Revised Code, that the applicant or ~~certificate~~ license holder 54557  
committed the act in question. The board shall have no 54558  
jurisdiction under these divisions in cases where the trial court 54559  
renders a final judgment in the ~~certificate~~ license holder's favor 54560  
and that judgment is based upon an adjudication on the merits. The 54561  
board shall have jurisdiction under these divisions in cases where 54562  
the trial court issues an order of dismissal on technical or 54563  
procedural grounds. 54564

(E) The sealing of conviction records by any court shall have 54565  
no effect on a prior board order entered under the provisions of 54566  
this section or on the board's jurisdiction to take action under 54567  
the provisions of this section if, based upon a plea of guilty, a 54568  
judicial finding of guilt, or a judicial finding of eligibility 54569  
for intervention in lieu of conviction, the board issued a notice 54570  
of opportunity for a hearing prior to the court's order to seal 54571  
the records. The board shall not be required to seal, destroy, 54572  
redact, or otherwise modify its records to reflect the court's 54573  
sealing of conviction records. 54574

(F) For purposes of this division, any individual who holds a 54575  
~~certificate~~ license to practice as a radiologist assistant issued 54576  
under this chapter, or applies for a ~~certificate to practice~~ 54577  
license, shall be deemed to have given consent to submit to a 54578  
mental or physical examination when directed to do so in writing 54579  
by the board and to have waived all objections to the 54580  
admissibility of testimony or examination reports that constitute 54581  
a privileged communication. 54582

(1) In enforcing division (B)(5) of this section, the board, 54583  
on a showing of a possible violation, may compel any individual 54584  
who holds a ~~certificate~~ license to practice as a radiologist 54585  
assistant issued under this chapter or who has applied for a 54586  
~~certificate to practice~~ license to submit to a mental or physical 54587  
examination, or both. A physical examination may include an HIV 54588  
test. The expense of the examination is the responsibility of the 54589  
individual compelled to be examined. Failure to submit to a mental 54590  
or physical examination or consent to an HIV test ordered by the 54591  
board constitutes an admission of the allegations against the 54592  
individual unless the failure is due to circumstances beyond the 54593  
individual's control, and a default and final order may be entered 54594  
without the taking of testimony or presentation of evidence. If 54595  
the board finds a radiologist assistant unable to practice because 54596

of the reasons set forth in division (B)(5) of this section, the 54597  
board shall require the radiologist assistant to submit to care, 54598  
counseling, or treatment by physicians approved or designated by 54599  
the board, as a condition for an initial, continued, reinstated, 54600  
or renewed ~~certificate to practice~~ license. An individual affected 54601  
by this division shall be afforded an opportunity to demonstrate 54602  
to the board the ability to resume practicing in compliance with 54603  
acceptable and prevailing standards of care. 54604

(2) For purposes of division (B)(6) of this section, if the 54605  
board has reason to believe that any individual who holds a 54606  
~~certificate~~ license to practice as a radiologist assistant issued 54607  
under this chapter or any applicant for a ~~certificate to practice~~ 54608  
license suffers such impairment, the board may compel the 54609  
individual to submit to a mental or physical examination, or both. 54610  
The expense of the examination is the responsibility of the 54611  
individual compelled to be examined. Any mental or physical 54612  
examination required under this division shall be undertaken by a 54613  
treatment provider or physician qualified to conduct such 54614  
examination and chosen by the board. 54615

Failure to submit to a mental or physical examination ordered 54616  
by the board constitutes an admission of the allegations against 54617  
the individual unless the failure is due to circumstances beyond 54618  
the individual's control, and a default and final order may be 54619  
entered without the taking of testimony or presentation of 54620  
evidence. If the board determines that the individual's ability to 54621  
practice is impaired, the board shall suspend the individual's 54622  
~~certificate~~ license or deny the individual's application and shall 54623  
require the individual, as a condition for an initial, continued, 54624  
reinstated, or renewed ~~certificate~~ license to practice, to submit 54625  
to treatment. 54626

Before being eligible to apply for reinstatement of a 54627  
~~certificate~~ license suspended under this division, the radiologist 54628

assistant shall demonstrate to the board the ability to resume 54629  
practice in compliance with acceptable and prevailing standards of 54630  
care. The demonstration shall include the following: 54631

(a) Certification from a treatment provider approved under 54632  
section 4731.25 of the Revised Code that the individual has 54633  
successfully completed any required inpatient treatment; 54634

(b) Evidence of continuing full compliance with an aftercare 54635  
contract or consent agreement; 54636

(c) Two written reports indicating that the individual's 54637  
ability to practice has been assessed and that the individual has 54638  
been found capable of practicing according to acceptable and 54639  
prevailing standards of care. The reports shall be made by 54640  
individuals or providers approved by the board for making such 54641  
assessments and shall describe the basis for their determination. 54642

The board may reinstate a ~~certificate~~ license suspended under 54643  
this division after such demonstration and after the individual 54644  
has entered into a written consent agreement. 54645

When the impaired radiologist assistant resumes practice, the 54646  
board shall require continued monitoring of the radiologist 54647  
assistant. The monitoring shall include monitoring of compliance 54648  
with the written consent agreement entered into before 54649  
reinstatement or with conditions imposed by board order after a 54650  
hearing, and, on termination of the consent agreement, submission 54651  
to the board for at least two years of annual written progress 54652  
reports made under penalty of falsification stating whether the 54653  
radiologist assistant has maintained sobriety. 54654

(G) If the secretary and supervising member determine that 54655  
there is clear and convincing evidence that a radiologist 54656  
assistant has violated division (B) of this section and that the 54657  
individual's continued practice presents a danger of immediate and 54658  
serious harm to the public, they may recommend that the board 54659

suspend the individual's ~~certificate~~ license to practice without a 54660  
prior hearing. Written allegations shall be prepared for 54661  
consideration by the board. 54662

The board, on review of the allegations and by an affirmative 54663  
vote of not fewer than six of its members, excluding the secretary 54664  
and supervising member, may suspend a ~~certificate~~ license without 54665  
a prior hearing. A telephone conference call may be utilized for 54666  
reviewing the allegations and taking the vote on the summary 54667  
suspension. 54668

The board shall issue a written order of suspension by 54669  
certified mail or in person in accordance with section 119.07 of 54670  
the Revised Code. The order shall not be subject to suspension by 54671  
the court during pendency of any appeal filed under section 119.12 54672  
of the Revised Code. If the radiologist assistant requests an 54673  
adjudicatory hearing by the board, the date set for the hearing 54674  
shall be within fifteen days, but not earlier than seven days, 54675  
after the radiologist assistant requests the hearing, unless 54676  
otherwise agreed to by both the board and the ~~certificate~~ license 54677  
holder. 54678

A summary suspension imposed under this division shall remain 54679  
in effect, unless reversed on appeal, until a final adjudicative 54680  
order issued by the board pursuant to this section and Chapter 54681  
119. of the Revised Code becomes effective. The board shall issue 54682  
its final adjudicative order within sixty days after completion of 54683  
its hearing. Failure to issue the order within sixty days shall 54684  
result in dissolution of the summary suspension order, but shall 54685  
not invalidate any subsequent, final adjudicative order. 54686

(H) If the board takes action under division (B)(10), (12), 54687  
or (13) of this section, and the judicial finding of guilt, guilty 54688  
plea, or judicial finding of eligibility for intervention in lieu 54689  
of conviction is overturned on appeal, on exhaustion of the 54690  
criminal appeal, a petition for reconsideration of the order may 54691

be filed with the board along with appropriate court documents. On 54692  
receipt of a petition and supporting court documents, the board 54693  
shall reinstate the ~~certificate~~ license to practice as a 54694  
radiologist assistant. The board may then hold an adjudication 54695  
under Chapter 119. of the Revised Code to determine whether the 54696  
individual committed the act in question. Notice of opportunity 54697  
for hearing shall be given in accordance with Chapter 119. of the 54698  
Revised Code. If the board finds, pursuant to an adjudication held 54699  
under this division, that the individual committed the act, or if 54700  
no hearing is requested, it may order any of the sanctions 54701  
specified in division (B) of this section. 54702

(I) The ~~certificate~~ license to practice of a radiologist 54703  
assistant and the assistant's practice in this state are 54704  
automatically suspended as of the date the radiologist assistant 54705  
pleads guilty to, is found by a judge or jury to be guilty of, or 54706  
is subject to a judicial finding of eligibility for intervention 54707  
in lieu of conviction in this state or treatment of intervention 54708  
in lieu of conviction in another jurisdiction for any of the 54709  
following criminal offenses in this state or a substantially 54710  
equivalent criminal offense in another jurisdiction: aggravated 54711  
murder, murder, voluntary manslaughter, felonious assault, 54712  
kidnapping, rape, sexual battery, gross sexual imposition, 54713  
aggravated arson, aggravated robbery, or aggravated burglary. 54714  
Continued practice after the suspension shall be considered 54715  
practicing without a ~~certificate~~ license. 54716

The board shall notify the individual subject to the 54717  
suspension by certified mail or in person in accordance with 54718  
section 119.07 of the Revised Code. If an individual whose 54719  
~~certificate~~ license is suspended under this division fails to make 54720  
a timely request for an adjudication under Chapter 119. of the 54721  
Revised Code, the board shall enter a final order permanently 54722  
revoking the individual's ~~certificate to practice~~ license. 54723

(J) In any instance in which the board is required by Chapter 54724  
119. of the Revised Code to give notice of opportunity for hearing 54725  
and the individual subject to the notice does not timely request a 54726  
hearing in accordance with section 119.07 of the Revised Code, the 54727  
board is not required to hold a hearing, but may adopt, by an 54728  
affirmative vote of not fewer than six of its members, a final 54729  
order that contains the board's findings. In the final order, the 54730  
board may order any of the sanctions identified under division (A) 54731  
or (B) of this section. 54732

(K) Any action taken by the board under division (B) of this 54733  
section resulting in a suspension shall be accompanied by a 54734  
written statement of the conditions under which the radiologist 54735  
assistant's ~~certificate~~ license may be reinstated. The board shall 54736  
adopt rules in accordance with Chapter 119. of the Revised Code 54737  
governing conditions to be imposed for reinstatement. 54738  
Reinstatement of a ~~certificate~~ license suspended pursuant to 54739  
division (B) of this section requires an affirmative vote of not 54740  
fewer than six members of the board. 54741

(L) When the board refuses to grant or issue a ~~certificate~~ 54742  
license to practice as a radiologist assistant to an applicant, 54743  
revokes an individual's ~~certificate~~ license, refuses to renew an 54744  
individual's ~~certificate~~ license, or refuses to reinstate an 54745  
individual's ~~certificate~~ license, the board may specify that its 54746  
action is permanent. An individual subject to a permanent action 54747  
taken by the board is forever thereafter ineligible to hold a 54748  
~~certificate~~ license to practice as a radiologist assistant and the 54749  
board shall not accept an application for reinstatement of the 54750  
~~certificate~~ license or for issuance of a new ~~certificate~~ license. 54751

(M) Notwithstanding any other provision of the Revised Code, 54752  
all of the following apply: 54753

(1) The surrender of a ~~certificate~~ license to practice as a 54754  
radiologist assistant issued under this chapter is not effective 54755

unless or until accepted by the board. Reinstatement of a 54756  
~~eertificate~~ license surrendered to the board requires an 54757  
affirmative vote of not fewer than six members of the board. 54758

(2) An application made under this chapter for a ~~certificate~~ 54759  
license to practice may not be withdrawn without approval of the 54760  
board. 54761

(3) Failure by an individual to renew a ~~certificate~~ license 54762  
to practice in accordance with section 4774.06 of the Revised Code 54763  
shall not remove or limit the board's jurisdiction to take 54764  
disciplinary action under this section against the individual. 54765

**Sec. 4774.131.** On receipt of a notice pursuant to section 54766  
3123.43 of the Revised Code, the state medical board shall comply 54767  
with sections 3123.41 to 3123.50 of the Revised Code and any 54768  
applicable rules adopted under section 3123.63 of the Revised Code 54769  
with respect to a ~~certificate~~ license to practice as a radiologist 54770  
assistant issued under this chapter. 54771

**Sec. 4774.132.** If the state medical board has reason to 54772  
believe that any person who has been granted a ~~certificate~~ license 54773  
to practice as a radiologist assistant under this chapter is 54774  
mentally ill or mentally incompetent, it may file in the probate 54775  
court of the county in which the person has a legal residence an 54776  
affidavit in the form prescribed in section 5122.11 of the Revised 54777  
Code and signed by the board secretary or a member of the board 54778  
secretary's staff, whereupon the same proceedings shall be had as 54779  
provided in Chapter 5122. of the Revised Code. The attorney 54780  
general may represent the board in any proceeding commenced under 54781  
this section. 54782

If any person who has been granted a ~~certificate to practice~~ 54783  
license is adjudged by a probate court to be mentally ill or 54784  
mentally incompetent, the person's ~~certificate~~ license shall be 54785

automatically suspended until the person has filed with the state 54786  
medical board a certified copy of an adjudication by a probate 54787  
court of the person's subsequent restoration to competency or has 54788  
submitted to the board proof, satisfactory to the board, that the 54789  
person has been discharged as having a restoration to competency 54790  
in the manner and form provided in section 5122.38 of the Revised 54791  
Code. The judge of the probate court shall forthwith notify the 54792  
state medical board of an adjudication of mental illness or mental 54793  
incompetence, and shall note any suspension of a ~~certificate~~ 54794  
license in the margin of the court's record of such ~~certificate~~ 54795  
license. 54796

**Sec. 4774.14.** (A) The state medical board shall investigate 54797  
evidence that appears to show that any person has violated this 54798  
chapter or the rules adopted under it. Any person may report to 54799  
the board in a signed writing any information the person has that 54800  
appears to show a violation of any provision of this chapter or 54801  
the rules adopted under it. In the absence of bad faith, a person 54802  
who reports such information or testifies before the board in an 54803  
adjudication conducted under Chapter 119. of the Revised Code 54804  
shall not be liable for civil damages as a result of reporting the 54805  
information or providing testimony. Each complaint or allegation 54806  
of a violation received by the board shall be assigned a case 54807  
number and be recorded by the board. 54808

(B) Investigations of alleged violations of this chapter or 54809  
rules adopted under it shall be supervised by the supervising 54810  
member elected by the board in accordance with section 4731.02 of 54811  
the Revised Code and by the secretary as provided in section 54812  
4774.17 of the Revised Code. The board's president may designate 54813  
another member of the board to supervise the investigation in 54814  
place of the supervising member. A member of the board who 54815  
supervises the investigation of a case shall not participate in 54816  
further adjudication of the case. 54817

(C) In investigating a possible violation of this chapter or 54818  
the rules adopted under it, the board may administer oaths, order 54819  
the taking of depositions, issue subpoenas, and compel the 54820  
attendance of witnesses and production of books, accounts, papers, 54821  
records, documents, and testimony, except that a subpoena for 54822  
patient record information shall not be issued without 54823  
consultation with the attorney general's office and approval of 54824  
the secretary and supervising member of the board. Before issuance 54825  
of a subpoena for patient record information, the secretary and 54826  
supervising member shall determine whether there is probable cause 54827  
to believe that the complaint filed alleges a violation of this 54828  
chapter or the rules adopted under it and that the records sought 54829  
are relevant to the alleged violation and material to the 54830  
investigation. The subpoena may apply only to records that cover a 54831  
reasonable period of time surrounding the alleged violation. 54832

On failure to comply with any subpoena issued by the board 54833  
and after reasonable notice to the person being subpoenaed, the 54834  
board may move for an order compelling the production of persons 54835  
or records pursuant to the Rules of Civil Procedure. 54836

A subpoena issued by the board may be served by a sheriff, 54837  
the sheriff's deputy, or a board employee designated by the board. 54838  
Service of a subpoena issued by the board may be made by 54839  
delivering a copy of the subpoena to the person named therein, 54840  
reading it to the person, or leaving it at the person's usual 54841  
place of residence. When the person being served is a radiologist 54842  
assistant, service of the subpoena may be made by certified mail, 54843  
restricted delivery, return receipt requested, and the subpoena 54844  
shall be deemed served on the date delivery is made or the date 54845  
the person refuses to accept delivery. 54846

A sheriff's deputy who serves a subpoena shall receive the 54847  
same fees as a sheriff. Each witness who appears before the board 54848  
in obedience to a subpoena shall receive the fees and mileage 54849

provided for witnesses in civil cases in the courts of common 54850  
pleas. 54851

(D) All hearings and investigations of the board shall be 54852  
considered civil actions for the purposes of section 2305.252 of 54853  
the Revised Code. 54854

(E) Information received by the board pursuant to an 54855  
investigation is confidential and not subject to discovery in any 54856  
civil action. 54857

The board shall conduct all investigations and proceedings in 54858  
a manner that protects the confidentiality of patients and persons 54859  
who file complaints with the board. The board shall not make 54860  
public the names or any other identifying information about 54861  
patients or complainants unless proper consent is given. 54862

The board may share any information it receives pursuant to 54863  
an investigation, including patient records and patient record 54864  
information, with law enforcement agencies, other licensing 54865  
boards, and other governmental agencies that are prosecuting, 54866  
adjudicating, or investigating alleged violations of statutes or 54867  
administrative rules. An agency or board that receives the 54868  
information shall comply with the same requirements regarding 54869  
confidentiality as those with which the state medical board must 54870  
comply, notwithstanding any conflicting provision of the Revised 54871  
Code or procedure of the agency or board that applies when it is 54872  
dealing with other information in its possession. In a judicial 54873  
proceeding, the information may be admitted into evidence only in 54874  
accordance with the Rules of Evidence, but the court shall require 54875  
that appropriate measures are taken to ensure that confidentiality 54876  
is maintained with respect to any part of the information that 54877  
contains names or other identifying information about patients or 54878  
complainants whose confidentiality was protected by the state 54879  
medical board when the information was in the board's possession. 54880  
Measures to ensure confidentiality that may be taken by the court 54881

include sealing its records or deleting specific information from 54882  
its records. 54883

(F) The state medical board shall develop requirements for 54884  
and provide appropriate initial training and continuing education 54885  
for investigators employed by the board to carry out its duties 54886  
under this chapter. The training and continuing education may 54887  
include enrollment in courses operated or approved by the Ohio 54888  
peace officer training commission that the board considers 54889  
appropriate under conditions set forth in section 109.79 of the 54890  
Revised Code. 54891

(G) On a quarterly basis, the board shall prepare a report 54892  
that documents the disposition of all cases during the preceding 54893  
three months. The report shall contain the following information 54894  
for each case with which the board has completed its activities: 54895

(1) The case number assigned to the complaint or alleged 54896  
violation; 54897

(2) The type of ~~certificate~~ license, if any, held by the 54898  
individual against whom the complaint is directed; 54899

(3) A description of the allegations contained in the 54900  
complaint; 54901

(4) The disposition of the case. 54902

The report shall state how many cases are still pending, and 54903  
shall be prepared in a manner that protects the identity of each 54904  
person involved in each case. The report is a public record for 54905  
purposes of section 149.43 of the Revised Code. 54906

**Sec. 4774.15.** (A) As used in this section, "prosecutor" has 54907  
the same meaning as in section 2935.01 of the Revised Code. 54908

(B) Whenever any person holding a valid ~~certificate~~ license 54909  
to practice as a radiologist assistant issued under this chapter 54910  
pleads guilty to, is subject to a judicial finding of guilt of, or 54911

is subject to a judicial finding of eligibility for intervention 54912  
in lieu of conviction for a violation of Chapter 2907., 2925., or 54913  
3719. of the Revised Code or of any substantively comparable 54914  
ordinance of a municipal corporation in connection with the 54915  
person's practice, the prosecutor in the case, on forms prescribed 54916  
and provided by the state medical board, shall promptly notify the 54917  
board of the conviction. Within thirty days of receipt of that 54918  
information, the board shall initiate action in accordance with 54919  
Chapter 119. of the Revised Code to determine whether to suspend 54920  
or revoke the ~~certificate~~ license under section 4774.13 of the 54921  
Revised Code. 54922

(C) The prosecutor in any case against any person holding a 54923  
valid ~~certificate to practice~~ license issued under this chapter, 54924  
on forms prescribed and provided by the state medical board, shall 54925  
notify the board of any of the following: 54926

(1) A plea of guilty to, a finding of guilt by a jury or 54927  
court of, or judicial finding of eligibility for intervention in 54928  
lieu of conviction for a felony, or a case in which the trial 54929  
court issues an order of dismissal upon technical or procedural 54930  
grounds of a felony charge; 54931

(2) A plea of guilty to, a finding of guilt by a jury or 54932  
court of, or judicial finding of eligibility for intervention in 54933  
lieu of conviction for a misdemeanor committed in the course of 54934  
practice, or a case in which the trial court issues an order of 54935  
dismissal upon technical or procedural grounds of a charge of a 54936  
misdemeanor, if the alleged act was committed in the course of 54937  
practice; 54938

(3) A plea of guilty to, a finding of guilt by a jury or 54939  
court of, or judicial finding of eligibility for intervention in 54940  
lieu of conviction for a misdemeanor involving moral turpitude, or 54941  
a case in which the trial court issues an order of dismissal upon 54942  
technical or procedural grounds of a charge of a misdemeanor 54943

involving moral turpitude. 54944

The report shall include the name and address of the 54945  
~~certificate~~ license holder, the nature of the offense for which 54946  
the action was taken, and the certified court documents recording 54947  
the action. 54948

**Sec. 4774.16.** (A) Within sixty days after the imposition of 54949  
any formal disciplinary action taken by any health care facility, 54950  
including a hospital, health care facility operated by a health 54951  
insuring corporation, ambulatory surgical facility, or similar 54952  
facility, against any individual holding a valid ~~certificate~~ 54953  
license to practice as a radiologist assistant, the chief 54954  
administrator or executive officer of the facility shall report to 54955  
the state medical board the name of the individual, the action 54956  
taken by the facility, and a summary of the underlying facts 54957  
leading to the action taken. On request, the board shall be 54958  
provided certified copies of the patient records that were the 54959  
basis for the facility's action. Prior to release to the board, 54960  
the summary shall be approved by the peer review committee that 54961  
reviewed the case or by the governing board of the facility. 54962

The filing of a report with the board or decision not to file 54963  
a report, investigation by the board, or any disciplinary action 54964  
taken by the board, does not preclude a health care facility from 54965  
taking disciplinary action against a radiologist assistant. 54966

In the absence of fraud or bad faith, no individual or entity 54967  
that provides patient records to the board shall be liable in 54968  
damages to any person as a result of providing the records. 54969

(B)(1) Except as provided in division (B)(2) of this section, 54970  
a radiologist assistant, professional association or society of 54971  
radiologist assistants, physician, or professional association or 54972  
society of physicians that believes a violation of any provision 54973  
of this chapter, Chapter 4731. of the Revised Code, or rule of the 54974

board has occurred shall report to the board the information on 54975  
which the belief is based. 54976

(2) A radiologist assistant, professional association or 54977  
society of radiologist assistants, physician, or professional 54978  
association or society of physicians that believes a violation of 54979  
division (B)(6) of section 4774.13 of the Revised Code has 54980  
occurred shall report the information upon which the belief is 54981  
based to the monitoring organization conducting the program 54982  
established by the board under section 4731.251 of the Revised 54983  
Code. If any such report is made to the board, it shall be 54984  
referred to the monitoring organization unless the board is aware 54985  
that the individual who is the subject of the report does not meet 54986  
the program eligibility requirements of section 4731.252 of the 54987  
Revised Code. 54988

(C) Any professional association or society composed 54989  
primarily of radiologist assistants that suspends or revokes an 54990  
individual's membership for violations of professional ethics, or 54991  
for reasons of professional incompetence or professional 54992  
malpractice, within sixty days after a final decision, shall 54993  
report to the board, on forms prescribed and provided by the 54994  
board, the name of the individual, the action taken by the 54995  
professional organization, and a summary of the underlying facts 54996  
leading to the action taken. 54997

The filing of a report with the board or decision not to file 54998  
a report, investigation by the board, or any disciplinary action 54999  
taken by the board, does not preclude a professional organization 55000  
from taking disciplinary action against a radiologist assistant. 55001

(D) Any insurer providing professional liability insurance to 55002  
any person holding a valid ~~certificate~~ license to practice as a 55003  
radiologist assistant or any other entity that seeks to indemnify 55004  
the professional liability of a radiologist assistant shall notify 55005  
the board within thirty days after the final disposition of any 55006

written claim for damages where such disposition results in a payment exceeding twenty-five thousand dollars. The notice shall contain the following information:

(1) The name and address of the person submitting the notification;

(2) The name and address of the insured who is the subject of the claim;

(3) The name of the person filing the written claim;

(4) The date of final disposition;

(5) If applicable, the identity of the court in which the final disposition of the claim took place.

(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the radiologist assistant.

(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a radiologist assistant, supervising physician, or health care facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against a radiologist assistant or supervising radiologist, or in any subsequent trial or appeal

of a board action or order. 55038

The board may disclose the summaries and reports it receives 55039  
under this section only to health care facility committees within 55040  
or outside this state that are involved in credentialing or 55041  
recredentialing a radiologist assistant or supervising radiologist 55042  
or reviewing their privilege to practice within a particular 55043  
facility. The board shall indicate whether or not the information 55044  
has been verified. Information transmitted by the board shall be 55045  
subject to the same confidentiality provisions as when maintained 55046  
by the board. 55047

(G) Except for reports filed by an individual pursuant to 55048  
division (B) of this section, the board shall send a copy of any 55049  
reports or summaries it receives pursuant to this section to the 55050  
radiologist assistant. The radiologist assistant shall have the 55051  
right to file a statement with the board concerning the 55052  
correctness or relevance of the information. The statement shall 55053  
at all times accompany that part of the record in contention. 55054

(H) An individual or entity that reports to the board, 55055  
reports to the monitoring organization described in section 55056  
4731.251 of the Revised Code, or refers an impaired radiologist 55057  
assistant to a treatment provider approved by the board under 55058  
section 4731.25 of the Revised Code shall not be subject to suit 55059  
for civil damages as a result of the report, referral, or 55060  
provision of the information. 55061

(I) In the absence of fraud or bad faith, a professional 55062  
association or society of radiologist assistants that sponsors a 55063  
committee or program to provide peer assistance to a radiologist 55064  
assistant with substance abuse problems, a representative or agent 55065  
of such a committee or program, a representative or agent of the 55066  
monitoring organization described in section 4731.251 of the 55067  
Revised Code, and a member of the state medical board shall not be 55068  
held liable in damages to any person by reason of actions taken to 55069

refer a radiologist assistant to a treatment provider approved 55070  
under section 4731.25 of the Revised Code for examination or 55071  
treatment. 55072

**Sec. 4774.18.** The attorney general, the prosecuting attorney 55073  
of any county in which the offense was committed or the offender 55074  
resides, the state medical board, or any other person having 55075  
knowledge of a person engaged either directly or by complicity in 55076  
practicing as a radiologist assistant without having first 55077  
obtained under this chapter a ~~certificate~~ license to practice as a 55078  
radiologist assistant, may, in accordance with provisions of the 55079  
Revised Code governing injunctions, maintain an action in the name 55080  
of the state to enjoin any person from engaging either directly or 55081  
by complicity in unlawfully practicing as a radiologist assistant 55082  
by applying for an injunction in any court of competent 55083  
jurisdiction. 55084

Prior to application for an injunction, the secretary of the 55085  
state medical board shall notify the person allegedly engaged 55086  
either directly or by complicity in the unlawful practice by 55087  
registered mail that the secretary has received information 55088  
indicating that this person is so engaged. The person shall answer 55089  
the secretary within thirty days showing that the person is either 55090  
properly licensed for the stated activity or that the person is 55091  
not in violation of this chapter. If the answer is not forthcoming 55092  
within thirty days after notice by the secretary, the secretary 55093  
shall request that the attorney general, the prosecuting attorney 55094  
of the county in which the offense was committed or the offender 55095  
resides, or the state medical board proceed as authorized in this 55096  
section. 55097

Upon the filing of a verified petition in court, the court 55098  
shall conduct a hearing on the petition and shall give the same 55099  
preference to this proceeding as is given all proceedings under 55100

Chapter 119. of the Revised Code, irrespective of the position of 55101  
the proceeding on the calendar of the court. 55102

Injunction proceedings shall be in addition to, and not in 55103  
lieu of, all penalties and other remedies provided in this 55104  
chapter. 55105

**Sec. 4776.01.** As used in this chapter: 55106

(A) "License" means an authorization evidenced by a license, 55107  
certificate, registration, permit, card, or other authority that 55108  
is issued or conferred by a licensing agency to a licensee or to 55109  
an applicant for an initial license by which the licensee or 55110  
initial license applicant has or claims the privilege to engage in 55111  
a profession, occupation, or occupational activity, or, except in 55112  
the case of the state dental board, to have control of and operate 55113  
certain specific equipment, machinery, or premises, over which the 55114  
licensing agency has jurisdiction. 55115

(B) Except as provided in section 4776.20 of the Revised 55116  
Code, "licensee" means the person to whom the license is issued by 55117  
a licensing agency. "Licensee" includes a person who, for purposes 55118  
of section 3796.13 of the Revised Code, has complied with sections 55119  
4776.01 to 4776.04 of the Revised Code and has been determined by 55120  
the department of commerce or state board of pharmacy, as the 55121  
applicable licensing agency, to meet the requirements for 55122  
employment. 55123

(C) Except as provided in section 4776.20 of the Revised 55124  
Code, "licensing agency" means any of the following: 55125

(1) The board authorized by Chapters 4701., 4717., 4725., 55126  
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 55127  
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 55128  
4779., and 4783. of the Revised Code to issue a license to engage 55129  
in a specific profession, occupation, or occupational activity, or 55130

to have charge of and operate certain specific equipment, 55131  
machinery, or premises. 55132

(2) The state dental board, relative to its authority to 55133  
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 55134  
4715.27 of the Revised Code; 55135

(3) The department of commerce or state board of pharmacy, 55136  
relative to its authority under Chapter 3796. of the Revised Code 55137  
and any rules adopted under that chapter with respect to a person 55138  
who is subject to section 3796.13 of the Revised Code. 55139

(D) "Applicant for an initial license" includes persons 55140  
seeking a license for the first time and persons seeking a license 55141  
by reciprocity, endorsement, or similar manner of a license issued 55142  
in another state. "Applicant for an initial license" also includes 55143  
a person who, for purposes of section 3796.13 of the Revised Code, 55144  
is required to comply with sections 4776.01 to 4776.04 of the 55145  
Revised Code. 55146

(E) "Applicant for a restored license" includes persons 55147  
seeking restoration of a license under section 4730.14, 4730.28, 55148  
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, ~~or~~ 4760.061, 55149  
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 4778.07, 55150  
or 4778.071 of the Revised Code. "Applicant for a restored 55151  
license" does not include a person seeking restoration of a 55152  
license under section 4751.33 of the Revised Code. 55153

(F) "Criminal records check" has the same meaning as in 55154  
section 109.572 of the Revised Code. 55155

**Sec. 4776.20.** (A) As used in this section: 55156

(1) "Licensing agency" means, in addition to each board 55157  
identified in division (C) of section 4776.01 of the Revised Code, 55158  
the board or other government entity authorized to issue a license 55159  
under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 55160

4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., 4742., 55161  
4747., 4749., ~~4751.~~, 4752., 4753., 4758., 4759., 4763., 4764., 55162  
4765., 4766., 4771., 4773., and 4781. of the Revised Code. 55163  
"Licensing agency" includes an administrative officer that has 55164  
authority to issue a license. 55165

(2) "Licensee" means, in addition to a licensee as described 55166  
in division (B) of section 4776.01 of the Revised Code, the person 55167  
to whom a license is issued by the board or other government 55168  
entity authorized to issue a license under Chapters 4703., 4707., 55169  
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 55170  
4736., 4737., 4738., 4740., 4742., 4747., 4749., 4751., 4752., 55171  
4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 55172  
4781. of the Revised Code. 55173

(3) "Prosecutor" has the same meaning as in section 2935.01 55174  
of the Revised Code. 55175

(B) On a licensee's conviction of, plea of guilty to, 55176  
judicial finding of guilt of, or judicial finding of guilt 55177  
resulting from a plea of no contest to the offense of trafficking 55178  
in persons in violation of section 2905.32 of the Revised Code, 55179  
the prosecutor in the case shall promptly notify the licensing 55180  
agency of the conviction, plea, or finding and provide the 55181  
licensee's name and residential address. On receipt of this 55182  
notification, the licensing agency shall immediately suspend the 55183  
licensee's license. 55184

(C) If there is a conviction of, plea of guilty to, judicial 55185  
finding of guilt of, or judicial finding of guilt resulting from a 55186  
plea of no contest to the offense of trafficking in persons in 55187  
violation of section 2905.32 of the Revised Code and all or part 55188  
of the violation occurred on the premises of a facility that is 55189  
licensed by a licensing agency, the prosecutor in the case shall 55190  
promptly notify the licensing agency of the conviction, plea, or 55191  
finding and provide the facility's name and address and the 55192

offender's name and residential address. On receipt of this 55193  
notification, the licensing agency shall immediately suspend the 55194  
facility's license. 55195

(D) Notwithstanding any provision of the Revised Code to the 55196  
contrary, the suspension of a license under division (B) or (C) of 55197  
this section shall be implemented by a licensing agency without a 55198  
prior hearing. After the suspension, the licensing agency shall 55199  
give written notice to the subject of the suspension of the right 55200  
to request a hearing under Chapter 119. of the Revised Code. After 55201  
a hearing is held, the licensing agency shall either revoke or 55202  
permanently revoke the license of the subject of the suspension, 55203  
unless it determines that the license holder has not been 55204  
convicted of, pleaded guilty to, been found guilty of, or been 55205  
found guilty based on a plea of no contest to the offense of 55206  
trafficking in persons in violation of section 2905.32 of the 55207  
Revised Code. 55208

**Sec. 4778.03.** (A) An individual seeking a license to practice 55209  
as a genetic counselor shall file with the state medical board an 55210  
application in a manner prescribed by the board. The application 55211  
shall include all the information the board considers necessary to 55212  
process the application, including evidence satisfactory to the 55213  
board that the applicant meets the requirements specified in 55214  
division (B) of this section. 55215

At the time an application is submitted, the applicant shall 55216  
pay the board an application fee of two hundred dollars. No part 55217  
of the fee shall be returned to the applicant or transferred for 55218  
purposes of another application. 55219

(B)(1) To be eligible to receive a license to practice as a 55220  
genetic counselor, an applicant shall demonstrate to the board 55221  
that the applicant meets all of the following requirements: 55222

(a) Is at least eighteen years of age and of good moral 55223

character; 55224

(b) Except as provided in division (B)(2) of this section, 55225  
has attained a master's degree or higher degree from a genetic 55226  
counseling graduate program accredited by the American board of 55227  
genetic counseling, inc.; 55228

(c) Is a certified genetic counselor; 55229

(d) Has satisfied any other requirements established by the 55230  
board in rules adopted under section 4778.12 of the Revised Code. 55231

(2) In the case of an applicant who files an application not 55232  
later than December 31, 2013, and meets all eligibility 55233  
requirements other than the requirement specified in division 55234  
(B)(1)(b) of this section, the applicant is eligible for a license 55235  
to practice as a genetic counselor if the applicant has attained a 55236  
master's or higher degree in education or in a field that the 55237  
state medical board considers to be closely related to genetic 55238  
counseling. 55239

(C) The board shall review all applications received under 55240  
this section. Not later than sixty days after receiving an 55241  
application it considers complete, the board shall determine 55242  
whether the applicant meets the requirements for a license to 55243  
practice as a genetic counselor. ~~The affirmative vote of not fewer 55244  
than six members of the board is required to determine that the 55245  
applicant meets the requirements for the license.~~ 55246

**Sec. 4778.05.** If the state medical board determines under 55247  
section 4778.03 of the Revised Code that an applicant meets the 55248  
requirements for a license to practice as a genetic counselor, the 55249  
secretary of the board shall issue the license to the applicant. 55250  
The license shall be valid for a two-year period unless revoked or 55251  
suspended, shall expire biennially on the date that is two years 55252  
after the date of issuance, and may be renewed for additional 55253

two-year periods in accordance with section 4778.06 of the Revised Code. 55254  
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**Sec. 4778.06.** (A) An individual seeking to renew a license to practice as a genetic counselor shall, on or before the thirty first day of January of each even numbered year license's expiration date, apply to the state medical board for renewal of the license. The ~~state medical~~ board shall provide renewal notices to license holders at least one month prior to the expiration date. 55256  
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Renewal applications shall be submitted to the board in a manner prescribed by the board. Each application shall be accompanied by a biennial renewal fee of one hundred fifty dollars. 55263  
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The applicant shall report any criminal offense to which the applicant has pleaded guilty, of which the applicant has been found guilty, or for which the applicant has been found eligible for intervention in lieu of conviction, since last signing an application for a license to practice as a genetic counselor. 55267  
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(B) To be eligible for renewal, a genetic counselor shall certify to the board that the counselor has done both of the following: 55272  
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(1) Maintained the counselor's status as a certified genetic counselor; 55275  
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(2) Completed at least thirty hours of continuing education in genetic counseling that has been approved by the national society of genetic counselors or American board of genetic counseling. 55277  
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(C) If an applicant submits a renewal application that the board considers to be complete and qualifies for renewal pursuant to division (B) of this section, the board shall issue to the 55281  
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applicant a renewed license to practice as a genetic counselor. 55284

(D) The board may require a random sample of genetic 55285  
counselors to submit materials documenting that their status as 55286  
certified genetic counselors has been maintained and that the 55287  
number of hours of continuing education required under division 55288  
(B)(2) of this section has been completed. This division does not 55289  
limit the board's authority to conduct investigations pursuant to 55290  
section 4778.14 of the Revised Code. 55291

(E)(1) If, through a random sample conducted under division 55292  
(D) of this section or any other means, the board finds that an 55293  
individual who certified completion of the number of hours and 55294  
type of continuing education required to renew, reinstate, or 55295  
restore a license to practice did not complete the requisite 55296  
continuing education, the board may do either of the following: 55297

(a) Take disciplinary action against the individual under 55298  
section 4778.14 of the Revised Code, impose a civil penalty, or 55299  
both; 55300

(b) Permit the individual to agree in writing to complete the 55301  
continuing education and pay a civil penalty. 55302

(2) The board's finding in any disciplinary action taken 55303  
under division (E)(1)(a) of this section shall be made pursuant to 55304  
an adjudication under Chapter 119. of the Revised Code and by an 55305  
affirmative vote of not fewer than six of its members. 55306

(3) A civil penalty imposed under division (E)(1)(a) of this 55307  
section or paid under division (E)(1)(b) of this section shall be 55308  
in an amount specified by the board of not more than five thousand 55309  
dollars. The board shall deposit civil penalties in accordance 55310  
with section 4731.24 of the Revised Code. 55311

~~If a genetic counselor certifies that the genetic counselor~~ 55312  
~~has completed the number of hours and type of continuing education~~ 55313  
~~required for renewal of a license, and the board finds through the~~ 55314

~~random sample or any other means that the genetic counselor did 55315  
not complete the requisite continuing education, the board may 55316  
impose a civil penalty of not more than five thousand dollars. If 55317  
a civil penalty is imposed in addition to any other action the 55318  
board takes under section 4778.14 of the Revised Code, the board's 55319  
finding shall be made pursuant to an adjudication under Chapter 55320  
119. of the Revised Code and by an affirmative vote of not fewer 55321  
than six members. A civil penalty imposed under this division may 55322  
be in addition to or in lieu of any other action the board may 55323  
take under section 4778.14 of the Revised Code. The board shall 55324  
deposit civil penalties in accordance with section 4731.24 of the 55325  
Revised Code. 55326~~

**Sec. 4778.07.** (A) A license to practice as a genetic 55327  
counselor issued under section 4778.05 of the Revised Code that is 55328  
not renewed on or before its expiration date is automatically 55329  
suspended on its expiration date. Continued practice after 55330  
suspension shall be considered as practicing in violation of 55331  
section 4778.02 of the Revised Code. 55332

(B) If a license has been suspended pursuant to this section 55333  
for two years or less, ~~the board shall reinstate the license it~~ 55334  
may be reinstated upon an applicant's submission of a complete 55335  
renewal application, the biennial renewal fee, and a monetary 55336  
penalty of twenty-five dollars. 55337

(C)~~(1)~~ If a license has been suspended pursuant to this 55338  
section for more than two years, it may be restored. Subject to 55339  
section 4778.071 of the Revised Code, the board may restore the 55340  
license upon an applicant's submission of a complete restoration 55341  
application, the biennial renewal fee, and a monetary penalty of 55342  
fifty dollars and compliance with sections 4776.01 to 4776.04 of 55343  
the Revised Code. The board shall not restore a license unless the 55344  
board, in its discretion, decides that the results of the criminal 55345

records check do not make the applicant ineligible for a license 55346  
issued pursuant to section 4778.05 of the Revised Code. 55347

~~(2) The board may impose terms and conditions for the 55348  
restoration, including the following: 55349~~

~~(a) Requiring the applicant to pass an oral or written 55350  
examination, or both, to determine the applicant's present fitness 55351  
to resume practice; 55352~~

~~(b) Requiring the applicant to obtain additional training and 55353  
to pass an examination upon completion of such training; 55354~~

~~(c) Restricting or limiting the extent, scope, or type of 55355  
practice of the applicant. 55356~~

Sec. 4778.071. (A) This section applies to both of the 55357  
following: 55358

(1) An applicant seeking restoration of a license issued 55359  
under this chapter that has been in a suspended or inactive state 55360  
for any cause for more than two years; 55361

(2) An applicant seeking issuance of a license pursuant to 55362  
this chapter who for more than two years has not been practicing 55363  
as a genetic counselor as either of the following: 55364

(a) An active practitioner; 55365

(b) A student in a graduate program as described in section 55366  
4778.03 of the Revised Code. 55367

(B) Before issuing a license to an applicant subject to this 55368  
section or restoring a license to good standing for an applicant 55369  
subject to this section, the state medical board may impose terms 55370  
and conditions including any one or more of the following: 55371

(1) Requiring the applicant to pass an oral or written 55372  
examination, or both, to determine the applicant's present fitness 55373  
to resume practice; 55374

(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training; 55375  
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(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care; 55377  
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(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 55382  
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 55384  
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 55388  
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity. The board shall not issue or restore a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 55390  
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**Sec. 4928.02.** It is the policy of this state to do the following throughout this state: 55395  
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(A) Ensure the availability to consumers of adequate, reliable, safe, efficient, nondiscriminatory, and reasonably priced retail electric service; 55397  
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(B) Ensure the availability of unbundled and comparable retail electric service that provides consumers with the supplier, price, terms, conditions, and quality options they elect to meet their respective needs; 55400  
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(C) Ensure diversity of electricity supplies and suppliers, 55404

by giving consumers effective choices over the selection of those 55405  
supplies and suppliers and by encouraging the development of 55406  
distributed and small generation facilities; 55407

(D) Encourage innovation and market access for cost-effective 55408  
supply- and demand-side retail electric service including, but not 55409  
limited to, demand-side management, time-differentiated pricing, 55410  
waste energy recovery systems, smart grid programs, and 55411  
implementation of advanced metering infrastructure; 55412

(E) Encourage cost-effective and efficient access to 55413  
information regarding the operation of the transmission and 55414  
distribution systems of electric utilities in order to promote 55415  
both effective customer choice of retail electric service and the 55416  
development of performance standards and targets for service 55417  
quality for all consumers, including annual achievement reports 55418  
written in plain language; 55419

(F) Ensure that an electric utility's transmission and 55420  
distribution systems are available to a customer-generator or 55421  
owner of distributed generation, so that the customer-generator or 55422  
owner can market and deliver the electricity it produces; 55423

(G) Recognize the continuing emergence of competitive 55424  
electricity markets through the development and implementation of 55425  
flexible regulatory treatment; 55426

(H) Ensure effective competition in the provision of retail 55427  
electric service by avoiding anticompetitive subsidies flowing 55428  
from a noncompetitive retail electric service to a competitive 55429  
retail electric service or to a product or service other than 55430  
retail electric service, and vice versa, including by prohibiting 55431  
the recovery of any generation-related costs through distribution 55432  
or transmission rates; 55433

(I) Ensure retail electric service consumers protection 55434  
against unreasonable sales practices, market deficiencies, and 55435

market power;	55436
(J) Provide coherent, transparent means of giving appropriate incentives to technologies that can adapt successfully to potential environmental mandates;	55437 55438 55439
(K) Encourage implementation of distributed generation across customer classes through regular review and updating of administrative rules governing critical issues such as, but not limited to, interconnection standards, standby charges, and net metering;	55440 55441 55442 55443 55444
(L) Protect at-risk populations, including, but not limited to, when considering the implementation of any new advanced energy or renewable energy resource;	55445 55446 55447
(M) Encourage the education of small business owners in this state regarding the use of, and encourage the use of, energy efficiency programs and alternative energy resources in their businesses;	55448 55449 55450 55451
(N) Facilitate the state's effectiveness in the global economy.	55452 55453
<u>(O) Encourage cost-effective, timely, and efficient access to and sharing of customer usage data with customers and competitive suppliers to promote customer choice and grid modernization.</u>	55454 55455 55456
<u>(P) Ensure that a customer's data is provided in a standard format and provided to third parties in as close to real time as is economically justifiable in order to spur economic investment and improve the energy options of individual customers.</u>	55457 55458 55459 55460
In carrying out this policy, the commission shall consider rules as they apply to the costs of electric distribution infrastructure, including, but not limited to, line extensions, for the purpose of development in this state.	55461 55462 55463 55464
<b>Sec. 4928.143.</b> (A) For the purpose of complying with section	55465

4928.141 of the Revised Code, an electric distribution utility may file an application for public utilities commission approval of an electric security plan as prescribed under division (B) of this section. The utility may file that application prior to the effective date of any rules the commission may adopt for the purpose of this section, and, as the commission determines necessary, the utility immediately shall conform its filing to those rules upon their taking effect.

(B) Notwithstanding any other provision of Title XLIX of the Revised Code to the contrary except division (D) of this section, divisions (I), (J), and (K) of section 4928.20, division (E) of section 4928.64, and section 4928.69 of the Revised Code:

(1) An electric security plan shall include provisions relating to the supply and pricing of electric generation service. In addition, if the proposed electric security plan has a term longer than three years, it may include provisions in the plan to permit the commission to test the plan pursuant to division (E) of this section and any transitional conditions that should be adopted by the commission if the commission terminates the plan as authorized under that division.

(2) The plan may provide for or include, without limitation, any of the following:

(a) Automatic recovery of any of the following costs of the electric distribution utility, provided the cost is prudently incurred: the cost of fuel used to generate the electricity supplied under the offer; the cost of purchased power supplied under the offer, including the cost of energy and capacity, and including purchased power acquired from an affiliate; the cost of emission allowances; and the cost of federally mandated carbon or energy taxes;

(b) A reasonable allowance for construction work in progress

for any of the electric distribution utility's cost of 55497  
constructing an electric generating facility or for an 55498  
environmental expenditure for any electric generating facility of 55499  
the electric distribution utility, provided the cost is incurred 55500  
or the expenditure occurs on or after January 1, 2009. Any such 55501  
allowance shall be subject to the construction work in progress 55502  
allowance limitations of division (A) of section 4909.15 of the 55503  
Revised Code, except that the commission may authorize such an 55504  
allowance upon the incurrence of the cost or occurrence of the 55505  
expenditure. No such allowance for generating facility 55506  
construction shall be authorized, however, unless the commission 55507  
first determines in the proceeding that there is need for the 55508  
facility based on resource planning projections submitted by the 55509  
electric distribution utility. Further, no such allowance shall be 55510  
authorized unless the facility's construction was sourced through 55511  
a competitive bid process, regarding which process the commission 55512  
may adopt rules. An allowance approved under division (B)(2)(b) of 55513  
this section shall be established as a nonbypassable surcharge for 55514  
the life of the facility. 55515

(c) The establishment of a nonbypassable surcharge for the 55516  
life of an electric generating facility that is owned or operated 55517  
by the electric distribution utility, was sourced through a 55518  
competitive bid process subject to any such rules as the 55519  
commission adopts under division (B)(2)(b) of this section, and is 55520  
newly used and useful on or after January 1, 2009, which surcharge 55521  
shall cover all costs of the utility specified in the application, 55522  
excluding costs recovered through a surcharge under division 55523  
(B)(2)(b) of this section. However, no surcharge shall be 55524  
authorized unless the commission first determines in the 55525  
proceeding that there is need for the facility based on resource 55526  
planning projections submitted by the electric distribution 55527  
utility. Additionally, if a surcharge is authorized for a facility 55528  
pursuant to plan approval under division (C) of this section and 55529

as a condition of the continuation of the surcharge, the electric 55530  
distribution utility shall dedicate to Ohio consumers the capacity 55531  
and energy and the rate associated with the cost of that facility. 55532  
Before the commission authorizes any surcharge pursuant to this 55533  
division, it may consider, as applicable, the effects of any 55534  
decommissioning, deratings, and retirements. 55535

(d) Terms, conditions, or charges relating to limitations on 55536  
customer shopping for retail electric generation service, 55537  
bypassability, standby, back-up, or supplemental power service, 55538  
default service, carrying costs, amortization periods, and 55539  
accounting or deferrals, including future recovery of such 55540  
deferrals, as would have the effect of stabilizing or providing 55541  
certainty regarding retail electric service; 55542

(e) Automatic increases or decreases in any component of the 55543  
standard service offer price; 55544

(f) Consistent with sections 4928.23 to 4928.2318 of the 55545  
Revised Code, both of the following: 55546

(i) Provisions for the electric distribution utility to 55547  
securitize any phase-in, inclusive of carrying charges, of the 55548  
utility's standard service offer price, which phase-in is 55549  
authorized in accordance with section 4928.144 of the Revised 55550  
Code; 55551

(ii) Provisions for the recovery of the utility's cost of 55552  
securitization. 55553

(g) Provisions relating to transmission, ancillary, 55554  
congestion, or any related service required for the standard 55555  
service offer, including provisions for the recovery of any cost 55556  
of such service that the electric distribution utility incurs on 55557  
or after that date pursuant to the standard service offer; 55558

(h) Provisions regarding the utility's distribution service, 55559  
including, without limitation and notwithstanding any provision of 55560

Title XLIX of the Revised Code to the contrary, provisions 55561  
regarding single issue ratemaking, a revenue decoupling mechanism 55562  
or any other incentive ratemaking, and provisions regarding 55563  
distribution infrastructure and modernization incentives for the 55564  
electric distribution utility. The latter may include a long-term 55565  
energy delivery infrastructure modernization plan for that utility 55566  
or any plan providing for the utility's recovery of costs, 55567  
including lost revenue, shared savings, and avoided costs, and a 55568  
just and reasonable rate of return on such infrastructure 55569  
modernization. As part of its determination as to whether to allow 55570  
in an electric distribution utility's electric security plan 55571  
inclusion of any provision described in division (B)(2)(h) of this 55572  
section, the commission shall examine the reliability of the 55573  
electric distribution utility's distribution system and ensure 55574  
that customers' and the electric distribution utility's 55575  
expectations are aligned and that the electric distribution 55576  
utility is placing sufficient emphasis on and dedicating 55577  
sufficient resources to the reliability of its distribution 55578  
system. 55579

(i) Provisions under which the electric distribution utility 55580  
may implement economic development, job retention, and energy 55581  
efficiency programs, which provisions may allocate program costs 55582  
across all classes of customers of the utility and those of 55583  
electric distribution utilities in the same holding company 55584  
system. 55585

(C)(1) The burden of proof in the proceeding shall be on the 55586  
electric distribution utility. The commission shall issue an order 55587  
under this division for an initial application under this section 55588  
not later than one hundred fifty days after the application's 55589  
filing date and, for any subsequent application by the utility 55590  
under this section, not later than two hundred seventy-five days 55591  
after the application's filing date. Subject to division (D) of 55592

this section, the commission by order shall approve or modify and 55593  
approve an application filed under division (A) of this section if 55594  
it finds that the electric security plan so approved, including 55595  
its pricing and all other terms and conditions, including any 55596  
deferrals and any future recovery of deferrals, is more favorable 55597  
in the aggregate as compared to the expected results that would 55598  
otherwise apply under section 4928.142 of the Revised Code. 55599  
Additionally, if the commission so approves an application that 55600  
contains a surcharge under division (B)(2)(b) or (c) of this 55601  
section, the commission shall ensure that the benefits derived for 55602  
any purpose for which the surcharge is established are reserved 55603  
and made available to those that bear the surcharge. Otherwise, 55604  
the commission by order shall disapprove the application. 55605

(2)(a) If the commission modifies and approves an application 55606  
under division (C)(1) of this section, the electric distribution 55607  
utility may withdraw the application, thereby terminating it, and 55608  
may file a new standard service offer under this section or a 55609  
standard service offer under section 4928.142 of the Revised Code. 55610

(b) If the utility terminates an application pursuant to 55611  
division (C)(2)(a) of this section or if the commission 55612  
disapproves an application under division (C)(1) of this section, 55613  
the commission shall issue such order as is necessary to continue 55614  
the provisions, terms, and conditions of the utility's most recent 55615  
standard service offer, along with any expected increases or 55616  
decreases in fuel costs from those contained in that offer, until 55617  
a subsequent offer is authorized pursuant to this section or 55618  
section 4928.142 of the Revised Code, respectively. 55619

(D) Regarding the rate plan requirement of division (A) of 55620  
section 4928.141 of the Revised Code, if an electric distribution 55621  
utility that has a rate plan that extends beyond December 31, 55622  
2008, files an application under this section for the purpose of 55623  
its compliance with division (A) of section 4928.141 of the 55624

Revised Code, that rate plan and its terms and conditions are 55625  
hereby incorporated into its proposed electric security plan and 55626  
shall continue in effect until the date scheduled under the rate 55627  
plan for its expiration, and that portion of the electric security 55628  
plan shall not be subject to commission approval or disapproval 55629  
under division (C) of this section, and the earnings test provided 55630  
for in division (F) of this section shall not apply until after 55631  
the expiration of the rate plan. However, that utility may include 55632  
in its electric security plan under this section, and the 55633  
commission may approve, modify and approve, or disapprove subject 55634  
to division (C) of this section, provisions for the incremental 55635  
recovery or the deferral of any costs that are not being recovered 55636  
under the rate plan and that the utility incurs during that 55637  
continuation period to comply with section 4928.141, division (B) 55638  
of section 4928.64, or division (A) of section 4928.66 of the 55639  
Revised Code. 55640

(E) If an electric security plan approved under division (C) 55641  
of this section, except one withdrawn by the utility as authorized 55642  
under that division, has a term, exclusive of phase-ins or 55643  
deferrals, that exceeds three years from the effective date of the 55644  
plan, the commission shall test the plan in the fourth year, and 55645  
if applicable, every fourth year thereafter, to determine whether 55646  
the plan, including its then-existing pricing and all other terms 55647  
and conditions, including any deferrals and any future recovery of 55648  
deferrals, continues to be more favorable in the aggregate and 55649  
during the remaining term of the plan as compared to the expected 55650  
results that would otherwise apply under section 4928.142 of the 55651  
Revised Code. The commission shall also determine the prospective 55652  
effect of the electric security plan to determine if that effect 55653  
is substantially likely to provide the electric distribution 55654  
utility with a return on common equity that is significantly in 55655  
excess of the return on common equity that is likely to be earned 55656  
by publicly traded companies, including utilities, that face 55657

comparable business and financial risk, with such adjustments for 55658  
capital structure as may be appropriate. The burden of proof for 55659  
demonstrating that significantly excessive earnings will not occur 55660  
shall be on the electric distribution utility. For affiliated Ohio 55661  
electric distribution utilities that operate under a joint 55662  
electric security plan, their total earned return on common equity 55663  
shall be used for purposes of assessing significantly excessive 55664  
earnings. If the test results are in the negative or the 55665  
commission finds that continuation of the electric security plan 55666  
will result in a return on equity that is significantly in excess 55667  
of the return on common equity that is likely to be earned by 55668  
publicly traded companies, including utilities, that will face 55669  
comparable business and financial risk, with such adjustments for 55670  
capital structure as may be appropriate, during the balance of the 55671  
plan, the commission may terminate the electric security plan, but 55672  
not until it shall have provided interested parties with notice 55673  
and an opportunity to be heard. The commission may impose such 55674  
conditions on the plan's termination as it considers reasonable 55675  
and necessary to accommodate the transition from an approved plan 55676  
to the more advantageous alternative. In the event of an electric 55677  
security plan's termination pursuant to this division, the 55678  
commission shall permit the continued deferral and phase-in of any 55679  
amounts that occurred prior to that termination and the recovery 55680  
of those amounts as contemplated under that electric security 55681  
plan. 55682

(F) With regard to the provisions that are included in an 55683  
electric security plan under this section, the commission shall 55684  
consider, following the end of each annual period of the plan, if 55685  
any such adjustments resulted in excessive earnings as measured by 55686  
whether the earned return on common equity of the electric 55687  
distribution utility is significantly in excess of the return on 55688  
common equity that was earned during the same period by publicly 55689  
traded companies, including utilities, that face comparable 55690

business and financial risk, with such adjustments for capital 55691  
structure as may be appropriate. In making its determination of 55692  
significantly excessive earnings under this division, the 55693  
commission shall, for affiliated Ohio electric distribution 55694  
utilities that operate under a joint electric security plan, use 55695  
the total of the utilities' earned return on common equity. 55696  
Consideration also shall be given to the capital requirements of 55697  
future committed investments in this state. The burden of proof 55698  
for demonstrating that significantly excessive earnings did not 55699  
occur shall be on the electric distribution utility. If the 55700  
commission finds that such adjustments, in the aggregate, did 55701  
result in significantly excessive earnings, it shall require the 55702  
electric distribution utility to return to consumers the amount of 55703  
the excess by prospective adjustments; provided that, upon making 55704  
such prospective adjustments, the electric distribution utility 55705  
shall have the right to terminate the plan and immediately file an 55706  
application pursuant to section 4928.142 of the Revised Code. Upon 55707  
termination of a plan under this division, rates shall be set on 55708  
the same basis as specified in division (C)(2)(b) of this section, 55709  
and the commission shall permit the continued deferral and 55710  
phase-in of any amounts that occurred prior to that termination 55711  
and the recovery of those amounts as contemplated under that 55712  
electric security plan. In making its determination of 55713  
significantly excessive earnings under this division, the 55714  
commission shall not consider, directly or indirectly, the 55715  
revenue, expenses, or earnings of any affiliate that is not an 55716  
Ohio electric distribution utility or parent company. 55717

**Sec. 4937.01.** As used in sections 4937.01 to 4937.05 of the 55718  
Revised Code: 55719

(A) "Hazard" has the same meaning as in section 5502.21 of 55720  
the Revised Code. 55721

(B) "Member agency" means the state agency of which a member  
of the utility radiological safety board is an officer. 55722  
55723

(C) "Nuclear electric facility" means any facility operated 55724  
by a nuclear electric utility using nuclear energy to produce 55725  
electricity and any facility for the storage of spent nuclear fuel 55726  
arising from such production. 55727

(D) "Nuclear electric facility incident" means any hazard 55728  
within the state which is associated with a nuclear electric 55729  
facility and requires, pursuant to sections 5502.21 to 5502.51 of 55730  
the Revised Code, emergency management to mitigate its effects. 55731

(E) "Nuclear electric utility" includes every person, their 55732  
agents, assignees, or trustees, within this state engaged in the 55733  
business of producing electricity using nuclear energy, or in the 55734  
storage of spent nuclear fuel arising from such production. 55735

(F) "Nuclear electric utility holding company" means any 55736  
company that holds an equity interest in a nuclear electric 55737  
utility and is part of an electric utility holding company system 55738  
exempt under section 3(a)(1) or (2) of the "Public Utility Holding 55739  
Company Act of 1935," 49 Stat. 810, 15 U.S.C.A. 79c, and the 55740  
regulations adopted under the act. 55741

**Sec. 4937.05.** (A) Subject to division (B) of this section, 55742  
the utility radiological safety board may apportion among and 55743  
assess against each nuclear electric utility in this state against 55744  
which an assessment may be made under section 4905.10 of the 55745  
Revised Code an amount no greater than the maximums specified in 55746  
the applicable main operating appropriations act. The assessment 55747  
shall be made in proportion to the intrastate gross receipts of 55748  
the utility, excluding receipts from sales to other public 55749  
utilities for resale, for the calendar year next preceding that in 55750  
which the assessments are made, or be made based upon the 55751  
utility's decommissioning budget for the year of the assessment, 55752

if the utility is not engaged in the business of producing 55753  
electricity using nuclear energy. On or before the first day of 55754  
October in each year, the board shall notify each such utility of 55755  
the sum assessed against it, whereupon payment shall be made to 55756  
the board. The board shall deposit the payment into any nuclear 55757  
safety fund for which a maximum is specified, for the purposes of 55758  
this section, in the applicable main operating appropriations act. 55759  
Any assessments so deposited which are not expended shall be 55760  
credited ratably to each nuclear electric utility that paid them, 55761  
according to the respective portions of the amount assessable 55762  
against the utility for the ensuing calendar year. The assessments 55763  
for such calendar year shall be adjusted accordingly. 55764

(B) The board shall assess an amount against the nuclear 55765  
electric utilities pursuant to division (A) of this section only 55766  
in accordance with this division and subject to the conditions it 55767  
specifies. 55768

(1) Nuclear electric utilities and, separately, the 55769  
environmental protection agency, the department of health, the 55770  
department of agriculture, and the emergency management agency of 55771  
the department of public safety, as member agencies of the board, 55772  
shall negotiate, in good faith, amounts to be given as grants by 55773  
the nuclear electric utilities pursuant to this division for 55774  
funding the member agency for a fiscal biennium. Any such grant 55775  
shall cover all costs related to the statutory requirements or 55776  
agreements specified in division (B)(4) of this section, but shall 55777  
not be required to cover any costs of activities not directly 55778  
related to those statutory requirements or agreements. 55779

(2)(a) If any of the member agencies specified in division 55780  
(B)(1) of this section disagrees, before the first day of 55781  
September of the first year of a fiscal biennium, with the nuclear 55782  
electric utilities on a grant amount under that division for the 55783  
agency's funding for that biennium and the agency is requesting a 55784

specified amount not exceeding seventy-five per cent of the 55785  
maximum specified in the applicable main operating appropriations 55786  
act, the agency shall make a written directive to the board for an 55787  
assessment against the nuclear electric utilities for that 55788  
specified amount and shall notify the controlling board, the 55789  
director of budget and management, and the nuclear electric 55790  
utilities in writing of that directive. Upon receipt of the 55791  
directive, the utility radiological safety board shall assess the 55792  
specified amount against the nuclear electric utilities as 55793  
provided in division (A) of this section, notwithstanding any 55794  
provision of that division to the contrary, provided the amount 55795  
assessed does not exceed the maximum specified in the applicable 55796  
main operating appropriations act. 55797

(b) If any of the member agencies specified in division 55798  
(B)(1) of this section disagrees, before the first day of 55799  
September of the first year of a fiscal biennium, with the nuclear 55800  
electric utilities on a grant amount under that division for the 55801  
agency's funding for that biennium and the agency is requesting a 55802  
specified amount that exceeds seventy-five per cent of the maximum 55803  
specified for that agency in the applicable main operating 55804  
appropriations act, the agency may request that the controlling 55805  
board approve an assessment against the electric utilities in the 55806  
specified amount. The controlling board shall not approve an 55807  
assessment so requested if it exceeds that maximum or will not be 55808  
used for the purposes specified in division (B)(4) of this 55809  
section. If the controlling board approves the request, the 55810  
utility radiological safety board shall impose an assessment in 55811  
the approved amount against the nuclear electric utilities as 55812  
provided in division (A) of this section, notwithstanding any 55813  
provision of that division to the contrary. 55814

(c) The board shall not assess against the nuclear electric 55815  
utilities pursuant to division (A) of this section in any fiscal 55816

biennium for which each member agency and the nuclear electric 55817  
utilities agree on grant amounts pursuant to division (B)(1) of 55818  
this section. 55819

(3) Revenues received pursuant to grants or assessments under 55820  
division (B)(1) or (2) of this section shall be deposited into the 55821  
requesting agency's nuclear safety fund, as such fund is specified 55822  
in the applicable main operating appropriations act. 55823

(4) Funding provided under this division to a member agency 55824  
shall be for the purpose of enabling a member agency to fulfill 55825  
its authority and duties under the statutes related to nuclear 55826  
safety or the utility safety radiological board, or under 55827  
agreements with the nuclear regulatory commission. 55828

(5) If a nuclear electric utility makes any recommendation to 55829  
render the nuclear safety programs of member agencies of the 55830  
utility radiological safety board more cost effective, the member 55831  
agencies shall implement the recommendation or provide to the 55832  
utility a written statement explaining why the recommendation will 55833  
not be implemented or will be implemented with substantial 55834  
modification. 55835

**Sec. 5101.061.** (A) There is hereby established in the 55836  
department of job and family services the office of human services 55837  
innovation. The office shall develop recommendations, as described 55838  
in division (B) of this section, regarding the coordination and 55839  
reform of state programs to assist the residents of this state in 55840  
preparing for life and the dignity of work and to promote 55841  
individual responsibility and work opportunity. 55842

The director of job and family services shall establish the 55843  
office's organizational structure, may reassign the department's 55844  
staff and resources as necessary to support the office's 55845  
activities, and is responsible for the office's operations. The 55846  
superintendent of public instruction, chancellor of ~~the Ohio board~~ 55847

~~of regents higher education, and~~ director of the governor's office 55848  
of workforce transformation, ~~and director of the governor's office~~ 55849  
~~of health transformation~~ shall assist the director of job and 55850  
family services with leadership and organizational support for the 55851  
office. 55852

(B) Not later than January 1, 2015, the office shall submit 55853  
to the governor recommendations for all of the following: 55854

(1) Coordinating services across all public assistance 55855  
programs to help individuals find employment, succeed at work, and 55856  
stay out of poverty; 55857

(2) Revising incentives for public assistance programs to 55858  
foster person-centered case management; 55859

(3) Standardizing and automating eligibility determination 55860  
policies and processes for public assistance programs; 55861

(4) Other matters the office considers appropriate. 55862

(C) Not later than three months after ~~the effective date of~~ 55863  
~~this section~~ September 15, 2014, the office shall establish clear 55864  
principles to guide the development of its recommendations, shall 55865  
identify in detail the problems to be addressed in the 55866  
recommendations, and shall make an inventory of all state and 55867  
other resources that the office considers relevant to the 55868  
recommendations. 55869

(D) The office shall convene the directors and staff of the 55870  
departments, agencies, offices, boards, commissions, and 55871  
institutions of the executive branch of the state as necessary to 55872  
develop the office's recommendations. The departments, agencies, 55873  
offices, boards, commissions, and institutions shall comply with 55874  
all requests and directives that the office makes, subject to the 55875  
supervision of the directors of the departments, agencies, 55876  
offices, boards, commissions, and institutions. The office also 55877  
shall convene other individuals interested in the issues that the 55878

office addresses in the development of the recommendations to 55879  
obtain their input on, and support for, the recommendations. 55880

**Sec. 5101.14.** (A) As used in this section and section 55881  
5101.144 of the Revised Code, "children services" means services 55882  
provided to children pursuant to Chapter 5153. of the Revised 55883  
Code. 55884

(B) Within available funds, the department of job and family 55885  
services shall distribute funds to the counties within thirty days 55886  
after the beginning of each calendar quarter for a part of the 55887  
counties' costs for children services. 55888

Funds provided to the county under this section shall be 55889  
deposited into the children services fund created pursuant to 55890  
section 5101.144 of the Revised Code. 55891

(C) In each fiscal year, the amount of funds available for 55892  
distribution under this section shall be allocated to counties as 55893  
follows: 55894

(1) If the amount is less than the amount initially 55895  
appropriated for the immediately preceding fiscal year, each 55896  
county shall receive an amount equal to the percentage of the 55897  
funding it received in the immediately preceding fiscal year, 55898  
exclusive of any releases from or additions to the allocation or 55899  
any sanctions imposed under this section; 55900

(2) If the amount is equal to the amount initially 55901  
appropriated for the immediately preceding fiscal year, each 55902  
county shall receive an amount equal to the amount it received in 55903  
the preceding fiscal year, exclusive of any releases from or 55904  
additions to the allocation or any sanctions imposed under this 55905  
section; 55906

(3) If the amount is greater than the amount initially 55907  
appropriated for the immediately preceding fiscal year, each 55908

county shall receive the amount determined under division (C)(2) 55909  
of this section as a base allocation, plus a percentage of the 55910  
amount that exceeds the amount initially appropriated for the 55911  
immediately preceding fiscal year. The amount exceeding the amount 55912  
initially appropriated in the immediately preceding fiscal year 55913  
shall be allocated to the counties as follows: 55914

(a) Twelve per cent divided equally among all counties; 55915

(b) Forty-eight per cent in the ratio that the number of 55916  
residents of the county under the age of eighteen bears to the 55917  
total number of such persons residing in this state; 55918

(c) Forty per cent in the ratio that the number of residents 55919  
of the county with incomes under the federal poverty guideline 55920  
bears to the total number of such persons in this state. 55921

As used in division (C)(3)(c) of this section, "federal 55922  
poverty guideline" means the poverty guideline as defined by the 55923  
United States office of management and budget and revised by the 55924  
United States secretary of health and human services in accordance 55925  
with section 673 of the "Community Services Block Grant Act," 95 55926  
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 55927

(D) Within ninety days after the end of each state fiscal 55928  
biennium, each county shall return any unspent funds to the 55929  
department. 55930

(E) Each county shall contribute local funds in accordance 55931  
with division (F)(2) of this section to the county children 55932  
services fund described in section 5101.144 of the Revised Code. 55933

(F)(1) The director of job and family services may adopt the 55934  
following rules in accordance with section 111.15 of the Revised 55935  
Code: 55936

(1)(a) Rules that are necessary for the allocation of funds 55937  
under this section; 55938

~~(2)(b)~~ Rules prescribing reports on expenditures to be submitted by the counties as necessary for the implementation of this section.

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(2) The director shall adopt rules that determine the amount of local funds to be contributed by each county under division (E) of this section in accordance with section 111.15 of the Revised Code.

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**Sec. 5101.141.** (A) As used in sections 5101.141 to 5101.1414 of the Revised Code:

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(1) "Adopted young adult" means a person:

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(a) Who was in the temporary or permanent custody of a public children services agency;

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(b) Who was adopted at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E adoption assistance agreement became effective;

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(c) Who has attained the age of eighteen; and

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(d) Who has not yet attained the age of twenty-one.

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~~(2) "Child" includes a~~ means any of the following:

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~~(a) A person who meets the requirements of division (A)(1) (B)(3) of section 5101.1411 5153.01 of the Revised Code or an adopted person who meets the requirements applicable to such a person under division (B)(1) of section 5101.1411 of the Revised Code.~~

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~~(2) "Designee" means a person with whom the department of job and family services has entered into a contract, pursuant to division (B)(2) of this section;~~

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(b) An adopted young adult;

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(c) An emancipated young adult.

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(3) <u>"Emancipated young adult" means a person:</u>	55967
<u>(a) Who was in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services;</u>	55968 55969 55970 55971 55972
<u>(b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and</u>	55973 55974
<u>(c) Who has not yet attained the age of twenty-one.</u>	55975
<u>(4) "Representative" means a person with whom the department of job and family services has entered into a contract, pursuant to division (B)(2)(b) of this section.</u>	55976 55977 55978
<u>(5) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended.</u>	55979 55980
(B)(1) Except as provided in division (B)(2) of this section, the department of job and family services shall act as the single state agency to administer federal payments for foster care and adoption assistance made pursuant to Title IV-E. The director of job and family services shall adopt rules to implement this authority. Rules governing financial and administrative requirements applicable to public children services agencies and government entities that provide Title IV-E reimbursable placement services to children shall be adopted in accordance with section 111.15 of the Revised Code, as if they were internal management rules. Rules governing requirements applicable to private child placing agencies and private noncustodial agencies and rules establishing eligibility, program participation, and other requirements concerning Title IV-E shall be adopted in accordance with Chapter 119. of the Revised Code. A public children services agency to which the department distributes Title IV-E funds shall administer the funds in accordance with those rules.	55981 55982 55983 55984 55985 55986 55987 55988 55989 55990 55991 55992 55993 55994 55995 55996 55997

(2) If the state plan is amended under divisions (A) and (B) 55998  
of section 5101.1411 of the Revised Code, both of the following 55999  
shall apply: 56000

(a) Implementation of the amendments to the plan shall begin 56001  
fifteen months after September 13, 2016, the effective date of 56002  
H.B. 50 of the 131st general assembly, if both of the following 56003  
apply: 56004

(i) The plan as amended is approved by the secretary of 56005  
health and human services; 56006

(ii) The general assembly has appropriated sufficient funds 56007  
to operate the program required under the plan as amended. 56008

(b) The department shall have, exercise, and perform all new 56009  
duties required under the plan as amended. In doing so, the 56010  
department may contract with another person to carry out those new 56011  
duties, to the extent permitted under Title IV-E. 56012

(C)(1) The Except with regard to the new duties imposed on 56013  
the department or its contractor under division (B)(2)(b) of this 56014  
section that are not imposed on the county, the county, on behalf 56015  
of each child eligible for foster care maintenance payments under 56016  
Title IV-E, shall make payments to cover the cost of providing all 56017  
of the following: 56018

(a) The child's food, clothing, shelter, daily supervision, 56019  
and school supplies; 56020

(b) The child's personal incidentals; 56021

(c) Reasonable travel to the child's home for visitation. 56022

(2) In addition to payments made under division (C)(1) of 56023  
this section, the county may, on behalf of each child eligible for 56024  
foster care maintenance payments under Title IV-E, make payments 56025  
to cover the cost of providing the following: 56026

(a) Liability insurance with respect to the child; 56027

(b) If the county is participating in the demonstration project established under division (A) of section 5101.142 of the Revised Code, services provided under the project.

(3) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more certified foster homes operated by a common administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in divisions (C)(1) and (2) of this section.

(D) To the extent that either foster care maintenance payments under division (C) of this section or Title IV-E adoption assistance payments for maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the department.

(E) The department shall distribute to public children services agencies that incur and report expenditures of the type described in division (D) of this section federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance and adoption assistance programs. The department may withhold not more than three per cent of the federal financial participation received. The funds withheld may be used only to fund the following:

(1) The Ohio child welfare training program established under section 5103.30 of the Revised Code;

(2) The university partnership program for college and university students majoring in social work who have committed to work for a public children services agency upon graduation;

(3) Efforts supporting organizational excellence, including 56059  
voluntary activities to be accredited by a nationally recognized 56060  
accreditation organization. 56061

The funds withheld shall be in addition to any administration 56062  
and training cost for which the department is reimbursed through 56063  
its own cost allocation plan. 56064

(F) All federal financial participation funds received by a 56065  
county pursuant to this section shall be deposited into the 56066  
county's children services fund created pursuant to section 56067  
5101.144 of the Revised Code. 56068

(G) The department shall periodically publish and distribute 56069  
the maximum amounts that the department will reimburse public 56070  
children services agencies for making payments on behalf of 56071  
children eligible for foster care maintenance payments. 56072

(H) The department, by and through its director, is hereby 56073  
authorized to develop, participate in the development of, 56074  
negotiate, and enter into one or more interstate compacts on 56075  
behalf of this state with agencies of any other states, for the 56076  
provision of social services to children in relation to whom all 56077  
of the following apply: 56078

(1) They have special needs. 56079

(2) This state or another state that is a party to the 56080  
interstate compact is providing adoption assistance on their 56081  
behalf. 56082

(3) They move into this state from another state or move out 56083  
of this state to another state. 56084

**Sec. 5101.1411.** (A)(1) The director of job and family 56085  
services shall, not later than nine months after September 13, 56086  
2016, the effective date of H.B. 50 of the 131st general assembly, 56087  
submit an amendment to the state plan required by 42 U.S.C. 671 to 56088

the United States secretary of health and human services to 56089  
implement 42 U.S.C. 675(8) to make federal payments for foster 56090  
care under Title IV-E directly to, or on behalf of, any ~~person~~ 56091  
emancipated young adult who meets the following requirements: 56092

~~(a) The person has attained the age of eighteen but not 56093  
attained the age of twenty one. 56094~~

~~(b) The person was in the custody of a public children 56095  
services agency upon attaining the age of eighteen. 56096~~

~~(c) The person emancipated young adult signs a voluntary 56097  
participation agreement. 56098~~

~~(d)(b) The ~~person~~ emancipated young adult satisfies division 56099  
(C) of this section. 56100~~

(2) Any ~~person~~ emancipated young adult who meets the 56101  
requirements of division (A)(1) of this section may apply for 56102  
foster care payments and make the appropriate application at any 56103  
time. 56104

(B)(1) The director of job and family services shall, not 56105  
later than nine months after September 13, 2016, the effective 56106  
date of H.B. 50 of the 131st general assembly, submit an amendment 56107  
to the state plan required by 42 U.S.C. 671 to the United States 56108  
secretary of health and human services to implement 42 U.S.C. 56109  
675(8) to make federal payments for adoption assistance under 56110  
Title IV-E available to any parent who meets all of the following 56111  
requirements: 56112

(a) The parent adopted a person ~~while the adopted person was 56113  
~~sixteen or seventeen and had been in the custody of a public 56114  
children services agency, or who is an adopted young adult and the 56115  
parent enters~~ entered into an adoption assistance agreement under 56116  
42 U.S.C. 673+ while the adopted person was age sixteen or 56117  
seventeen. 56118~~

(b) ~~The adopted person has attained the age of eighteen but~~ 56119  
~~has not attained the age of twenty one;~~ 56120

~~(e)~~ The parent maintains parental responsibility ~~to that~~ for 56121  
the adopted person; young adult. 56122

~~(d)~~(c) The adopted ~~person~~ young adult satisfies division (C) 56123  
of this section. 56124

(2) Any parent who meets the requirements of division (B)(1) 56125  
of this section that are applicable to a parent may request an 56126  
extension of adoption assistance payments at any time before the 56127  
adopted ~~person~~ young adult reaches age twenty-one. 56128

(3) An adopted young adult who is eligible to receive 56129  
adoption assistance payments is not considered an emancipated 56130  
young adult and is therefore not eligible to receive payment under 56131  
division (A) of this section. 56132

(C) In addition to other requirements, ~~a person who is in~~ 56133  
~~foster care or has been adopted~~ an adopted or emancipated young 56134  
adult must meet at least one of the following criteria: 56135

(1) Is completing secondary education or a program leading to 56136  
an equivalent credential; 56137

(2) Is enrolled in an institution that provides 56138  
post-secondary or vocational education; 56139

(3) Is participating in a program or activity designed to 56140  
promote, or remove barriers to, employment; 56141

(4) Is employed for at least eighty hours per month; 56142

(5) Is incapable of doing any of the activities described in 56143  
~~division~~ divisions (C)(1) to (4) of this section due to a ~~medical~~ 56144  
physical or mental condition, which incapacity is supported by 56145  
regularly updated information in the person's case record or plan. 56146

(D) Any ~~person~~ emancipated young adult described in division 56147  
(A)(1) of this section who is directly receiving foster care 56148

payments, or on whose behalf such foster care payments are 56149  
received, or any parent receiving adoption assistance payments, 56150  
~~pursuant to this section~~ may refuse the payments at any time. ~~If~~ 56151  
~~the person or parent refuses payments and seeks payments at a~~ 56152  
~~later date, the person or parent must reapply for the payments in~~ 56153  
~~accordance with this section.~~ 56154

(E)(1) ~~A person~~ An emancipated young adult described in 56155  
division (A)(1) of this section who is directly receiving foster 56156  
care payments, or on whose behalf such foster care payments are 56157  
received, or a parent receiving adoption assistance payments and 56158  
the adopted ~~person, pursuant to this section,~~ young adult shall be 56159  
eligible for services set forth in the federal, "Fostering 56160  
Connections to Success and Increasing Adoptions Act of 2008," P.L. 56161  
110-351, 122 Stat. 3949. 56162

(2) ~~A person~~ An emancipated young adult described in division 56163  
(A)(1) of this section who is directly receiving foster care 56164  
payments, or on whose behalf such foster care payments are 56165  
received, pursuant to this section, may be eligible to reside in a 56166  
supervised independent living setting, including apartment living, 56167  
room and board arrangements, college or university dormitories, 56168  
host homes, and shared roommate settings. 56169

(F) Any determination by the department that denies or 56170  
terminates foster care or adoption assistance payments shall be 56171  
subject to a state hearing pursuant to section 5101.35 of the 56172  
Revised Code. 56173

**Sec. 5101.1412.** (A) Without the approval of a court, ~~a child~~ 56174  
an emancipated young adult who receives payments, or on whose 56175  
behalf payments are received, under division (A) of section 56176  
5101.1411 of the Revised Code, may enter into a voluntary 56177  
participation agreement with the department of job and family 56178  
services, or its designee representative, for the ~~child's~~ 56179

emancipated young adult's care and placement. The agreement shall 56180  
expire within one hundred eighty days and may not be renewed 56181  
without court approval stay in effect until one of the following 56182  
occurs: 56183

(1) The emancipated young adult enrolled in the program 56184  
notifies the department, or its representative, that they want to 56185  
terminate the agreement. 56186

(2) The emancipated young adult becomes ineligible for the 56187  
program. 56188

(B) Prior to the agreement's expiration During the 56189  
one-hundred-eighty-day period after the voluntary participation 56190  
agreement becomes effective, the department or its designee 56191  
representative shall seek approval from the court that the child's 56192  
emancipated young adult's best interest is served by extending 56193  
continuing the care and placement with the department or its 56194  
designee representative. 56195

(C) In order to maintain Title IV-E eligibility for the 56196  
emancipated young adult, not later than twelve months after the 56197  
effective date of the voluntary participation agreement, and at 56198  
least once every twelve months thereafter, the department or its 56199  
representative must petition the court for, and obtain, a judicial 56200  
determination that the department or its representative has made 56201  
reasonable efforts to finalize a permanency plan that addresses 56202  
the department's or its representative's efforts to prepare the 56203  
emancipated young adult for independence. 56204

**Sec. 5101.1414.** (A) Not later than nine months after 56205  
September 13, 2016, the effective date of H.B. 50 of the 131st 56206  
general assembly, the department of job and family services shall 56207  
adopt rules necessary to carry out the purposes of sections 56208  
5101.1411 to 5101.1413 of the Revised Code, including rules that 56209

do all of the following: 56210

(1) Allow ~~a person~~ an emancipated young adult described in 56211  
division (A)(1) of section 5101.1411 of the Revised Code who is 56212  
directly receiving foster care payments, or on whose behalf such 56213  
foster care payments are received, or ~~a person~~ an adopted young 56214  
adult whose adoptive parents are receiving adoption assistance 56215  
payments, to maintain eligibility while transitioning into, or out 56216  
of, qualified employment or educational activities; 56217

(2) Require that a thirty-day notice of termination be given 56218  
by the department to ~~a person~~ an emancipated young adult described 56219  
in division (A)(1) of section 5101.1411 of the Revised Code who is 56220  
receiving foster care payments, or on whose behalf such foster 56221  
care payments are received, or to a parent receiving adoption 56222  
assistance payments for an adopted ~~person~~ young adult described in 56223  
division (B)(1) of section 5101.1411 of the Revised Code, who is 56224  
determined to be ineligible for payments; 56225

(3) Establish the scope of practice and training necessary 56226  
for ~~foster care workers and foster care worker~~ case managers and 56227  
supervisors who care for ~~persons~~ emancipated young adults 56228  
described in division (A)(1) of section 5101.1411 of the Revised 56229  
Code who are receiving foster care payments, or on whose behalf 56230  
such foster care payments are received, under section 5101.1411 of 56231  
the Revised Code. 56232

(B) The department of job and family services shall create an 56233  
advisory council to evaluate and make recommendations for 56234  
statewide implementation of sections 5101.1411 and 5101.1412 of 56235  
the Revised Code not later than one month after September 13, 56236  
2016, the effective date of H.B. 50 of the 131st general assembly. 56237

Sec. 5101.1415. The provisions of divisions (A) and (C) to 56238  
(F) of section 5101.1411 of the Revised Code shall not apply if 56239

the person is eligible for temporary or permanent custody until 56240  
age twenty-one pursuant to a dispositional order under sections 56241  
2151.353, 2151.414, and 2151.415 of the Revised Code. 56242

**Sec. 5101.56.** (A) As used in this section, "physician" means 56243  
a person who holds a valid ~~certificate~~ license to practice 56244  
medicine and surgery or osteopathic medicine and surgery issued 56245  
under Chapter 4731. of the Revised Code. 56246

(B) Unless required by the United States Constitution or by 56247  
federal statute, regulation, or decisions of federal courts, state 56248  
or local funds may not be used for payment or reimbursement for 56249  
abortion services unless the certification required by division 56250  
(C) of this section is made and one of the following circumstances 56251  
exists: 56252

(1) The woman suffers from a physical disorder, physical 56253  
injury, or physical illness, including a life-endangering physical 56254  
condition caused by or arising from the pregnancy, that would, as 56255  
certified by a physician, place the woman in danger of death 56256  
unless an abortion is performed. 56257

(2) The pregnancy was the result of an act of rape and the 56258  
patient, the patient's legal guardian, or the person who made the 56259  
report to the law enforcement agency, certifies in writing that 56260  
prior to the performance of the abortion a report was filed with a 56261  
law enforcement agency having the requisite jurisdiction, unless 56262  
the patient was physically unable to comply with the reporting 56263  
requirement and that fact is certified by the physician performing 56264  
the abortion. 56265

(3) The pregnancy was the result of an act of incest and the 56266  
patient, the patient's legal guardian, or the person who made the 56267  
report certifies in writing that prior to the performance of the 56268  
abortion a report was filed with either a law enforcement agency 56269  
having the requisite jurisdiction, or, in the case of a minor, 56270

with a county children services agency established under Chapter 56271  
5153. of the Revised Code, unless the patient was physically 56272  
unable to comply with the reporting requirement and that fact is 56273  
certified by the physician performing the abortion. 56274

(C)(1) Before payment of or reimbursement for an abortion can 56275  
be made with state or local funds, the physician performing the 56276  
abortion shall certify that one of the three circumstances in 56277  
division (B) of this section has occurred. The certification shall 56278  
be made on a form created by the Ohio department of job and family 56279  
services known as the "Abortion Certification Form." The 56280  
physician's signature shall be in the physician's own handwriting. 56281  
The certification shall list the name and address of the patient. 56282  
The certification form shall be attached to the billing invoice. 56283

(2) The certification shall be as follows: 56284

I certify that, on the basis of my professional judgment, 56285  
this service was necessary because: 56286

(a) The woman suffers from a physical disorder, physical 56287  
injury, or physical illness, including a life-endangering physical 56288  
condition caused by or arising from the pregnancy itself, that 56289  
would place the woman in danger of death unless an abortion was 56290  
performed; 56291

(b) The pregnancy was the result of an act of rape and the 56292  
patient, the patient's legal guardian, or the person who made the 56293  
report to the law enforcement agency certified in writing that 56294  
prior to the performance of the abortion a report was filed with a 56295  
law enforcement agency having the requisite jurisdiction; 56296

(c) The pregnancy was the result of an act of incest and the 56297  
patient, the patient's legal guardian, or the person who made the 56298  
report certified in writing that prior to the performance of the 56299  
abortion a report was filed with either a law enforcement agency 56300  
having the requisite jurisdiction or, in the case of a minor, with 56301

a county children services agency established under Chapter 5153. 56302  
of the Revised Code; 56303

(d) The pregnancy was the result of an act of rape and in my 56304  
professional opinion the recipient was physically unable to comply 56305  
with the reporting requirement; or 56306

(e) The pregnancy was a result of an act of incest and in my 56307  
professional opinion the recipient was physically unable to comply 56308  
with the reporting requirement. 56309

(D) Payment or reimbursement for abortion services shall not 56310  
be made with state or local funds for associated services such as 56311  
anesthesia, laboratory tests, or hospital services if the abortion 56312  
service itself cannot be paid or reimbursed with state or local 56313  
funds. All abortion services for which a physician is seeking 56314  
reimbursement or payment for the purposes of this division shall 56315  
be submitted on a hard-copy billing invoice. 56316

(E) Documentation that supports the certification made by a 56317  
physician shall be maintained by the physician in the recipient's 56318  
medical record. When the physician certifies that circumstances 56319  
described in division (C)(2)(b) or (c) of this section are the 56320  
case, a copy of the statement signed by the patient, the patient's 56321  
legal guardian, or the person who made the report shall be 56322  
maintained in the patient's medical record. 56323

(F) Nothing in this section denies reimbursement for drugs or 56324  
devices to prevent implantation of the fertilized ovum, or for 56325  
medical procedures for the termination of an ectopic pregnancy. 56326  
This section does not apply to treatments for incomplete, missed, 56327  
or septic abortions. 56328

(G) If enforcement of this section will adversely affect 56329  
eligibility of the state or a political subdivision of the state 56330  
for participation in a federal program, this section shall be 56331  
enforced to the extent permissible without preventing 56332

participation in that federal program. 56333

**Sec. 5101.83.** (A) As used in this section: 56334

(1) "Assistance group" has the same meaning as in section 56335  
5107.02 of the Revised Code, except that it also means a group 56336  
provided benefits and services under the prevention, retention, 56337  
and contingency program or the comprehensive case management and 56338  
employment program. 56339

(2) "Fraudulent assistance" means assistance and ~~service~~ 56340  
services, including cash assistance, provided under the Ohio works 56341  
first program established under Chapter 5107., or benefits and 56342  
services provided under the prevention, retention, and contingency 56343  
program established under Chapter 5108. of the Revised Code or 56344  
under the comprehensive case management and employment program 56345  
established under Chapter 5116. of the Revised Code, to or on 56346  
behalf of an assistance group that is provided as a result of 56347  
fraud by a member of the assistance group, including an 56348  
intentional violation of the program's requirements. "Fraudulent 56349  
assistance" does not include assistance or services to or on 56350  
behalf of an assistance group that is provided as a result of an 56351  
error that is the fault of a county department of job and family 56352  
services or the ~~state~~ Ohio department of job and family services. 56353

(B) If a county director of job and family services 56354  
determines that an assistance group has received fraudulent 56355  
assistance, the assistance group is ineligible to participate in 56356  
the Ohio works first program ~~or~~, the prevention, retention, and 56357  
contingency program, or the comprehensive case management and 56358  
employment program until a member of the assistance group repays 56359  
the cost of the fraudulent assistance. If a member repays the cost 56360  
of the fraudulent assistance and the assistance group otherwise 56361  
meets the eligibility requirements for the Ohio works first 56362  
program ~~or~~, the prevention, retention, and contingency program, or 56363

the comprehensive case management and employment program, the 56364  
assistance group shall not be denied the opportunity to 56365  
participate in the program. 56366

This section does not limit the ability of a county 56367  
department of job and family services to recover erroneous 56368  
payments under section 5107.76 of the Revised Code. 56369

The ~~state~~ Ohio department of job and family services shall 56370  
adopt rules in accordance with Chapter 119. of the Revised Code to 56371  
implement this section. 56372

**Sec. 5103.02.** As used in sections 5103.03 to ~~5103.17~~ 5103.181 56373  
of the Revised Code: 56374

(A)(1) "Association" or "institution" includes all of the 56375  
following: 56376

(a) Any incorporated or unincorporated organization, society, 56377  
association, or agency, public or private, that receives or cares 56378  
for children for two or more consecutive weeks; 56379

(b) Any individual, including the operator of a foster home, 56380  
who, for hire, gain, or reward, receives or cares for children for 56381  
two or more consecutive weeks, unless the individual is related to 56382  
them by blood or marriage; 56383

(c) Any individual not in the regular employ of a court, or 56384  
of an institution or association certified in accordance with 56385  
section 5103.03 of the Revised Code, who in any manner becomes a 56386  
party to the placing of children in foster homes, unless the 56387  
individual is related to such children by blood or marriage or is 56388  
the appointed guardian of such children. 56389

(2) "Association" or "institution" does not include any of 56390  
the following: 56391

(a) Any organization, society, association, school, agency, 56392  
child guidance center, detention or rehabilitation facility, or 56393

children's clinic licensed, regulated, approved, operated under 56394  
the direction of, or otherwise certified by the department of 56395  
education, a local board of education, the department of youth 56396  
services, the department of mental health and addiction services, 56397  
or the department of developmental disabilities; 56398

(b) Any individual who provides care for only a single-family 56399  
group, placed there by their parents or other relative having 56400  
custody; 56401

(c) A private, nonprofit therapeutic wilderness camp. 56402

(B) "Family foster home" means a foster home that is not a 56403  
specialized foster home. 56404

(C) "Foster caregiver" means a person holding a valid foster 56405  
home certificate issued under section 5103.03 of the Revised Code. 56406

(D) "Foster home" means a private residence in which children 56407  
are received apart from their parents, guardian, or legal 56408  
custodian, by an individual reimbursed for providing the children 56409  
nonsecure care, supervision, or training twenty-four hours a day. 56410  
"Foster home" does not include care provided for a child in the 56411  
home of a person other than the child's parent, guardian, or legal 56412  
custodian while the parent, guardian, or legal custodian is 56413  
temporarily away. Family foster homes and specialized foster homes 56414  
are types of foster homes. 56415

(E) "Medically fragile foster home" means a foster home that 56416  
provides specialized medical services designed to meet the needs 56417  
of children with intensive health care needs who meet all of the 56418  
following criteria: 56419

(1) Under rules adopted by the medicaid director governing 56420  
medicaid payments for long-term care services, the children 56421  
require a skilled level of care. 56422

(2) The children require the services of a doctor of medicine 56423

or osteopathic medicine at least once a week due to the 56424  
instability of their medical conditions. 56425

(3) The children require the services of a registered nurse 56426  
on a daily basis. 56427

(4) The children are at risk of institutionalization in a 56428  
hospital, skilled nursing facility, or intermediate care facility 56429  
for individuals with intellectual disabilities. 56430

(F) "Private, nonprofit therapeutic wilderness camp" means a 56431  
structured, alternative residential setting for children who are 56432  
experiencing emotional, behavioral, moral, social, or learning 56433  
difficulties at home or school in which all of the following are 56434  
the case: 56435

(1) The children spend the majority of their time, including 56436  
overnight, either outdoors or in a primitive structure. 56437

(2) The children have been placed there by their parents or 56438  
another relative having custody. 56439

(3) The camp accepts no public funds for use in its 56440  
operations. 56441

(G) "Recommending agency" means a public children services 56442  
agency, private child placing agency, or private noncustodial 56443  
agency that recommends that the department of job and family 56444  
services take any of the following actions under section 5103.03 56445  
of the Revised Code regarding a foster home: 56446

(1) Issue a certificate; 56447

(2) Deny a certificate; 56448

(3) Renew a certificate; 56449

(4) Deny renewal of a certificate; 56450

(5) Revoke a certificate. 56451

(H) "Specialized foster home" means a medically fragile 56452

foster home or a treatment foster home. 56453

(I) "Treatment foster home" means a foster home that 56454  
incorporates special rehabilitative services designed to treat the 56455  
specific needs of the children received in the foster home and 56456  
that receives and cares for children who are emotionally or 56457  
behaviorally disturbed, who are chemically dependent, who have 56458  
developmental disabilities, or who otherwise have exceptional 56459  
needs. 56460

Sec. 5103.037. (A) Prior to employing or appointing a person 56461  
as board president, or as an administrator or officer, an 56462  
institution or association shall do the following regarding the 56463  
person: 56464

(1) Request a summary report of a search of the uniform 56465  
statewide automated child welfare information system in accordance 56466  
with divisions (A) and (B) of section 5103.18 of the Revised Code; 56467

(2) Request a certified search of the findings for recovery 56468  
database; 56469

(3) Conduct a database review at the federal web site known 56470  
as the system for award management; 56471

(4) Conduct a search of the United States department of 56472  
justice national sex offender public web site. 56473

(B) The institution or association may refuse to hire or 56474  
appoint a person as board president, or as an administrator or 56475  
officer as follows: 56476

(1) Based solely on the findings of the summary report 56477  
described in division (B)(1)(a) of section 5103.18 of the Revised 56478  
Code or the results of the search described in division (A)(4) of 56479  
this section; 56480

(2) Based on the results of a certified search or database 56481  
review described in division (A)(2) or (3) of this section, when 56482

considered within the totality of circumstances. 56483

(C) The director of job and family services shall adopt rules 56484  
in accordance with Chapter 119. of the Revised Code necessary for 56485  
the implementation and execution of this section. 56486

**Sec. 5103.0310.** (A) Prior to employing a person, an 56487  
institution or association, as defined in division (A)(1)(a) of 56488  
section 5103.02 of the Revised Code, shall do the following 56489  
regarding the person: 56490

(1) Conduct a search of the United States department of 56491  
justice national sex offender public web site regarding the 56492  
person; 56493

(2) Request a summary report of a search of the uniform 56494  
statewide automated child welfare information system in accordance 56495  
with divisions (A) and (B) of section 5103.18 of the Revised Code. 56496

(B) The institution or association may refuse to hire the 56497  
person based solely on the results of the search described in 56498  
division (A)(1) of this section or the findings of the summary 56499  
report described in division (B)(1)(a) of section 5103.18 of the 56500  
Revised Code. 56501

(C) The director of job and family services shall adopt rules 56502  
in accordance with Chapter 119. of the Revised Code necessary for 56503  
the implementation and execution of this section. 56504

**Sec. 5103.0328.** (A) Not later than ninety-six hours after 56505  
receiving notice from the superintendent of the bureau of criminal 56506  
identification and investigation pursuant to section 109.5721 of 56507  
the Revised Code that a foster caregiver has been arrested for, 56508  
convicted of, or pleaded guilty to any foster 56509  
caregiver-disqualifying offense, and not later than ninety-six 56510  
hours after learning in any other manner that a foster caregiver 56511  
has been arrested for, convicted of, or pleaded guilty to any 56512

foster caregiver-disqualifying offense, the department of job and family services shall provide notice of that arrest, conviction, or guilty plea to both the recommending agency relative to the foster caregiver and the custodial agency of any child currently placed with that caregiver.

(B) If a recommending agency receives notice from the department of job and family services pursuant to division (A) of this section that a foster caregiver has been convicted of or pleaded guilty to any foster caregiver-disqualifying offense, or if a recommending agency learns in any other manner that a foster caregiver has been convicted of or pleaded guilty to any foster caregiver-disqualifying offense, the recommending agency shall assess the foster caregiver's overall situation for safety concerns and forward any recommendations, if applicable, for revoking the foster caregiver's certificate to the department for the department's review for possible revocation.

(C) As used in this section, "foster caregiver-disqualifying offense" means any offense or violation listed or described in division (C)(1)(a) ~~or (b)~~ of section 2151.86 of the Revised Code.

**Sec. 5103.13.** (A) As used in this section and section 5103.131 of the Revised Code:

(1)(a) "Children's crisis care facility" means a facility that has as its primary purpose the provision of residential and other care to either or both of the following:

(i) One or more preteens voluntarily placed in the facility by the preteen's parent or other caretaker who is facing a crisis that causes the parent or other caretaker to seek temporary care for the preteen and referral for support services;

(ii) One or more preteens placed in the facility by a public children services agency or private child placing agency that has

legal custody or permanent custody of the preteen and determines 56543  
that an emergency situation exists necessitating the preteen's 56544  
placement in the facility rather than an institution certified 56545  
under section 5103.03 of the Revised Code or elsewhere. 56546

(b) "Children's crisis care facility" does not include either 56547  
of the following: 56548

(i) Any organization, society, association, school, agency, 56549  
child guidance center, detention or rehabilitation facility, or 56550  
children's clinic licensed, regulated, approved, operated under 56551  
the direction of, or otherwise certified by the department of 56552  
education, a local board of education, the department of youth 56553  
services, the department of mental health and addiction services, 56554  
or the department of developmental disabilities; 56555

(ii) Any individual who provides care for only a 56556  
single-family group, placed there by their parents or other 56557  
relative having custody. 56558

(2) "Legal custody" and "permanent custody" have the same 56559  
meanings as in section 2151.011 of the Revised Code. 56560

(3) "Preteen" means an individual under thirteen years of 56561  
age. 56562

(B) No person shall operate a children's crisis care facility 56563  
or hold a children's crisis care facility out as a certified 56564  
children's crisis care facility unless there is a valid children's 56565  
crisis care facility certificate issued under this section for the 56566  
facility. 56567

(C) A person seeking to operate a children's crisis care 56568  
facility shall apply to the director of job and family services to 56569  
obtain a certificate for the facility. The director shall certify 56570  
the person's children's crisis care facility if the facility meets 56571  
all of the certification standards established in rules adopted 56572  
under division (F) of this section and the person complies with 56573

all of the rules governing the certification of children's crisis 56574  
care facilities adopted under that division. The issuance of a 56575  
children's crisis care facility certificate does not exempt the 56576  
facility from a requirement to obtain another certificate or 56577  
license mandated by law. 56578

(D)(1) No certified children's crisis care facility shall do 56579  
any of the following: 56580

(a) Provide residential care to a preteen for more than one 56581  
hundred twenty days in a calendar year; 56582

(b) Subject to division (D)(1)(c) of this section and except 56583  
as provided in division (D)(2) of this section, provide 56584  
residential care to a preteen for more than sixty consecutive 56585  
days; 56586

(c) ~~Except as provided in division (D)(3) of this section,~~ 56587  
~~provide~~ Provide residential care to a preteen for more than 56588  
~~seventy two~~ fourteen consecutive ~~hours~~ days if a public children 56589  
services agency or private child placing agency placed the preteen 56590  
in the facility; 56591

(d) Fail to comply with section 2151.86 of the Revised Code. 56592

(2) A certified children's crisis care facility may provide 56593  
residential care to a preteen for up to ninety consecutive days, 56594  
other than a preteen placed in the facility by a public children 56595  
services agency or private child placing agency, if any of the 56596  
following are the case: 56597

(a) The preteen's parent or other caretaker is enrolled in an 56598  
alcohol and drug addiction service or a community mental health 56599  
service certified under section 5119.36 of the Revised Code; 56600

(b) The preteen's parent or other caretaker is an inpatient 56601  
in a hospital; 56602

(c) The preteen's parent or other caretaker is incarcerated; 56603

(d) A physician has diagnosed the preteen's parent or other caretaker as medically incapacitated. 56604  
56605

~~(3) A certified children's crisis care facility may provide residential care to a preteen placed in the facility by a public children services agency or private child placing agency for more than seventy two consecutive hours if the director of job and family services or the director's designee issues the agency a waiver of the seventy two consecutive hour limitation. The waiver may authorize the certified children's crisis care facility to provide residential care to the preteen for up to fourteen consecutive days.~~ 56606  
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(E) The director of job and family services may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code if the facility violates division (D) of this section or ceases to meet any of the certification standards established in rules adopted under division (F) of this section or the facility's operator ceases to comply with any of the rules governing the certification of children's crisis care facilities adopted under that division. 56615  
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(F) Not later than ninety days after September 21, 2006, the director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of children's crisis care facilities. The rules shall specify that a certificate shall not be issued to an applicant if the conditions at the children's crisis care facility would jeopardize the health or safety of the preteens placed in the facility. 56623  
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**Sec. 5103.181.** (A) Prior to certification or recertification of a foster home under section 5103.03 of the Revised Code, a recommending agency shall conduct a search of the United States department of justice national sex offender public web site regarding the prospective or current foster caregiver and all 56630  
56631  
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persons eighteen years of age or older who reside with the 56635  
prospective or current foster caregiver. Certification or 56636  
recertification may be denied based solely on the results of the 56637  
search. 56638

(B) The director of job and family services shall adopt rules 56639  
in accordance with Chapter 119. of the Revised Code necessary for 56640  
the implementation and execution of this section. 56641

**Sec. 5103.30.** The Ohio child welfare training program is 56642  
hereby established in the department of job and family services as 56643  
a statewide program. The program shall provide all of the 56644  
following: 56645

(A) The training that section 3107.014 of the Revised Code 56646  
requires an assessor to complete; 56647

(B) The preplacement training that sections 5103.031 and 56648  
5103.033 of the Revised Code require a prospective foster 56649  
caregiver to complete; 56650

(C) The continuing training that sections 5103.032 and 56651  
5103.033 of the Revised Code require a foster caregiver to 56652  
complete; 56653

(D) The training that section 5153.122 of the Revised Code 56654  
requires a PCSA caseworker to complete; 56655

(E) The training that section 5153.123 of the Revised Code 56656  
requires a PCSA caseworker supervisor to complete; 56657

(F) The training required under section 5101.1414 of the 56658  
Revised Code for a ~~foster care worker or foster care worker~~ case 56659  
manager and supervisor. 56660

**Sec. 5104.01.** As used in this chapter: 56661

(A) "Administrator" means the person responsible for the 56662

daily operation of a center, type A home, or ~~type B home~~ approved child day camp. The administrator and the owner may be the same person. 56663  
56664  
56665

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code. 56666  
56667

(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following: 56668  
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(1) Communicate on the owner's behalf; 56672

(2) Submit on the owner's behalf applications for licensure or approval; 56673  
56674

(3) Enter into on the owner's behalf provider agreements for publicly funded child care. 56675  
56676

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act. 56677  
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~~(D)~~(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following: 56681  
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56683

(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications; 56684  
56685  
56686

(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six. 56687  
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56689

~~(E)~~(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose 56690  
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presence in the home is needed as the caretaker of the child, a 56693  
guardian of a child whose presence in the home is needed as the 56694  
caretaker of the child, and any other person who stands in loco 56695  
parentis with respect to the child and whose presence in the home 56696  
is needed as the caretaker of the child. 56697

~~(F)~~(G) "Chartered nonpublic school" means a school that meets 56698  
standards for nonpublic schools prescribed by the state board of 56699  
education for nonpublic schools pursuant to section 3301.07 of the 56700  
Revised Code. 56701

~~(G)~~(H) "Child" includes an infant, toddler, preschool-age 56702  
child, or school-age child. 56703

~~(H)~~(I) "Child care block grant act" means the "Child Care and 56704  
Development Block Grant Act of 1990," ~~established in section 5082~~ 56705  
~~of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat.~~ 56706  
~~1388-236 (1990)~~ 2014," 128 Stat. 1971 (2014), 42 U.S.C. 9858, as 56707  
amended. 56708

~~(I)~~(J) "Child day camp" means a program in which only 56709  
school-age children attend or participate, that operates for no 56710  
more than ~~seven~~ twelve hours per day, ~~that operates only during~~ 56711  
~~one or more public school district's regular vacation periods or~~ 56712  
~~for~~ and no more than fifteen weeks during the summer, ~~and that~~ 56713  
~~operates outdoor activities for each child who attends or~~ 56714  
~~participates in the program for a minimum of fifty per cent of~~ 56715  
~~each day that children attend or participate in the program,~~ 56716  
~~except for any day when hazardous weather conditions prevent the~~ 56717  
~~program from operating outdoor activities for a minimum of fifty~~ 56718  
~~per cent of that day.~~ For purposes of this division, the maximum 56719  
~~seven~~ twelve hours of operation time does not include 56720  
transportation time from a child's home to a child day camp and 56721  
from a child day camp to a child's home. 56722

~~(J)~~(K) "Child care" means all of the following: 56723

(1) Administering to the needs of infants, toddlers, 56724  
preschool-age children, and school-age children outside of school 56725  
hours; 56726

(2) By persons other than their parents, guardians, or 56727  
custodians; 56728

(3) For ~~any~~ part of the twenty-four-hour day; 56729

(4) In a place other than a child's own home, except that an 56730  
in-home aide provides child care in the child's own home; 56731

(5) By a provider required by this chapter to be licensed or 56732  
approved by the department of job and family services, certified 56733  
by a county department of job and family services, or under 56734  
contract with the department to provide publicly funded child care 56735  
as described in section 5104.32 of the Revised Code. 56736

~~(K)(L)~~ "Child day-care center" and "center" mean ~~any place in 56737~~  
~~which child care or publicly funded child care is provided for 56738~~  
~~thirteen or more children at one time or any place that is not the 56739~~  
permanent residence of the licensee or administrator in which 56740  
child care or publicly funded child care is provided for seven ~~to 56741~~  
~~twelve or more~~ children at one time. ~~In counting children for the 56742~~  
~~purposes of this division, any children under six years of age who 56743~~  
~~are related to a licensee, administrator, or employee and who are 56744~~  
~~on the premises of the center shall be counted.~~ "Child day-care 56745  
center" and "center" do not include any of the following: 56746

(1) A place located in and operated by a hospital, as defined 56747  
in section 3727.01 of the Revised Code, in which the needs of 56748  
children are administered to, if all the children whose needs are 56749  
being administered to are monitored under the on-site supervision 56750  
of a physician licensed under Chapter 4731. of the Revised Code or 56751  
a registered nurse licensed under Chapter 4723. of the Revised 56752  
Code, and the services are provided only for children who, in the 56753  
opinion of the child's parent, guardian, or custodian, are 56754

exhibiting symptoms of a communicable disease or other illness or 56755  
are injured; 56756

(2) A child day camp; 56757

(3) A place that provides ~~child care, but not publicly funded~~ 56758  
~~child~~ care, if all of the following apply: 56759

(a) An organized religious body provides the ~~child~~ care; 56760

(b) A parent, custodian, or guardian of at least one child 56761  
receiving ~~child~~ care is on the premises and readily accessible at 56762  
all times; 56763

(c) The ~~child~~ care is not provided for more than thirty days 56764  
a year; 56765

(d) The ~~child~~ care is provided only for preschool-age and 56766  
school-age children. 56767

~~(L)~~(M) "Child care resource and referral service 56768  
organization" means a community-based nonprofit organization that 56769  
provides child care resource and referral services but not child 56770  
care. 56771

~~(M)~~(N) "Child care resource and referral services" means all 56772  
of the following services: 56773

(1) Maintenance of a uniform data base of all child care 56774  
providers in the community that are in compliance with this 56775  
chapter, including current occupancy and vacancy data; 56776

(2) Provision of individualized consumer education to 56777  
families seeking child care; 56778

(3) Provision of timely referrals of available child care 56779  
providers to families seeking child care; 56780

(4) Recruitment of child care providers; 56781

(5) Assistance in ~~the development, conduct, and dissemination~~ 56782  
~~of~~ developing, conducting, and disseminating training for child 56783

care ~~providers~~ professionals and provision of technical assistance 56784  
to current and potential child care providers, employers, and the 56785  
community; 56786

(6) Collection and analysis of data on the supply of and 56787  
demand for child care in the community; 56788

(7) Technical assistance concerning locally, state, and 56789  
federally funded child care and early childhood education 56790  
programs; 56791

(8) Stimulation of employer involvement in making child care 56792  
more affordable, more available, safer, and of higher quality for 56793  
their employees and for the community; 56794

(9) Provision of written educational materials to caretaker 56795  
parents and informational resources to child care providers; 56796

(10) Coordination of services among child care resource and 56797  
referral service organizations to assist in developing and 56798  
maintaining a statewide system of child care resource and referral 56799  
services if required by the department of job and family services; 56800

(11) Cooperation with the county department of job and family 56801  
services in encouraging the establishment of parent cooperative 56802  
child care centers and parent cooperative type A family day-care 56803  
homes. 56804

~~(N)~~(O) "Child-care staff member" means an employee of a child 56805  
day-care center ~~or~~, type A family day-care home, licensed type B 56806  
family day-care home, or approved child day camp who is primarily 56807  
responsible for the care and supervision of children. The 56808  
administrator, authorized representative, or owner may be a 56809  
~~part-time~~ child-care staff member when not involved in other 56810  
duties. 56811

~~(O)~~(P) "Drop-in child day-care center," "drop-in center," 56812  
"drop-in type A family day-care home," and "drop-in type A home" 56813

mean a center or type A home that provides child care or publicly 56814  
funded child care for children on a temporary, irregular basis. 56815

~~(P)~~(O) "Employee" means a person who either: 56816

(1) Receives compensation for duties performed in a child 56817  
day-care center ~~or~~, type A family day-care home, licensed type B 56818  
family day-care home, or approved child day camp; 56819

(2) Is assigned specific working hours or duties in a child 56820  
day-care center ~~or~~, type A family day-care home, licensed type B 56821  
family day-care home, or approved child day camp. 56822

~~(Q)~~(R) "Employer" means a person, firm, institution, 56823  
organization, or agency that operates a child day-care center ~~or~~, 56824  
type A family day-care home, licensed type B family day-care home, 56825  
or approved child day camp subject to licensure or approval under 56826  
this chapter. 56827

~~(R)~~(S) "Federal poverty line" means the official poverty 56828  
guideline as revised annually in accordance with section 673(2) of 56829  
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 56830  
U.S.C. 9902, as amended, for a family size equal to the size of 56831  
the family of the person whose income is being determined. 56832

~~(S)~~(T) "Head start program" means a comprehensive child 56833  
development program serving birth to three years old and 56834  
preschool-age children that receives funds distributed under the 56835  
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 56836  
amended, and is licensed as a child ~~day-care-center~~ care program. 56837

~~(T)~~(U) "Homeless child care" means child care provided to a 56838  
child who satisfies any of the following: 56839

(1) Is homeless as defined in 42 U.S.C. 11302; 56840

(2) Is a homeless child or youth as defined in 42 U.S.C. 56841  
11434a; 56842

(3) Resides temporarily with a caretaker in a facility 56843

providing emergency shelter for homeless families or is determined 56844  
by a county department of job and family services to be homeless. 56845

(V) "Income" means gross income, as defined in section 56846  
5107.10 of the Revised Code, less any amounts required by federal 56847  
statutes or regulations to be disregarded. 56848

~~(U)~~(W) "Indicator checklist" means an inspection tool, used 56849  
in conjunction with an instrument-based program monitoring 56850  
information system, that contains selected licensing requirements 56851  
that are statistically reliable indicators or predictors of a 56852  
child day-care center's type A family day-care home's, or licensed 56853  
type B family day-care home's compliance with licensing 56854  
requirements. 56855

~~(V)~~(X) "Infant" means a child who is less than eighteen 56856  
months of age. 56857

~~(W)~~(Y) "In-home aide" means a person who does not reside with 56858  
the child but provides care in the child's home and is certified 56859  
by a county director of job and family services pursuant to 56860  
section 5104.12 of the Revised Code to provide publicly funded 56861  
child care to a child in a child's own home pursuant to this 56862  
chapter and any rules adopted under it. 56863

~~(X)~~(Z) "Instrument-based program monitoring information 56864  
system" means a method to assess compliance with licensing 56865  
requirements for child day-care centers, type A family day-care 56866  
homes, and licensed type B family day-care homes in which each 56867  
licensing requirement is assigned a weight indicative of the 56868  
relative importance of the requirement to the health, growth, and 56869  
safety of the children that is used to develop an indicator 56870  
checklist. 56871

~~(Y)~~(AA) "License capacity" means the maximum number in each 56872  
age category of children who may be cared for in a child day-care 56873  
center ~~or~~, type A family day-care home, or licensed type B family 56874

day-care home at one time as determined by the director of job and 56875  
family services considering building occupancy limits established 56876  
by the department of commerce, amount of available indoor floor 56877  
space and outdoor play space, and amount of available play 56878  
equipment, materials, and supplies. ~~For the purposes of a~~ 56879  
~~provisional license issued under this chapter, the director shall~~ 56880  
~~also consider the number of available child care staff members~~ 56881  
~~when determining "license capacity" for the provisional license.~~ 56882

~~(Z)~~(BB) "Licensed child care program" means any of the 56883  
following: 56884

(1) A child day-care center licensed by the department of job 56885  
and family services pursuant to this chapter; 56886

(2) A type A family day-care home or type B family day-care 56887  
home licensed by the department of job and family services 56888  
pursuant to this chapter; 56889

(3) A licensed preschool program or licensed school child 56890  
program. 56891

~~(AA)~~(CC) "Licensed preschool program" or "licensed school 56892  
child program" means a preschool program or school child program, 56893  
as defined in section 3301.52 of the Revised Code, that is 56894  
licensed by the department of education pursuant to sections 56895  
3301.52 to 3301.59 of the Revised Code. 56896

~~(BB)~~(DD) "Licensed type B family day-care home" and "licensed 56897  
type B home" mean a type B family day-care home for which there is 56898  
a valid license issued by the director of job and family services 56899  
pursuant to section 5104.03 of the Revised Code. 56900

~~(CC)~~(EE) "Licensee" means the owner of a child day-care 56901  
center, type A family day-care home, or type B family day-care 56902  
home that is licensed pursuant to this chapter and who is 56903  
responsible for ensuring ~~its~~ compliance with this chapter and 56904  
rules adopted pursuant to this chapter. 56905

~~(DD)~~(FF) "Operate a child day camp" means to operate, 56906  
establish, manage, conduct, or maintain a child day camp. 56907

~~(EE)~~(GG) "Owner" includes a person, as defined in section 56908  
1.59 of the Revised Code, or government entity. 56909

~~(FF)~~(HH) "Parent cooperative child day-care center," "parent 56910  
cooperative center," "parent cooperative type A family day-care 56911  
home," and "parent cooperative type A home" mean a corporation or 56912  
association organized for providing educational services to the 56913  
children of members of the corporation or association, without 56914  
gain to the corporation or association as an entity, in which the 56915  
services of the corporation or association are provided only to 56916  
children of the members of the corporation or association, 56917  
ownership and control of the corporation or association rests 56918  
solely with the members of the corporation or association, and at 56919  
least one parent-member of the corporation or association is on 56920  
the premises of the center or type A home during its hours of 56921  
operation. 56922

~~(GG)~~(II) "Part-time child day-care center," "part-time 56923  
center," "part-time type A family day-care home," and "part-time 56924  
type A home" mean a center or type A home that provides child care 56925  
or publicly funded child care for not more than four hours a day 56926  
for any child or not more than fifteen consecutive weeks per year, 56927  
regardless of the number of hours per day. 56928

~~(HH)~~(JJ) "Place of worship" means a building where activities 56929  
of an organized religious group are conducted and includes the 56930  
grounds and any other buildings on the grounds used for such 56931  
activities. 56932

~~(II)~~(KK) "Preschool-age child" means a child who is three 56933  
years old or older but is not a school-age child. 56934

~~(JJ)~~(LL) "Protective child care" means publicly funded child 56935  
care for the direct care and protection of a child to whom either 56936

all of the following ~~applies~~ apply: 56937

(1) A case plan has been prepared and maintained for the 56938  
child pursuant to section 2151.412 of the Revised Code. 56939

(2) The case plan indicates a need for protective care ~~and~~ 56940  
~~the.~~ 56941

(3) The child resides with a parent, stepparent, guardian, or 56942  
another person who stands in loco parentis as defined in rules 56943  
adopted under section 5104.38 of the Revised Code. 56944

~~(2) The child and the child's caretaker either temporarily~~ 56945  
~~reside in a facility providing emergency shelter for homeless~~ 56946  
~~families or are determined by the county department of job and~~ 56947  
~~family services to be homeless, and are otherwise ineligible for~~ 56948  
~~publicly funded child care.~~ 56949

~~(KK)~~(MM) "Publicly funded child care" means administering to 56950  
the needs of infants, toddlers, preschool-age children, and 56951  
school-age children under age thirteen during any part of the 56952  
twenty-four-hour day by persons other than their caretaker parents 56953  
for remuneration wholly or in part with federal or state funds, 56954  
including funds available under the child care block grant act, 56955  
Title IV-A, and Title XX, distributed by the department of job and 56956  
family services. 56957

~~(LL)~~(NN) "Religious activities" means any of the following: 56958  
worship or other religious services; religious instruction; Sunday 56959  
school classes or other religious classes conducted during or 56960  
prior to worship or other religious services; youth or adult 56961  
fellowship activities; choir or other musical group practices or 56962  
programs; meals; festivals; or meetings conducted by an organized 56963  
religious group. 56964

~~(MM)~~(OO) "School-age child" means a child who is enrolled in 56965  
or is eligible to be enrolled in a grade of kindergarten or above 56966  
but is less than fifteen years old or, in the case of a child who 56967

is receiving special needs child care, is less than eighteen years 56968  
old. 56969

~~(NN) "School age child care center" and "school age child~~ 56970  
~~type A home" mean a center or type A home that provides child care~~ 56971  
~~for school age children only and that does either or both of the~~ 56972  
~~following:~~ 56973

~~(1) Operates only during that part of the day that~~ 56974  
~~immediately precedes or follows the public school day of the~~ 56975  
~~school district in which the center or type A home is located;~~ 56976

~~(2) Operates only when the public schools in the school~~ 56977  
~~district in which the center or type A home is located are not~~ 56978  
~~open for instruction with pupils in attendance.~~ 56979

~~(OO)(PP) "Serious risk noncompliance" means a licensure or~~ 56980  
~~certification rule violation that leads to a great risk of harm~~ 56981  
~~to, or death of, a child, and is observable, not inferable.~~ 56982

~~(PP) "State median income" means the state median income~~ 56983  
~~calculated by the department of development pursuant to division~~ 56984  
~~(A)(1)(g) of section 5709.61 of the Revised Code~~ 56985

(OO) "Special needs child care" means child care provided to 56986  
a child who is less than eighteen years of age and either has one 56987  
or more chronic health conditions or does not meet age appropriate 56988  
expectations in one or more areas of development, including 56989  
social, emotional, cognitive, communicative, perceptual, motor, 56990  
physical, and behavioral development and that may include on a 56991  
regular basis such services, adaptations, modifications, or 56992  
adjustments needed to assist in the child's function or 56993  
development. 56994

~~(OO)(RR) "Title IV-A" means Title IV-A of the "Social~~ 56995  
~~Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.~~ 56996

~~(RR)(SS) "Title XX" means Title XX of the "Social Security~~ 56997

Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 56998

~~(SS)~~(TT) "Toddler" means a child who is at least eighteen 56999  
months of age but less than three years of age. 57000

~~(TT)~~(UU) "Type A family day-care home" and "type A home" mean 57001  
a the permanent residence of the administrator in which child care 57002  
or publicly funded child care is provided for seven to twelve 57003  
children at one time or a permanent residence of the administrator 57004  
in which child care is provided for four to twelve children at one 57005  
time if four or more children at one time are under two years of 57006  
age. In counting children for the purposes of this division, any 57007  
children under six years of age who are related to a licensee, 57008  
administrator, or employee and who are on the premises of the type 57009  
A home shall be counted. "Type A family day-care home" and "type A 57010  
home" do not include any child day camp. 57011

~~(UU)~~(VV) "Type B family day-care home" and "type B home" mean 57012  
a permanent residence of the provider in which ~~child~~ care is 57013  
provided for one to six children at one time and in which no more 57014  
than three children are under two years of age at one time. In 57015  
counting children for the purposes of this division, any children 57016  
under six years of age who are related to the provider and who are 57017  
on the premises of the type B home shall be counted. "Type B 57018  
family day-care home" and "type B home" do not include any child 57019  
day camp. 57020

**Sec. 5104.013.** ~~(A)(1) At the times specified in division 57021  
(A)(3) of this section, the director of job and family services, 57022  
as part of the process of licensure of child day care centers, 57023  
type A family day care homes, and type B family day care homes 57024  
shall request the superintendent of the bureau of criminal 57025  
identification and investigation to conduct a criminal records 57026  
check with respect to the following persons: 57027~~

~~(a) Any owner, licensee, or administrator of a center; 57028~~

~~(b) Any owner, licensee, or administrator of a type A home or type B home and any person eighteen years of age or older who resides in a type A home or type B home.~~ 57029  
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~~(2) At the time specified in division (A)(3) of this section, the director of a county department of job and family services, as part of the process of certification of in-home aides, shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any in-home aide.~~ 57032  
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~~(3) The director of job and family services shall request a criminal records check pursuant to division (A)(1) of this section at the time of the initial application for licensure and every five years thereafter. The director of a county department of job and family services shall request a criminal records check pursuant to division (A)(2) of this section at the time of the initial application for certification and every five years thereafter. When the director of job and family services or the director of a county department of job and family services requests pursuant to division (A)(1) or (2) of this section a criminal records check for a person at the time of the person's initial application for licensure or certification, the director shall request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as a part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. In all other cases in which the director of job and family services or the director of a county department of job and family services requests a criminal records check for an applicant pursuant to division (A)(1) or (2) of this section, the director may request that the superintendent include information from the federal~~ 57038  
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~~bureau of investigation in the criminal records check, including 57061  
fingerprint based checks of national crime information databases 57062  
as described in 42 U.S.C. 671. 57063~~

~~(4) The director of job and family services shall review the 57064  
results of a criminal records check subsequent to a request made 57065  
pursuant to divisions (A)(1) and (3) of this section prior to 57066  
approval of a license. The director of a county department of job 57067  
and family services shall review the results of a criminal records 57068  
check subsequent to a request made pursuant to divisions (A)(2) 57069  
and (3) of this section prior to approval of certification. 57070~~

~~(B) The director of job and family services or the director 57071  
of a county department of job and family services shall provide to 57072  
each person for whom a criminal records check is required under 57073  
this section a copy of the form prescribed pursuant to division 57074  
(C)(1) of section 109.572 of the Revised Code and a standard 57075  
impression sheet to obtain fingerprint impressions prescribed 57076  
pursuant to division (C)(2) of that section, obtain the completed 57077  
form and impression sheet from that person, and forward the 57078  
completed form and impression sheet to the superintendent of the 57079  
bureau of criminal identification and investigation. 57080~~

~~(C) A person who receives pursuant to division (B) of this 57081  
section a copy of the form and standard impression sheet described 57082  
in that division and who is requested to complete the form and 57083  
provide a set of fingerprint impressions shall complete the form 57084  
or provide all the information necessary to complete the form and 57085  
shall provide the impression sheet with the impressions of the 57086  
person's fingerprints. If the person, upon request, fails to 57087  
provide the information necessary to complete the form or fails to 57088  
provide impressions of the person's fingerprints, the director may 57089  
consider the failure as a reason to deny licensure or 57090  
certification. 57091~~

~~(D) Except as provided in rules adopted under division (N) of 57092~~

~~this section:~~ 57093

~~(1) The director of job and family services shall not grant a license to a center, type A home, or type B home and a county director of job and family services shall not certify an in-home aide if a person for whom a criminal records check was required in connection with the center or home previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.~~ 57094  
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~~(2) The director of job and family services shall not grant a license to a type A home or type B home if a resident of the type A home or type B home is under eighteen years of age and has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.~~ 57101  
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~~(E) Each center, type A home, and type B home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon a request made pursuant to division (A) of this section.~~ 57107  
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~~(F)(1) At the times specified in division (F)(2) of this section, the administrator of a center, type A home or licensed type B home shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the center, type A home, or licensed type B home for employment.~~ 57113  
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~~(2) The administrator shall request a criminal records check pursuant to division (F)(1) of this section at the time of the applicant's initial application for employment and every five years thereafter. When the administrator requests pursuant to division (F)(1) of this section a criminal records check for an~~ 57119  
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~~applicant at the time of the applicant's initial application for 57124  
employment, the administrator shall request that the 57125  
superintendent obtain information from the federal bureau of 57126  
investigation as a part of the criminal records check for the 57127  
applicant, including fingerprint based checks of national crime 57128  
information databases as described in 42 U.S.C. 671, for the 57129  
person subject to the criminal records check. In all other cases 57130  
in which the administrator requests a criminal records check for 57131  
an applicant pursuant to division (F)(1) of this section, the 57132  
administrator may request that the superintendent include 57133  
information from the federal bureau of investigation in the 57134  
criminal records check, including fingerprint based checks of 57135  
national crime information databases as described in 42 U.S.C. 57136  
671. 57137~~

~~(G) Any person required by division (F) of this section to 57138  
request a criminal records check shall inform each person, at the 57139  
time of the person's initial application for employment, that the 57140  
person is required to provide a set of impressions of the person's 57141  
fingerprints and that a criminal records check is required to be 57142  
conducted and satisfactorily completed in accordance with section 57143  
109.572 of the Revised Code if the person comes under final 57144  
consideration for appointment or employment as a precondition to 57145  
employment for that position. 57146~~

~~(H) A person required by division (F) of this section to 57147  
request a criminal records check shall provide to each applicant a 57148  
copy of the form prescribed pursuant to division (C)(1) of section 57149  
109.572 of the Revised Code, provide to each applicant a standard 57150  
impression sheet to obtain fingerprint impressions prescribed 57151  
pursuant to division (C)(2) of section 109.572 of the Revised 57152  
Code, obtain the completed form and impression sheet from each 57153  
applicant, and forward the completed form and impression sheet to 57154  
the superintendent of the bureau of criminal identification and 57155~~

~~investigation at the time the person requests a criminal records check pursuant to division (F) of this section.~~ 57156  
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~~(I) An applicant who receives pursuant to division (H) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the center or type A home shall not employ that applicant for any position for which a criminal records check is required by division (F) of this section.~~ 57158  
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~~(J)(1) Except as provided in rules adopted under division (N) of this section, no center, type A home, or licensed type B home shall employ or contract with another entity for the services of a person if the person previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.~~ 57172  
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~~(2) A center, type A home, or licensed type B home may employ an applicant conditionally until the criminal records check required by this section is completed and the center or home receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (J)(1) of this section, the applicant does not qualify for employment, the center, type A home, or licensed type B home shall release the applicant from employment.~~ 57178  
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~~(3) The administrator of a center, type A home, or licensed type B home shall review the results of the criminal records check~~ 57186  
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~~before an applicant has sole responsibility for the care, custody, or control of any child.~~ 57188  
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~~(K)(1) Each center, type A home, and licensed type B home shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (F) of this section of the administrator of the center, type A home, or licensed type B home.~~ 57190  
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~~(2) A center, type A home, or licensed type B home may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the center, type A home, or licensed type B home pays under division (K)(1) of this section. If a fee is charged under this division, the center, type A home, or licensed type B home shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the center, type A home, or licensed type B home will not consider the applicant for employment.~~ 57197  
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~~(L) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request made under division (A) or (F) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the person who is the subject of the criminal records check or the person's representative, the director of job and family services, the director of a county department of job and family services, the center, type A home, or type B home involved, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial of licensure or certification related to the~~ 57208  
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~~criminal records check.~~ 57220

~~(M)(1) Each of the following persons shall sign a statement on forms prescribed by the director of job and family services attesting to the fact that the person has not been convicted of or pleaded guilty to any offense set forth in division (A)(5) of section 109.572 of the Revised Code and that no child has been removed from the person's home pursuant to section 2151.353 of the Revised Code:~~ 57221  
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~~(a) An employee of a center, type A home, or licensed type B home:~~ 57228  
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~~(b) A person eighteen years of age or older who resides in a type A home or licensed type B home:~~ 57230  
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~~(c) An in-home aide:~~ 57232

~~(d) An owner, licensee, or administrator of a center, type A home, or licensed type B home.~~ 57233  
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~~(2) Each licensee of a type A home or type B home shall sign a statement on a form prescribed by the director of job and family services attesting to the fact that no person who resides at the type A home or licensed type B home and is under eighteen years of age has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(5) of section 109.572 of the Revised Code.~~ 57235  
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~~(3) The statements required under divisions (M)(1) and (2) of this section shall be kept on file as follows:~~ 57242  
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~~(a) With respect to an owner, licensee, administrator, or employee of a center, type A home, or licensed type B home, or a person eighteen years of age or older residing in a type A home or licensed type B home, at the center, type A home, or licensed type B home:~~ 57244  
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~~(b) With respect to in-home aides, at the county department~~ 57249

~~of job and family services.~~ 57250

~~(4) No owner, administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section.~~ 57251  
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~~(N) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the prohibitions in divisions (D) and (J) of this section for persons who have been convicted of an offense listed in division (A)(5) of section 109.572 of the Revised Code but who meet standards in regard to rehabilitation set by the director.~~ 57257  
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~~(O) As used in this section:~~ 57264

~~(1) "Applicant" means a person who is under final consideration for appointment to or employment in a position with a center, a type A home, or licensed type B home or any person who would serve in any position with a center, type A home, or licensed type B home pursuant to a contract with another entity.~~ 57265  
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~~(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.~~ 57270  
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(A) As used in this section: 57272

(1) "Applicant" means either of the following: 57273

(a) A person who is under final consideration for appointment to or employment in a position with a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or child day camp; 57274  
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(b) A person who would serve in any position with a licensed 57279

preschool program or licensed school child program that provides 57280  
publicly funded child care, child day-care center, type A family 57281  
day-care home, licensed type B family day-care home, or child day 57282  
camp pursuant to a contract with another entity. 57283

(2) "Criminal records check" has the same meaning as in 57284  
section 109.572 of the Revised Code. 57285

(B)(1) At the times specified in division (B)(2)(a) of this 57286  
section, the director of job and family services shall request the 57287  
superintendent of the bureau of criminal identification and 57288  
investigation to conduct a criminal records check for each of the 57289  
following persons: 57290

(a) Any owner or licensee of a child day-care center; 57291

(b) Any owner or licensee of a type A family day-care home or 57292  
licensed type B family day-care home and any person eighteen years 57293  
of age or older who resides in the home; 57294

(c) Any owner of an approved child day camp; 57295

(d) Any director of a licensed preschool program or licensed 57296  
school child program that provides publicly funded child care; 57297

(e) Any in-home aide; 57298

(f) Any applicant or employee, including an administrator, of 57299  
a child day-care center, type A family day-care home, licensed 57300  
type B family day-care home, approved child day camp, or licensed 57301  
preschool program or licensed school child program that provides 57302  
publicly funded child care. 57303

(2)(a) The director shall request a criminal records check at 57304  
the following times: 57305

(i) In the case of an owner or licensee of child day-care 57306  
center or an owner or licensee of a type A family day-care home or 57307  
licensed type B family day-care home or a resident of such a home, 57308  
at the time of initial application for licensure and every five 57309

years thereafter; 57310

(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter; 57311  
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(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter; 57314  
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(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 57318  
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(v) Except as provided in division (B)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 57320  
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(vi) In the case of an applicant who has been determined eligible for employment after a review of a criminal records check within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 57324  
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(b) A criminal records check requested at the time of initial application shall include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 57333  
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(c) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check. 57341  
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(3) With respect to a criminal records check requested for a person described in division (B)(1) of this section, the director of job and family services shall do all of the following: 57349  
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(a) Provide to the person a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section; 57352  
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(b) Obtain the completed form and impression sheet from the person; 57356  
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(c) Forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation; 57358  
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(d) Review the results of the criminal records check. 57361

(4) A person who receives from the director a copy of the form and standard impression sheet and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all of the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director or a county director of job and family services may consider the failure a reason to deny 57362  
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licensure, approval, or certification or to determine an employee 57372  
ineligible for employment. 57373

(5) Except as provided in rules adopted under division (F) of 57374  
this section: 57375

(a) The director of job and family services shall refuse to 57376  
issue a license to or approve a center, type A home, type B home, 57377  
child day camp, preschool program, or school child program, and 57378  
shall revoke a license or approval, and a county director of job 57379  
and family services shall not certify an in-home aide and shall 57380  
revoke a certification, if a person for whom a criminal records 57381  
check was required under division (B)(1)(a) to (B)(1)(e) of this 57382  
section has been convicted of or pleaded guilty to any of the 57383  
violations described in division (A)(5) of section 109.572 of the 57384  
Revised Code. 57385

(b) The director of job and family services shall not issue a 57386  
license to a type A home or type B home if a resident of the type 57387  
A home or type B home is under eighteen years of age and has been 57388  
adjudicated a delinquent child for committing either a violation 57389  
of any section listed in division (A)(5) of section 109.572 of the 57390  
Revised Code or an offense of another state or the United States 57391  
that is substantially equivalent to an offense listed in division 57392  
(A)(5) of section 109.572 of the Revised Code. 57393

(c) The director shall determine an applicant or employee 57394  
ineligible for employment if the person has been convicted of or 57395  
pleaded guilty to any of the violations described in division 57396  
(A)(5) of section 109.572 of the Revised Code. 57397

(6) Each child day-care center, type A home, type B home, 57398  
approved child day camp, licensed child care program, licensed 57399  
school child program, and in-home aide shall pay to the bureau of 57400  
criminal identification and investigation the fee prescribed 57401  
pursuant to division (C)(3) of section 109.572 of the Revised Code 57402

for each criminal records check conducted in accordance with that 57403  
section upon a request made pursuant to division (B) of this 57404  
section. 57405

A center, home, camp, preschool program, or school child 57406  
program may charge an applicant a fee for the costs it incurs in 57407  
obtaining a criminal records check under this section. A fee 57408  
charged under this division shall not exceed the amount the 57409  
center, home, camp, or program pays under this section. If a fee 57410  
is charged, the center, home, camp, or program shall notify the 57411  
applicant at the time of the applicant's initial application for 57412  
employment of the amount of the fee and that, unless the fee is 57413  
paid, the center, home, camp, or program will not consider the 57414  
applicant for employment. 57415

(7) The report of any criminal records check conducted by the 57416  
bureau of criminal identification and investigation in accordance 57417  
with section 109.572 of the Revised Code and pursuant to a request 57418  
made under division (B) of this section is confidential and not a 57419  
public record for the purposes of section 149.43 of the Revised 57420  
Code. The report shall not be made available to any person other 57421  
than the person who is the subject of the criminal records check 57422  
or the person's representative, the director of job and family 57423  
services, the director of a county department of job and family 57424  
services, and any court, hearing officer, or other necessary 57425  
individual involved in a case dealing with a denial or revocation 57426  
of licensure, approval, or certification related to the criminal 57427  
records check. 57428

(C)(1) At the times specified in division (C)(2) of this 57429  
section, the director of job and family services shall search the 57430  
uniform statewide automated child welfare information system for 57431  
information concerning any abuse or neglect report made pursuant 57432  
to section 2151.421 of the Revised Code of which any of the 57433  
following persons is a subject: 57434

<u>(a) Any owner or licensee of a child day-care center;</u>	57435
<u>(b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home;</u>	57436 57437 57438
<u>(c) Any owner of an approved child day camp;</u>	57439
<u>(d) Any director of a licensed preschool program or licensed school child program that provides publicly funded child care;</u>	57440 57441
<u>(e) Any in-home aide;</u>	57442
<u>(f) Any applicant or employee, including an administrator, of a child day-care center, type A family day-care home, licensed type B family day-care home, approved child day camp, or licensed preschool program or licensed school child program that provides publicly funded child care.</u>	57443 57444 57445 57446 57447
<u>(2) The director shall search the information system at the following times:</u>	57448 57449
<u>(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or licensed type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter;</u>	57450 57451 57452 57453 57454
<u>(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;</u>	57455 57456 57457
<u>(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter;</u>	57458 57459 57460 57461
<u>(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;</u>	57462 57463
<u>(v) Except as provided in division (C)(2)(a)(vi) of this</u>	57464

section, in the case of an applicant or employee, at the time of 57465  
initial application for employment and every five years 57466  
thereafter; 57467

(vi) In the case of an applicant who has been determined 57468  
eligible for employment after a search of the uniform statewide 57469  
automated child welfare information system within the past five 57470  
years and who has been employed by a licensed preschool program or 57471  
licensed school child program that provides publicly funded child 57472  
care, child day-care center, type A family day-care home, licensed 57473  
type B family day-care home, or approved child day camp within the 57474  
past one hundred eighty consecutive days, every five years after 57475  
the date of the initial determination. 57476

(3) The director shall consider any information discovered 57477  
pursuant to division (C)(1) of this section or that is provided by 57478  
a public children services agency pursuant to section 5153.175 of 57479  
the Revised Code. If the director determines that the information, 57480  
when viewed within the totality of the circumstances, reasonably 57481  
leads to the conclusion that the person may directly or indirectly 57482  
endanger the health, safety, or welfare of children, the director 57483  
or county director of job and family services shall do any of the 57484  
following: 57485

(a) Refuse to issue a license to or approve a center, type A 57486  
home, type B home, child day camp, preschool program, or school 57487  
child program; 57488

(b) Revoke a license or approval; 57489

(c) Refuse to certify an in-home aide or revoke a 57490  
certification; 57491

(d) Determine an applicant or employee ineligible for 57492  
employment with the center, type A home, licensed type B home, 57493  
child day camp, preschool program, or school child program. 57494

(4) Any information obtained under division (C) of this 57495

section is confidential and not a public record for the purposes 57496  
of section 149.43 of the Revised Code. The information shall not 57497  
be made available to any person other than the person who is the 57498  
subject of the search or the person's representative, the director 57499  
of job and family services, the director of a county department of 57500  
job and family services, and any court, hearing officer, or other 57501  
necessary individual involved in a case dealing with a denial or 57502  
revocation of licensure, approval, or certification related to the 57503  
search. 57504

(D)(1) At the times specified in division (D)(2) of this 57505  
section, the director of job and family services shall inspect the 57506  
state registry of sex offenders and child-victim offenders 57507  
established under section 2950.13 of the Revised Code and the 57508  
national sex offender registry as described in 42 U.S.C. 16901 to 57509  
determine if any of the following persons is registered or 57510  
required to be registered as an offender: 57511

(a) Any owner or licensee of a child day-care center; 57512

(b) Any owner or licensee of a type A family day-care home or 57513  
licensed type B family day-care home and any person eighteen years 57514  
of age or older who resides in the home; 57515

(c) Any owner of an approved child day camp; 57516

(d) Any director of a licensed preschool program or licensed 57517  
school child program that provides publicly funded child care; 57518

(e) Any in-home aide; 57519

(f) Any applicant or employee, including an administrator, of 57520  
a child day-care center, type A family day-care home, licensed 57521  
type B family day-care home, approved child day camp, or licensed 57522  
preschool program or licensed school child program that provides 57523  
publicly funded child care. 57524

(2) The director shall inspect each registry at the following 57525

<u>times:</u>	57526
<u>(i) In the case of an owner or licensee of child day-care center or an owner or licensee of a type A family day-care home or type B family day-care home or a resident of such a home, at the time of initial application for licensure and every five years thereafter;</u>	57527 57528 57529 57530 57531
<u>(ii) In the case of an owner of an approved child day camp, at the time of initial application for approval and every five years thereafter;</u>	57532 57533 57534
<u>(iii) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care;</u>	57535 57536 57537
<u>(iv) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter;</u>	57538 57539
<u>(v) Except as provided in division (D)(2)(a)(vi) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter;</u>	57540 57541 57542 57543
<u>(vi) In the case of an applicant who has been determined eligible for employment after an inspection of the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination.</u>	57544 57545 57546 57547 57548 57549 57550 57551 57552 57553 57554
<u>(3) If the director determines that the person is registered or required to be registered on either registry, the director or</u>	57555 57556

county director of job and family services shall do any of the 57557  
following: 57558

(a) Refuse to issue a license to or approve a center, type A 57559  
home, type B home, child day camp, preschool program, or school 57560  
child program; 57561

(b) Revoke a license or approval; 57562

(c) Refuse to certify an in-home aide or revoke a 57563  
certification; 57564

(d) Determine an applicant or employee ineligible for 57565  
employment with the center, type A home, licensed type B home, 57566  
child day camp, preschool program, or school child program. 57567

(4) Any information obtained under division (D) of this 57568  
section is confidential and not a public record for the purposes 57569  
of section 149.43 of the Revised Code. The information shall not 57570  
be made available to any person other than the person who is the 57571  
subject of the inspection or the person's representative, the 57572  
director of job and family services, the director of a county 57573  
department of job and family services, and any court, hearing 57574  
officer, or other necessary individual involved in a case dealing 57575  
with a denial or revocation of licensure, approval, or 57576  
certification related to the search. 57577

(E) Whenever the director of job and family services 57578  
determines a person ineligible for employment under division (B), 57579  
(C), or (D) of this section, the director shall as soon as 57580  
practicable notify the following of that determination: the 57581  
licensed preschool program or licensed school child program that 57582  
provides publicly funded child care, child day-care center, type A 57583  
family day-care home, licensed type B family day-care home, or 57584  
approved child day camp that is considering the person for 57585  
appointment or employment. A licensed preschool program or 57586  
licensed school child program that provides publicly funded child 57587

care, child day-center, type A family day-care home, licensed type 57588  
B family day-care home, or approved child day camp shall not 57589  
employ a person who is determined under this section to be 57590  
ineligible for employment. 57591

(F)(1) An administrator of a child day camp, other than an 57592  
approved child day camp shall request the superintendent of the 57593  
bureau of criminal identification and investigation to conduct a 57594  
criminal records check for any applicant or employee, including an 57595  
administrator, of the child day camp. The request shall be made at 57596  
the time of initial application for employment and every five 57597  
years thereafter. 57598

(2) A criminal records check requested at the time of initial 57599  
application shall include a request that the superintendent of the 57600  
bureau of criminal identification and investigation obtain 57601  
information from the federal bureau of investigation as part of 57602  
the criminal records check for the person, including 57603  
fingerprint-based checks of national crime information databases 57604  
as described in 42 U.S.C. 671 for the person subject to the 57605  
criminal records check. 57606

(3) A criminal records check requested at any time other than 57607  
the time of initial application may include a request that the 57608  
superintendent of the bureau of criminal identification and 57609  
investigation obtain information from the federal bureau of 57610  
investigation as part of the criminal records check for the 57611  
person, including fingerprint-based checks of national crime 57612  
information databases as described in 42 U.S.C. 671 for the person 57613  
subject to the criminal records check. 57614

(4) With respect to a criminal records check requested under 57615  
division (F) of this section, the administrator shall do all of 57616  
the following: 57617

(a) Provide to the applicant or employee a copy of the form 57618

prescribed pursuant to division (C)(1) of section 109.572 of the 57619  
Revised Code and a standard impression sheet to obtain fingerprint 57620  
impressions prescribed pursuant to division (C)(2) of that 57621  
section; 57622

(b) Obtain the completed form and impression sheet from the 57623  
applicant or employee; 57624

(c) Forward the completed form and impression sheet to the 57625  
superintendent of the bureau of criminal identification and 57626  
investigation; 57627

(d) Review the results of the criminal records check. 57628

(5) An applicant or employee who receives from the 57629  
administrator a copy of the form and standard impression sheet and 57630  
who is requested to complete the form and provide a set of 57631  
fingerprint impressions shall complete the form or provide all of 57632  
the information necessary to complete the form and shall provide 57633  
the impression sheet with the impressions of the person's 57634  
fingerprints. If the applicant or employee, upon request, fails to 57635  
provide the information necessary to complete the form or fails to 57636  
provide impressions of the person's fingerprints, the 57637  
administrator may consider the failure a reason to determine an 57638  
applicant or employee ineligible for employment. 57639

(6) A child day camp, other than an approved child day camp, 57640  
may employ an applicant or continue to employ an employee until 57641  
the criminal records check required by this section is completed 57642  
and the camp receives the results of the check. Until the 57643  
administrator has reviewed the results of the criminal records 57644  
check and determines that the applicant or employee is eligible 57645  
for employment, the camp shall not grant the applicant or employee 57646  
sole responsibility for the care, custody, or control of a child. 57647  
If the results indicate that the applicant or employee is 57648  
ineligible for employment, the camp shall immediately release the 57649

applicant or employee from employment. 57650

(7) Except as provided in rules adopted under this section, 57651  
the administrator shall determine an applicant or employee 57652  
ineligible for employment if the person has been convicted of or 57653  
pleaded guilty to any of the violations described in division 57654  
(A)(5) of section 109.572 of the Revised Code. If the applicant or 57655  
employee is determined ineligible, the child day camp shall not 57656  
employ the applicant or employee or contract with another entity 57657  
for the services of the applicant or employee. 57658

(8) Each child day camp shall pay to the bureau of criminal 57659  
identification and investigation the fee prescribed pursuant to 57660  
division (C)(3) of section 109.572 of the Revised Code for each 57661  
criminal records check conducted in accordance with that section 57662  
upon a request made pursuant to division (F) of this section. A 57663  
camp may charge an applicant or employee a fee for the costs it 57664  
incurs in obtaining a criminal records check under division (F) of 57665  
this section. A fee charged under this division shall not exceed 57666  
the fees the camp pays under this section. If a fee is charged, 57667  
the camp shall notify the applicant at the time of the applicant's 57668  
initial application for employment of the amount of the fee and 57669  
that, unless the fee is paid, the camp will not consider the 57670  
applicant for employment. 57671

(9) The report of any criminal records check conducted by the 57672  
bureau of criminal identification and investigation in accordance 57673  
with section 109.572 of the Revised Code and pursuant to a request 57674  
made under division (F) of this section is confidential and not a 57675  
public record for the purposes of section 149.43 of the Revised 57676  
Code. The report shall not be made available to any person other 57677  
than the person who is the subject of the criminal records check 57678  
or the person's representative, the director of job and family 57679  
services, the administrator, and any court, hearing officer, or 57680  
other necessary individual involved in a case dealing with a 57681

denial or revocation of registration related to the criminal records check. 57682  
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(G) The director of job and family services shall adopt rules as necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. The rules shall specify exceptions to the prohibitions in division (B), (E), and (F) of this section for a person who has been convicted of or pleaded guilty to a criminal offense listed in division (A)(5) of section 109.572 of the Revised Code but who meets standards in regard to rehabilitation set by the director. 57684  
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(H)(1) Whenever the director of job and family services requests a criminal records check, searches the uniform statewide automated child welfare information system, or inspects the state registry of sex offenders and child-victim offenders and national sex offender registry as required by this section and finds that a person who is subject to the requirements of division (B), (C), or (D) of this section resided in another state during the previous five years, the director shall request the following from the other state: a criminal records check and information from the uniform statewide automated child welfare information system or state registry of sex offenders. 57692  
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(2) Whenever the director receives from an agency of another state a request for a criminal records check or for information from the uniform statewide automated child welfare information system or state registry of sex offenders that is related to a child care license or the provision of publicly funded child care, the director shall provide to that other state's agency the results of the records check and information from the system and registry. 57703  
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**Sec. 5104.015.** The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code 57711  
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governing the operation of child day-care centers, including 57713  
parent cooperative centers, part-time centers, and drop-in 57714  
centers, ~~and school-age child care centers~~. The rules shall 57715  
reflect the various forms of child care and the needs of children 57716  
receiving child care or publicly funded child care and shall 57717  
include specific rules for school-age child care centers that are 57718  
developed in consultation with the department of education. ~~The~~ 57719  
~~rules shall not require an existing school facility that is in~~ 57720  
~~compliance with applicable building codes to undergo an additional~~ 57721  
~~building code inspection or to have structural modifications.~~ The 57722  
rules shall include the following: 57723

(A) Submission of a site plan and descriptive plan of 57724  
operation to demonstrate how the center proposes to meet the 57725  
requirements of this chapter and rules adopted pursuant to this 57726  
chapter for the initial license application; 57727

(B) Standards for ensuring that the physical surroundings of 57728  
the center are safe and sanitary including the physical 57729  
environment, the physical plant, and the equipment of the center; 57730

(C) Standards for the supervision, care, and discipline of 57731  
children receiving child care or publicly funded child care in the 57732  
center; 57733

(D) Standards for a program of activities, and for play 57734  
equipment, materials, and supplies, to enhance the development of 57735  
each child; however, any educational curricula, philosophies, and 57736  
methodologies that are developmentally appropriate and that 57737  
enhance the social, emotional, intellectual, and physical 57738  
development of each child shall be permissible. As used in this 57739  
division, "program" does not include instruction in religious or 57740  
moral doctrines, beliefs, or values that is conducted at child 57741  
day-care centers owned and operated by churches and does include 57742  
methods of disciplining children at child day-care centers. 57743

(E) Admissions policies and procedures;	57744
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	57745 57746
(G) First aid and emergency procedures;	57747
(H) Procedures for discipline and supervision of children;	57748
(I) Standards for the provision of nutritious meals and snacks;	57749 57750
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	57751 57752 57753
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	57754 57755
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	57756 57757 57758 57759
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	57760 57761 57762
(N) Procedures for record keeping, organization, and administration;	57763 57764
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	57765 57766 57767
(P) Inspection procedures;	57768
(Q) Procedures and standards for setting initial license application fees;	57769 57770
(R) Procedures for receiving, recording, and responding to complaints about centers;	57771 57772

(S) Procedures for enforcing section 5104.04 of the Revised Code;	57773 57774
(T) <del>A standard requiring the inclusion of a current department of job and family services toll free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter</del> <u>Minimum qualifications for employment as an administrator or child-care staff member;</u>	57775 57776 57777 57778 57779 57780
(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	57781 57782 57783 57784
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	57785 57786 57787 57788
(W) A procedure for reporting of injuries of children that occur at the center;	57789 57790
(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;	57791 57792 57793
(Y) Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	57794 57795 57796
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.	57797 57798
<b>Sec. 5104.016.</b> The director of job and family services, in addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include the	57799 57800 57801 57802

requirements set forth in sections 5104.032 to ~~5104.036~~ 5104.034 57803  
of the Revised Code. Except as provided in section 5104.07 of the 57804  
Revised Code, the rules shall not change the square footage 57805  
requirements of section 5104.032 of the Revised Code; or the 57806  
maximum number of children per child-care staff member and maximum 57807  
group size requirements of section 5104.033 of the Revised Code; ~~the educational and experience requirements of section 5104.035 of~~ 57808  
~~the Revised Code; the age, educational, and experience~~ 57809  
~~requirements of section 5104.036 of the Revised Code; however.~~ 57810  
However, the rules shall provide procedures for determining 57811  
compliance with those requirements. 57812  
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**Sec. 5104.02.** (A) The director of job and family services is 57814  
responsible for ~~the~~ licensing of child day-care centers ~~and~~, type 57815  
A family day-care homes, and type B family day-care homes. Each 57816  
entity operating a head start program shall meet the criteria for, 57817  
and be licensed as, a child day-care center. The director is 57818  
responsible for the enforcement of this chapter and of rules 57819  
promulgated pursuant to this chapter. 57820

No person, firm, organization, institution, or agency shall 57821  
operate, establish, manage, conduct, or maintain a child day-care 57822  
center or type A family day-care home without a license issued 57823  
under section 5104.03 of the Revised Code. The current license 57824  
shall be posted ~~in a conspicuous place~~ in the center or ~~type A~~ 57825  
home in a conspicuous place that is accessible to parents, 57826  
custodians, or guardians and employees of the center or ~~type A~~ 57827  
home at all times when the center or ~~type A~~ home is in operation. 57828

(B) A person, firm, institution, organization, or agency 57829  
operating any of the following programs is exempt from the 57830  
requirements of this chapter: 57831

(1) A program ~~of child care~~ caring for children that operates 57832

for two ~~or less~~ consecutive weeks or less and not more than six 57833  
weeks total in each calendar year; 57834

(2) ~~Child care~~ Caring for children in places of worship 57835  
during religious activities ~~during which children are cared for~~ 57836  
while at least one parent, guardian, or custodian of each child is 57837  
participating in such activities and is readily available; 57838

(3) ~~Religious activities which do not provide child care;~~ 57839

~~(4)~~ Supervised training, instruction, or activities of 57840  
children in specific areas, including, but not limited to: art; 57841  
drama; dance; music; ~~gymnastics, swimming, or another~~ athletic 57842  
~~skill or sport~~ skills or sports; computers; or an educational 57843  
subject conducted on an organized or periodic basis ~~no more than~~ 57844  
~~one day a week and for no more than six hours duration~~ that a 57845  
child does not attend for more than eight total hours per week; 57846

~~(5)~~(4) Programs in which the director determines that at 57847  
least one parent, custodian, or guardian of each child who is not 57848  
an employee of the facility engaged in employment duties is on the 57849  
premises of the facility ~~offering child~~ that offers care and is 57850  
readily accessible at all times, ~~except that child care provided~~ 57851  
~~on the premises at which a parent, custodian, or guardian is~~ 57852  
~~employed more than two and one half hours a day shall be licensed~~ 57853  
~~in accordance with division (A) of this section;~~ 57854

~~(6)(a)~~(5) Programs that provide child care ~~funded and~~ 57855  
~~regulated or operated~~ and are regulated by state departments other 57856  
than the department of job and family services or the state board 57857  
of education ~~when the director of job and family services has~~ 57858  
~~determined that the rules governing the program are equivalent to~~ 57859  
~~or exceed the rules promulgated pursuant to this chapter.~~ 57860

~~Notwithstanding any exemption from regulation under this~~ 57861  
~~chapter, each state department shall submit to the director of job~~ 57862  
~~and family services a copy of the rules that govern programs that~~ 57863

~~provide child care and are regulated or operated and regulated by~~ 57864  
~~the department. Annually, each state department shall submit to~~ 57865  
~~the director a report for each such program it regulates or~~ 57866  
~~operates and regulates that includes the following information:~~ 57867

~~(i) The site location of the program;~~ 57868

~~(ii) The maximum number of infants, toddlers, preschool age~~ 57869  
~~children, or school age children served by the program at one~~ 57870  
~~time;~~ 57871

~~(iii) The number of adults providing child care for the~~ 57872  
~~number of infants, toddlers, preschool age children, or school age~~ 57873  
~~children;~~ 57874

~~(iv) Any changes in the rules made subsequent to the time~~ 57875  
~~when the rules were initially submitted to the director.~~ 57876

~~The director shall maintain a record of the child care~~ 57877  
~~information submitted by other state departments and shall provide~~ 57878  
~~this information upon request to the general assembly or the~~ 57879  
~~public.~~ 57880

~~(b) Child care programs conducted by boards of education or~~ 57881  
~~by chartered nonpublic schools that are conducted in school~~ 57882  
~~buildings and that provide child care to school age children only~~ 57883  
~~shall be exempt from meeting or exceeding rules promulgated~~ 57884  
~~pursuant to this chapter.~~ 57885

~~(7)(6)~~ Any preschool program or school child program, except 57886  
a head start program, that is subject to licensure by the 57887  
department of education under sections 3301.52 to 3301.59 of the 57888  
Revised Code. 57889

~~(8)(7)~~ Any program providing child care that meets all of the 57890  
following requirements and, on October 20, 1987, was being 57891  
operated by a nonpublic school that holds a charter issued by the 57892  
state board of education for kindergarten only: 57893

(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five;

(c) The program is conducted in a school building;

(d) The program is operated in accordance with rules promulgated by the state board under ~~sections 3301.52 to 3301.57~~ section 3301.53 of the Revised Code.

~~(9)~~(8) A youth development program operated outside of school hours ~~by a community based center~~ to which all of the following apply:

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

(b) The program provides informal ~~child~~ care, which is ~~child~~ care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program.

(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

~~(d) The program is eligible for participation in the child and adult care food program as an outside school hours care center pursuant to standards established under section 3313.813 of the Revised Code.~~

~~(e)~~ The ~~community based center~~ entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C.

501(a) and (c)(3). 57924

~~(10)(9)~~ A preschool program operated by a nonchartered,  
nontax-supported school if the preschool program meets all of the  
following conditions: 57925  
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(a) The program complies with state and local health, fire,  
and safety laws. 57928  
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(b) The program annually certifies in a report to the parents  
of its pupils that the school is in compliance with division  
(B)~~(10)(9)~~(a) of this section and files a copy of the report with  
the department of job and family services on or before the  
thirtieth day of September of each year. 57930  
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(c) The program complies with all applicable reporting  
requirements in the same manner as required by the state board of  
education for nonchartered, nonpublic primary and secondary  
schools. 57935  
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(d) The program is associated with a nonchartered,  
nontax-supported primary or secondary school. 57939  
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(10) A program that provides activities for children who are  
five years of age or older and is operated by a county, township,  
municipal corporation, township park district created under  
section 511.18 of the Revised Code, park district created under  
section 1545.04 of the Revised Code, or joint recreation district  
established under section 755.14 of the Revised Code. 57941  
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**Sec. 5104.021.** The director of job and family services may  
issue a child day-care center or type A family day-care home  
license to a youth development program that is exempted by  
division (B)~~(9)(8)~~ of section 5104.02 of the Revised Code from the  
requirements of this chapter if the youth development program  
applies for and meets all of the requirements for the license. 57947  
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**Sec. 5104.03.** (A) As used in this section, "owner" has the same meaning as in section 5104.01 of the Revised Code, except that "owner" also includes a firm, organization, institution, or agency, as well as any individual governing board members, partners, or authorized representatives of the owner.

(B) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care home, or licensed type B family day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form.

Fees shall be set by the director pursuant to sections 5104.015, 5104.017, and 5104.018 of the Revised Code and shall be paid at the time of application for a license to operate a center, type A home, or type B home. Fees collected under this section shall be paid into the state treasury to the credit of the general revenue fund.

(C)(1) Upon filing of the application for a license, the director shall investigate and inspect the center, type A home, or type B home to determine the license capacity for each age category of children of the center, type A home, or type B home and to determine whether the center, type A home, or type B home complies with this chapter and rules adopted pursuant to this chapter. When, after investigation and inspection, the director is satisfied that this chapter and rules adopted pursuant to it are complied with, subject to division ~~(F)~~(G) of this section, a license shall be issued as soon as practicable in such form and manner as prescribed by the director. The license shall be

designated as provisional and shall be valid for at least twelve 57984  
months from the date of issuance ~~unless and until the continuous~~ 57985  
~~license is issued or until the provisional license is~~ revoked or 57986  
suspended pursuant to section 5104.042 of the Revised Code. 57987

(2) The director may contract with a government entity or a 57988  
private nonprofit entity for the entity to inspect type A or type 57989  
B family day-care homes pursuant to this section. If the director 57990  
contracts with a government entity or private nonprofit entity for 57991  
that purpose, the entity may contract with another government 57992  
entity or private nonprofit entity for the other entity to inspect 57993  
type A or type B homes pursuant to this section. The director, 57994  
government entity, or private nonprofit entity shall conduct an 57995  
inspection prior to the issuance of a license for a type A or type 57996  
B home and, as part of that inspection, ensure that the home is 57997  
safe and sanitary. 57998

~~(D)(1) On receipt of an application for licensure as a type B 57999  
family day care home to provide publicly funded child care, the 58000  
director shall search the uniform statewide automated child 58001  
welfare information system for information concerning any abuse or 58002  
neglect report made pursuant to section 2151.421 of the Revised 58003  
Code of which the applicant, any other adult residing in the 58004  
applicant's home, or a person designated by the applicant to be an 58005  
emergency or substitute caregiver for the applicant is the 58006  
subject.~~ 58007

~~(2) The director shall consider any information discovered 58008  
pursuant to division (D)(1) of this section or that is provided by 58009  
a public children services agency pursuant to section 5153.175 of 58010  
the Revised Code. If the director determines that the information, 58011  
when viewed within the totality of the circumstances, reasonably 58012  
leads to the conclusion that the applicant may directly or 58013  
indirectly endanger the health, safety, or welfare of children, 58014  
the director shall deny the application for licensure or revoke 58015~~

~~the license of a type B family day care home.~~ 58016

~~(E)~~ The director shall investigate and inspect the center, 58017  
type A home, or type B home at least once during operation under a 58018  
license designated as provisional. If after the investigation and 58019  
inspection the director determines that the requirements of this 58020  
chapter and rules adopted pursuant to this chapter are met, 58021  
subject to division ~~(I)~~(G) of this section, the director shall 58022  
issue a ~~new~~ continuous license to the center or home. 58023

~~(F)~~(E) Each license shall state the name of the licensee, the 58024  
name of the administrator, the address of the center, type A home, 58025  
or licensed type B home, and the license capacity for each age 58026  
category of children. The license shall include thereon, in 58027  
accordance with sections 5104.015, 5104.017, and 5104.018 of the 58028  
Revised Code, the toll-free telephone number to be used by persons 58029  
suspecting that the center, type A home, or licensed type B home 58030  
has violated a provision of this chapter or rules adopted pursuant 58031  
to this chapter. A license is valid only for the licensee, 58032  
administrator, address, and license capacity for each age category 58033  
of children designated on the license. The license capacity 58034  
specified on the license is the maximum number of children in each 58035  
age category that may be cared for in the center, type A home, or 58036  
licensed type B home at one time. 58037

~~The A~~ center or ~~type A~~ home licensee shall notify the 58038  
director in writing when the administrator, address, or license 58039  
capacity of the center or home changes. The director shall amend 58040  
the current license to reflect a change in ~~an~~ any of the 58041  
following: 58042

(1) An administrator, if the administrator meets the 58043  
requirements of this chapter and rules adopted pursuant to this 58044  
chapter, ~~or a change in license;~~ 58045

(2) Address, if the new address meets the requirements of 58046

this chapter and rules adopted pursuant to this chapter; 58047

(3) License capacity for any age category of children as 58048  
determined by the director of job and family services. 58049

~~(G)~~(F) If the director revokes the license of a center, a 58050  
type A home, or a type B home, the director shall not issue 58051  
another license to the owner of the center, type A home, or type B 58052  
home until five years have elapsed from the date the license is 58053  
revoked. 58054

If the director denies an application for a license, the 58055  
director shall not consider another application from the applicant 58056  
until five years have elapsed from the date the application is 58057  
denied. 58058

~~(H) If during the application for licensure process the 58059  
director determines that the license of the owner has been 58060  
revoked, the investigation of the center, type A home, or type B 58061  
home shall cease. This action does not constitute denial of the 58062  
application and may not be appealed under division (I) of this 58063  
section. 58064~~

~~(I)~~(G)(1) Except as provided in division ~~(I)~~(G)(2) of this 58065  
section, all actions of the director with respect to licensing 58066  
centers, type A homes, or type B homes, refusal to license, and 58067  
revocation of a license shall be in accordance with Chapter 119. 58068  
of the Revised Code. Except as provided in division ~~(I)~~(G)(2) of 58069  
this section, any applicant who is denied a license or any owner 58070  
whose license is revoked may appeal in accordance with section 58071  
119.12 of the Revised Code. 58072

(2) The following actions by the director are not subject to 58073  
Chapter 119. of the Revised Code: 58074

(a) The director ~~does not issue a license to~~ ceases its 58075  
review of an application because the owner of a center, type A 58076  
home, or type B home ~~because the owner~~ sought a license before 58077

five years had elapsed from the date the previous license was 58078  
revoked and the director does not issue the license. 58079

(b) The director ~~does not issue a license~~ ceases its review 58080  
of an application because the applicant applied for licensure 58081  
before five years had elapsed from the date the previous 58082  
application was denied and the director does not issue the 58083  
license. 58084

(c) The director closes a license because the director has 58085  
determined that the center, type A home, or type B home is no 58086  
longer operating at the address stated on the license and did not 58087  
notify the director of the address change as described in division 58088  
(E) of this section. 58089

~~(J)~~(H) In no case shall the director issue a license under 58090  
this section for a center, type A home, or type B home if the 58091  
director, based on documentation provided by the appropriate 58092  
county department of job and family services, determines that the 58093  
applicant had been certified as a ~~type B family day care home when~~ 58094  
~~such certifications were issued by county departments prior to~~ 58095  
~~January 1, 2014~~ an in-home aide, that the county department 58096  
revoked that certification within the immediately preceding five 58097  
years, that the revocation was based on the applicant's refusal or 58098  
inability to comply with the criteria for certification, and that 58099  
the refusal or inability resulted in a risk to the health or 58100  
safety of children. 58101

~~(K)(1) Except as provided in division (K)(2) of this section,~~ 58102  
~~an administrator~~ (I) An owner of a type B family day-care home 58103  
that receives a license pursuant to this section ~~to provide~~ 58104  
~~publicly funded child care~~ is an independent contractor and is not 58105  
an employee of the department of job and family services. 58106

~~(2) For purposes of Chapter 4141. of the Revised Code,~~ 58107  
~~determinations concerning the employment of an administrator of a~~ 58108

~~type B family day care home that receives a license pursuant to 58109  
this section shall be determined under Chapter 4141. of the 58110  
Revised Code. 58111~~

**Sec. 5104.04.** (A) The department of job and family services 58112  
shall establish procedures to be followed in investigating, 58113  
inspecting, and licensing child day-care centers, type A family 58114  
day-care homes, and licensed type B family day-care homes. 58115

(B)(1)(a) The department shall, at least once during every 58116  
twelve-month period of operation of a center, type A home, or 58117  
licensed type B home, inspect the center, type A home, or licensed 58118  
type B home. The department shall inspect a part-time center or 58119  
part-time type A home at least once during every twelve-month 58120  
period of operation. The department shall provide a written 58121  
inspection report to the licensee within a reasonable time after 58122  
each inspection. ~~The licensee shall display its most recent 58123  
inspection report in a conspicuous place in the center, type A 58124  
home, or licensed type B home. 58125~~

Inspections may be unannounced. No person, firm, 58126  
organization, institution, or agency shall interfere with the 58127  
inspection of a center, type A home, or licensed type B home by 58128  
any state or local official engaged in performing duties required 58129  
of the state or local official by this chapter or rules adopted 58130  
pursuant to this chapter, including inspecting the center, type A 58131  
home, or licensed type B home, reviewing records, or interviewing 58132  
licensees, employees, children, or parents. 58133

(b) Upon receipt of any complaint that a center, type A home 58134  
or licensed type B home is out of compliance with the requirements 58135  
of this chapter or rules adopted pursuant to this chapter, the 58136  
department shall investigate the center or home, and both of the 58137  
following apply: 58138

(i) If the complaint alleges that a child suffered physical 58139

harm while receiving child care at the center or home or that the 58140  
noncompliance alleged in the complaint involved, resulted in, or 58141  
poses a substantial risk of physical harm to a child receiving 58142  
child care at the center or home, the department shall inspect the 58143  
center or home. 58144

(ii) If division (B)(1)(b)(i) of this section does not apply 58145  
regarding the complaint, the department may inspect the center or 58146  
home. 58147

(c) Division (B)(1)(b) of this section does not limit, 58148  
restrict, or negate any duty of the department to inspect a 58149  
center, type A home, or licensed type B home that otherwise is 58150  
imposed under this section, or any authority of the department to 58151  
inspect a center, type A home, or licensed type B home that 58152  
otherwise is granted under this section ~~when the department~~ 58153  
~~believes the inspection is necessary and it is permitted under the~~ 58154  
~~grant.~~ 58155

(2) If the department implements an instrument-based program 58156  
monitoring information system, it may use an indicator checklist 58157  
to comply with division (B)(1) of this section. 58158

~~(3) The department shall contract with a third party by the 58159  
first day of October in each even numbered year to collect 58160  
information concerning the amounts charged by the center or home 58161  
for providing child care services for use in establishing 58162  
reimbursement ceilings and payment pursuant to section 5104.30 of 58163  
the Revised Code. The third party shall compile the information 58164  
and report the results of the survey to the department not later 58165  
than the first day of December in each even numbered year. 58166~~

(C) The department may deny an application or revoke a 58167  
license of a center, type A home, or licensed type B home, if the 58168  
applicant knowingly ~~makes a false statement on the application,~~ 58169  
submits falsified information to the department or if the center 58170

or home does not comply with the requirements of this chapter or 58171  
rules adopted pursuant to this chapter, ~~or the applicant or owner~~ 58172  
~~has pleaded guilty to or been convicted of an offense described in~~ 58173  
~~division (A)(5) of section 109.572 of the Revised Code.~~ 58174

(D) If the department finds, after notice and hearing 58175  
pursuant to Chapter 119. of the Revised Code, that any applicant, 58176  
person, firm, organization, institution, or agency applying for 58177  
licensure or licensed under section 5104.03 of the Revised Code is 58178  
in violation of any provision of this chapter or rules adopted 58179  
pursuant to this chapter, the department may issue an order of 58180  
denial to the applicant or an order of revocation to the center, 58181  
type A home, or licensed type B home revoking the license 58182  
previously issued by the department. Upon the issuance of such an 58183  
order, the person whose application is denied or whose license is 58184  
revoked may appeal in accordance with section 119.12 of the 58185  
Revised Code. 58186

(E) The surrender of a center, type A home, or licensed type 58187  
B home license to the department or the withdrawal of an 58188  
application for licensure by the owner or administrator of the 58189  
center, type A home, or licensed type B home shall not prohibit 58190  
the department from instituting any of the actions set forth in 58191  
this section. 58192

(F) Whenever the department receives a complaint, is advised, 58193  
or otherwise has any reason to believe that a center or type A 58194  
home is providing child care without a license issued pursuant to 58195  
section 5104.03 and is not exempt from licensing pursuant to 58196  
section 5104.02 of the Revised Code, the department shall 58197  
investigate the center or type A home and may inspect the areas 58198  
children have access to or areas necessary for the care of 58199  
children in the center or type A home during suspected hours of 58200  
operation to determine whether the center or type A home is 58201  
subject to the requirements of this chapter or rules adopted 58202

pursuant to this chapter. 58203

(G) The department, upon determining that the center or type 58204  
A home is operating without a license, shall notify the attorney 58205  
general, the prosecuting attorney of the county in which the 58206  
center or type A home is located, or the city attorney, village 58207  
solicitor, or other chief legal officer of the municipal 58208  
corporation in which the center or type A home is located, that 58209  
the center or type A home is operating without a license. Upon 58210  
receipt of the notification, the attorney general, prosecuting 58211  
attorney, city attorney, village solicitor, or other chief legal 58212  
officer of a municipal corporation shall file a complaint in the 58213  
court of common pleas of the county in which the center or type A 58214  
home is located requesting that the court grant an order enjoining 58215  
the owner from operating the center or type A home in violation of 58216  
section 5104.02 of the Revised Code. The court shall grant such 58217  
injunctive relief upon a showing that the respondent named in the 58218  
complaint is operating a center or type A home and is doing so 58219  
without a license. 58220

(H) The department shall prepare an annual report on 58221  
inspections conducted under this section. The report shall include 58222  
the number of inspections conducted, the number and types of 58223  
violations found, and the steps taken to address the violations. 58224  
The department shall file the report with the governor, the 58225  
president and minority leader of the senate, and the speaker and 58226  
minority leader of the house of representatives on or before the 58227  
first day of January of each year, beginning in 1999. 58228

**Sec. 5104.042.** (A) The department of job and family services 58229  
may suspend, without a prior hearing, the license of a child 58230  
day-care center, type A family day-care home, or licensed type B 58231  
family day-care home if any of the following occur: 58232

(1) A child dies or suffers a serious injury while receiving 58233

child care in the center, type A home, or licensed type B home. 58234

(2) A public children services agency receives a report 58235  
pursuant to section 2151.421 of the Revised Code, and the person 58236  
alleged to have inflicted abuse or neglect on the child who is the 58237  
subject of the report is any of the following: 58238

(a) The owner, licensee, or administrator of the center, type 58239  
A home, or licensed type B home; 58240

(b) An employee of the center, type A home, or licensed type 58241  
B home who has not immediately been placed on administrative leave 58242  
or released from employment; 58243

(c) Any person who resides in the type A home or licensed 58244  
type B home. 58245

(3) An owner, licensee, administrator, or employee of the 58246  
center, type A home, or licensed type B home, or a resident of the 58247  
type A home or licensed type B home is charged by an indictment, 58248  
information, or complaint with an offense relating to the abuse or 58249  
neglect of a child. 58250

(4) The department or a county department of job and family 58251  
services determines that the center, type A home, or licensed type 58252  
B home created a serious risk to the health or safety of a child 58253  
receiving child care in the center, type A home, or licensed type 58254  
B home that resulted in or could have resulted in a child's death 58255  
or injury. 58256

(5) The department determines that the owner, or licensee, or 58257  
administrator of the center, type A home, or licensed type B home 58258  
is charged by indictment, information, or complaint with fraud 58259  
does not meet the requirements of section 5104.013 of the Revised 58260  
Code. 58261

(B) The department shall issue a written order of suspension 58262  
and furnish a copy to the licensee either by certified mail or in 58263

person as described in section 119.07 of the Revised Code. The 58264  
licensee may appeal the suspension in accordance with section 58265  
request an adjudicatory hearing before the department pursuant to 58266  
sections 119.06 to 119.12 of the Revised Code. 58267

~~(C) Except as provided in division (D) of this section, any~~ 58268  
Any summary suspension imposed under this section shall remain in 58269  
~~effect, unless reversed on appeal,~~ until any of the following 58270  
occurs: 58271

(1) The public children services agency completes its 58272  
investigation of the report pursuant to section 2151.421 of the 58273  
Revised Code and determines that all of the allegations are 58274  
unsubstantiated. 58275

(2) All criminal charges are disposed of through dismissal, 58276  
or a finding of not guilty, ~~conviction, or a plea of guilty.~~ 58277

(3) ~~A final order is issued by the~~ The department issues 58278  
pursuant to Chapter 119. of the Revised Code ~~becomes effective a~~ 58279  
final order terminating the suspension. 58280

~~(D) If the department initiates the revocation of a license~~ 58281  
~~that has been suspended pursuant to this section, the suspension~~ 58282  
~~shall continue until the revocation process is completed.~~ 58283

~~(E)~~ The center, type A home, or licensed type B home shall 58284  
not provide child care while the summary suspension remains in 58285  
effect. Upon issuance of the order of suspension, the licensee 58286  
shall inform the caretaker parent of each child receiving child 58287  
care in the center, type A home, or licensed type B home of the 58288  
suspension. 58289

~~(F)~~(E) The director of job and family services may adopt 58290  
rules in accordance with Chapter 119. of the Revised Code 58291  
establishing standards and procedures for the summary suspension 58292  
of licenses. 58293

(F) This section does not limit the authority of the 58294  
department to revoke a license pursuant to section 5104.04 of the 58295  
Revised Code. 58296

**Sec. 5104.09.** No administrator, employee, licensee, or 58297  
child-care staff member shall discriminate in the enrollment of 58298  
children in a child day-care center, type A home, licensed type B 58299  
home, or approved child day camp upon the basis of race, color, 58300  
religion, sex, disability, or national origin. 58301

**Sec. 5104.12.** (A) ~~The~~(1) A county director of job and family 58302  
services may certify in-home aides to provide publicly funded 58303  
child care pursuant to this chapter and any rules adopted under 58304  
it. Any in-home aide who receives a certificate pursuant to this 58305  
section to provide publicly funded child care is an independent 58306  
contractor and is not an employee of the county department of job 58307  
and family services that issues the certificate. 58308

~~(B)~~(2) Every person desiring to receive certification as an 58309  
in-home aide shall apply for certification to ~~the~~ a county 58310  
director of job and family services on such forms as the director 58311  
of job and family services prescribes. ~~The~~ A county director shall 58312  
provide at no charge to each applicant a copy of rules for 58313  
certifying in-home aides adopted pursuant to this chapter. 58314

(B) To be eligible for certification as an in-home aide, a 58315  
person shall not be either of the following: 58316

(1) The owner of a center or home whose license was revoked 58317  
pursuant to section 5104.04 of the Revised Code within the 58318  
previous five years; 58319

(2) An in-home aide whose certificate was revoked under 58320  
division (C)(2) of this section within the previous five years. 58321

(C)(1) If the county director of job and family services 58322  
determines that ~~public funds are available and that the person~~ 58323

applicant complies with this chapter and any rules adopted under 58324  
it, the county director shall certify the person as an in-home 58325  
aide and issue the person a certificate to provide publicly funded 58326  
child care for ~~twelve~~ twenty-four months. The county director 58327  
shall furnish a copy of the certificate to the parent, custodian, 58328  
or guardian. The certificate shall state the name and address of 58329  
the in-home aide, the expiration date of the certification, and 58330  
the name and telephone number of the county director who issued 58331  
the certificate. 58332

(2) The county director may revoke the certificate in either 58333  
of the following circumstances: 58334

(a) The county director determines, pursuant to rules adopted 58335  
under Chapter 119. of the Revised Code, that revocation is 58336  
necessary; 58337

(b) The in-home aide does not comply with division ~~(D)~~(C)(2) 58338  
of section 5104.32 of the Revised Code. 58339

(D)(1) The county director of job and family services shall 58340  
inspect every home of a child who is receiving publicly funded 58341  
child care in the child's own home while the in-home aide is 58342  
providing the services. Inspections may be unannounced. Upon 58343  
receipt of a complaint, the county director shall investigate the 58344  
in-home aide, shall investigate the home of a child who is 58345  
receiving publicly funded child care in the child's own home, and 58346  
division (D)(2) of this section applies regarding the complaint. 58347  
The caretaker parent shall permit the county director to inspect 58348  
any part of the child's home. The county director shall prepare a 58349  
written inspection report and furnish one copy each to the in-home 58350  
aide and the caretaker parent within a reasonable time after the 58351  
inspection. 58352

(2) Upon receipt of a complaint as described in division 58353  
(D)(1) of this section, in addition to the investigations that are 58354

required under that division, both of the following apply: 58355

(a) If the complaint alleges that a child suffered physical 58356  
harm while receiving publicly funded child care in the child's own 58357  
home from an in-home aide or that the noncompliance with law or 58358  
act alleged in the complaint involved, resulted in, or poses a 58359  
substantial risk of physical harm to a child receiving publicly 58360  
funded child care in the child's own home from an in-home aide, 58361  
the county director shall inspect the home of the child. 58362

(b) If division (D)(2)(a) of this section does not apply 58363  
regarding the complaint, the county director may inspect the home 58364  
of the child. 58365

(3) Division (D)(2) of this section does not limit, restrict, 58366  
or negate any duty of the county director to inspect a home of a 58367  
child who is receiving publicly funded child care from an in-home 58368  
aide that otherwise is imposed under this section, or any 58369  
authority of the county director to inspect such a home that 58370  
otherwise is granted under this section when the county director 58371  
believes the inspection is necessary and it is permitted under the 58372  
grant. 58373

**Sec. 5104.21.** (A) The department of job and family services 58374  
shall register child day camps and enforce this section and 58375  
~~section~~ sections 5104.211 and 5104.22 of the Revised Code and the 58376  
rules adopted pursuant to those sections. No person, firm, 58377  
organization, institution, or agency shall operate a child day 58378  
camp without annually registering with the department. 58379

(B) A person, firm, institution, organization, or agency 58380  
operating any of the following programs is exempt from the 58381  
provisions of this section and ~~section~~ sections 5104.211 and 58382  
5104.22 of the Revised Code: 58383

(1) A child day camp that operates for two ~~or less~~ 58384

consecutive weeks or less and for no more than a total of two 58385  
weeks during each calendar year; 58386

(2) Supervised training, instruction, or activities of 58387  
children that is conducted on an organized or periodic basis ~~no~~ 58388  
~~more than one day a week and for no more than six hours' duration~~ 58389  
~~and that is conducted~~ in specific areas or in a combination of 58390  
areas for a maximum of eight hours each week, including, ~~but not~~ 58391  
~~limited to,~~ art+, drama+, dance+, music; ~~gymnastics, swimming, or~~ 58392  
~~another,~~ athletic skill or sport+, computers+, or an educational 58393  
subject; 58394

(3) Programs in which the department determines that at least 58395  
one parent, custodian, or guardian of each child attending or 58396  
participating in the child day camp is on the child day camp 58397  
activity site and is readily accessible at all times, except that 58398  
a child day camp on the premises of a parent's, custodian's, or 58399  
guardian's place of employment shall be registered in accordance 58400  
with division (A) of this section; 58401

(4) Child day camps ~~funded and regulated or operated and~~ 58402  
~~regulated by any state department,~~ other than the department of 58403  
job and family services, ~~when the department of job and family~~ 58404  
~~services has determined that the rules governing the child day~~ 58405  
~~camp are equivalent to or exceed the rules adopted pursuant to~~ 58406  
~~this section and section 5104.22;~~ 58407

(5) A program that provides activities for children who are 58408  
five years of age or older and is operated by any county, 58409  
township, municipal corporation, township park district created 58410  
under section 511.18 of the Revised Code, park district created 58411  
under section 1545.04 of the Revised Code, or joint recreation 58412  
district established under section 755.04 of the Revised Code. 58413

(C) A person, firm, organization, institution, or agency 58414  
operating a child day camp that is exempt under division (B) of 58415

this section from registering under division (A) of this section 58416  
may elect to register itself under division (A) of this section. 58417  
All requirements of this section and the rules adopted pursuant to 58418  
this section shall apply to any exempt child day camp that so 58419  
elects to register. 58420

(D) The director of job and family services shall adopt 58421  
pursuant to Chapter 119. of the Revised Code rules prescribing the 58422  
registration form and establishing the procedure for the child day 58423  
camps to register. The form shall ~~not be longer than one~~ 58424  
~~typewritten page and shall~~ state both of the following: 58425

(1) That the child day camp administrator or the 58426  
administrator's representative agrees to provide the parents of 58427  
each school-age child who attends or participates in that child 58428  
day camp with the telephone number of the county department of 58429  
health and the public children services agency of the county in 58430  
which the child day camp is located; 58431

(2) That the child day camp administrator or the 58432  
administrator's representative agrees to permit a public children 58433  
services agency or the county department of health to review or 58434  
inspect the child day camp if a complaint is made to that 58435  
department or any other state department or public children 58436  
services agency against that child day camp. 58437

(E) The department may charge a fee to register a child day 58438  
camp. The fee for each child day camp shall be twenty-five 58439  
dollars. No organization that operates, or owner of, child day 58440  
camps shall pay a fee that exceeds two hundred fifty dollars for 58441  
all of its child day camps. 58442

(F) If a child day camp that is required to register under 58443  
this section fails to register with the department in accordance 58444  
with this section or the rules adopted pursuant to it or if a 58445  
child day camp that files a registration form under this section 58446

knowingly provides false or misleading information on the 58447  
registration form, the department shall require the child day camp 58448  
to register or register correctly and to pay a registration fee 58449  
that equals three times the registration fee as set forth in 58450  
division (E) of this section. 58451

(G) A child day camp administrator or the administrator's 58452  
representative shall provide the parents of each school-age child 58453  
who attends or participates in that child day camp with both of 58454  
the ~~telephone~~ following: 58455

(1) Telephone numbers of the county department of health and 58456  
the county public children services agency of the county in which 58457  
the child day camp is located ~~and a;~~ 58458

(2) A statement that the parents may ~~use these telephone~~ 58459  
~~numbers to contact or otherwise contact the departments~~ county 58460  
department or agency to make a complaint regarding the child day 58461  
camp. 58462

**Sec. 5104.211.** (A) The director of job and family services 58463  
may periodically conduct a random sampling of child day camps to 58464  
determine compliance with section 5104.013 of the Revised Code. 58465

(B)(1) No child day camp shall fail to comply with section 58466  
5104.013 of the Revised Code in regards to a person it appoints or 58467  
employs. 58468

(2) If the director determines that a camp has violated 58469  
division (B)(1) of this section, the director shall do both of the 58470  
following: 58471

(a) Consider imposing a civil penalty on the camp in an 58472  
amount that shall not exceed ten per cent of the camp's gross 58473  
revenues for the full month immediately preceding the month in 58474  
which the violation occurred. If the camp was not operating for 58475  
the entire calendar month preceding the month in which the 58476

violation occurred, the penalty shall be five hundred dollars. 58477

(b) Order the camp to initiate a criminal records check of the person who is the subject of the violation within a specified period of time. 58478  
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(3) If, within the specified period of time, the camp fails to comply with an order to initiate a criminal records check of the person who is the subject of the violation or to release the person from the appointment or employment, the director shall do both of the following: 58481  
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(a) Impose a civil penalty in an amount that is not less than the amount previously imposed and that does not exceed twice the amount permitted by division (B)(2)(a) of this section; 58486  
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(b) Order the camp to initiate a criminal records check of the person who is the subject of the violation within a specified period of time. 58489  
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(C) If the director determines that a child day camp has violated division (B)(1) of this section, the director may post a notice at a prominent place at the camp that states that the camp has failed to conduct criminal records checks of its appointees or employees as required by section 5104.013 of the Revised Code. Once the camp demonstrates to the department that the camp is in compliance with that section, the director shall permit the camp to remove the notice. 58492  
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(D) The director may include on the web site of the department of job and family services a list of child day camps that the director has determined to not be in compliance with the criminal records check requirements of section 5104.013 of the Revised Code. The director shall remove a camp's name from the list when the camp demonstrates to the director that the camp is in compliance with that section. 58500  
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(E) For the purposes of divisions (C) and (D) of this 58507

section, a child day camp will be considered to be in compliance 58508  
with section 5104.013 of the Revised Code by doing any of the 58509  
following: 58510

(1) Requesting that the bureau of criminal identification and 58511  
investigation conduct a criminal records check regarding the 58512  
person who is the subject of the violation of division (B)(1) of 58513  
this section and, if the person does not qualify for the 58514  
appointment or employment, releasing the person from the 58515  
appointment or employment; 58516

(2) Releasing the person who is the subject of the violation 58517  
from the appointment or employment. 58518

(F) The attorney general shall commence and prosecute to 58519  
judgment a civil action in a court of competent jurisdiction to 58520  
collect any civil penalty imposed under this section that remains 58521  
unpaid. 58522

(G) This section does not apply to a child day camp that is 58523  
an approved child day camp. 58524

**Sec. 5104.22.** (A) The director of job and family services, no 58525  
later than September 1, 1993, and pursuant to Chapter 119. of the 58526  
Revised Code, shall adopt rules establishing a procedure and 58527  
standards for the approval of child day camps that will enable an 58528  
approved child day camp to receive public moneys pursuant to 58529  
sections 5104.30 to 5104.39 of the Revised Code. ~~The procedure and~~ 58530  
~~standards shall be similar and comparable to the procedure and~~ 58531  
~~standards for accrediting child day camps used by the American~~ 58532  
~~camping association.~~ The department of job and family services may 58533  
charge a reasonable fee to inspect a child day camp to determine 58534  
whether that child day camp meets the standards set forth in this 58535  
section or in the rules adopted under this section. The department 58536  
shall approve any child day camp that ~~the~~ meets both of the 58537  
following: 58538

(1) The department inspects and approves, that the camp and 58539  
determines that it meets the standards established in rules 58540  
adopted under this section; 58541

(2) The camp is accredited by the American camping camp 58542  
association inspects and accredits, or that is inspected and 58543  
accredited by any a nationally recognized organization that 58544  
accredits child day camps by using standards that the department 58545  
has determined are substantially similar and comparable to those 58546  
of the American camping camp association. The department shall 58547  
approve a child day camp for no longer than two years a period of 58548  
one year and shall inspect an approved child day camp no less than 58549  
biennially on an annual basis. 58550

(B) An approved child day camp shall comply with this section 58551  
and section 5104.21 of the Revised Code and the rules adopted 58552  
pursuant to those sections. If an approved child day camp is not 58553  
in substantial compliance with those sections or rules at any 58554  
time, the department shall terminate the child day camp's approval 58555  
until the child day camp complies with those sections and rules or 58556  
for a period of two years, whichever period is longer. 58557

**Sec. 5104.29.** (A) As used in this section, "early learning 58558  
and development program" has the same meaning as "licensed child 58559  
care program" as defined in section 5104.01 of the Revised Code. 58560

(B) There is hereby created in the department of job and 58561  
family services the step up to quality program, under which the 58562  
department of job and family services, in cooperation with the 58563  
department of education, shall develop a tiered quality rating and 58564  
improvement system for all early learning and development programs 58565  
in this state. The step up to quality program shall include all of 58566  
the following components: 58567

(1) Quality program standards for early learning and 58568  
development programs; 58569

(2) Accountability measures that include tiered ratings representing each program's level of quality;	58570 58571
(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;	58572 58573 58574
(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards;	58575 58576 58577
(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.	58578 58579 58580
(C) The step up to quality program shall have the following goals:	58581 58582
(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs;	58583 58584 58585
(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;	58586 58587
(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;	58588 58589
(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.	58590 58591 58592
(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards.	58593 58594 58595 58596 58597
(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's	58598 58599

performance in meeting program standards in the following four 58600  
domains: 58601

- (1) Learning and development; 58602
- (2) Administration and leadership practices; 58603
- (3) Staff quality and professional development; 58604
- (4) Family and community partnerships. 58605

(F) The director of job and family services, in collaboration 58606  
with the superintendent of public instruction, shall adopt rules 58607  
in accordance with Chapter 119. of the Revised Code to implement 58608  
the step up to quality program described in this section. 58609

(G)(1) The department of job and family services shall ensure 58610  
that the following percentages of early learning and development 58611  
~~programs that are not type B family day care homes and that~~ 58612  
provide publicly funded child care are rated in the third highest 58613  
tier or above in the step up to quality program: 58614

- (a) By June 30, 2017, twenty-five per cent; 58615
- (b) By June 30, 2019, forty per cent; 58616
- (c) By June 30, 2021, sixty per cent; 58617
- (d) By June 30, 2023, eighty per cent; 58618
- (e) By June 30, 2025, one hundred per cent. 58619

(2) ~~The department of job and family services and the~~ 58620  
~~department of education shall identify ways to accelerate early~~ 58621  
~~learning and development programs moving to higher tiers in the~~ 58622  
~~step up to quality program and identify strategies for appropriate~~ 58623  
~~ratings of type B homes. The departments may consult with the~~ 58624  
~~early childhood advisory council established pursuant to section~~ 58625  
~~3301.90 of the Revised Code to facilitate their efforts and shall~~ 58626  
~~include owners and administrators of early learning and~~ 58627  
~~development programs in the identification process. The~~ 58628

~~departments shall report their recommendations to the general assembly not later than October 31, 2016. This division does not apply to early learning and development programs that are either of the following:~~ 58629  
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(a) Licensed type B family day-care homes; 58633

(b) Providers described in division (C)(2) of section 5104.31 of the Revised Code. 58634  
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**Sec. 5104.30.** (A) The department of job and family services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following: 58636  
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(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code; 58641  
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(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code; 58643  
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(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code; 58645  
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(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line; 58650  
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(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code. 58653  
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The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and 58656  
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family services determines that the application is necessary. For 58659  
purposes of this section, the department of job and family 58660  
services may enter into agreements with other state agencies that 58661  
are involved in regulation or funding of child care. The 58662  
department shall consider the special needs of migrant workers 58663  
when it administers and coordinates publicly funded child care and 58664  
shall develop appropriate procedures for accommodating the needs 58665  
of migrant workers for publicly funded child care. 58666

(B) The department of job and family services shall 58667  
distribute state and federal funds for publicly funded child care, 58668  
including appropriations of state funds for publicly funded child 58669  
care and appropriations of federal funds available under the child 58670  
care block grant act, Title IV-A, and Title XX. The department may 58671  
use any state funds appropriated for publicly funded child care as 58672  
the state share required to match any federal funds appropriated 58673  
for publicly funded child care. 58674

(C) In the use of federal funds available under the child 58675  
care block grant act, all of the following apply: 58676

(1) The department may use the federal funds to hire staff to 58677  
prepare any rules required under this chapter and to administer 58678  
and coordinate federal and state funding for publicly funded child 58679  
care. 58680

(2) Not more than five per cent of the aggregate amount of 58681  
the federal funds received for a fiscal year may be expended for 58682  
administrative costs. 58683

(3) The department shall allocate and use at least four per 58684  
cent of the federal funds for the following: 58685

(a) Activities designed to provide comprehensive consumer 58686  
education to parents and the public; 58687

(b) Activities that increase parental choice; 58688

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care; 58689  
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(d) Establishing the step up to quality program pursuant to section 5104.29 of the Revised Code. 58692  
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(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means. 58694  
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(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child care resource and referral service organizations, shall provide consultation to groups and individuals interested in developing child care. The department of job and family services may enter into interagency agreements with the department of education, the chancellor of higher education, the department of development, and other state agencies and entities whenever the cooperative efforts of the other state agencies and entities are necessary for the department of job and family services to fulfill its duties and responsibilities under this chapter. 58702  
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The department shall develop and maintain a registry of persons providing child care. The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing 58718  
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procedures and requirements for the registry's administration. 58721

(E)(1) The director shall adopt rules in accordance with 58722  
Chapter 119. of the Revised Code establishing both of the 58723  
following: 58724

(a) Reimbursement ceilings for providers of publicly funded 58725  
child care not later than the first day of July in each 58726  
odd-numbered year; 58727

(b) A procedure for reimbursing and paying providers of 58728  
publicly funded child care. 58729

(2) In establishing reimbursement ceilings under division 58730  
(E)(1)(a) of this section, the director shall do all of the 58731  
following: 58732

(a) Use the information obtained ~~under division (B)(3) of~~ 58733  
~~section 5104.04 of the Revised Code~~ in accordance with 45 C.F.R. 58734  
98.45; 58735

(b) Establish an enhanced reimbursement ceiling for providers 58736  
who provide child care for caretaker parents who work 58737  
nontraditional hours; 58738

~~(c) For an in-home aide, establish an hourly reimbursement~~ 58739  
~~ceiling;~~ 58740

~~(d)~~(c) With regard to the step up to quality program 58741  
established pursuant to section 5104.29 of the Revised Code, do 58742  
both of the following: 58743

(i) Establish enhanced reimbursement ceilings for child 58744  
day-care providers that participate in the program and maintain 58745  
quality ratings; 58746

(ii) Weigh any reduction in reimbursement ceilings more 58747  
heavily against providers that do not participate in the program 58748  
or do not maintain quality ratings. 58749

(3) In establishing reimbursement ceilings under division 58750

(E)(1)(a) of this section, the director may establish different reimbursement ceilings based on any of the following:	58751 58752
(a) Geographic location of the provider;	58753
(b) Type of care provided;	58754
(c) Age of the child served;	58755
(d) Special needs of the child served;	58756
(e) Whether the expanded hours of service are provided;	58757
(f) Whether weekend service is provided;	58758
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	58759 58760
(h) Any other factors the director considers appropriate.	58761
<b>Sec. 5104.31.</b> (A) Publicly funded child care may be provided only by the following:	58762 58763
(1) Any of the following licensed by the department of job and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code:	58764 58765 58766 58767
(a) A child day-care center, including a parent cooperative child day-care center;	58768 58769
(b) A type A family day-care home, including a parent cooperative type A family day-care home;	58770 58771
(c) A licensed type B family day-care home.	58772
(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code;	58773 58774 58775
(3) A child day camp approved pursuant to section 5104.22 of the Revised Code;	58776 58777

(4) A licensed preschool program;	58778
(5) A licensed school child program;	58779
(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located.	58780 58781 58782 58783
(B) Publicly funded child day-care may be provided in a child's own home only by an in-home aide.	58784 58785
(C)(1) Beginning July 1, 2020, <u>and except as provided in division (C)(2) of this section, a licensed child care program may provide publicly funded child care</u> <del>may be provided only by a provider that</del> <u>if the program</u> is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code.	58786 58787 58788 58789 58790 58791
<u>(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program:</u>	58792 58793 58794
<u>(a) A program that operates only during the summer and for not more than fifteen consecutive weeks;</u>	58795 58796
<u>(b) A program that operates only during school breaks;</u>	58797
<u>(c) A program that operates only on weekday evenings, weekends, or both;</u>	58798 58799
<u>(d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;</u>	58800 58801
<u>(e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months;</u>	58802 58803 58804
<u>(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked.</u>	58805 58806 58807

Sec. 5104.32. (A) ~~Except as provided in division (C) of this~~ 58808  
~~section, all~~ All purchases of publicly funded child care shall be 58809  
made under a contract entered into by a licensed child day-care 58810  
center, licensed type A family day-care home, licensed type B 58811  
family day-care home, certified in-home aide, approved child day 58812  
camp, licensed preschool program, licensed school child program, 58813  
or border state child care provider and the department of job and 58814  
family services. All contracts for publicly funded child care 58815  
shall be contingent upon the availability of state and federal 58816  
funds. The department shall prescribe a standard form to be used 58817  
for all contracts for the purchase of publicly funded child care, 58818  
regardless of the source of public funds used to purchase the 58819  
child care. To the extent permitted by federal law and 58820  
notwithstanding any other provision of the Revised Code that 58821  
regulates state contracts or contracts involving the expenditure 58822  
of state or federal funds, all contracts for publicly funded child 58823  
care shall be entered into in accordance with the provisions of 58824  
this chapter and are exempt from any other provision of the 58825  
Revised Code that regulates state contracts or contracts involving 58826  
the expenditure of state or federal funds. 58827

(B) Each contract for publicly funded child care shall 58828  
specify at least the following: 58829

(1) That the provider of publicly funded child care agrees to 58830  
be paid for rendering services at the lower of the rate 58831  
customarily charged by the provider for children enrolled for 58832  
child care or the reimbursement ceiling or rate of payment 58833  
established pursuant to section 5104.30 of the Revised Code; 58834

(2) That, if a provider provides child care to an individual 58835  
potentially eligible for publicly funded child care who is 58836  
subsequently determined to be eligible, the department agrees to 58837  
pay for all child care provided between the date the county 58838

department of job and family services receives the individual's 58839  
completed application and the date the individual's eligibility is 58840  
determined; 58841

(3) Whether the county department of job and family services, 58842  
the provider, or a child care resource and referral service 58843  
organization will make eligibility determinations, whether the 58844  
provider or a child care resource and referral service 58845  
organization will be required to collect information to be used by 58846  
the county department to make eligibility determinations, and the 58847  
time period within which the provider or child care resource and 58848  
referral service organization is required to complete required 58849  
eligibility determinations or to transmit to the county department 58850  
any information collected for the purpose of making eligibility 58851  
determinations; 58852

(4) That the provider, other than a border state child care 58853  
provider, shall continue to be licensed, approved, or certified 58854  
pursuant to this chapter and shall comply with all standards and 58855  
other requirements in this chapter and in rules adopted pursuant 58856  
to this chapter for maintaining the provider's license, approval, 58857  
or certification; 58858

(5) That, in the case of a border state child care provider, 58859  
the provider shall continue to be licensed, certified, or 58860  
otherwise approved by the state in which the provider is located 58861  
and shall comply with all standards and other requirements 58862  
established by that state for maintaining the provider's license, 58863  
certificate, or other approval; 58864

(6) Whether the provider will be paid by the state department 58865  
of job and family services or in some other manner as prescribed 58866  
by rules adopted under section 5104.42 of the Revised Code; 58867

(7) That the contract is subject to the availability of state 58868  
and federal funds. 58869

~~(C) Unless specifically prohibited by federal law or by rules adopted under section 5104.42 of the Revised Code, the county department of job and family services shall give individuals eligible for publicly funded child care the option of obtaining certificates that the individual may use to purchase services from any provider qualified to provide publicly funded child care under section 5104.31 of the Revised Code. Providers of publicly funded child care may present these certificates for payment in accordance with rules that the director of job and family services shall adopt. Only providers may receive payment for certificates. The value of the certificate shall be based on the lower of the rate customarily charged by the provider or the rate of payment established pursuant to section 5104.30 of the Revised Code. The county department may provide the certificates to the individuals or may contract with child care providers or child care resource and referral service organizations that make determinations of eligibility for publicly funded child care pursuant to contracts entered into under section 5104.34 of the Revised Code for the providers or resource and referral service organizations to provide the certificates to individuals whom they determine are eligible for publicly funded child care.~~

~~For each six month period a provider of publicly funded child care provides publicly funded child care to the child of an individual given certificates, the individual shall provide the provider certificates for days the provider would have provided publicly funded child care to the child had the child been present. The maximum number of days providers shall be provided certificates shall not exceed ten days in a six month period during which publicly funded child care is provided to the child regardless of the number of providers that provide publicly funded child care to the child during that period.~~

~~(D)(1) The department shall establish the Ohio electronic an~~

~~automated~~ child care system to track attendance and calculate 58902  
payments for publicly funded child care. ~~The system shall include~~ 58903  
~~issuing an electronic child care card to each caretaker parent to~~ 58904  
~~swipe through a point of service device issued to an eligible~~ 58905  
~~provider, as described in section 5104.31 of the Revised Code.~~ 58906

(2) Each eligible provider that provides publicly funded 58907  
child care shall participate in the ~~Ohio electronic~~ automated 58908  
child care system. A provider participating in the system shall 58909  
not do any of the following: 58910

(a) Use or have possession of ~~an electronic child care card a~~ 58911  
personal identification number or password issued to a caretaker 58912  
parent under the automated child care system; 58913

(b) Falsify attendance records; 58914

(c) Knowingly seek or accept payment for publicly funded 58915  
child care that was not provided or for which the provider was not 58916  
eligible; 58917

(d) Knowingly ~~accept reimbursement for publicly funded child~~ 58918  
~~care that was not provided~~ seek or accept payment for child care 58919  
provided to a child who resides in the provider's own home. 58920

(D) The department may withhold any money due under this 58921  
chapter and may recover through any appropriate method any money 58922  
erroneously paid under this chapter if evidence demonstrates that 58923  
a provider of publicly funded child care failed to comply with 58924  
either of the following: 58925

(1) The terms of the contract entered into under this 58926  
section; 58927

(2) This chapter or any rules adopted under it. 58928

(E) If the department has evidence that a provider has 58929  
employed an individual who is ineligible for employment under 58930  
section 5104.013 of the Revised Code and the provider has not 58931

released the individual from employment upon notice that the 58932  
individual is ineligible, the department may terminate immediately 58933  
the contract entered into under this section to provide publicly 58934  
funded child care. 58935

(F) Any decision by the department concerning publicly funded 58936  
child care, including the recovery of funds, overpayment 58937  
determinations, and contract terminations is final and is not 58938  
subject to appeal, hearing, or further review under Chapter 119. 58939  
of the Revised Code. 58940

**Sec. 5104.34.** (A)(1) Each county department of job and family 58941  
services shall implement procedures for making determinations of 58942  
eligibility for publicly funded child care. Under those 58943  
procedures, the eligibility determination for each applicant shall 58944  
be made no later than thirty calendar days from the date the 58945  
county department receives a completed application for publicly 58946  
funded child care. Each applicant shall be notified promptly of 58947  
the results of the eligibility determination. An applicant 58948  
aggrieved by a decision or delay in making an eligibility 58949  
determination may appeal the decision or delay to the department 58950  
of job and family services in accordance with section 5101.35 of 58951  
the Revised Code. The due process rights of applicants shall be 58952  
protected. 58953

To the extent permitted by federal law, the county department 58954  
may make all determinations of eligibility for publicly funded 58955  
child care, may contract with child care providers or child care 58956  
resource and referral service organizations for the providers or 58957  
resource and referral service organizations to make all or any 58958  
part of the determinations, and may contract with child care 58959  
providers or child care resource and referral service 58960  
organizations for the providers or resource and referral service 58961  
organizations to collect specified information for use by the 58962

county department in making determinations. If a county department 58963  
contracts with a child care provider or a child care resource and 58964  
referral service organization for eligibility determinations or 58965  
for the collection of information, the contract shall require the 58966  
provider or resource and referral service organization to make 58967  
each eligibility determination no later than thirty calendar days 58968  
from the date the provider or resource and referral organization 58969  
receives a completed application that is the basis of the 58970  
determination and to collect and transmit all necessary 58971  
information to the county department within a period of time that 58972  
enables the county department to make each eligibility 58973  
determination no later than thirty days after the filing of the 58974  
application that is the basis of the determination. 58975

The county department may station employees of the department 58976  
in various locations throughout the county to collect information 58977  
relevant to applications for publicly funded child care and to 58978  
make eligibility determinations. The county department, child care 58979  
provider, and child care resource and referral service 58980  
organization shall make each determination of eligibility for 58981  
publicly funded child care no later than thirty days after the 58982  
filing of the application that is the basis of the determination, 58983  
shall make each determination in accordance with any relevant 58984  
rules adopted pursuant to section 5104.38 of the Revised Code, and 58985  
shall notify promptly each applicant for publicly funded child 58986  
care of the results of the determination of the applicant's 58987  
eligibility. 58988

The director of job and family services shall adopt rules in 58989  
accordance with Chapter 119. of the Revised Code for monitoring 58990  
the eligibility determination process. In accordance with those 58991  
rules, the state department shall monitor eligibility 58992  
determinations made by county departments of job and family 58993  
services and shall direct any entity that is not in compliance 58994

with this division or any rule adopted under this division to 58995  
implement corrective action specified by the department. 58996

(2)(a) All eligibility determinations for publicly funded 58997  
child care shall be made in accordance with rules adopted pursuant 58998  
to division (A) of section 5104.38 of the Revised Code. Except as 58999  
otherwise provided in this section, both of the following apply: 59000

(i) Publicly funded child care may be provided only to 59001  
eligible infants, toddlers, preschool-age children, ~~and~~ school-age 59002  
children under age thirteen, or children receiving special needs 59003  
child care. 59004

(ii) For an applicant to be eligible for publicly funded 59005  
child care, the caretaker parent must be employed or participating 59006  
in a program of education or training for an amount of time 59007  
reasonably related to the time that the parent's children are 59008  
receiving publicly funded child care. This restriction does not 59009  
apply to families whose children are eligible for protective child 59010  
care. 59011

(b) In accordance with rules adopted under division (B) of 59012  
section 5104.38 of the Revised Code, an applicant may receive 59013  
publicly funded child care while the county department determines 59014  
eligibility. An applicant may receive publicly funded child care 59015  
while a county department determines eligibility only once during 59016  
a twelve-month period. If the county department determines that an 59017  
applicant is not eligible for publicly funded child care, the 59018  
~~licensed~~ child care ~~program~~ provider shall be paid for providing 59019  
publicly funded child care for up to five days after that 59020  
determination if the county department received a completed 59021  
application with all required documentation. A program may appeal 59022  
a denial of payment under this division. 59023

(c) If a caretaker parent who has been determined eligible to 59024  
receive publicly funded child care no longer meets the 59025

requirements of division (A)(2)(a)(ii) of this section, the 59026  
caretaker parent may continue to receive publicly funded child 59027  
care for a period of up to thirteen weeks not to extend beyond the 59028  
caretaker parent's twelve-month eligibility period. ~~Such~~ 59029  
~~authorization may be given only once during a twelve-month period.~~ 59030

(d) If a child turns thirteen, or if a child receiving 59031  
special needs child care turns eighteen, during the twelve-month 59032  
eligibility period, the caretaker parent may continue to receive 59033  
publicly funded child care until the end of that twelve-month 59034  
period. 59035

Subject to available funds, the department of job and family 59036  
services shall allow a family to receive publicly funded child 59037  
care unless the family's income exceeds the maximum income 59038  
eligibility limit. Initial and continued eligibility for publicly 59039  
funded child care is subject to available funds unless the family 59040  
is receiving child care pursuant to division (A)(1), (2), (3), or 59041  
(4) of section 5104.30 of the Revised Code. If the department must 59042  
limit eligibility due to lack of available funds, it shall give 59043  
first priority for publicly funded child care to an assistance 59044  
group whose income is not more than the maximum income eligibility 59045  
limit that received transitional child care in the previous month 59046  
but is no longer eligible because the twelve-month period has 59047  
expired. Such an assistance group shall continue to receive 59048  
priority for publicly funded child care until its income exceeds 59049  
the maximum income eligibility limit. 59050

(3) An assistance group that ceases to participate in the 59051  
Ohio works first program established under Chapter 5107. of the 59052  
Revised Code is eligible for transitional child care at any time 59053  
during the immediately following twelve-month period that both of 59054  
the following apply: 59055

(a) The assistance group requires child care due to 59056  
employment; 59057

(b) The assistance group's income is not more than one hundred fifty per cent of the federal poverty line.

An assistance group ineligible to participate in the Ohio works first program pursuant to section 5101.83 or section 5107.16 of the Revised Code is not eligible for transitional child care.

(B) To the extent permitted by federal law, the department of job and family services may require a caretaker parent determined to be eligible for publicly funded child care to pay a fee according to the schedule of fees established in rules adopted under section 5104.38 of the Revised Code. The department shall make protective child care services and homeless child care services available to children without regard to the income or assets of the caretaker parent of the child.

(C) A caretaker parent receiving publicly funded child care shall report to the entity that determined eligibility any changes in status with respect to employment or participation in a program of education or training not later than ten calendar days after the change occurs.

(D) If the department of job and family services determines that available resources are not sufficient to provide publicly funded child care to all eligible families who request it, the department may establish a waiting list. The department may establish separate waiting lists within the waiting list based on income.

(E) A caretaker parent shall not receive ~~full-time~~ publicly funded child care from more than one child care provider per child during a week, unless a county department grants the family an exemption for one of the following reasons:

~~(a)~~(1) The child needs additional care during non-traditional hours;

~~(b)~~(2) The child needs to change providers in the middle of

the week and the hours of care provided by the providers do not 59089  
overlap; 59090

~~(e)~~(3) The child's provider is closed on scheduled school 59091  
days off or on calamity days; 59092

~~(d)~~(4) The child is enrolled in a part-time program 59093  
participating in the tiered quality rating and improvement system 59094  
established under section ~~5104.30~~ 5104.29 of the Revised Code and 59095  
needs care from an additional part-time provider. 59096

(F) As used in this section, "maximum income eligibility 59097  
limit" means the amount of income specified in rules adopted under 59098  
division (A) of section 5104.38 of the Revised Code. 59099

**Sec. 5104.38.** In addition to any other rules adopted under 59100  
this chapter, the director of job and family services shall adopt 59101  
rules in accordance with Chapter 119. of the Revised Code 59102  
governing financial and administrative requirements for publicly 59103  
funded child care and establishing all of the following: 59104

(A) Procedures and criteria to be used in making 59105  
determinations of eligibility for publicly funded child care that 59106  
give priority to children of families with lower incomes and 59107  
procedures and criteria for eligibility for publicly funded 59108  
protective child care or homeless child care. The rules shall 59109  
specify the maximum amount of income a family may have for initial 59110  
and continued eligibility. The maximum amount shall not exceed 59111  
three hundred per cent of the federal poverty line. The rules may 59112  
specify exceptions to the eligibility requirements in the case of 59113  
a family that previously received publicly funded child care and 59114  
is seeking to have the child care reinstated after the family's 59115  
eligibility was terminated. 59116

(B) Procedures under which an applicant for publicly funded 59117  
child care may receive publicly funded child care while the county 59118

department of job and family services determines eligibility and 59119  
under which a ~~licensed~~ child care ~~program~~ provider may appeal a 59120  
denial of payment under division (A)(2)(b) of section 5104.34 of 59121  
the Revised Code; 59122

(C) A schedule of fees requiring all eligible caretaker 59123  
parents to pay a fee for publicly funded child care according to 59124  
income and family size, which shall be uniform for all types of 59125  
publicly funded child care, except as authorized by rule, and, to 59126  
the extent permitted by federal law, shall permit the use of state 59127  
and federal funds to pay the customary deposits and other advance 59128  
payments that a provider charges all children who receive child 59129  
care from that provider. 59130

(D) A formula for determining the amount of state and federal 59131  
funds appropriated for publicly funded child care that may be 59132  
allocated to a county department to use for administrative 59133  
purposes; 59134

(E) Procedures to be followed by the department and county 59135  
departments in recruiting individuals and groups to become 59136  
providers of child care; 59137

(F) Procedures to be followed in establishing state or local 59138  
programs designed to assist individuals who are eligible for 59139  
publicly funded child care in identifying the resources available 59140  
to them and to refer the individuals to appropriate sources to 59141  
obtain child care; 59142

(G) Procedures to deal with fraud and abuse committed by 59143  
either recipients or providers of publicly funded child care; 59144

(H) Procedures for establishing a child care grant or loan 59145  
program in accordance with the child care block grant act; 59146

(I) Standards and procedures for applicants to apply for 59147  
grants and loans, and for the department to make grants and loans; 59148

(J) A definition of "person who stands in loco parentis" for 59149  
the purposes of division ~~(JJ)(1)~~(LL)(3) of section 5104.01 of the 59150  
Revised Code; 59151

(K) Procedures for a county department of job and family 59152  
services to follow in making eligibility determinations and 59153  
redeterminations for publicly funded child care available through 59154  
telephone, computer, and other means at locations other than the 59155  
county department; 59156

(L) If the director establishes a different reimbursement 59157  
ceiling under division (E)(3)(d) of section 5104.30 of the Revised 59158  
Code, standards and procedures for determining the amount of the 59159  
higher payment that is to be issued to a child care provider based 59160  
on the special needs of the child being served; 59161

(M) To the extent permitted by federal law, procedures for 59162  
paying for up to thirty days of child care for a child whose 59163  
caretaker parent is seeking employment, taking part in employment 59164  
orientation activities, or taking part in activities in 59165  
anticipation of enrolling in or attending an education or training 59166  
program or activity, if the employment or the education or 59167  
training program or activity is expected to begin within the 59168  
thirty-day period; 59169

(N) Any other rules necessary to carry out sections 5104.30 59170  
to 5104.43 of the Revised Code. 59171

**Sec. 5104.41.** A child and the child's caretaker ~~who either~~ 59172  
~~temporarily reside in a facility providing emergency shelter for~~ 59173  
~~homeless families or are determined by the county department of~~ 59174  
~~job and family services to be homeless, and~~ who are otherwise 59175  
ineligible for publicly funded child care, are eligible for 59176  
~~protective~~ homeless child care for the lesser of the following: 59177

(A) ~~Ninety~~ Not more than ninety days; 59178

(B) The period of time they reside in ~~the~~ a facility 59179  
providing emergency shelter, ~~if they qualified for protective~~ 59180  
~~child care because they reside in the shelter,~~ for homeless 59181  
families or the period of time in which the county department 59182  
determines they are homeless. 59183

**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the 59184  
Revised Code shall be punished as follows: 59185

(1) For each offense, the offender shall be fined not less 59186  
than one hundred dollars nor more than five hundred dollars 59187  
multiplied by the number of children receiving child care at the 59188  
child day-care center or type A family day-care home that either 59189  
exceeds the number of children to which a type B family day-care 59190  
home may provide child care or, if the offender is a licensed type 59191  
A family day-care home that is operating as a child day-care 59192  
center without being licensed as a center, exceeds the license 59193  
capacity of the type A home. 59194

(2) In addition to the fine specified in division (A)(1) of 59195  
this section, all of the following apply: 59196

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 59197  
of this section, the court shall order the offender to reduce the 59198  
number of children to which it provides child care to a number 59199  
that does not exceed either the number of children to which a type 59200  
B family day-care home may provide child care or, if the offender 59201  
is a licensed type A family day-care home that is operating as a 59202  
child day-care center without being licensed as a center, the 59203  
license capacity of the type A home. 59204

(b) If the offender previously has been convicted of or 59205  
pleaded guilty to one violation of section 5104.02 of the Revised 59206  
Code, the court shall order the offender to cease the provision of 59207  
child care to any person until it obtains a child day-care center 59208  
license or a type A family day-care home license, as appropriate, 59209

under section 5104.03 of the Revised Code. 59210

(c) If the offender previously has been convicted of or 59211  
pleaded guilty to two violations of section 5104.02 of the Revised 59212  
Code, the offender is guilty of a misdemeanor of the first degree, 59213  
and the court shall order the offender to cease the provision of 59214  
child care to any person until it obtains a child day-care center 59215  
license or a type A family day-care home license, as appropriate, 59216  
under section 5104.03 of the Revised Code. The court shall impose 59217  
the fine specified in division (A)(1) of this section and may 59218  
impose an additional fine provided that the total amount of the 59219  
fines so imposed does not exceed the maximum fine authorized for a 59220  
misdemeanor of the first degree under section 2929.28 of the 59221  
Revised Code. 59222

(d) If the offender previously has been convicted of or 59223  
pleaded guilty to three or more violations of section 5104.02 of 59224  
the Revised Code, the offender is guilty of a felony of the fifth 59225  
degree, and the court shall order the offender to cease the 59226  
provision of child care to any person until it obtains a child 59227  
day-care center license or a type A family day-care home license, 59228  
as appropriate, under section 5104.03 of the Revised Code. The 59229  
court shall impose the fine specified in division (A)(1) of this 59230  
section and may impose an additional fine provided that the total 59231  
amount of the fines so imposed does not exceed the maximum fine 59232  
authorized for a felony of the fifth degree under section 2929.18 59233  
of the Revised Code. 59234

~~(B) Whoever violates division (M)(4) of section 5104.013 of 59235  
the Revised Code is guilty of a misdemeanor of the first degree. 59236  
If the offender is a licensee of a center, type A home, or 59237  
licensed type B home, the conviction shall constitute grounds for 59238  
denial or revocation of an application for licensure pursuant to 59239  
section 5104.04 of the Revised Code. Except as otherwise provided 59240  
in this division, the offense established under division (M)(4) of 59241~~

~~section 5104.013 of the Revised Code is a strict liability offense, and section 2901.20 of the Revised Code does not apply. If the offender is a person eighteen years of age or older residing in a type A home or licensed type B home or is an employee of a center, type A home, or licensed type B home and if the licensee had knowledge of, and acquiesced in, the commission of the offense, the conviction shall constitute grounds for denial or revocation of an application for licensure pursuant to section 5104.04 of the Revised Code.~~

~~(C) Whoever violates section 5104.09 of the Revised Code is guilty of a misdemeanor of the third degree.~~

**Sec. 5119.185.** (A) As used in this section, "physician":

(1) "Advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(2) "Clinician" means any of the following:

(a) An advanced practice registered nurse;

(b) A physician;

(c) A physician assistant.

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

(4) "Physician assistant" means an individual who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code.

(B) The department of mental health and addiction services may establish a ~~physician~~ clinician recruitment program under which the department agrees to repay all or part of the principal and interest of a government or other educational loan incurred by a ~~physician~~ clinician who agrees to provide services to inpatients

and outpatients of institutions under the department's 59271  
administration. To be eligible to participate in the program, a 59272  
~~physician~~ clinician must have attended the following: 59273

(1) In the case of a physician, a school that was, at the 59274  
time of attendance, a medical school or osteopathic medical school 59275  
in this country accredited by the liason committee on medical 59276  
education or the American osteopathic association, or a medical 59277  
school or osteopathic medical school located outside this country 59278  
that was acknowledged by the world health organization and 59279  
verified by a member state of that organization as operating 59280  
within that state's jurisdiction; 59281

(2) In the case of a physician assistant, a school that was, 59282  
at the time of attendance, accredited by the accreditation review 59283  
commission on education for the physician assistant or a regional 59284  
or specialized and professional accrediting agency recognized by 59285  
the council for higher education accreditation; 59286

(3) In the case of an advanced practice registered nurse, a 59287  
school that was, at the time of attendance, accredited by a 59288  
national or regional accrediting organization. 59289

(C) The department shall enter into a contract with each 59290  
~~physician~~ clinician it recruits under this section. Each contract 59291  
shall include at least the following terms: 59292

(1) The ~~physician~~ clinician agrees to provide a specified 59293  
scope of ~~medical or osteopathic medical~~ health care services for a 59294  
specified number of hours per week and a specified number of years 59295  
to patients of one or more specified institutions administered by 59296  
the department. 59297

(2) The department agrees to repay all or a specified portion 59298  
of the principal and interest of a government or other educational 59299  
loan taken by the ~~physician~~ clinician for the following expenses 59300  
if the ~~physician~~ clinician meets the service obligation agreed to 59301

and the expenses were incurred while the ~~physician~~ clinician was 59302  
enrolled in, for up to a maximum of four years, a school that 59303  
qualifies the ~~physician~~ clinician to participate in the program: 59304

(a) Tuition; 59305

(b) Other educational expenses for specific purposes, 59306  
including fees, books, and laboratory expenses, in amounts 59307  
determined to be reasonable in accordance with rules adopted under 59308  
division (D) of this section; 59309

(c) Room and board, in an amount determined to be reasonable 59310  
in accordance with rules adopted under division (D) of this 59311  
section. 59312

(3) The ~~physician~~ clinician agrees to pay the department a 59313  
specified amount, which shall be not less than the amount already 59314  
paid by the department pursuant to its agreement, as damages if 59315  
the ~~physician~~ clinician fails to complete the service obligation 59316  
agreed to or fails to comply with other specified terms of the 59317  
contract. The contract may vary the amount of damages based on the 59318  
portion of the ~~physician's~~ clinician's service obligation that 59319  
remains uncompleted as determined by the department. 59320

(4) Other terms agreed upon by the parties. 59321

(D) If the department elects to implement the ~~physician~~ 59322  
clinician recruitment program, it shall adopt rules in accordance 59323  
with Chapter 119. of the Revised Code that establish all of the 59324  
following: 59325

(1) Criteria for designating institutions for which 59326  
~~physicians~~ clinicians will be recruited; 59327

(2) Criteria for selecting ~~physicians~~ clinicians for 59328  
participation in the program; 59329

(3) Criteria for determining the portion of a ~~physician's~~ 59330  
clinician's loan that the department will agree to repay; 59331

(4) Criteria for determining reasonable amounts of the expenses described in divisions (C)(2)(b) and (c) of this section; 59332  
59333

(5) Procedures for monitoring compliance by ~~physicians~~ clinicians with the terms of their contracts; 59334  
59335

(6) Any other criteria or procedures necessary to implement the program. 59336  
59337

**Sec. 5119.19.** (A)(1) As used in this section, ~~"psychotropic:~~ 59338

(a) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code. 59339  
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(b) "Psychotropic drug" means, except as provided in division (A)(2) of this section, a drug that has the capability of changing or controlling mental functioning or behavior through direct pharmacological action. "Psychotropic drug" includes all of the following: 59341  
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~~(a)~~(i) Antipsychotic medications, including those administered or dispensed in a long-acting injectable form; 59346  
59347

~~(b)~~(ii) Antidepressant medications; 59348

~~(c)~~(iii) Anti-anxiety medications; 59349

~~(d)~~(iv) Mood stabilizing medications. 59350

(2) "Psychotropic drug" excludes a stimulant prescribed for the treatment of attention deficit hyperactivity disorder. 59351  
59352

(B) There is hereby created the psychotropic drug reimbursement program. The program shall be administered by the department of mental health and addiction services. 59353  
59354  
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The purpose of the program is to provide state reimbursement to counties for the cost of psychotropic drugs that are dispensed to inmates of county jails in this state. The Each county shall ensure that inmates have access to all psychotropic drugs that are prescribed drugs covered by the fee-for-service component of the 59356  
59357  
59358  
59359  
59360

medicaid program. 59361

The department, based on factors it considers appropriate, 59362  
shall allocate an amount to each county for reimbursement of such 59363  
psychotropic drug costs incurred by the county. 59364

(C) The director of mental health and addiction services may 59365  
adopt rules as necessary to implement this section. The rules, if 59366  
adopted, shall be adopted in accordance with Chapter 119. of the 59367  
Revised Code. 59368

**Sec. 5119.39.** (A) As used in this section, 59369  
"medication-assisted treatment" has the same meaning as in section 59370  
340.01 of the Revised Code. 59371

(B) There is hereby created in the department of mental 59372  
health and addiction services the medication-assisted treatment 59373  
drug reimbursement program. Under the program, the department 59374  
shall reimburse counties for the costs of drugs that are both of 59375  
the following: 59376

(1) Prescribed or furnished to inmates of county jails; 59377

(2) Approved by the United States food and drug 59378  
administration for use in medication-assisted treatment, including 59379  
full opioid agonists, partial opioid agonists, and injectable 59380  
long-acting or extended-release opioid antagonists. 59381

The department, based on factors it considers appropriate, 59382  
shall allocate an amount to each county for reimbursement of 59383  
medication-assisted treatment drug costs incurred by the county. 59384

(C)(1) Subject to division (C)(2) of this section, to be 59385  
eligible for reimbursement under the program, a county shall 59386  
establish procedures to minimize the risk of inmates abusing or 59387  
diverting full or partial opioid agonists. 59388

(2) When a full or partial opioid agonist is prescribed or 59389  
furnished to one or more inmates as part of medication-assisted 59390

treatment, a county shall do all of the following: 59391

(a) Establish a baseline for the inmate's drug use by 59392  
ordering for the inmate a urine drug test and evaluating the test 59393  
results; 59394

(b) Monitor the inmate's adherence to treatment and determine 59395  
if the inmate is using other drugs by ordering for the inmate on a 59396  
periodic basis a urine drug test and evaluating the test results; 59397

(c) If necessary, order for the inmate more definitive drug 59398  
testing and evaluate the test results. 59399

(D) The director of mental health and addiction services may 59400  
adopt rules as necessary to implement this section. The rules 59401  
shall be adopted in accordance with Chapter 119. of the Revised 59402  
Code. 59403

**Sec. 5119.44.** As used in this section, "free clinic" has the 59404  
same meaning as in section 2305.2341 of the Revised Code. 59405

(A) The department of mental health and addiction services 59406  
may provide certain goods and services for the department of 59407  
mental health and addiction services, the department of 59408  
developmental disabilities, the department of rehabilitation and 59409  
correction, the department of youth services, and other state, 59410  
county, or municipal agencies requesting such goods and services 59411  
when the department of mental health and addiction services 59412  
determines that it is in the public interest, and considers it 59413  
advisable, to provide these goods and services. The department of 59414  
mental health and addiction services also may provide goods and 59415  
services to agencies operated by the United States government and 59416  
to public or private nonprofit agencies, other than free clinics, 59417  
that are funded in whole or in part by the state if the public or 59418  
private nonprofit agencies are designated for participation in 59419  
this program by the director of mental health and addiction 59420

services for community addiction services providers and community 59421  
mental health services providers, the director of developmental 59422  
disabilities for community developmental disabilities agencies, 59423  
the director of rehabilitation and correction for community 59424  
rehabilitation and correction agencies, or the director of youth 59425  
services for community youth services agencies. 59426

Designated community agencies or services providers shall 59427  
receive goods and services through the department of mental health 59428  
and addiction services only in those cases where the designating 59429  
state agency certifies that providing such goods and services to 59430  
the agency or services provider will conserve public resources to 59431  
the benefit of the public and where the provision of such goods 59432  
and services is considered feasible by the department of mental 59433  
health and addiction services. 59434

(B) The department of mental health and addiction services 59435  
may permit free clinics to purchase certain goods and services to 59436  
the extent the purchases fall within the exemption to the 59437  
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit 59438  
institutions, in 15 U.S.C. 13c, as amended. 59439

(C) The goods and services that may be provided by the 59440  
department of mental health and addiction services under divisions 59441  
(A) and (B) of this section may include: 59442

(1) Procurement, storage, processing, and distribution of 59443  
food and professional consultation on food operations; 59444

(2) Procurement, storage, and distribution of medical and 59445  
laboratory supplies, dental supplies, medical records, forms, 59446  
optical supplies, and sundries, ~~subject to section 5120.135 of the~~ 59447  
~~Revised Code;~~ 59448

(3) Procurement, storage, repackaging, distribution, and 59449  
dispensing of drugs, the provision of professional pharmacy 59450  
consultation, and drug information services; 59451

(4) Other goods and services. 59452

(D) The department of mental health and addiction services 59453  
may provide the goods and services designated in division (C) of 59454  
this section to its institutions and to state-operated 59455  
community-based mental health or addiction services providers. 59456

(E) After consultation with and advice from the director of 59457  
developmental disabilities, the director of rehabilitation and 59458  
correction, and the director of youth services, the department of 59459  
mental health and addiction services may provide the goods and 59460  
services designated in division (C) of this section to the 59461  
department of developmental disabilities, the department of 59462  
rehabilitation and correction, and the department of youth 59463  
services. 59464

(F) The cost of administration of this section shall be 59465  
determined by the department of mental health and addiction 59466  
services and paid by the agencies, services providers, or free 59467  
clinics receiving the goods and services to the department for 59468  
deposit in the state treasury to the credit of the Ohio pharmacy 59469  
services fund, which is hereby created. The fund shall be used to 59470  
pay the cost of administration of this section to the department. 59471

(G) Whenever a state agency fails to make a payment for goods 59472  
and services provided under this section within thirty-one days 59473  
after the date the payment was due, the office of budget and 59474  
management may transfer moneys from the state agency to the 59475  
department of mental health and addiction services. The amount 59476  
transferred shall not exceed the amount of overdue payments. Prior 59477  
to making a transfer under this division, the office of budget and 59478  
management shall apply any credits the state agency has 59479  
accumulated in payments for goods and services provided under this 59480  
section. 59481

(H) Purchases of goods and services under this section are 59482

not subject to section 307.86 of the Revised Code. 59483

**Sec. 5120.10.** (A)(1) The director of rehabilitation and 59484  
correction, by rule, shall promulgate minimum standards for jails 59485  
in Ohio, including minimum security jails dedicated under section 59486  
341.34 or 753.21 of the Revised Code. Whenever the director files 59487  
a rule or an amendment to a rule in final form with both the 59488  
secretary of state and the director of the legislative service 59489  
commission pursuant to section 111.15 of the Revised Code, the 59490  
director of rehabilitation and correction promptly shall send a 59491  
copy of the rule or amendment, if the rule or amendment pertains 59492  
to minimum jail standards, by ordinary mail to the political 59493  
subdivisions or affiliations of political subdivisions that 59494  
operate jails to which the standards apply. 59495

(2) The rules promulgated in accordance with division (A)(1) 59496  
of this section shall serve as criteria for the investigative and 59497  
supervisory powers and duties vested by division (D) of this 59498  
section in the division of parole and community services of the 59499  
department of rehabilitation and correction or in another division 59500  
of the department to which those powers and duties are assigned. 59501

(B) The director may initiate an action in the court of 59502  
common pleas of the county in which a facility that is subject to 59503  
the rules promulgated under division (A)(1) of this section is 59504  
situated to enjoin compliance with the minimum standards for jails 59505  
or with the minimum standards and minimum renovation, 59506  
modification, and construction criteria for ~~minimum security~~ 59507  
jails. 59508

(C) Upon the request of an administrator of a jail facility, 59509  
the chief executive of a municipal corporation, or a board of 59510  
county commissioners, the director of rehabilitation and 59511  
correction or the director's designee shall grant a variance from 59512  
the minimum standards for jails in Ohio for a facility that is 59513

subject to one of those minimum standards when the director 59514  
determines that strict compliance with the minimum standards would 59515  
cause unusual, practical difficulties or financial hardship, that 59516  
existing or alternative practices meet the intent of the minimum 59517  
standards, and that granting a variance would not seriously affect 59518  
the security of the facility, the supervision of the inmates, or 59519  
the safe, healthful operation of the facility. If the director or 59520  
the director's designee denies a variance, the applicant may 59521  
appeal the denial pursuant to section 119.12 of the Revised Code. 59522

(D) The following powers and duties shall be exercised by the 59523  
division of parole and community services unless assigned to 59524  
another division by the director: 59525

(1) The investigation and supervision of county and municipal 59526  
jails, workhouses, minimum security jails, and other correctional 59527  
institutions and agencies; 59528

(2) The review and approval of plans submitted to the 59529  
department of rehabilitation and correction pursuant to division 59530  
(E) of this section; 59531

(3) The management and supervision of the adult parole 59532  
authority created by section 5149.02 of the Revised Code; 59533

(4) The review and approval of proposals for community-based 59534  
correctional facilities and programs and district community-based 59535  
correctional facilities and programs that are submitted pursuant 59536  
to division (B) of section 2301.51 of the Revised Code; 59537

(5) The distribution of funds made available to the division 59538  
for purposes of assisting in the renovation, maintenance, and 59539  
operation of community-based correctional facilities and programs 59540  
and district community-based correctional facilities and programs 59541  
in accordance with section 5120.112 of the Revised Code; 59542

(6) The performance of the duty imposed upon the department 59543  
of rehabilitation and correction in section 5149.31 of the Revised 59544

Code to establish and administer a program of subsidies to 59545  
eligible municipal corporations, counties, and groups of 59546  
contiguous counties for the development, implementation, and 59547  
operation of community-based corrections programs; 59548

(7) Licensing halfway houses and community residential 59549  
centers for the care and treatment of adult offenders in 59550  
accordance with section 2967.14 of the Revised Code; 59551

(8) Contracting with a public or private agency or a 59552  
department or political subdivision of the state that operates a 59553  
licensed halfway house or community residential center for the 59554  
provision of housing, supervision, and other services to parolees, 59555  
releasees, persons placed under a residential sanction, persons 59556  
under transitional control, and other eligible offenders in 59557  
accordance with section 2967.14 of the Revised Code. 59558

Other powers and duties may be assigned by the director of 59559  
rehabilitation and correction to the division of parole and 59560  
community services. This section does not apply to the department 59561  
of youth services or its institutions or employees. 59562

(E) No plan for any new jail, workhouse, or lockup, and no 59563  
plan for a substantial addition or alteration to an existing jail, 59564  
workhouse, or lockup, shall be adopted unless the officials 59565  
responsible for adopting the plan have submitted the plan to the 59566  
department of rehabilitation and correction for approval, and the 59567  
department has approved the plan as provided in division (D)(2) of 59568  
this section. 59569

**Sec. 5120.112.** (A) The division of parole and community 59570  
services shall accept applications for state financial assistance 59571  
for the renovation, maintenance, and operation of proposed and 59572  
approved community-based correctional facilities and programs and 59573  
district community-based correctional facilities and programs that 59574  
are filed in accordance with section 2301.56 of the Revised Code. 59575

The division, upon receipt of an application for a particular facility and program, shall determine whether the application is in proper form, whether the applicant satisfies the standards of operation that are prescribed by the department of rehabilitation and correction under section 5120.111 of the Revised Code, whether the applicant has established the facility and program, and, if the applicant has not at that time established the facility and program, whether the proposal of the applicant sufficiently indicates that the standards will be satisfied upon the establishment of the facility and program. If the division determines that the application is in proper form and that the applicant has satisfied or will satisfy the standards of the department, the division shall notify the applicant that it is qualified to receive state financial assistance for the facility and program under this section from moneys made available to the division for purposes of providing assistance to community-based correctional facilities and programs and district community-based correctional facilities and programs.

(B) The amount of state financial assistance that is awarded to a qualified applicant under this section shall be determined by the division of parole and community services in accordance with this division. In determining the amount of state financial assistance to be awarded to a qualified applicant under this section, the division shall not calculate the cost of an offender incarcerated in a community-based correctional facility and program or district community-based correctional facility program to be greater than the average yearly cost of incarceration per inmate in all state correctional institutions, as defined in section 2967.01 of the Revised Code, as determined by the department of rehabilitation and correction.

The times and manner of distribution of state financial assistance to be awarded to a qualified applicant under this

section shall be determined by the division of parole and 59608  
community services. 59609

(C) Upon approval of a proposal for a community-based 59610  
correctional facility and program or a district community-based 59611  
correctional facility and program by the division of parole and 59612  
community services, the facility governing board, upon the advice 59613  
of the judicial advisory board, shall enter into an award 59614  
agreement with the department of rehabilitation and correction 59615  
that outlines terms and conditions of the agreement ~~on an annual~~ 59616  
~~basis. The agreement shall not be effective for longer than the~~ 59617  
state fiscal biennium in which the financial assistance is to be 59618  
awarded. In the award agreement, the facility governing board 59619  
shall identify a fiscal agent responsible for the deposit of funds 59620  
and compliance with sections 2301.55 and 2301.56 of the Revised 59621  
Code. 59622

(D) No state financial assistance shall be distributed to a 59623  
qualified applicant until an agreement concerning the assistance 59624  
has been entered into by the director of rehabilitation and 59625  
correction and the deputy director of the division of parole and 59626  
community services on the part of the state, and by the 59627  
chairperson of the facility governing board of the community-based 59628  
correctional facility and program or district community-based 59629  
correctional facility and program to receive the financial 59630  
assistance, whichever is applicable. The agreement shall not be 59631  
effective for ~~a period of one year from the date of the agreement~~ 59632  
longer than the state fiscal biennium in which the financial 59633  
assistance is to be awarded, and shall specify all terms and 59634  
conditions that are applicable to the awarding of the assistance, 59635  
including, but not limited to: 59636

(1) The total amount of assistance to be awarded for each 59637  
community-based correctional facility and program or district 59638  
community-based correctional facility and program, and the times 59639

and manner of the payment of the assistance; 59640

(2) How persons who will staff and operate the facility and 59641  
program are to be utilized during the period for which the 59642  
assistance is to be granted, including descriptions of their 59643  
positions and duties, and their salaries and fringe benefits; 59644

(3) A statement that none of the persons who will staff and 59645  
operate the facility and program, including those who are 59646  
receiving some or all of their salaries out of funds received by 59647  
the facility and program as state financial assistance, are 59648  
employees or are to be considered as being employees of the 59649  
department of rehabilitation and correction, and a statement that 59650  
the employees who will staff and operate that facility and program 59651  
are employees of the facility and program; 59652

(4) A list of the type of expenses, other than salaries of 59653  
persons who will staff and operate the facility and program, for 59654  
which the state financial assistance can be used, and a 59655  
requirement that purchases made with funds received as state 59656  
financial assistance follow established fiscal guidelines as 59657  
determined by the division of parole and community services and 59658  
any applicable sections of the Revised Code, including, but not 59659  
limited to, sections 125.01 to 125.11 and Chapter 153. of the 59660  
Revised Code; 59661

(5) The accounting procedures that are to be used by the 59662  
facility and program in relation to the state financial 59663  
assistance; 59664

(6) A requirement that the facility and program file reports, 59665  
during the period that it receives state financial assistance, 59666  
with the division of parole and community services, which reports 59667  
shall be statistical in nature and shall contain that information 59668  
required under a research design agreed upon by all parties to the 59669  
agreement, for purposes of evaluating the facility and program; 59670

(7) A requirement that the facility and program comply with standards of operation as prescribed by the department under section 5120.111 of the Revised Code, and with all information submitted on its application;

(8) A statement that the facility and program will make a reasonable effort to augment the funding received from the state.

(E)(1) No state financial assistance shall be distributed to a qualified applicant until its proposal for a community-based correctional facility and program or district community-based correctional facility and program has been approved by the division of parole and community services.

(2) State financial assistance may be denied to any applicant if it fails to comply with the terms of any agreement entered into pursuant to division (D) of this section.

(F) The division of parole and community services may expend up to one-half per cent of the annual appropriation made for community-based correctional facility programs, for goods or services that benefit those programs.

**Sec. 5122.43.** (A) Costs, fees, and expenses of all proceedings held under this chapter shall be paid as follows:

(1) To police and health officers, other than sheriffs or their deputies, the same fees allowed to constables, to be paid upon the approval of the probate judge;

(2) To sheriffs or their deputies, the same fees allowed for similar services in the court of common pleas;

(3) To physicians or licensed clinical psychologists acting as expert witnesses and to other expert witnesses designated by the court, an amount determined by the court;

(4) To other witnesses, the same fees and mileage as for attendance at the court of common pleas, to be paid upon the

approval of the probate judge; 59701

(5) To a person, other than the sheriff or the sheriff's 59702  
deputies, for taking a mentally ill person to a hospital or 59703  
removing a mentally ill person from a hospital, the actual 59704  
necessary expenses incurred, specifically itemized, and approved 59705  
by the probate judge; 59706

(6) To assistants who convey mentally ill persons to the 59707  
hospital when authorized by the probate judge, a fee set by the 59708  
probate court, provided the assistants are not drawing a salary 59709  
from the state or any political subdivision of the state, and 59710  
their actual necessary expenses incurred, provided that the 59711  
expenses are specifically itemized and approved by the probate 59712  
judge; 59713

(7) To an attorney appointed by the probate division for an 59714  
indigent who allegedly is a mentally ill person pursuant to any 59715  
section of this chapter or a person suffering from alcohol and 59716  
other drug abuse and who may be ordered under sections 5119.91 to 59717  
5119.98 of the Revised Code to undergo treatment, the fees that 59718  
are determined by the probate division. When those indigent 59719  
persons are before the court, all filing and recording fees shall 59720  
be waived. 59721

(8) To a referee who is appointed to conduct proceedings 59722  
under this chapter that involve a respondent whose domicile is or, 59723  
before the respondent's hospitalization, was not the county in 59724  
which the proceedings are held, compensation as fixed by the 59725  
probate division, but not more than the compensation paid for 59726  
similar proceedings for respondents whose domicile is in the 59727  
county in which the proceedings are held; 59728

(9) To a court reporter appointed to make a transcript of 59729  
proceedings under this chapter, the compensation and fees allowed 59730  
in other cases under section 2101.08 of the Revised Code. 59731

(B) A county shall pay for the costs, fees, and expenses 59732  
described in division (A) of this section with money appropriated 59733  
pursuant to section 2101.11 of the Revised Code. A county may seek 59734  
reimbursement from the department of mental health and addiction 59735  
services by submitting a request and certification by the county 59736  
auditor of the costs, fees, and expenses to the department within 59737  
two months of the date the costs, fees, and expenses are incurred 59738  
by the county. 59739

Each fiscal year, based on past allocations, historical 59740  
utilization, and other factors the department considers 59741  
appropriate, the department shall allocate for each county an 59742  
amount for reimbursements under this section. A county's 59743  
allocation may be zero. The department shall set aside an amount 59744  
in addition to the allocations to cover court costs associated 59745  
with proceedings held under this chapter for counties that 59746  
received an allocation of zero but that incurred expenditures 59747  
authorized by the department. The total of all the allocations 59748  
plus the additional amount set aside shall equal the amount 59749  
appropriated for the fiscal year to the department specifically 59750  
for the purposes of this section. 59751

On receipt, the department shall review each request for 59752  
reimbursement and prepare a voucher for the amount of the costs, 59753  
fees, and expenses incurred by the county, provided that the total 59754  
amount of money paid to all counties in each fiscal year shall not 59755  
exceed the total amount of moneys specifically appropriated to the 59756  
department for these purposes. 59757

The department's total reimbursement to each county shall be 59758  
the lesser of the full amount requested or either the amount 59759  
allocated for the county under this division, or, for counties 59760  
that received an allocation of zero, the amount approved by the 59761  
department. In addition, the department shall distribute any 59762  
surplus remaining from the money appropriated for the fiscal year 59763

to the department for the purposes of this section as follows to 59764  
counties whose full requests exceed their allocations: 59765

(1) If the surplus is sufficient to reimburse such counties 59766  
the full amount of their requests, each such county shall receive 59767  
the full amount of its request; 59768

(2) If the surplus is insufficient, each such county shall 59769  
receive a percentage of the surplus determined by dividing the 59770  
difference between the county's full request and its allocation by 59771  
the difference between the total of the full requests of all such 59772  
counties and the total of the amounts allocated for all such 59773  
counties. 59774

The department may adopt rules in accordance with Chapter 59775  
119. of the Revised Code to implement the payment of costs, fees, 59776  
and expenses under this section. 59777

**Sec. 5123.01.** As used in this chapter: 59778

(A) "Chief medical officer" means the licensed physician 59779  
appointed by the managing officer of an institution for persons 59780  
with intellectual disabilities with the approval of the director 59781  
of developmental disabilities to provide medical treatment for 59782  
residents of the institution. 59783

(B) "Chief program director" means a person with special 59784  
training and experience in the diagnosis and management of persons 59785  
with developmental disabilities, certified according to division 59786  
(C) of this section in at least one of the designated fields, and 59787  
appointed by the managing officer of an institution for persons 59788  
with intellectual disabilities with the approval of the director 59789  
to provide habilitation and care for residents of the institution. 59790

(C) "Comprehensive evaluation" means a study, including a 59791  
sequence of observations and examinations, of a person leading to 59792  
conclusions and recommendations formulated jointly, with 59793

dissenting opinions if any, by a group of persons with special 59794  
training and experience in the diagnosis and management of persons 59795  
with developmental disabilities, which group shall include 59796  
individuals who are professionally qualified in the fields of 59797  
medicine, psychology, and social work, together with such other 59798  
specialists as the individual case may require. 59799

(D) "Education" means the process of formal training and 59800  
instruction to facilitate the intellectual and emotional 59801  
development of residents. 59802

(E) "Habilitation" means the process by which the staff of 59803  
the institution assists the resident in acquiring and maintaining 59804  
those life skills that enable the resident to cope more 59805  
effectively with the demands of the resident's own person and of 59806  
the resident's environment and in raising the level of the 59807  
resident's physical, mental, social, and vocational efficiency. 59808  
Habilitation includes but is not limited to programs of formal, 59809  
structured education and training. 59810

(F) "Health officer" means any public health physician, 59811  
public health nurse, or other person authorized or designated by a 59812  
city or general health district. 59813

(G) "Home and community-based services" means medicaid-funded 59814  
home and community-based services specified in division (A)(1) of 59815  
section 5166.20 of the Revised Code provided under the medicaid 59816  
waiver components the department of developmental disabilities 59817  
administers pursuant to section 5166.21 of the Revised Code. 59818  
Except as provided in section 5123.0412 of the Revised Code, home 59819  
and community-based services provided under the medicaid waiver 59820  
component known as the transitions developmental disabilities 59821  
waiver are to be considered to be home and community-based 59822  
services for the purposes of this chapter, and Chapters 5124. and 59823  
5126. of the Revised Code, only to the extent, if any, provided by 59824  
the contract required by section 5166.21 of the Revised Code 59825

regarding the waiver. 59826

(H) "ICF/IID" ~~has~~ and "ICF/IID services" have the same 59827  
~~meaning~~ meanings as in section 5124.01 of the Revised Code. 59828

(I) "Indigent person" means a person who is unable, without 59829  
substantial financial hardship, to provide for the payment of an 59830  
attorney and for other necessary expenses of legal representation, 59831  
including expert testimony. 59832

(J) "Institution" means a public or private facility, or a 59833  
part of a public or private facility, that is licensed by the 59834  
appropriate state department and is equipped to provide 59835  
residential habilitation, care, and treatment for persons with 59836  
intellectual disabilities. 59837

(K) "Licensed physician" means a person who holds a valid 59838  
~~certificate~~ license issued under Chapter 4731. of the Revised Code 59839  
authorizing the person to practice medicine and surgery or 59840  
osteopathic medicine and surgery, or a medical officer of the 59841  
government of the United States while in the performance of the 59842  
officer's official duties. 59843

(L) "Managing officer" means a person who is appointed by the 59844  
director of developmental disabilities to be in executive control 59845  
of an institution under the jurisdiction of the department of 59846  
developmental disabilities. 59847

(M) "Medicaid case management services" means case management 59848  
services provided to an individual with a developmental disability 59849  
that the state medicaid plan requires. 59850

(N) "Intellectual disability" means a disability 59851  
characterized by having significantly subaverage general 59852  
intellectual functioning existing concurrently with deficiencies 59853  
in adaptive behavior, manifested during the developmental period. 59854

(O) "Person with an intellectual disability subject to 59855

institutionalization by court order" means a person eighteen years 59856  
of age or older with at least a moderate level of intellectual 59857  
disability and in relation to whom, because of the person's 59858  
disability, either of the following conditions exists: 59859

(1) The person represents a very substantial risk of physical 59860  
impairment or injury to self as manifested by evidence that the 59861  
person is unable to provide for and is not providing for the 59862  
person's most basic physical needs and that provision for those 59863  
needs is not available in the community; 59864

(2) The person needs and is susceptible to significant 59865  
habilitation in an institution. 59866

(P) "Moderate level of intellectual disability" means the 59867  
condition in which a person, following a comprehensive evaluation, 59868  
is found to have at least moderate deficits in overall 59869  
intellectual functioning, as indicated by a full-scale 59870  
intelligence quotient test score of fifty-five or below, and at 59871  
least moderate deficits in adaptive behavior, as determined in 59872  
accordance with the criteria established in the fifth edition of 59873  
the diagnostic and statistical manual of mental disorders 59874  
published by the American psychiatric association. 59875

(Q) "Developmental disability" means a severe, chronic 59876  
disability that is characterized by all of the following: 59877

(1) It is attributable to a mental or physical impairment or 59878  
a combination of mental and physical impairments, other than a 59879  
mental or physical impairment solely caused by mental illness, as 59880  
defined in division (A) of section 5122.01 of the Revised Code. 59881

(2) It is manifested before age twenty-two. 59882

(3) It is likely to continue indefinitely. 59883

(4) It results in one of the following: 59884

(a) In the case of a person under three years of age, at 59885

least one developmental delay, as defined in rules adopted under 59886  
section 5123.011 of the Revised Code, or a diagnosed physical or 59887  
mental condition that has a high probability of resulting in a 59888  
developmental delay, as defined in those rules; 59889

(b) In the case of a person at least three years of age but 59890  
under six years of age, at least two developmental delays, as 59891  
defined in rules adopted under section 5123.011 of the Revised 59892  
Code; 59893

(c) In the case of a person six years of age or older, a 59894  
substantial functional limitation in at least three of the 59895  
following areas of major life activity, as appropriate for the 59896  
person's age: self-care, receptive and expressive language, 59897  
learning, mobility, self-direction, capacity for independent 59898  
living, and, if the person is at least sixteen years of age, 59899  
capacity for economic self-sufficiency. 59900

(5) It causes the person to need a combination and sequence 59901  
of special, interdisciplinary, or other type of care, treatment, 59902  
or provision of services for an extended period of time that is 59903  
individually planned and coordinated for the person. 59904

"Developmental disability" includes intellectual disability. 59905

(R) "State institution" means an institution that is 59906  
tax-supported and under the jurisdiction of the department of 59907  
developmental disabilities. 59908

(S) "Residence" and "legal residence" have the same meaning 59909  
as "legal settlement," which is acquired by residing in Ohio for a 59910  
period of one year without receiving general assistance prior to 59911  
July 17, 1995, under former Chapter 5113. of the Revised Code, 59912  
without receiving financial assistance prior to December 31, 2017, 59913  
under former Chapter 5115. of the Revised Code, or assistance from 59914  
a private agency that maintains records of assistance given. A 59915  
person having a legal settlement in the state shall be considered 59916

as having legal settlement in the assistance area in which the 59917  
person resides. No adult person coming into this state and having 59918  
a spouse or minor children residing in another state shall obtain 59919  
a legal settlement in this state as long as the spouse or minor 59920  
children are receiving public assistance, care, or support at the 59921  
expense of the other state or its subdivisions. For the purpose of 59922  
determining the legal settlement of a person who is living in a 59923  
public or private institution or in a home subject to licensing by 59924  
the department of job and family services, the department of 59925  
mental health and addiction services, or the department of 59926  
developmental disabilities, the residence of the person shall be 59927  
considered as though the person were residing in the county in 59928  
which the person was living prior to the person's entrance into 59929  
the institution or home. Settlement once acquired shall continue 59930  
until a person has been continuously absent from Ohio for a period 59931  
of one year or has acquired a legal residence in another state. A 59932  
woman who marries a man with legal settlement in any county 59933  
immediately acquires the settlement of her husband. The legal 59934  
settlement of a minor is that of the parents, surviving parent, 59935  
sole parent, parent who is designated the residential parent and 59936  
legal custodian by a court, other adult having permanent custody 59937  
awarded by a court, or guardian of the person of the minor, 59938  
provided that: 59939

(1) A minor female who marries shall be considered to have 59940  
the legal settlement of her husband and, in the case of death of 59941  
her husband or divorce, she shall not thereby lose her legal 59942  
settlement obtained by the marriage. 59943

(2) A minor male who marries, establishes a home, and who has 59944  
resided in this state for one year without receiving general 59945  
assistance prior to July 17, 1995, under former Chapter 5113. of 59946  
the Revised Code or assistance from a private agency that 59947  
maintains records of assistance given shall be considered to have 59948

obtained a legal settlement in this state. 59949

(3) The legal settlement of a child under eighteen years of 59950  
age who is in the care or custody of a public or private child 59951  
caring agency shall not change if the legal settlement of the 59952  
parent changes until after the child has been in the home of the 59953  
parent for a period of one year. 59954

No person, adult or minor, may establish a legal settlement 59955  
in this state for the purpose of gaining admission to any state 59956  
institution. 59957

(T)(1) "Resident" means, subject to division (T)(2) of this 59958  
section, a person who is admitted either voluntarily or 59959  
involuntarily to an institution or other facility pursuant to 59960  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 59961  
Code subsequent to a finding of not guilty by reason of insanity 59962  
or incompetence to stand trial or under this chapter who is under 59963  
observation or receiving habilitation and care in an institution. 59964

(2) "Resident" does not include a person admitted to an 59965  
institution or other facility under section 2945.39, 2945.40, 59966  
2945.401, or 2945.402 of the Revised Code to the extent that the 59967  
reference in this chapter to resident, or the context in which the 59968  
reference occurs, is in conflict with any provision of sections 59969  
2945.37 to 2945.402 of the Revised Code. 59970

(U) "Respondent" means the person whose detention, 59971  
commitment, or continued commitment is being sought in any 59972  
proceeding under this chapter. 59973

(V) "Working day" and "court day" mean Monday, Tuesday, 59974  
Wednesday, Thursday, and Friday, except when such day is a legal 59975  
holiday. 59976

(W) "Prosecutor" means the prosecuting attorney, village 59977  
solicitor, city director of law, or similar chief legal officer 59978  
who prosecuted a criminal case in which a person was found not 59979

guilty by reason of insanity, who would have had the authority to 59980  
prosecute a criminal case against a person if the person had not 59981  
been found incompetent to stand trial, or who prosecuted a case in 59982  
which a person was found guilty. 59983

(X) "Court" means the probate division of the court of common 59984  
pleas. 59985

(Y) "Supported living" and "residential services" have the 59986  
same meanings as in section 5126.01 of the Revised Code. 59987

**Sec. 5123.023.** (A) The director of developmental disabilities 59988  
~~may~~ shall establish an employment first task force consisting of 59989  
the departments of developmental disabilities, education, 59990  
medicaid, job and family services, and mental health and addiction 59991  
services; and the opportunities for Ohioans with disabilities 59992  
agency. The purpose of the task force shall be to improve the 59993  
coordination of the state's efforts to address the needs of 59994  
individuals with developmental disabilities who seek community 59995  
employment as defined in section 5123.022 of the Revised Code. 59996

(B) The department of developmental disabilities may enter 59998  
into interagency agreements with any of the government entities on 59999  
the task force. The interagency agreements may specify either or 60000  
both of the following: 60001

(1) The roles and responsibilities of the government entities 60002  
that are members of the task force, including any money to be 60003  
contributed by those entities; 60004

(2) The projects and activities of the task force. 60005

(C) There is hereby created in the state treasury the 60006  
employment first taskforce fund. Any money received by the task 60007  
force from its members shall be credited to the fund. The 60008  
department of developmental disabilities shall use the fund to 60009

support the work of the task force. 60010

~~(D) The task force shall cease to exist on January 1, 2020. 60011  
Any money, assets, or employees of the department of developmental 60012  
disabilities that on that date are dedicated to the work of the 60013  
task force shall be reallocated by the department for employment 60014  
services for individuals with developmental disabilities. 60015~~

**Sec. 5123.044.** The department of developmental disabilities 60016  
shall determine whether county boards of developmental 60017  
disabilities violate the rights that individuals with 60018  
developmental disabilities have under section 5126.046 of the 60019  
Revised Code to obtain home and community-based services, ICF/IID 60020  
services, nonmedicaid residential services, or nonmedicaid 60021  
supported living from qualified and willing providers. The 60022  
department shall provide assistance to an individual with a 60023  
developmental disability who requests assistance with the 60024  
individual's rights under that section if the department is 60025  
notified of a county board's alleged violation of the individual's 60026  
rights under that section. 60027

**Sec. 5123.046.** The department of developmental disabilities 60028  
shall review each ~~component of the three calendar year~~ annual plan 60029  
it receives from a county board of developmental disabilities 60030  
under section 5126.054 of the Revised Code and, in consultation 60031  
with the department of job and family services and office of 60032  
budget and management, approve each ~~component~~ plan that includes 60033  
all the information and conditions specified in that section. ~~The~~ 60034  
~~third component of the plan shall be approved or disapproved not~~ 60035  
~~later than forty five days after the third component is submitted~~ 60036  
~~to the department. If the department approves all three components~~ 60037  
~~of the plan, the plan is approved. Otherwise, the plan is~~ 60038  
~~disapproved.~~ If the plan is disapproved, the department shall take 60039  
action against the county board under division (B) of section 60040

5126.056 of the Revised Code. 60041

In approving plans under this section, the department shall 60042  
ensure that the aggregate of all plans provide for the increased 60043  
enrollment into home and community-based services during each 60044  
state fiscal year of at least five hundred individuals who did not 60045  
receive residential services, supported living, or home and 60046  
community-based services the prior state fiscal year if the 60047  
department has enough additional enrollment available for this 60048  
purpose. 60049

The department shall establish protocols that the department 60050  
shall use to determine whether a county board is complying with 60051  
the programmatic and financial accountability mechanisms and 60052  
achieving outcomes specified in its approved plan. If the 60053  
department determines that a county board is not in compliance 60054  
with the mechanisms or achieving the outcomes specified in its 60055  
approved plan, the department may take action under division (F) 60056  
of section 5126.055 of the Revised Code. 60057

**Sec. 5123.0414.** (A) When the director of developmental 60058  
disabilities, ~~under section 119.07 of the Revised Code,~~ sends a 60059  
party a notice by registered or certified mail, return receipt 60060  
requested, that the director intends to take action against the 60061  
party authorized by section 5123.166, 5123.168, 5123.19, 5123.45, 60062  
5123.51, or 5126.25 of the Revised Code and the notice is returned 60063  
to the director with an endorsement indicating that the notice was 60064  
refused or unclaimed, the director shall resend the notice by 60065  
ordinary mail to the party. 60066

(B) If the original notice was refused, the notice shall be 60067  
deemed received as of the date the director resends the notice. 60068

(C) If the original notice was unclaimed, the notice shall be 60069  
deemed received as of the date the director resends the notice 60070  
unless, not later than thirty days after the date the director 60071

sent the original notice, the resent notice is returned to the 60072  
director for failure of delivery. 60073

If the notice concerns taking action under section 5123.51 of 60074  
the Revised Code and the resent notice is returned to the director 60075  
for failure of delivery not later than thirty days after the date 60076  
the director sent the original notice, the director shall cause 60077  
the notice to be published in a newspaper of general circulation 60078  
in the county of the party's last known residence or business and 60079  
shall mail a dated copy of the published notice to the party at 60080  
the last known address. The notice shall be deemed received as of 60081  
the date of the publication. 60082

If the notice concerns taking action under section 5123.166, 60083  
5123.168, 5123.19, 5123.45, or 5126.25 of the Revised Code and the 60084  
resent notice is returned to the director for failure of delivery 60085  
not later than thirty days after the date the director sent the 60086  
original notice, the director shall resend the notice to the party 60087  
a second time. The notice shall be deemed received as of the date 60088  
the director resends the notice the second time. 60089

**Sec. 5123.0419.** (A) The director of developmental 60090  
disabilities ~~may~~ shall establish an interagency workgroup on 60091  
autism. The purpose of the workgroup shall be to improve the 60092  
coordination of the state's efforts to address the service needs 60093  
of individuals with autism spectrum disorders and the families of 60094  
those individuals. In fulfilling this purpose, the director may 60095  
enter into interagency agreements with the government entities 60096  
represented by the members of the workgroup. The agreements may 60097  
specify any or all of the following: 60098

(1) The roles and responsibilities of government entities 60099  
that enter into the agreements; 60100

(2) Procedures regarding the receipt, transfer, and 60101  
expenditure of funds necessary to achieve the goals of the 60102

workgroup; 60103

(3) The projects to be undertaken and activities to be 60104  
performed by the government entities that enter into the 60105  
agreements. 60106

(B) Money received from government entities represented by 60107  
the members of the workgroup shall be deposited into the state 60108  
treasury to the credit of the interagency workgroup on autism 60109  
fund, which is hereby created in the state treasury. Money 60110  
credited to the fund shall be used by the department of 60111  
developmental disabilities solely to support the activities of the 60112  
workgroup. 60113

Sec. 5123.0424. (A) As used in this section: 60114

(1) "Official member" means a member of an official workgroup 60115  
who was appointed by the director of developmental disabilities. 60116

(2) "Official workgroup" means a workgroup, task force, 60117  
council, committee, or similar entity that has been established by 60118  
the director of developmental disabilities under the director's 60119  
express or implied statutory authority. 60120

(B) Subject to division (C) of this section, the director of 60121  
developmental disabilities may, at the director's discretion, 60122  
provide for an official member of an official workgroup to be 60123  
reimbursed for actual and necessary travel expenses the member 60124  
incurs in the performance of the member's duties on the workgroup, 60125  
including attending the workgroup's meetings, if all of the 60126  
following apply: 60127

(1) The official member serves on the official workgroup as a 60128  
representative of the families of, or advocates for, individuals 60129  
with developmental disabilities; 60130

(2) The official member does not receive reimbursement for 60131  
the travel expenses from any other source; 60132

(3) The official member does not receive wages or other compensation from any other source for performing the member's duties on the official workgroup; and 60133  
60134  
60135

(4) No statute prohibits official members of the official workgroup from being reimbursed for travel expenses. 60136  
60137

(C) The amount the director provides for an official member of an official workgroup to be reimbursed under division (B) of this section shall not exceed the rates the director of budget and management establishes in rules adopted under division (B) of section 126.31 of the Revised Code. 60138  
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**Sec. 5123.081.** (A) As used in this section: 60143

(1)(a) "Applicant" means any of the following: 60144

(i) A person who is under final consideration for appointment to or employment with the department of developmental disabilities or a county board of developmental disabilities; 60145  
60146  
60147

(ii) A person who is being transferred to the department or a county board; 60148  
60149

(iii) An employee who is being recalled to or reemployed by the department or a county board after a layoff; 60150  
60151

(iv) A person under final consideration for a direct services position with a provider or subcontractor. 60152  
60153

(b) Neither of the following is an applicant: 60154

(i) A person who is employed by a responsible entity in a position for which a criminal records check is required by this section and either is being considered for a different position with the responsible entity or is returning after a leave of absence or seasonal break in employment, unless the responsible entity has reason to believe that the person has committed a disqualifying offense; 60155  
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(ii) A person who is to provide only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who is to receive the respite care selects the person.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Direct services position" means an employment position in which the employee has the opportunity to be alone with or exercises supervision or control over one or more individuals with developmental disabilities.

(4) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.

(5)(a) "Employee" means either of the following:

(i) A person appointed to or employed by the department of developmental disabilities or a county board of developmental disabilities;

(ii) A person employed in a direct services position by a provider or subcontractor.

(b) "Employee" does not mean a person who provides only respite care under a family support services program established under section 5126.11 of the Revised Code if a family member of the individual with a developmental disability who receives the respite care selected the person.

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

(7) "Provider" means a person that provides specialized services to individuals with developmental disabilities and employs one or more persons in direct services positions.

(8) "Responsible entity" means the following:	60192
(a) The department of developmental disabilities in the case of either of the following:	60193 60194
(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the department, being transferred to the department, or being recalled to or reemployed by the department after a layoff;	60195 60196 60197 60198
(ii) A person who is an employee because the person is appointed to or employed by the department.	60199 60200
(b) A county board of developmental disabilities in the case of either of the following:	60201 60202
(i) A person who is an applicant because the person is under final consideration for appointment to or employment with the county board, being transferred to the county board, or being recalled to or reemployed by the county board after a layoff;	60203 60204 60205 60206
(ii) A person who is an employee because the person is appointed to or employed by the county board.	60207 60208
(c) A provider in the case of either of the following:	60209
(i) A person who is an applicant because the person is under final consideration for a direct services position with the provider;	60210 60211 60212
(ii) A person who is an employee because the person is employed in a direct services position by the provider.	60213 60214
(d) A subcontractor in the case of either of the following:	60215
(i) A person who is an applicant because the person is under final consideration for a direct services position with the subcontractor;	60216 60217 60218
(ii) A person who is an employee because the person is employed in a direct services position by the subcontractor.	60219 60220

(9) "Specialized services" means any program or service designed and operated to serve primarily individuals with developmental disabilities, including a program or service provided by an entity licensed or certified by the department of developmental disabilities. If there is a question as to whether a provider or subcontractor is providing specialized services, the provider or subcontractor may request that the director of developmental disabilities make a determination. The director's determination is final.

(10) "Subcontractor" means a person to which both of the following apply:

(a) The person has either of the following:

(i) A subcontract with a provider to provide specialized services included in the contract between the provider and the department of developmental disabilities or a county board of developmental disabilities;

(ii) A subcontract with another subcontractor to provide specialized services included in a subcontract between the other subcontractor and a provider or other subcontractor.

(b) The person employs one or more persons in direct services positions.

(B) A responsible entity shall not employ an applicant or continue to employ an employee if either of the following applies:

(1) The applicant or employee fails to comply with division (D)(3) of this section.

(2) Except as provided in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(C) Before employing an applicant in a position for which a criminal records check is required by this section, a responsible entity shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. The responsible entity also shall require the applicant to sign an agreement under which the applicant agrees to notify the responsible entity within fourteen calendar days if, while employed by the responsible entity, the applicant is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a disqualifying offense. The agreement shall provide that the applicant's failure to provide the notification may result in termination of the applicant's employment.

(D)(1) As a condition of employing any applicant in a position for which a criminal records check is required by this section, a responsible entity shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check of the applicant. If rules adopted under this section require an employee to undergo a criminal records check, a responsible entity shall request the superintendent to conduct a criminal records check of the employee at times specified in the rules as a condition of the responsible entity's continuing to employ the employee in a position for which a criminal records check is required by this section. If an applicant or employee does not present proof that the applicant or employee has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested, the responsible entity shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check. If the applicant or employee presents proof that the applicant or

employee has been a resident of this state for that five-year 60284  
period, the responsible entity may request that the superintendent 60285  
include information from the federal bureau of investigation in 60286  
the criminal records check. For purposes of this division, an 60287  
applicant or employee may provide proof of residency in this state 60288  
by presenting, with a notarized statement asserting that the 60289  
applicant or employee has been a resident of this state for that 60290  
five-year period, a valid driver's license, notification of 60291  
registration as an elector, a copy of an officially filed federal 60292  
or state tax form identifying the applicant's or employee's 60293  
permanent residence, or any other document the responsible entity 60294  
considers acceptable. 60295

(2) A responsible entity shall do all of the following: 60296

(a) Provide to each applicant and employee for whom a 60297  
criminal records check is required by this section a copy of the 60298  
form prescribed pursuant to division (C)(1) of section 109.572 of 60299  
the Revised Code and a standard impression sheet to obtain 60300  
fingerprint impressions prescribed pursuant to division (C)(2) of 60301  
section 109.572 of the Revised Code; 60302

(b) Obtain the completed form and standard impression sheet 60303  
from the applicant or employee; 60304

(c) Forward the completed form and standard impression sheet 60305  
to the superintendent at the time the criminal records check is 60306  
requested. 60307

(3) Any applicant or employee who receives pursuant to this 60308  
division a copy of the form prescribed pursuant to division (C)(1) 60309  
of section 109.572 of the Revised Code and a copy of the standard 60310  
impression sheet prescribed pursuant to division (C)(2) of that 60311  
section and who is requested to complete the form and provide a 60312  
set of the applicant's or employee's fingerprint impressions shall 60313  
complete the form or provide all the information necessary to 60314

complete the form and shall provide the standard impression sheet 60315  
with the impressions of the applicant's or employee's 60316  
fingerprints. 60317

(4) A responsible entity shall pay to the bureau of criminal 60318  
identification and investigation the fee prescribed pursuant to 60319  
division (C)(3) of section 109.572 of the Revised Code for each 60320  
criminal records check requested and conducted pursuant to this 60321  
section. 60322

(E) A responsible entity may request any other state or 60323  
federal agency to supply the responsible entity with a written 60324  
report regarding the criminal record of an applicant or employee. 60325  
If an employee holds an occupational or professional license or 60326  
other credentials, the responsible entity may request that the 60327  
state or federal agency that regulates the employee's occupation 60328  
or profession supply the responsible entity with a written report 60329  
of any information pertaining to the employee's criminal record 60330  
that the agency obtains in the course of conducting an 60331  
investigation or in the process of renewing the employee's license 60332  
or other credentials. The responsible entity may consider the 60333  
reports when determining whether to employ the applicant or to 60334  
continue to employ the employee. 60335

(F) As a condition of employing an applicant in a position 60336  
for which a criminal records check is required by this section and 60337  
that involves transporting individuals with developmental 60338  
disabilities or operating a responsible entity's vehicles for any 60339  
purpose, the responsible entity shall obtain the applicant's 60340  
driving record from the bureau of motor vehicles. If rules adopted 60341  
under this section require a responsible entity to obtain an 60342  
employee's driving record, the responsible entity shall obtain the 60343  
employee's driving record from the bureau at times specified in 60344  
the rules as a condition of continuing to employ the employee. The 60345  
responsible entity may consider the applicant's or employee's 60346

driving record when determining whether to employ the applicant or 60347  
to continue to employ the employee. 60348

(G) A responsible entity may employ an applicant 60349  
conditionally pending receipt of a report regarding the applicant 60350  
requested under this section. The responsible entity shall request 60351  
the report before employing the applicant conditionally. The 60352  
responsible entity shall terminate the applicant's employment if 60353  
it is determined from a report that the applicant failed to inform 60354  
the responsible entity that the applicant had been convicted of, 60355  
pleaded guilty to, or been found eligible for intervention in lieu 60356  
of conviction for a disqualifying offense. 60357

(H) A responsible entity may charge an applicant a fee for 60358  
costs the responsible entity incurs in obtaining a report 60359  
regarding the applicant under this section if the responsible 60360  
entity notifies the applicant of the amount of the fee at the time 60361  
of the applicant's initial application for employment and that, 60362  
unless the fee is paid, the responsible entity will not consider 60363  
the applicant for employment. The fee shall not exceed the amount 60364  
of the fee, if any, the responsible entity pays for the report. 60365

(I)(1) Any report obtained pursuant to this section is not a 60366  
public record for purposes of section 149.43 of the Revised Code 60367  
and shall not be made available to any person, other than the 60368  
following: 60369

(a) The applicant or employee who is the subject of the 60370  
report or the applicant's or employee's representative; 60371

(b) The responsible entity that requested the report or its 60372  
representative; 60373

(c) The department if a county board, provider, or 60374  
subcontractor is the responsible entity that requested the report 60375  
and the department requests the responsible entity to provide a 60376  
copy of the report to the department; 60377

(d) A county board if a provider or subcontractor is the responsible entity that requested the report and the county board requests the responsible entity to provide a copy of the report to the county board;

(e) Any court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(i) The denial of employment to the applicant or employee;

(ii) The denial, suspension, or revocation of a certificate under section 5123.166 or 5123.45 of the Revised Code;

(iii) A civil or criminal action regarding the medicaid program or a program the department administers.

(2) An applicant or employee for whom the responsible entity has obtained reports under this section may submit a written request to the responsible entity to have copies of the reports sent to any state agency, entity of local government, or private entity. The applicant or employee shall specify in the request the agencies or entities to which the copies are to be sent. On receiving the request, the responsible entity shall send copies of the reports to the agencies or entities specified.

(3) A responsible entity may request that a state agency, entity of local government, or private entity send copies to the responsible entity of any report regarding a records check or criminal records check that the agency or entity possesses, if the responsible entity obtains the written consent of the individual who is the subject of the report.

(4) A responsible entity shall provide each applicant and employee with a copy of any report obtained about the applicant or employee under this section.

(J) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code to

implement this section. 60408

(1) The rules may do the following: 60409

(a) Require employees to undergo criminal records checks 60410  
under this section; 60411

(b) Require responsible entities to obtain the driving 60412  
records of employees under this section; 60413

(c) If the rules require employees to undergo criminal 60414  
records checks, require responsible entities to obtain the driving 60415  
records of employees, or both, exempt one or more classes of 60416  
employees from the requirements. 60417

(2) The rules shall do ~~both~~ all of the following: 60418

(a) If the rules require employees to undergo criminal 60419  
records checks, require responsible entities to obtain the driving 60420  
records of employees, or both, specify the times at which the 60421  
criminal records checks are to be conducted and the driving 60422  
records are to be obtained; 60423

(b) Specify circumstances under which a responsible entity 60424  
may employ an applicant or employee who is found by a criminal 60425  
records check required by this section to have been convicted of, 60426  
pleaded guilty to, or been found eligible for intervention in lieu 60427  
of conviction for a disqualifying offense but meets standards in 60428  
regard to rehabilitation set by the director; 60429

(c) Require a responsible entity to request a criminal 60430  
records check under this section before employing an applicant 60431  
conditionally as permitted under division (G) of this section. 60432

**Sec. 5123.092.** (A) There is hereby established at each 60433  
institution and branch institution under the control of the 60434  
department of developmental disabilities a citizen's advisory 60435  
council ~~consisting~~. Each council shall consist of thirteen seven 60436  
~~members. At least seven of the members shall be persons who are 60437~~

~~not providers of services for persons with developmental~~ 60438  
~~disabilities. Each council shall include, including~~ parents or 60439  
other relatives of residents of institutions under the control of 60440  
the department, community leaders, professional persons in 60441  
relevant fields, and persons who have an interest in or knowledge 60442  
of developmental disabilities. The managing officer of the 60443  
institution shall be a nonvoting member of the council. 60444

(B) The director of developmental disabilities shall be the 60445  
appointing authority for the voting members of each citizen's 60446  
advisory council. Each time the term of a voting member expires, 60447  
the ~~remaining members of the council~~ managing officer of the 60448  
institution with which the council is associated shall recommend 60449  
to the director one or more persons to serve on the council. The 60450  
director may accept a nominee of the ~~council~~ managing officer or 60451  
reject the nominee or nominees. If the director rejects the 60452  
nominee or nominees, the ~~remaining members of the advisory council~~ 60453  
managing officer shall further recommend to the director one or 60454  
more other persons to serve on the ~~advisory~~ council. This 60455  
procedure shall continue until a member is appointed to the 60456  
~~advisory~~ council. 60457

~~Each advisory council shall elect from its appointed members~~ 60458  
~~a chairperson, vice chairperson, and a secretary to serve for~~ 60459  
~~terms of one year. Advisory council officers shall not serve for~~ 60460  
~~more than two consecutive terms in the same office. A majority of~~ 60461  
~~the advisory council members constitutes a quorum.~~ 60462

~~(C)~~ Terms of office shall be for three years, each term 60463  
ending on the same day of the same month of the year as did the 60464  
term which it succeeds. No member shall serve more than two 60465  
consecutive terms, except that any former member may be appointed 60466  
if one year or longer has elapsed since the member served two 60467  
consecutive terms. Each member shall hold office from the date of 60468

appointment until the end of the term for which the member was 60469  
appointed. Any vacancy shall be filled in the same manner in which 60470  
the original appointment was made, and the appointee to a vacancy 60471  
in an unexpired term shall serve the balance of the term of the 60472  
original appointee. Any member shall continue in office subsequent 60473  
to the expiration date of the member's term until the member's 60474  
successor takes office, or until a period of sixty days has 60475  
elapsed, whichever occurs first. 60476

(C) Each citizen's advisory council shall elect from its 60477  
appointed members a chairperson, vice-chairperson, and secretary. 60478  
A person elected to an office may serve in that position until the 60479  
person is no longer a member of the council. 60480

(D) Members of a citizen's advisory council shall be expected 60481  
to attend all meetings of the advisory council. ~~Unexcused absence 60482  
from two successive regularly scheduled meetings shall be 60483  
considered prima facie evidence of intent not to continue as a 60484  
member. The chairperson of the board shall, after a member has 60485  
been absent for two successive regularly scheduled meetings, 60486  
direct a letter to the member asking if the member wishes to 60487  
remain in membership. If an affirmative reply is received, the 60488  
member shall be retained as a member except that, if, after having 60489  
expressed a desire to remain a member, the member then misses a 60490  
third successive regularly scheduled meeting without being 60491  
excused, the chairperson shall terminate the member's membership. 60492  
A majority of the members constitutes a quorum. 60493~~

~~(E)~~ A citizen's advisory council shall meet six times 60494  
annually, or more frequently if three ~~council~~ members request the 60495  
chairperson to call a meeting. The council shall keep minutes of 60496  
each meeting and shall submit them to the managing officer of the 60497  
institution with which the council is associated ~~and the 60498  
department of developmental disabilities. 60499~~

~~(F)~~(E) Members of citizen's advisory councils shall receive 60500

no compensation for their services, except that they shall be 60501  
reimbursed for their actual and necessary expenses incurred in the 60502  
performance of their official duties by the institution with which 60503  
they are associated from funds allocated to it, provided that 60504  
reimbursement for those expenses shall not exceed limits imposed 60505  
upon the department of developmental disabilities by 60506  
administrative rules regulating travel within this state. 60507

~~(G)~~(F) The councils shall have reasonable access to all 60508  
patient treatment and living areas and records of the institution, 60509  
except those records of a strictly personal or confidential 60510  
nature. The councils shall have access to a patient's personal 60511  
records with the consent of the patient or the patient's legal 60512  
guardian or, if the patient is a minor, with the consent of the 60513  
parent or legal guardian of the patient. 60514

~~(H)~~(G) As used in this section, "branch institution" means a 60515  
facility that is located apart from an institution and is under 60516  
the control of the managing officer of the institution. 60517

**Sec. 5123.166.** (A) If good cause exists as specified in 60518  
division (B) of this section and determined in accordance with 60519  
procedures established in rules adopted under section 5123.1611 of 60520  
the Revised Code, the director of developmental disabilities may 60521  
issue an adjudication order requiring that one or more of the 60522  
following actions be taken against a person or government entity 60523  
seeking or holding a supported living certificate: 60524

(1) Refusal to issue or renew a supported living certificate; 60525

(2) Revocation of a supported living certificate; 60526

(3) Suspension of a supported living certificate holder's 60527  
authority to do ~~either or both~~ any of the following: 60528

(a) Continue to provide supported living to one or more 60529  
individuals ~~from one or more counties~~ who receive supported living 60530

from the certificate holder at the time the director takes the 60531  
action; 60532

(b) Begin to provide supported living to one or more 60533  
individuals ~~from one or more counties~~ who do not receive supported 60534  
living from the certificate holder at the time the director takes 60535  
the action; 60536

(c) Expand or add supported living services to one or more 60537  
individuals who receive supported living from the certificate 60538  
holder at the time the director takes action. 60539

(B) The following constitute good cause for taking action 60540  
under division (A) of this section against a person or government 60541  
entity seeking or holding a supported living certificate: 60542

(1) The person or government entity's failure to meet or 60543  
continue to meet the applicable certification standards 60544  
established in rules adopted under section 5123.1611 of the 60545  
Revised Code; 60546

(2) The person or government entity violates section 5123.165 60547  
of the Revised Code; 60548

(3) The person or government entity's failure to satisfy the 60549  
requirements of section 5123.081 or 5123.52 of the Revised Code; 60550

(4) Misfeasance; 60551

(5) Malfeasance; 60552

(6) Nonfeasance; 60553

(7) Confirmed abuse or neglect; 60554

(8) Financial irresponsibility; 60555

(9) Other conduct the director determines is or would be 60556  
injurious to individuals who receive or would receive supported 60557  
living from the person or government entity. 60558

(C) Except as provided in division (D) of this section, the 60559

director shall issue an adjudication order under division (A) of 60560  
this section in accordance with Chapter 119. of the Revised Code. 60561

(D)(1) The director may issue an order requiring that action 60562  
specified in division (A)(3)(b) or (c) of this section be taken 60563  
before a provider is provided notice and an opportunity for a 60564  
hearing if ~~all~~ both of the following are the case: 60565

(a) The director determines such action is warranted by the 60566  
provider's failure to continue to meet the applicable 60567  
certification standards; 60568

(b) The director determines that the failure either 60569  
represents a pattern of serious noncompliance or creates a 60570  
substantial risk to the health or safety of an individual who 60571  
receives or would receive supported living from the provider; 60572

~~(c) If the order will suspend the provider's authority to 60573  
continue to provide supported living to an individual who receives 60574  
supported living from the provider at the time the director issues 60575  
the order, both. 60576~~

(2) The director may issue an order requiring that the action 60577  
specified in division (A)(3)(a) of this section be taken before a 60578  
provider is provided notice and an opportunity for a hearing if 60579  
either of the following ~~are~~ is the case: 60580

(a) The conditions identified in division (D)(1) of this 60581  
section are met and all of the following apply: 60582

(i) The director makes the individual, or the individual's 60583  
guardian, aware of the director's determination under division 60584  
(D)(1)(b) of this section ~~and the~~. 60585

(ii) The individual or guardian does not select another 60586  
provider. 60587

~~(ii)~~ (iii) A county board of developmental disabilities has 60588  
filed a complaint with a probate court under section 5126.33 of 60589

the Revised Code that includes facts describing the nature of 60590  
abuse or neglect that the individual has suffered due to the 60591  
provider's actions that are the basis for the director making the 60592  
determination under division (D)(1)(b) of this section and the 60593  
probate court does not issue an order authorizing the county board 60594  
to arrange services for the individual pursuant to an 60595  
individualized service plan developed for the individual under 60596  
section 5126.31 of the Revised Code. 60597

~~(2)~~(b) Both of the following apply: 60598

(i) There is clear and convincing evidence that the provider 60599  
has violated division (B) of this section. 60600

(ii) Allowing the provider to continue to provide supported 60601  
living would present a danger of immediate and serious harm. 60602

(E) If the director issues an order under division (D)(1) or 60603  
(2) of this section, sections 119.091 to 119.13 of the Revised 60604  
Code and all of the following apply: 60605

~~(a)~~(1) The director shall send the provider notice of the 60606  
order by ~~registered~~ certified mail, return receipt requested, not 60607  
later than twenty-four hours after issuing the order and shall 60608  
include in the notice the reasons for the order, the citation to 60609  
the law or rule directly involved, and a statement that the 60610  
provider will be afforded a hearing if the provider requests it in 60611  
writing within ten days of the time of receiving the notice. 60612

~~(b)~~(2) If the provider requests a hearing within the required 60613  
time and the provider has provided the director the provider's 60614  
current address, the date for the hearing shall be as follows: 60615

(a) In the case of an order issued under division (D)(1) of 60616  
this section, the director shall immediately set, and notify the 60617  
provider of, the date, time, and place for the hearing. If the 60618  
provider's written request for a hearing includes a request that 60619  
the hearing be held not later than thirty days after the director 60620

receives the provider's timely request for the hearing, the date 60621  
set for the hearing by the director shall be within thirty days. 60622

(b) In the case of an order issued under division (D)(2) of 60623  
this section, the date set for the hearing by the director shall 60624  
be within fifteen days, but not earlier than seven days, after the 60625  
director receives the provider's timely request for the hearing, 60626  
unless otherwise agreed to by the director and the provider. 60627

~~(c) The date of the hearing shall be not later than thirty~~ 60628  
~~days after the director receives the provider's timely request for~~ 60629  
~~the hearing.~~ 60630

~~(d)(3)~~ The hearing shall be conducted in accordance with 60631  
section 119.09 of the Revised Code, except for all of the 60632  
following: 60633

(i) The hearing shall continue uninterrupted until its close, 60634  
except for weekends, legal holidays, and other interruptions the 60635  
provider and director agree to. 60636

(ii) If the director appoints a referee or examiner to 60637  
conduct the hearing, the referee or examiner, not later than ten 60638  
days after the date the referee or examiner receives a transcript 60639  
of the testimony and evidence presented at the hearing or, if the 60640  
referee or examiner does not receive the transcript or no such 60641  
transcript is made, the date that the referee or examiner closes 60642  
the record of the hearing, shall submit to the director a written 60643  
report setting forth the referee or examiner's findings of fact 60644  
and conclusions of law and a recommendation of the action the 60645  
director should take. 60646

(iii) The provider may, not later than five days after the 60647  
date the director, in accordance with section 119.09 of the 60648  
Revised Code, sends the provider or the provider's attorney or 60649  
other representative of record a copy of the referee or examiner's 60650  
report and recommendation, file with the director written 60651

objections to the report and recommendation. 60652

(iv) The director shall approve, modify, or disapprove the 60653  
referee or examiner's report and recommendation not earlier than 60654  
six days, and not later than ~~fifteen~~ ten days, after the date the 60655  
director, in accordance with section 119.09 of the Revised Code, 60656  
sends a copy of the report and recommendation to the provider or 60657  
the provider's attorney or other representative of record. 60658

~~(3)~~(F)(1) The director may lift an order issued under 60659  
division (D)(1) of this section even though a hearing regarding 60660  
the order is occurring or pending if the director determines that 60661  
the provider has taken action eliminating the good cause for 60662  
issuing the order. The hearing shall proceed unless the provider 60663  
withdraws the request for the hearing in a written letter to the 60664  
director. 60665

~~(4)~~(2) The director shall lift an order issued under division 60666  
(D)(1) of this section if both of the following are the case: 60667

(a) The provider provides the director a plan of compliance 60668  
the director determines is acceptable. 60669

(b) The director determines that the provider has implemented 60670  
the plan of compliance correctly. 60671

(G) Any order issued under division (D)(2) of this section 60672  
shall remain in effect, unless reversed on appeal, until a final 60673  
adjudication order issued by the director pursuant to Chapter 119. 60674  
of the Revised Code becomes effective. The director shall issue 60675  
the final adjudication order within ten days after completion of 60676  
the hearing. A failure to issue the order within ten days shall 60677  
result in dissolution of the order issued under division (D)(2) of 60678  
this section but shall not invalidate any subsequent final 60679  
adjudication order. A final adjudication order shall not be 60680  
subject to suspension by the court during pendency of any appeal 60681  
filed under section 119.12 of the Revised Code. 60682

Sec. 5123.193. The director of developmental disabilities 60683  
shall include on the internet web site maintained by the 60684  
department of developmental disabilities a searchable database of 60685  
vacancies in licensed residential facilities. Each person or 60686  
government entity operating a licensed residential facility shall 60687  
provide current and accurate vacancy information to the department 60688  
in accordance with procedures that the director shall establish. 60689

Sec. 5123.603. Every two years, the president of the senate 60690  
and speaker of the house of representative shall establish a joint 60691  
committee to examine whether a new entity should be designated to 60692  
serve as the state's protection and advocacy system and client 60693  
assistance program. The joint committee shall consist of a number 60694  
of members of the senate appointed by the president and an equal 60695  
number of members of the house of representatives appointed by the 60696  
speaker. The president and speaker shall determine the total 60697  
number of members of the joint committee. The president and 60698  
speaker also shall determine the dates on which members' terms on 60699  
the joint committee are to begin and end. Vacancies shall be 60700  
filled in the manner of the original appointments. 60701

Every two years, the president and speaker shall specify a 60702  
deadline for the joint committee to complete a new report 60703  
containing the joint committee's recommendations. The joint 60704  
committee shall submit the report to the president, speaker, and 60705  
governor by the deadline. 60706

Sec. 5123.691. (A) As used in this section, "mental illness" 60707  
has the same meaning as in section 5122.01 of the Revised Code. 60708

(B) The managing officer of an institution, with the 60709  
concurrence of the chief program director, may admit into a 60710  
specialized treatment unit for minors a minor ages ten to 60711  
seventeen who is in behavior crisis and has serious behavioral 60712

challenges if one of the following applies: 60713

(1) The minor has an intellectual disability. 60714

(2) The minor has autism spectrum disorder. 60715

(3) The minor has a dual diagnosis of an intellectual disability and mental illness. 60716  
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(4) The minor has a dual diagnosis of autism spectrum disorder and mental illness. 60718  
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(C)(1) The admission of a minor into a specialized treatment unit shall be based upon the availability of beds at the institution and the clinical treatment needs of the minor. 60720  
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(2) The department of developmental disabilities may establish other criteria for admitting a minor into a specialized treatment unit. 60723  
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(D) Before a minor may be admitted into a specialized treatment unit, the minor's parent or legal guardian, the county board of developmental disabilities, and the department shall enter into a memorandum of understanding setting forth the roles and responsibilities of each of the parties regarding the care and treatment of the minor and specifying the duration of admission in the specialized treatment unit. 60726  
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(E)(1) The initial duration of admission for a minor in a specialized treatment unit shall not exceed one hundred eighty days. 60733  
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(2) The parent or legal guardian of a minor may petition the department to extend the duration of a minor's admission in a specialized treatment unit at least thirty days before the expiration of the minor's term of admission in the specialized treatment unit. The department, in its discretion, may grant or deny a petition for extended admission, but may not extend a minor's duration of admission in a specialized treatment unit 60736  
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beyond one year. 60743

(3) Upon the expiration of a minor's term of admission in a specialized treatment unit, the minor shall be returned to the care of the minor's parent or legal guardian. 60744  
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(F) The managing officer of an institution may discharge a minor from a specialized treatment unit in accordance with division (C) of section 5123.69 of the Revised Code. The uniform procedures of discharge established by rules adopted under division (G)(7) of section 5123.19 of the Revised Code shall not apply to the discharge of a minor from a specialized treatment unit. 60747  
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**Sec. 5126.01.** As used in this chapter: 60754

(A) As used in this division, "adult" means an individual who is eighteen years of age or over and not enrolled in a program or service under Chapter 3323. of the Revised Code and an individual sixteen or seventeen years of age who is eligible for adult services under rules adopted by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code. 60755  
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(1) "Adult services" means services provided to an adult outside the home, except when they are provided within the home according to an individual's assessed needs and identified in an individual service plan, that support learning and assistance in the area of self-care, sensory and motor development, socialization, daily living skills, communication, community living, social skills, or vocational skills. 60761  
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(2) "Adult services" includes all of the following: 60768

(a) Adult day habilitation services; 60769

(b) Employment services; 60770

(c) Educational experiences and training obtained through entities and activities that are not expressly intended for 60771  
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individuals with developmental disabilities, including trade 60773  
schools, vocational or technical schools, adult education, job 60774  
exploration and sampling, unpaid work experience in the community, 60775  
volunteer activities, and spectator sports. 60776

(B)(1) "Adult day habilitation services" means adult services 60777  
that do the following: 60778

(a) Provide access to and participation in typical activities 60779  
and functions of community life that are desired and chosen by the 60780  
general population, including such activities and functions as 60781  
opportunities to experience and participate in community 60782  
exploration, companionship with friends and peers, leisure 60783  
activities, hobbies, maintaining family contacts, community 60784  
events, and activities where individuals without disabilities are 60785  
involved; 60786

(b) Provide supports or a combination of training and 60787  
supports that afford an individual a wide variety of opportunities 60788  
to facilitate and build relationships and social supports in the 60789  
community. 60790

(2) "Adult day habilitation services" includes all of the 60791  
following: 60792

(a) Personal care services needed to ensure an individual's 60793  
ability to experience and participate in vocational services, 60794  
educational services, community activities, and any other adult 60795  
day habilitation services; 60796

(b) Skilled services provided while receiving adult day 60797  
habilitation services, including such skilled services as behavior 60798  
management intervention, occupational therapy, speech and language 60799  
therapy, physical therapy, and nursing services; 60800

(c) Training and education in self-determination designed to 60801  
help the individual do one or more of the following: develop 60802  
self-advocacy skills, exercise the individual's civil rights, 60803

acquire skills that enable the individual to exercise control and responsibility over the services received, and acquire skills that enable the individual to become more independent, integrated, or productive in the community;

(d) Recreational and leisure activities identified in the individual's service plan as therapeutic in nature or assistive in developing or maintaining social supports;

(e) Transportation necessary to access adult day habilitation services;

(f) Habilitation management, as described in section 5126.14 of the Revised Code.

(3) "Adult day habilitation services" does not include activities that are components of the provision of residential services, family support services, or supported living services.

(C) "Appointing authority" means the following:

(1) In the case of a member of a county board of developmental disabilities appointed by, or to be appointed by, a board of county commissioners, the board of county commissioners;

(2) In the case of a member of a county board appointed by, or to be appointed by, a senior probate judge, the senior probate judge.

(D) "Community employment," "competitive employment," and "integrated setting" have the same meanings as in section 5123.022 of the Revised Code.

(E) "Supported employment services" means vocational assessment, job training and coaching, job development and placement, worksite accessibility, and other services related to employment outside a sheltered workshop. "Supported employment services" includes both of the following:

(1) Job training resulting in the attainment of community

employment, supported work in a typical work environment, or 60834  
self-employment; 60835

(2) Support for ongoing community employment, supported work 60836  
at community-based sites, or self-employment. 60837

(F) "Developmental disability" means a severe, chronic 60838  
disability that is characterized by all of the following: 60839

(1) It is attributable to a mental or physical impairment or 60840  
a combination of mental and physical impairments, other than a 60841  
mental or physical impairment solely caused by mental illness as 60842  
defined in division (A) of section 5122.01 of the Revised Code; 60843

(2) It is manifested before age twenty-two; 60844

(3) It is likely to continue indefinitely; 60845

(4) It results in one of the following: 60846

(a) In the case of a person under age three, at least one 60847  
developmental delay, as defined in rules adopted under section 60848  
5123.011 of the Revised Code, or a diagnosed physical or mental 60849  
condition that has a high probability of resulting in a 60850  
developmental delay, as defined in those rules; 60851

(b) In the case of a person at least age three but under age 60852  
six, at least two developmental delays, as defined in rules 60853  
adopted under section 5123.011 of the Revised Code; 60854

(c) In the case of a person age six or older, a substantial 60855  
functional limitation in at least three of the following areas of 60856  
major life activity, as appropriate for the person's age: 60857  
self-care, receptive and expressive language, learning, mobility, 60858  
self-direction, capacity for independent living, and, if the 60859  
person is at least age sixteen, capacity for economic 60860  
self-sufficiency. 60861

(5) It causes the person to need a combination and sequence 60862  
of special, interdisciplinary, or other type of care, treatment, 60863

or provision of services for an extended period of time that is 60864  
individually planned and coordinated for the person. 60865

"Developmental disability" includes intellectual disability. 60866

(G) "Early childhood services" means a planned program of 60867  
habilitation designed to meet the needs of individuals with 60868  
developmental disabilities who have not attained compulsory school 60869  
age. 60870

(H) "Employment services" means prevocational services or 60871  
supported employment services. 60872

(I)(1) "Environmental modifications" means the physical 60873  
adaptations to an individual's home, specified in the individual's 60874  
service plan, that are necessary to ensure the individual's 60875  
health, safety, and welfare or that enable the individual to 60876  
function with greater independence in the home, and without which 60877  
the individual would require institutionalization. 60878

(2) "Environmental modifications" includes such adaptations 60879  
as installation of ramps and grab-bars, widening of doorways, 60880  
modification of bathroom facilities, and installation of 60881  
specialized electric and plumbing systems necessary to accommodate 60882  
the individual's medical equipment and supplies. 60883

(3) "Environmental modifications" does not include physical 60884  
adaptations or improvements to the home that are of general 60885  
utility or not of direct medical or remedial benefit to the 60886  
individual, including such adaptations or improvements as 60887  
carpeting, roof repair, and central air conditioning. 60888

(J) "Family support services" means the services provided 60889  
under a family support services program operated under section 60890  
5126.11 of the Revised Code. 60891

(K) "Habilitation" means the process by which the staff of 60892  
the facility or agency assists an individual with a developmental 60893

disability in acquiring and maintaining those life skills that 60894  
enable the individual to cope more effectively with the demands of 60895  
the individual's own person and environment, and in raising the 60896  
level of the individual's personal, physical, mental, social, and 60897  
vocational efficiency. Habilitation includes, but is not limited 60898  
to, programs of formal, structured education and training. 60899

(L) "Home and community-based services" has the same meaning 60900  
as in section 5123.01 of the Revised Code. 60901

(M) "ICF/IID" ~~has~~ and "ICF/IID services" have the same 60902  
~~meaning~~ meanings as in section 5124.01 of the Revised Code. 60903

(N) "Immediate family" means parents, grandparents, brothers, 60904  
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 60905  
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 60906  
daughters-in-law. 60907

(O) "Intellectual disability" means a mental impairment 60908  
manifested during the developmental period characterized by 60909  
significantly subaverage general intellectual functioning existing 60910  
concurrently with deficiencies in the effectiveness or degree with 60911  
which an individual meets the standards of personal independence 60912  
and social responsibility expected of the individual's age and 60913  
cultural group. 60914

(P) "Medicaid case management services" means case management 60915  
services provided to an individual with a developmental disability 60916  
that the state medicaid plan requires. 60917

(Q) "Prevocational services" means services that provide 60918  
learning and work experiences, including volunteer work 60919  
experiences, from which an individual can develop general 60920  
strengths and skills that are not specific to a particular task or 60921  
job but contribute to employability in community employment, 60922  
supported work at community-based sites, or self-employment. 60923

(R) "Residential services" means services to individuals with 60924

developmental disabilities to provide housing, food, clothing, 60925  
habilitation, staff support, and related support services 60926  
necessary for the health, safety, and welfare of the individuals 60927  
and the advancement of their quality of life. "Residential 60928  
services" includes program management, as described in section 60929  
5126.14 of the Revised Code. 60930

(S) "Resources" means available capital and other assets, 60931  
including moneys received from the federal, state, and local 60932  
governments, private grants, and donations; appropriately 60933  
qualified personnel; and appropriate capital facilities and 60934  
equipment. 60935

(T) "Senior probate judge" means the current probate judge of 60936  
a county who has served as probate judge of that county longer 60937  
than any of the other current probate judges of that county. If a 60938  
county has only one probate judge, "senior probate judge" means 60939  
that probate judge. 60940

(U) "Service and support administration" means the duties 60941  
performed by a service and support administrator pursuant to 60942  
section 5126.15 of the Revised Code. 60943

(V)(1) "Specialized medical, adaptive, and assistive 60944  
equipment, supplies, and supports" means equipment, supplies, and 60945  
supports that enable an individual to increase the ability to 60946  
perform activities of daily living or to perceive, control, or 60947  
communicate within the environment. 60948

(2) "Specialized medical, adaptive, and assistive equipment, 60949  
supplies, and supports" includes the following: 60950

(a) Eating utensils, adaptive feeding dishes, plate guards, 60951  
mylatex straps, hand splints, reaches, feeder seats, adjustable 60952  
pointer sticks, interpreter services, telecommunication devices 60953  
for the deaf, computerized communications boards, other 60954  
communication devices, support animals, veterinary care for 60955

support animals, adaptive beds, supine boards, prone boards, 60956  
wedges, sand bags, sidelayers, bolsters, adaptive electrical 60957  
switches, hand-held shower heads, air conditioners, humidifiers, 60958  
emergency response systems, folding shopping carts, vehicle lifts, 60959  
vehicle hand controls, other adaptations of vehicles for 60960  
accessibility, and repair of the equipment received. 60961

(b) Nondisposable items not covered by medicaid that are 60962  
intended to assist an individual in activities of daily living or 60963  
instrumental activities of daily living. 60964

(W) "Supportive home services" means a range of services to 60965  
families of individuals with developmental disabilities to develop 60966  
and maintain increased acceptance and understanding of such 60967  
persons, increased ability of family members to teach the person, 60968  
better coordination between school and home, skills in performing 60969  
specific therapeutic and management techniques, and ability to 60970  
cope with specific situations. 60971

(X)(1) "Supported living" means services provided for as long 60972  
as twenty-four hours a day to an individual with a developmental 60973  
disability through any public or private resources, including 60974  
moneys from the individual, that enhance the individual's 60975  
reputation in community life and advance the individual's quality 60976  
of life by doing the following: 60977

(a) Providing the support necessary to enable an individual 60978  
to live in a residence of the individual's choice, with any number 60979  
of individuals who are not disabled, or with not more than three 60980  
individuals with developmental disabilities unless the individuals 60981  
are related by blood or marriage; 60982

(b) Encouraging the individual's participation in the 60983  
community; 60984

(c) Promoting the individual's rights and autonomy; 60985

(d) Assisting the individual in acquiring, retaining, and 60986

improving the skills and competence necessary to live successfully 60987  
in the individual's residence. 60988

(2) "Supported living" includes the provision of all of the 60989  
following: 60990

(a) Housing, food, clothing, habilitation, staff support, 60991  
professional services, and any related support services necessary 60992  
to ensure the health, safety, and welfare of the individual 60993  
receiving the services; 60994

(b) A combination of lifelong or extended-duration 60995  
supervision, training, and other services essential to daily 60996  
living, including assessment and evaluation and assistance with 60997  
the cost of training materials, transportation, fees, and 60998  
supplies; 60999

(c) Personal care services and homemaker services; 61000

(d) Household maintenance that does not include modifications 61001  
to the physical structure of the residence; 61002

(e) Respite care services; 61003

(f) Program management, as described in section 5126.14 of 61004  
the Revised Code. 61005

**Sec. 5126.042.** (A) As used in this section<sub>7</sub>: 61006

(1) "Alternative services" means the various programs, 61007  
funding mechanisms, and services and supports, other than home and 61008  
community-based services, that exist as part of the developmental 61009  
service system and other service systems. "Alternative services" 61010  
include services offered through the medicaid state plan, such as 61011  
home health services and ICF/IID services. 61012

(2) "Department department of developmental 61013  
disabilities-administered medicaid waiver component" means a 61014  
medicaid waiver component administered by the department of 61015

developmental disabilities pursuant to section 5166.21 of the Revised Code. 61016  
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(B) If a county board of developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request non-medicaid programs or services, it shall establish one or more waiting lists for the non-medicaid programs or services in accordance with its plan developed under section 5126.04 of the Revised Code. The board may establish priorities for making placements on its waiting lists established under this division. Any such priorities shall be consistent with the board's plan and applicable law. 61018  
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(C) If a county board determines that available resources are insufficient to enroll in department of developmental disabilities-administered medicaid waiver components all individuals who are assessed as needing home and community-based services and have requested those services, it shall establish a waiting list for the services in accordance with rules adopted under this section. Before placing an individual on a waiting list established under this division, the board shall inform the individual of available alternative services. The board also shall inform the individual of the list of providers maintained on the department's internet web site pursuant to section 5123.193 of the Revised Code. 61027  
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(D) The director of developmental disabilities shall adopt rules in accordance with Chapter 119. of the Revised Code governing a county board's waiting list established under division (C) of this section, including rules that establish all of the following: 61039  
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(1) Procedures a county board is to follow to transition individuals from a waiting list the county board established under division (C) of this section before ~~the effective date of this amendment~~ September 29, 2017, to the waiting list the county board 61044  
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establishes under that division after that date; 61048

(2) Procedures by which a county board is to ensure that the 61049  
due process rights of individuals placed on the county board's 61050  
waiting list are observed; 61051

(3) Criteria a county board is to use to determine all of the 61052  
following: 61053

(a) An individual's eligibility to be placed on the county 61054  
board's waiting list; 61055

(b) The date an individual was assessed as needing home and 61056  
community-based services; 61057

(c) The order in which individuals on the county board's 61058  
waiting list are to be offered enrollment in a department of 61059  
developmental disabilities-administered medicaid waiver component; 61060

(d) The department of developmental disabilities-administered 61061  
medicaid waiver component in which an individual on the county 61062  
board's waiting list is to be offered enrollment. 61063

(4) Grounds for removing an individual from the county 61064  
board's waiting list. 61065

(E) The director shall consult with all of the following when 61066  
adopting rules under division (D) of this section: 61067

(1) Individuals with developmental disabilities; 61068

(2) Associations representing individuals with developmental 61069  
disabilities and the families of such individuals; 61070

(3) Associations representing providers of services to 61071  
individuals with developmental disabilities; 61072

(4) The Ohio association of county boards serving people with 61073  
developmental disabilities. 61074

(F) The following shall take precedence over the applicable 61075  
provisions of this section: 61076

(1) Medicaid rules and regulations;	61077
(2) Any specific requirements that may be contained within a medicaid state plan amendment or department of disabilities-administered medicaid waiver component with respect to which a county board has authority to provide services, programs, or supports.	61078 61079 61080 61081 61082
<b>Sec. 5126.046.</b> (A) Except as otherwise provided by 42 C.F.R. 431.51, an individual with a developmental disability who is eligible for home and community-based services has the right to obtain the services from any provider of the services that is qualified to furnish the services and is willing to furnish the services to the individual. A county board of developmental disabilities that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for home and community-based services and refuses to permit an individual to obtain home and community-based services from a qualified and willing provider shall provide the individual timely notice that the individual may appeal under section 5160.31 of the Revised Code.	61083 61084 61085 61086 61087 61088 61089 61090 61091 61092 61093 61094 61095
(B) <u>Except as otherwise provided by 42 C.F.R. 431.51, an individual with a developmental disability who is eligible for ICF/IID services has the right to obtain the services from any provider that is qualified to furnish the services and is willing to furnish the services to the individual.</u>	61096 61097 61098 61099 61100
(C) <u>An individual with a developmental disability who is eligible for both home and community-based services and ICF/IID services has the right to choose whether to receive home and community-based services or ICF/IID services.</u>	61101 61102 61103 61104
(D) An individual with a developmental disability who is eligible for nonmedicaid residential services or nonmedicaid supported living has the right to obtain the services from any	61105 61106 61107

provider of the residential services or supported living that is 61108  
qualified to furnish the residential services or supported living 61109  
and is willing to furnish the residential services or supported 61110  
living to the individual. 61111

~~(C) The department of developmental disabilities shall make 61112  
available to the public on its internet web site an up to date 61113  
list of all providers of home and community based services, 61114  
nonmedicaid residential services, and nonmedicaid supported 61115  
living. County boards shall assist individuals with developmental 61116  
disabilities and the families of such individuals access the list 61117  
on the department's internet web site. 61118~~

~~(D)~~(E) The director of developmental disabilities shall adopt 61119  
rules in accordance with Chapter 119. of the Revised Code 61120  
governing the implementation of this section. The rules shall 61121  
include procedures for individuals to choose their providers. 61122

**Sec. 5126.047.** (A) When an individual with a developmental 61123  
disability or a person acting on such an individual's behalf 61124  
contacts a county board of developmental disabilities about 61125  
residential services, the county board shall inform the individual 61126  
or person about the different types of residential services, 61127  
including ICF/IID services, nonmedicaid residential services, and 61128  
home and community-based services. When informing the individual 61129  
or person about residential services, the county board shall do 61130  
both of the following: 61131

(1) Provide the individual or person a written explanation of 61132  
residential services, including ICF/IID services, developed by the 61133  
department of developmental disabilities; 61134

(2) Inform the individual or person of the list of providers 61135  
that the department of developmental disabilities maintains on its 61136  
internet web site pursuant to section 5123.193 of the Revised 61137  
Code. 61138

Sec. 5126.053. (A) Beginning April 1, 2020, and then annually 61139  
thereafter on or before the first day of April each year, each 61140  
county board of developmental disabilities shall submit to the 61141  
department of developmental disabilities, in the format 61142  
established pursuant to division (B) of this section, a five-year 61143  
projection of revenues and expenditures. Each five-year projection 61144  
shall be approved by the superintendent of the county board. 61145

The department shall review each five-year projection and may 61146  
require a county board to do any of the following within the time 61147  
frame specified by the department: 61148

(1) Submit additional information; 61149

(2) Permit employees or agents of the department to visit the 61150  
county board to review documents and other records that are 61151  
relevant to the department's review of the five-year projection; 61152

(3) Submit a revised five-year projection; 61153

(4) Complete any other action the director of developmental 61154  
disabilities considers necessary in order to obtain an accurate 61155  
five-year projection. 61156

(B) The department, in consultation with the Ohio association 61157  
of county boards of developmental disabilities, shall establish 61158  
guidelines for completing and formatting the five-year projection 61159  
required by division (A) of this section. 61160

(C) In addition to reviewing a five-year projection submitted 61161  
pursuant to division (A) of this section, the department, or an 61162  
entity designated by or working under contract with the 61163  
department, may conduct additional reviews as the department 61164  
considers necessary to assess any county board's fiscal condition. 61165  
The department shall provide prior notice to a county board of any 61166  
planned review. 61167

The department may issue recommendations to discontinue or 61168

correct fiscal practices or budgetary conditions that prompted, or 61169  
were discovered by, an additional review under this division. The 61170  
superintendent of a county board shall respond in writing to any 61171  
such recommendations within the time frame specified by the 61172  
department. 61173

(D) If a county board fails to submit a five-year projection 61174  
to the department on or before the date specified in division (A) 61175  
of this section, the department may do any or all of the 61176  
following: 61177

(1) Withhold any funds that it otherwise would distribute to 61178  
the county board; 61179

(2) Conduct further reviews as necessary to complete the 61180  
five-year projections at full cost to the county board; 61181

(3) Revoke the certification of the superintendent or the 61182  
accreditation of the county board. 61183

(E) If the department determines that a county board 61184  
willfully provided erroneous, inaccurate, or incomplete data as 61185  
part of its five-year projection submitted pursuant to division 61186  
(A) of this section, the department may take action as provided 61187  
under division (D)(2) or (3) of this section. 61188

**Sec. 5126.054.** ~~(A) Each~~ Annually, on or before the 61189  
thirty-first day of December each year, each county board of 61190  
developmental disabilities shall, by resolution, develop a 61191  
~~three-calendar year~~ and submit to the department of developmental 61192  
disabilities an annual plan that includes the following ~~three~~ 61193  
components: 61194

~~(1) An assessment component that includes all of the~~ 61195  
~~following:~~ 61196

~~(a)(A)~~ (A) The number of individuals with developmental 61197  
disabilities residing in the county who ~~need the level of care~~ 61198

~~provided by an ICF/IID, may seek home and community based services, and are placed on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code; the service needs of those individuals; and the projected annualized cost for services;~~

~~(b) The source of funds available to the county board to pay the nonfederal share of medicaid expenditures that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay;~~

~~(e)(B) The projected number of individuals to whom the board intends to provide home and community-based services based on available funding as projected in the board's annual five-year projection report submitted pursuant to section 5126.053 of the Revised Code;~~

~~(C) How the services are to be phased in over the period the plan covers, including how the county board will serve the individuals identified in divisions (A)(1) and (2) of this section;~~

~~(D) Any other applicable information or conditions that the department of developmental disabilities requires as a condition of approving the component plan under section 5123.046 of the Revised Code.~~

~~(2) A preliminary implementation component that specifies the number of individuals to be provided, during the first year that the plan is in effect, home and community-based services pursuant to their placement on the county board's waiting list established for the services pursuant to section 5126.042 of the Revised Code and the types of home and community based services the individuals are to receive;~~

~~(3) A component that provides for the implementation of medicaid case management services and home and community based~~

~~services for individuals who begin to receive the services on or 61230  
after the date the plan is approved under section 5123.046 of the 61231  
Revised Code. A county board shall include all of the following in 61232  
the component: 61233~~

~~(a) If the department of developmental disabilities or 61234  
department of medicaid requires, an agreement to pay the 61235  
nonfederal share of medicaid expenditures that the county board is 61236  
required by sections 5126.059 and 5126.0510 of the Revised Code to 61237  
pay: 61238~~

~~(b) How the services are to be phased in over the period the 61239  
plan covers, including how the county board will serve individuals 61240  
placed on the county board's waiting list established for the 61241  
services pursuant to section 5126.042 of the Revised Code; 61242~~

~~(c) Any agreement or commitment regarding the county board's 61243  
funding of home and community based services that the county board 61244  
has with the department at the time the county board develops the 61245  
component; 61246~~

~~(d) Assurances adequate to the department that the county 61247  
board will comply with all of the following requirements: 61248~~

~~(i) To provide the types of home and community based services 61249  
specified in the preliminary implementation component required by 61250  
division (A)(2) of this section to at least the number of 61251  
individuals specified in that component; 61252~~

~~(ii) To use any additional funds the county board receives 61253  
for the services to improve the county board's resource 61254  
capabilities for supporting such services available in the county 61255  
at the time the component is developed and to expand the services 61256  
to accommodate the unmet need for those services in the county; 61257~~

~~(iii) To employ or contract with a business manager or enter 61258  
into an agreement with another county board of developmental 61259  
disabilities that employs or contracts with a business manager to 61260~~

~~have the business manager serve both county boards. No 61261  
superintendent of a county board may serve as the county board's 61262  
business manager. 61263~~

~~(iv) To employ or contract with a medicaid services manager 61264  
or enter into an agreement with another county board of 61265  
developmental disabilities that employs or contracts with a 61266  
medicaid services manager to have the medicaid services manager 61267  
serve both county boards. No superintendent of a county board may 61268  
serve as the county board's medicaid services manager. 61269~~

~~(e) Programmatic and financial accountability measures and 61270  
projected outcomes expected from the implementation of the plan; 61271~~

~~(f) Any other applicable information or conditions that the 61272  
department requires as a condition of approving the component 61273  
under section 5123.046 of the Revised Code. 61274~~

~~(B) A county board whose plan developed under division (A) of 61275  
this section is approved by the department under section 5123.046 61276  
of the Revised Code shall update and renew the plan in accordance 61277  
with a schedule the department shall develop. 61278~~

**Sec. 5126.055.** (A) Except as provided in section 5126.056 of 61280  
the Revised Code, a county board of developmental disabilities has 61281  
medicaid local administrative authority to, and shall, do all of 61282  
the following for an individual with a developmental disability 61283  
who resides in the county that the county board serves and seeks 61284  
or receives home and community-based services: 61285

(1) Perform assessments and evaluations of the individual. As 61286  
part of the assessment and evaluation process, all of the 61287  
following apply: 61288

(a) The county board shall make a recommendation to the 61289  
department of developmental disabilities on whether the department 61290  
should approve or deny the individual's application for the 61291

services, including on the basis of whether the individual needs 61292  
the level of care an ICF/IID provides. 61293

(b) If the individual's application is denied because of the 61294  
county board's recommendation and the individual appeals pursuant 61295  
to section 5160.31 of the Revised Code, the county board shall 61296  
present, with the department of developmental disabilities or 61297  
department of medicaid, whichever denies the application, the 61298  
reasons for the recommendation and denial at the hearing. 61299

(c) If the individual's application is approved, the county 61300  
board shall recommend to the departments of developmental 61301  
disabilities and medicaid the services that should be included in 61302  
the individual service plan. If either department under section 61303  
5166.21 of the Revised Code approves, reduces, denies, or 61304  
terminates a service included in the plan because of the county 61305  
board's recommendation, the board shall present, with the 61306  
department that made the approval, reduction, denial, or 61307  
termination, the reasons for the recommendation and approval, 61308  
reduction, denial, or termination at a hearing held pursuant to an 61309  
appeal made under section 5160.31 of the Revised Code. 61310

(2) Perform any duties assigned to the county board in rules 61311  
adopted under section 5126.046 of the Revised Code regarding the 61312  
individual's right to choose a qualified and willing provider of 61313  
the services and, at a hearing held pursuant to an appeal made 61314  
under section 5160.31 of the Revised Code, present evidence of the 61315  
process for appropriate assistance in choosing providers; 61316

(3) If the county board is certified under section 5123.161 61317  
of the Revised Code to provide the services and agrees to provide 61318  
the services to the individual and the individual chooses the 61319  
county board to provide the services, furnish, in accordance with 61320  
the county board's medicaid provider agreement and for the 61321  
authorized reimbursement rate, the services the individual 61322  
requires; 61323

(4) Monitor the services provided to the individual and ensure the individual's health, safety, and welfare. The monitoring shall include quality assurance activities. If the county board provides the services, the department of developmental disabilities shall also monitor the services.

(5) Develop, with the individual and the provider of the individual's services, an effective individual service plan that includes coordination of services, recommend that the departments of developmental disabilities and medicaid approve the plan, and implement the plan unless either department disapproves it. The plan shall include a summary page, agreed to by the county board, provider, and individual receiving services, that clearly outlines the amount, duration, and scope of services to be provided under the plan.

(6) Have an investigative agent conduct investigations under section 5126.313 of the Revised Code that concern the individual;

(7) Have a service and support administrator perform the duties under division (B)~~(9)~~(8) of section 5126.15 of the Revised Code that concern the individual.

(B) A county board shall perform its medicaid local administrative authority under this section in accordance with all of the following:

(1) The county board's plan that the department of developmental disabilities approves under section 5123.046 of the Revised Code;

(2) All applicable federal and state laws;

(3) All applicable policies of the departments of developmental disabilities and medicaid and the United States department of health and human services;

(4) The department of medicaid's supervision under its

authority as the single state medicaid agency; 61354

(5) The department of developmental disabilities' oversight. 61355

(C) The departments of developmental disabilities and 61356  
medicaid shall communicate with and provide training to county 61357  
boards regarding medicaid local administrative authority granted 61358  
by this section. The communication and training shall include 61359  
issues regarding audit protocols and other standards established 61360  
by the United States department of health and human services that 61361  
the departments determine appropriate for communication and 61362  
training. County boards shall participate in the training. The 61363  
departments shall assess the county board's compliance against 61364  
uniform standards that the departments shall establish. 61365

(D) A county board may not delegate its medicaid local 61366  
administrative authority granted under this section but may 61367  
contract with a person or government entity, including a council 61368  
of governments, for assistance with its medicaid local 61369  
administrative authority. A county board that enters into such a 61370  
contract shall notify the director of developmental disabilities. 61371  
The notice shall include the tasks and responsibilities that the 61372  
contract gives to the person or government entity. The person or 61373  
government entity shall comply in full with all requirements to 61374  
which the county board is subject regarding the person or 61375  
government entity's tasks and responsibilities under the contract. 61376  
The county board remains ultimately responsible for the tasks and 61377  
responsibilities. 61378

(E) A county board that has medicaid local administrative 61379  
authority under this section shall, through the departments of 61380  
developmental disabilities and medicaid, reply to, and cooperate 61381  
in arranging compliance with, a program or fiscal audit or program 61382  
violation exception that a state or federal audit or review 61383  
discovers. The department of medicaid shall timely notify the 61384  
department of developmental disabilities and the county board of 61385

any adverse findings. After receiving the notice, the county board, in conjunction with the department of developmental disabilities, shall cooperate fully with the department of medicaid and timely prepare and send to the department a written plan of correction or response to the adverse findings. The county board is liable for any adverse findings that result from an action it takes or fails to take in its implementation of medicaid local administrative authority.

(F) If the department of developmental disabilities or department of medicaid determines that a county board's implementation of its medicaid local administrative authority under this section is deficient, the department that makes the determination shall require that county board do the following:

(1) If the deficiency affects the health, safety, or welfare of an individual with a developmental disability, correct the deficiency within twenty-four hours;

(2) If the deficiency does not affect the health, safety, or welfare of an individual with a developmental disability, receive technical assistance from the department or submit a plan of correction to the department that is acceptable to the department within sixty days and correct the deficiency within the time required by the plan of correction.

**Sec. 5126.056.** (A) The department of developmental disabilities shall take action under division (B) of this section against a county board of developmental disabilities if any of the following are the case:

(1) The county board fails to submit to the department all the components of its ~~three-year~~ annual plan required by section 5126.054 of the Revised Code.

(2) The department disapproves the county board's ~~three-year~~

annual plan under section 5123.046 of the Revised Code. 61416

~~(3) The county board fails, as required by division (B) of section 5126.054 of the Revised Code, to update and renew its three year plan in accordance with a schedule the department develops under that section.~~ 61417  
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~~(4)~~ The county board fails to implement its ~~initial or renewed three year~~ annual plan approved by the department. 61421  
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~~(5)~~(4) The county board fails to correct a deficiency within the time required by division (F) of section 5126.055 of the Revised Code to the satisfaction of the department. 61423  
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~~(6)~~(5) The county board fails to submit an acceptable plan of correction to the department within the time required by division (F)(2) of section 5126.055 of the Revised Code. 61426  
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(B) If required by division (A) of this section to take action against a county board, the department shall issue an order terminating the county board's medicaid local administrative authority over all or part of home and community-based services, medicaid case management services, or all or part of both of those services. The department shall provide a copy of the order to the board of county commissioners, senior probate judge, county auditor, and president and superintendent of the county board. The department shall specify in the order the medicaid local administrative authority that the department is terminating, the reason for the termination, and the county board's option and responsibilities under this division. 61429  
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A county board whose medicaid local administrative authority is terminated may, not later than thirty days after the department issues the termination order, recommend to the department that another county board that has not had any of its medicaid local administrative authority terminated or another entity the department approves administer the services for which the county 61441  
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board's medicaid local administrative authority is terminated. The 61447  
department may contract with the other county board or entity to 61448  
administer the services. If the department enters into such a 61449  
contract, the county board shall adopt a resolution giving the 61450  
other county board or entity full medicaid local administrative 61451  
authority over the services that the other county board or entity 61452  
is to administer. The other county board or entity shall be known 61453  
as the contracting authority. 61454

If the department rejects the county board's recommendation 61455  
regarding a contracting authority, the county board may appeal the 61456  
rejection under section 5123.043 of the Revised Code. 61457

If the county board does not submit a recommendation to the 61458  
department regarding a contracting authority within the required 61459  
time or the department rejects the county board's recommendation 61460  
and the rejection is upheld pursuant to an appeal, if any, under 61461  
section 5123.043 of the Revised Code, the department shall appoint 61462  
an administrative receiver to administer the services for which 61463  
the county board's medicaid local administrative authority is 61464  
terminated. To the extent necessary for the department to appoint 61465  
an administrative receiver, the department may utilize employees 61466  
of the department, management personnel from another county board, 61467  
or other individuals who are not employed by or affiliated with in 61468  
any manner a person that provides home and community-based 61469  
services or medicaid case management services pursuant to a 61470  
contract with any county board. The administrative receiver shall 61471  
assume full administrative responsibility for the county board's 61472  
services for which the county board's medicaid local 61473  
administrative authority is terminated. 61474

The contracting authority or administrative receiver shall 61475  
develop and submit to the department a plan of correction to 61476  
remediate the problems that caused the department to issue the 61477  
termination order. If, after reviewing the plan, the department 61478

approves it, the contracting authority or administrative receiver 61479  
shall implement the plan. 61480

The county board shall transfer control of state and federal 61481  
funds it is otherwise eligible to receive for the services for 61482  
which the county board's medicaid local administrative authority 61483  
is terminated and funds the county board may use under division 61484  
(A) of section 5126.0511 of the Revised Code to pay the nonfederal 61485  
share of the services that the county board is required by 61486  
sections 5126.059 and 5126.0510 of the Revised Code to pay. The 61487  
county board shall transfer control of the funds to the 61488  
contracting authority or administrative receiver administering the 61489  
services. The amount the county board shall transfer shall be the 61490  
amount necessary for the contracting authority or administrative 61491  
receiver to fulfill its duties in administering the services, 61492  
including its duties to pay its personnel for time worked, travel, 61493  
and related matters. If the county board fails to make the 61494  
transfer, the department may withhold the state and federal funds 61495  
from the county board and bring a mandamus action against the 61496  
county board in the court of common pleas of the county served by 61497  
the county board or in the Franklin county court of common pleas. 61498  
The mandamus action may not require that the county board transfer 61499  
any funds other than the funds the county board is required by 61500  
division (B) of this section to transfer. 61501

The contracting authority or administrative receiver has the 61502  
right to authorize the payment of bills in the same manner that 61503  
the county board may authorize payment of bills under this chapter 61504  
and section 319.16 of the Revised Code. 61505

**Sec. 5126.15.** (A) A county board of developmental 61506  
disabilities shall provide service and support administration to 61507  
each individual three years of age or older who is eligible for 61508  
service and support administration if the individual requests, or 61509

a person on the individual's behalf requests, service and support 61510  
administration. A board shall provide service and support 61511  
administration to each individual receiving home and 61512  
community-based services. A board may provide, in accordance with 61513  
the service coordination requirements of 34 C.F.R. 303.23, service 61514  
and support administration to an individual under three years of 61515  
age eligible for early intervention services under 34 C.F.R. part 61516  
303. A board may provide service and support administration to an 61517  
individual who is not eligible for other services of the board. 61518  
Service and support administration shall be provided in accordance 61519  
with rules adopted under section 5126.08 of the Revised Code. 61520

A board may provide service and support administration by 61521  
directly employing service and support administrators or by 61522  
contracting with entities for the performance of service and 61523  
support administration. Individuals employed or under contract as 61524  
service and support administrators shall not be in the same 61525  
collective bargaining unit as employees who perform duties that 61526  
are not administrative. 61527

A service and support administrator shall perform only the 61528  
duties specified in division (B) of this section. While employed 61529  
by or under contract with a board, a service and support 61530  
administrator shall neither be employed by or serve in a 61531  
decision-making or policy-making capacity for any other entity 61532  
that provides programs or services to individuals with 61533  
developmental disabilities nor provide programs or services to 61534  
individuals with ~~mental retardation or~~ developmental disabilities 61535  
through self-employment. 61536

(B) A service and support administrator shall do all of the 61537  
following: 61538

(1) Establish an individual's eligibility for the services of 61539  
the county board of developmental disabilities; 61540

- (2) Assess individual needs for services; 61541
- (3) Develop individual service plans with the active 61542  
participation of the individual to be served, other persons 61543  
selected by the individual, and, when applicable, the provider 61544  
selected by the individual, and recommend the plans for approval 61545  
by the department of developmental disabilities when services 61546  
included in the plans are funded through medicaid; 61547
- (4) Establish budgets for services based on the individual's 61548  
assessed needs and preferred ways of meeting those needs; 61549
- (5) Assist individuals in making selections from among the 61550  
providers they have chosen; 61551
- (6) Ensure that services are effectively coordinated and 61552  
provided by appropriate providers; 61553
- (7) Establish and implement an ongoing system of monitoring 61554  
the implementation of individual service plans to achieve 61555  
consistent implementation and the desired outcomes for the 61556  
individual; 61557
- (8) ~~Perform quality assurance reviews as a distinct function~~ 61558  
~~of service and support administration;~~ 61559
- ~~(9) Incorporate the results of quality assurance reviews and~~ 61560  
~~identified trends and patterns of unusual incidents and major~~ 61561  
~~unusual incidents into amendments of an individual's service plan~~ 61562  
~~for the purpose of improving and enhancing the quality and~~ 61563  
~~appropriateness of services rendered to the individual.~~ 61564
- Sec. 5139.87.** (A) The department of youth services shall 61565  
serve as the state agent for the administration of ~~all~~ federal 61566  
juvenile justice grants awarded to the state. 61567
- (B) There ~~are~~ is hereby created in the state treasury the 61568  
~~federal~~ juvenile justice ~~programs funds~~ and delinquency prevention 61569  
fund. ~~A separate fund shall be established each federal fiscal~~ 61570

~~year.~~ All federal grants and other moneys received for federal 61571  
juvenile programs shall be deposited into the ~~funds~~ fund. All 61572  
receipts deposited into the ~~funds~~ fund shall be used for federal 61573  
juvenile programs. All investment earnings on the cash balance in 61574  
~~a federal juvenile program~~ the fund shall be credited to ~~that~~ the 61575  
fund for the appropriate federal fiscal year. The department of 61576  
youth services shall maintain a financial activity report of each 61577  
individual grant within the fund, including any expenses or 61578  
revenues credited to those individual grants. 61579

~~(C) All rules, orders, and determinations of the office of~~ 61580  
~~eriminal justice services regarding the administration of federal~~ 61581  
~~juvenile justice grants that are in effect on the effective date~~ 61582  
~~of this amendment shall continue in effect as rules, orders, and~~ 61583  
~~determinations of the department of youth services.~~ 61584

**Sec. 5145.162.** (A) There is hereby created the office of 61585  
enterprise development advisory board to advise and assist the 61586  
department of rehabilitation and correction with the creation of 61587  
training programs and jobs for inmates and releasees through 61588  
partnerships with private sector businesses. The board shall 61589  
consist of at least five appointed members and the staff 61590  
representative assigned by the correctional institution inspection 61591  
committee, who shall serve as an ex officio member. Each member 61592  
shall have experience in labor relations, marketing, business 61593  
management, or business. The members and chairperson shall be 61594  
appointed by the director of the department of rehabilitation and 61595  
correction. 61596

(B) Each member of the advisory board shall receive no 61597  
compensation but may be reimbursed for expenses actually and 61598  
necessarily incurred in the performance of official duties of the 61599  
board. Members of the board who are state employees shall be 61600  
reimbursed for expenses pursuant to travel rules promulgated by 61601

the office of budget and management. 61602

(C) The advisory board shall adopt procedures for the conduct 61603  
of the board's meetings. The board shall meet at least once every 61604  
quarter, and otherwise shall meet at the call of the chairperson 61605  
or the director of the department of rehabilitation and 61606  
correction. Sixty per cent of the members shall constitute a 61607  
quorum. No transaction of the board's business shall be taken 61608  
without the concurrence of a quorum of the members. The board may 61609  
have committees with persons who are not members of the board but 61610  
whose experience and expertise is relevant and useful to the work 61611  
of the committee. 61612

(D) The advisory board shall have the following duties: 61613

(1) Solicit business proposals offering job training, 61614  
apprenticeship, education programs, and employment opportunities 61615  
for inmates and, releasees, and Ohio penal industries; 61616

(2) Provide information and input to the office of enterprise 61617  
development to support the job training and employment program of 61618  
inmates and releasees and any additional, related duties as 61619  
requested by the director of the department of rehabilitation and 61620  
correction; 61621

(3) Recommend to the office of enterprise development any 61622  
legislation, administrative rule, or department policy change that 61623  
the board believes is necessary to implement the department's 61624  
program; 61625

(4) Promote public awareness of the office of enterprise 61626  
development and the office's employment program; 61627

(5) Familiarize itself and the public with avenues to access 61628  
the office of enterprise development on employment program 61629  
concerns; 61630

(6) Advocate for the needs and concerns of the office of 61631

enterprise development in local communities, counties, and the state; 61632  
61633

(7) Play an active role in the office of enterprise development's efforts to reduce recidivism in the state by doing all of the following: 61634  
61635  
61636

(a) Providing input and making recommendations for the office's consideration in monitoring employment program compliance and effectiveness; 61637  
61638  
61639

(b) Making suggestions on the appropriate priorities for the office's grant award criteria; 61640  
61641

(c) Being a liaison between the office and constituents of the board's members; 61642  
61643

(d) Working to develop constituent groups interested in employment program issues; 61644  
61645

(8) Aid in the employment program development process by playing a leadership role in professional associations by discussing employment program issues. 61646  
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61648

(E) The department of rehabilitation and correction shall initially screen each proposal obtained under division (D)(1) of this section to ensure that the proposal is a viable venture to pursue. If the department determines that a proposal is a viable venture to pursue, the department shall submit the proposal to the board for objective review against established guidelines. The board shall determine whether to recommend the implementation of the program to the department. 61649  
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**Sec. 5149.38.** (A) In each ~~target county and in each~~ voluntary county, subject to division (B) of this section and not later than ~~thirty days after the effective date of this section~~ October 29, 2017, a county commissioner representing the board of county commissioners of the county, the administrative judge of the 61657  
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61661

general division of the court of common pleas of the county, the 61662  
sheriff of the county, and an official from any municipality 61663  
operating a local correctional facility in the county to which 61664  
courts of the county sentence offenders shall agree to, sign, and 61665  
submit to the department of rehabilitation and correction for its 61666  
approval a memorandum of understanding that does both of the 61667  
following: 61668

(1) Sets forth the plans by which the county will use grant 61669  
money provided to the county in state fiscal year 2018 and 61670  
succeeding state fiscal years under the targeting community 61671  
alternatives to prison (T-CAP) program. ~~i~~ 61672

(2) Specifies the manner in which the county will address a 61673  
per diem reimbursement of local correctional facilities for 61674  
prisoners who serve a prison term in the facility pursuant to 61675  
division (B)(3)(c) of section 2929.34 of the Revised Code. The per 61676  
diem reimbursement rate shall be the rate determined in division 61677  
(F)(1) of this section and shall be specified in the memorandum. 61678

(B) Two or more ~~target counties or~~ voluntary counties may 61679  
join together to jointly establish a memorandum of understanding 61680  
of the type described in division (A) of this section. Not later 61681  
than ~~thirty days after the effective date of this section~~ October 61682  
29, 2017, a county commissioner from each of the affiliating 61683  
~~target counties or~~ voluntary counties representing the county's 61684  
board of county commissioners, the administrative judge of the 61685  
general division of the court of common pleas of each affiliating 61686  
~~target county or~~ voluntary county, the sheriff of each affiliating 61687  
~~target county or~~ voluntary county, and an official from any 61688  
municipality operating a local correctional facility in the 61689  
affiliating ~~target counties and~~ voluntary counties to which courts 61690  
of the counties sentence offenders shall agree to, sign, and 61691  
submit to the department of rehabilitation and correction for its 61692

approval the memorandum of understanding. The memorandum of 61693  
understanding shall set forth the plans by which, and specify the 61694  
manner in which, the affiliating counties will complete the tasks 61695  
identified in divisions (A)(1) and (2) of this section. 61696

(C) The department of rehabilitation and correction shall 61697  
adopt rules establishing standards for approval of memorandums of 61698  
understanding submitted to it under division (A) or (B) of this 61699  
section. The department shall review the memorandums of 61700  
understanding submitted to it and may require the county or 61701  
counties that submit a memorandum to modify the memorandum. The 61702  
director of rehabilitation and correction shall approve 61703  
memorandums of understanding submitted to it under division (A) or 61704  
(B) of this section that the director determines satisfy the 61705  
standards adopted by the department within thirty days after 61706  
receiving each memorandum submitted. 61707

(D) Any person responsible for agreeing to, signing, and 61708  
submitting a memorandum of understanding under division (A) or (B) 61709  
of this section may delegate the person's authority to do so to an 61710  
employee of the agency, entity, or office served by the person. 61711

(E) The persons signing a memorandum of understanding under 61712  
division (A) or (B) of this section, or their successors in 61713  
office, may revise the memorandum as they determine necessary. Any 61714  
revision of the memorandum shall be signed by the parties 61715  
specified in division (A) or (B) of this section and submitted to 61716  
the department of rehabilitation and correction for its approval 61717  
under division (C) of this section within thirty days after the 61718  
beginning of the state fiscal year. 61719

(F)(1) In each county, ~~the sheriff shall determine the per~~ 61720  
~~diem costs for local correctional facilities in the county for the~~ 61721  
~~housing of prisoners who serve a term in the facility pursuant to~~ 61722  
~~division (B)(3)(c) of section 2929.34 of the Revised Code, as~~ 61723  
~~follows:~~ 61724

~~(a) In calendar year 2017, not later than the date on which the appropriate representatives of the county enter into a contract with the department of rehabilitation and correction under the targeting community alternatives to prison (T-CAP) program, the sheriff shall determine the per diem costs for each of the facilities for the housing in the facility of prisoners serving a prison term for a felony in calendar year 2016. The per diem cost so determined shall apply in calendar year 2017.~~

~~(b) Commencing commencing in calendar year 2018, on or before the first day of February of each calendar year the sheriff shall determine the per diem costs for the preceding calendar year for each of the local correctional facilities for the housing in the facility of prisoners who serve a term in it pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem cost so determined shall apply in the calendar year in which the determination is made.~~

(2) For each county, the per diem cost determined under division (F)(1) of this section that applies with respect to a facility in a specified calendar year shall be the per diem rate of reimbursement in that calendar year, under the targeting community alternatives to prison (T-CAP) program, for prisoners who serve a term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code.

(3) The per diem costs of housing determined under division (F)(1) of this section for a facility shall be the actual costs of housing the specified prisoners in the facility, on a per diem basis.

(G) As used in this section:

(1) "Local correctional facility" means a facility of a type described in division (C) or (D) of section 2929.34 of the Revised Code.

(2) ~~"Target county" and "voluntary~~ "Voluntary county" have 61756  
has the same meanings as in section 2929.34 of the Revised Code. 61757

**Sec. 5160.01.** As used in this chapter: 61758

(A) "Assisted living program" has the same meaning as in 61759  
section 173.51 of the Revised Code. 61760

(B) "Dual eligible individual" has the same meaning as in the 61761  
"Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 61762  
1396n(h)(2)(B). A dual eligible individual is a medicare-medicaid 61763  
enrollee (MME). 61764

~~(B)~~(C) "Exchange" has the same meaning as in 45 C.F.R. 61765  
155.20. 61766

~~(C)~~(D) "Federal financial participation" means the federal 61767  
government's share of expenditures made by an entity in 61768  
implementing a medical assistance program. 61769

~~(D)~~(E) "Medical assistance program" means all of the 61770  
following: 61771

(1) The medicaid program; 61772

(2) The children's health insurance program; 61773

(3) The refugee medical assistance program; 61774

(4) Any other program that provides medical assistance and 61775  
state statutes authorize the department of medicaid to administer. 61776

~~(E)~~(F) "Medical assistance recipient" means a recipient of a 61777  
medical assistance program. To the extent appropriate in the 61778  
context, "medical assistance recipient" includes an individual 61779  
applying for a medical assistance program, a former medical 61780  
assistance recipient, or both. 61781

~~(F)~~(G) "Medicaid managed care organization" has the same 61782  
meaning as in section 5167.01 of the Revised Code. 61783

(H) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 61784  
61785

~~(G)~~(I) "Refugee medical assistance program" means the program 61786  
that the department of medicaid administers pursuant to section 61787  
5160.50 of the Revised Code. 61788

(J) "Residential care facility" has the same meaning as in section 3721.01 of the Revised Code. 61789  
61790

**Sec. 5160.48.** (A)(1) The medicaid director shall adopt rules 61791  
under section 5160.02 of the Revised Code implementing sections 61792  
5160.45 to 5160.481 of the Revised Code and governing the custody, 61793  
use, disclosure, and preservation of the information generated or 61794  
received by the department of medicaid, county departments of job 61795  
and family services, other state and county entities, contractors, 61796  
grantees, private entities, or officials participating in the 61797  
administration of medical assistance programs. ~~The~~ 61798

Subject to division (A)(2) of this section, the rules shall 61799  
be adopted in accordance with Chapter 119. of the Revised Code. 61800  
The rules may define who is an "authorized representative" for 61801  
purposes of sections 5160.45 and 5160.46 of the Revised Code. The 61802  
rules shall specify conditions and procedures for the release of 61803  
information, which may include both of the following: 61804

~~(1)~~(a) Permitting a provider of a service under a medical 61805  
assistance program limited access to information that is essential 61806  
for the provider to render the service or to bill for the service 61807  
rendered; 61808

~~(2)~~(b) Permitting a contractor, grantee, or other state or 61809  
county entity limited access to information that is essential for 61810  
the contractor, grantee, or entity to perform administrative or 61811  
other duties on behalf of the department or a county department. 61812

(2) In the case of a medical assistance recipient who is a 61813

resident of a nursing facility or residential care facility, and 61814  
the facility participates in the assisted living program, a county 61815  
department of job and family services shall automatically 61816  
designate the nursing facility or residential care facility as the 61817  
recipient's primary authorized representative at the time of the 61818  
application for medical assistance. Both of the following apply to 61819  
a facility that is automatically designated as an authorized 61820  
representative pursuant to this division: 61821

(a) The facility shall be considered an authorized 61822  
representative for purposes of sections 5160.45 and 5160.46 of the 61823  
Revised Code and shall be subject to all rules regarding 61824  
authorized representatives that are adopted under division (A)(1) 61825  
of this section; 61826

(b) The facility may resign as an authorized representative. 61827

A medical assistance recipient may designate additional 61828  
authorized representatives in the manner provided for in rules. 61829

(B) The department of aging, when investigating a complaint 61830  
under section 173.20 of the Revised Code, shall be granted any 61831  
limited access permitted in the rules authorized by division 61832  
(A)(1)(a) of this section. 61833

A contractor, grantee, or entity given access to information 61834  
pursuant to the rules authorized by division (A)~~(2)~~(1)(b) of this 61835  
section is bound by the director's rules. Disclosure of the 61836  
information by the contractor, grantee, or entity in a manner not 61837  
authorized by the rules is a violation of section 5160.45 of the 61838  
Revised Code. 61839

**Sec. 5162.01.** (A) As used in the Revised Code: 61840

(1) "Medicaid" and "medicaid program" mean the program of 61841  
medical assistance established by Title XIX of the "Social 61842  
Security Act," 42 U.S.C. 1396 et seq., including any medical 61843

assistance provided under the medicaid state plan or a federal 61844  
medicaid waiver granted by the United States secretary of health 61845  
and human services. 61846

(2) "Medicare" and "medicare program" mean the federal health 61847  
insurance program established by Title XVIII of the "Social 61848  
Security Act," 42 U.S.C. 1395 et seq. 61849

(B) As used in this chapter: 61850

~~(1) "Dual eligible individual" has the same meaning as in 61851  
section 5160.01 of the Revised Code. 61852~~

~~(2) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 61853~~

~~(3)(2) "Federal financial participation" has the same meaning 61854  
as in section 5160.01 of the Revised Code. 61855~~

~~(4)(3) "Federal poverty line" means the official poverty line 61856  
defined by the United States office of management and budget based 61857  
on the most recent data available from the United States bureau of 61858  
the census and revised by the United States secretary of health 61859  
and human services pursuant to the "Omnibus Budget Reconciliation 61860  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 61861~~

~~(5)(4) "Healthcheck" has the same meaning as in section 61862  
5164.01 of the Revised Code. 61863~~

~~(6)(5) "Healthy start component" means the component of the 61864  
medicaid program that covers pregnant women and children and is 61865  
identified in rules adopted under section 5162.02 of the Revised 61866  
Code as the healthy start component. 61867~~

~~(7)(6) "Home and community-based services" means services 61868  
provided under a home and community-based services medicaid waiver 61869  
component. 61870~~

~~(8)(7) "Home and community-based services medicaid waiver 61871  
component" has the same meaning as in section 5166.01 of the 61872  
Revised Code. 61873~~

<del>(9)</del> (8) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.	61874 61875
<del>(10)</del> (9) "Individualized education program" has the same meaning as in section 3323.011 of the Revised Code.	61876 61877
<del>(11)</del> (10) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	61878 61879
<del>(12)</del> (11) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.	61880 61881
<del>(13)</del> (12) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.	61882 61883
<del>(14)</del> (13) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code;	61884 61885
<del>(15)</del> (14) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.	61886 61887
<del>(16)</del> (15) "Ordering or referring only provider" means a medicaid provider who orders, prescribes, refers, or certifies a service or item reported on a claim for medicaid payment but does not bill for medicaid services.	61888 61889 61890 61891
<del>(17)</del> (16) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state.	61892 61893 61894 61895
<del>(18)</del> (17) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.	61896 61897
<del>(19)</del> (18) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.	61898 61899
<del>(20)</del> (19) "Qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, <u>the governing board of an educational service center,</u> the governing authority of a community school established under	61900 61901 61902 61903

Chapter 3314. of the Revised Code, the state school for the deaf, 61904  
and the state school for the blind to which both of the following 61905  
apply: 61906

(a) It holds a valid provider agreement. 61907

(b) It meets all other conditions for participation in the 61908  
medicaid school component of the medicaid program established in 61909  
rules authorized by section 5162.364 of the Revised Code. 61910

~~(21)~~(20) "State agency" means every organized body, office, 61911  
or agency, other than the department of medicaid, established by 61912  
the laws of the state for the exercise of any function of state 61913  
government. 61914

~~(22)~~(21) "Vendor offset" means a reduction of a medicaid 61915  
payment to a medicaid provider to correct a previous, incorrect 61916  
medicaid payment to that provider. 61917

**Sec. 5162.12.** (A) The medicaid director shall enter into a 61918  
contract with one or more persons to receive and process, on the 61919  
director's behalf, requests for medicaid recipient or claims 61920  
payment data, data from reports of audits conducted under section 61921  
5165.109 of the Revised Code, or extracts or analyses of any of 61922  
the foregoing data made by persons who intend to use the items 61923  
prepared pursuant to the requests for commercial or academic 61924  
purposes. 61925

(B) At a minimum, a contract entered into under this section 61926  
shall do both of the following: 61927

(1) Authorize the contracting person to engage in the 61928  
activities described in division (A) of this section for 61929  
compensation, which must be stated as a percentage of the fees 61930  
paid by persons who are provided the items; 61931

(2) Require the contracting person to charge for an item 61932  
prepared pursuant to a request a fee in an amount equal to one 61933

hundred two per cent of the cost the department of medicaid incurs 61934  
in making the data used to prepare the item available to the 61935  
contracting person. 61936

(C) Except as required by federal or state law and subject to 61937  
division (E) of this section, both of the following conditions 61938  
apply with respect to a request for data described in division (A) 61939  
of this section: 61940

(1) The request shall be made through a person who has 61941  
entered into a contract with the medicaid director under this 61942  
section. 61943

(2) An item prepared pursuant to the request may be provided 61944  
to the department of medicaid and is confidential and not subject 61945  
to disclosure under section 149.43 or 1347.08 of the Revised Code. 61946

(D) The medicaid director shall use fees the director 61947  
receives pursuant to a contract entered into under this section to 61948  
pay obligations specified in contracts entered under this section. 61949  
Any money remaining after the obligations are paid shall be 61950  
deposited in the health care/medicaid support and recoveries fund 61951  
created under section 5162.52 of the Revised Code. 61952

(E) This section does not apply to requests for medicaid 61953  
recipient or claims payment data, data from reports of audits 61954  
conducted under section 5165.109 of the Revised Code, or extracts 61955  
or analyses of any of the foregoing data that are for any of the 61956  
following purposes: 61957

(1) Treatment of medicaid recipients; 61958

(2) Payment of medicaid claims; 61959

(3) Establishment or management of medicaid third party 61960  
liability pursuant to sections 5160.35 to 5160.43 of the Revised 61961  
Code; 61962

(4) Compliance with the terms of an agreement the medicaid 61963

director enters into for purposes of administering the medicaid 61964  
program+ 61965

~~(5) Compliance with an operating protocol the executive 61966  
director of the office of health transformation or the executive 61967  
director's designee adopts under division (D) of section 191.06 of 61968  
the Revised Code. 61969~~

Sec. 5162.137. The department of medicaid shall develop 61970  
findings based on the quarterly reports provided to the department 61971  
by pharmacy benefit managers under section 5167.242 of the Revised 61972  
Code. The department shall complete a report detailing the 61973  
findings not later than sixty days after receiving each quarterly 61974  
report. The report shall be submitted to the general assembly in 61975  
accordance with section 101.68 of the Revised Code. Upon request, 61976  
the department also shall testify about its findings before, 61977  
either chamber of the general assembly or the joint medicaid 61978  
oversight committee. The department shall keep as confidential any 61979  
document or information marked "confidential" or "proprietary" and 61980  
shall redact any information as necessary before it becomes 61981  
public, except that the department may share the document or 61982  
information with other state agencies or entities. 61983

Sec. 5162.138. At the end of each year that the shared 61984  
savings program established under section 5167.35 of the Revised 61985  
Code is operated, the department of medicaid shall complete a 61986  
report detailing the department's findings and recommendations 61987  
regarding the program for that year. The department shall submit 61988  
the reports to the governor and, in accordance with section 101.68 61989  
of the Revised Code, the general assembly. 61990

Sec. 5162.139. At the end of each year that the quality 61991  
incentive program established under section 5167.36 of the Revised 61992  
Code is operated, the department of medicaid shall complete a 61993

report detailing the department's findings and recommendations 61994  
regarding the program for that year. The department shall submit 61995  
the reports to the governor and, in accordance with section 101.68 61996  
of the Revised Code, the general assembly. 61997

**Sec. 5162.364.** The medicaid director shall adopt rules under 61998  
section 5162.02 of the Revised Code as necessary to implement the 61999  
medicaid school component of the medicaid program, including rules 62000  
that establish or specify all of the following: 62001

(A) Conditions a board of education of a city, local, or 62002  
exempted school district, a governing board of an educational 62003  
service center, governing authority of a community school 62004  
established under Chapter 3314. of the Revised Code, the state 62005  
school for the deaf, and the state school for the blind must meet 62006  
to participate in the component; 62007

(B) Services the component covers; 62008

(C) Payment rates for the services the component covers. 62009

The rules shall be adopted in accordance with Chapter 119. of 62010  
the Revised Code. 62011

**Sec. 5162.52.** (A) The health care/medicaid support and 62012  
recoveries fund is hereby created in the state treasury. All of 62013  
the following shall be credited to the fund: 62014

(1) Except as otherwise provided by statute or as authorized 62015  
by the controlling board, the nonfederal share of all 62016  
medicaid-related revenues, collections, and recoveries; 62017

(2) Federal reimbursement received for payment adjustments 62018  
made pursuant to section 1923 of the "Social Security Act," 62019  
~~section 1923,~~ 42 U.S.C. 1396r-4, under the medicaid program to 62020  
state mental health hospitals maintained and operated by the 62021  
department of mental health and addiction services under division 62022

(A) of section 5119.14 of the Revised Code;	62023
(3) Revenues the department of medicaid receives from another state agency for medicaid services pursuant to an interagency agreement;	62024 62025 62026
(4) The money the department of medicaid receives in a fiscal year for performing eligibility verification services necessary for compliance with the independent, certified audit requirement of 42 C.F.R. 455.304;	62027 62028 62029 62030
(5) The nonfederal share of all rebates paid by drug manufacturers to the department of medicaid in accordance with a rebate agreement required by <u>section 1927 of</u> the "Social Security Act," <del>section 1927,</del> 42 U.S.C. 1396r-8;	62031 62032 62033 62034
(6) The nonfederal share of all supplemental rebates paid by drug manufacturers to the department of medicaid in accordance with the supplemental drug rebate program established under section 5164.755 of the Revised Code;	62035 62036 62037 62038
(7) Amounts deposited into the fund pursuant to sections 5162.12, 5162.40, and 5162.41 of the Revised Code;	62039 62040
(8) The application fees charged to providers under section 5164.31 of the Revised Code;	62041 62042
(9) The fines collected under section 5165.1010 of the Revised Code;	62043 62044
(10) Amounts from assessments on hospitals under section 5168.06 of the Revised Code and intergovernmental transfers by governmental hospitals under section 5168.07 of the Revised Code that are deposited into the fund in accordance with the law.	62045 62046 62047 62048
(B) The department of medicaid shall use money credited to the health care/medicaid support and recoveries fund to pay for <del>medicaid</del> <u>all of the following:</u>	62049 62050 62051
(1) <u>Medicaid services and costs;</u>	62052

<u>(2) Costs</u> associated with the administration of the medicaid program;	62053 62054
<u>(3) Programs that serve youth involved with multiple government agencies;</u>	62055 62056
<u>(4) Innovative programs that the department has statutory authority to implement and that promote access to health care or help achieve long-term cost savings to the state.</u>	62057 62058 62059
<b>Sec. 5164.01.</b> As used in this chapter:	62060
(A) "Adjudication" has the same meaning as in section 119.01 of the Revised Code.	62061 62062
(B) "Behavioral health redesign" means <del>proposals developed in a collaborative effort by the office of health transformation, department of medicaid, and department of mental health and addiction services to make</del> revisions to the medicaid program's coverage of community behavioral health services beginning July 1, 2017, including revisions that update medicaid billing codes and payment rates for community behavioral health services.	62063 62064 62065 62066 62067 62068 62069
(C) "Clean claim" has the same meaning as in 42 C.F.R. 447.45(b).	62070 62071
(D) "Community behavioral health services" means both of the following:	62072 62073
(1) Alcohol and drug addiction services provided by a community addiction services provider, as defined in section 5119.01 of the Revised Code;	62074 62075 62076
(2) Mental health services provided by a community mental health services provider, as defined in section 5119.01 of the Revised Code.	62077 62078 62079
(E) "Early and periodic screening, diagnostic, and treatment services" has the same meaning as in the "Social Security Act,"	62080 62081

section 1905(r), 42 U.S.C. 1396d(r). 62082

(F) "Federal financial participation" has the same meaning as 62083  
in section 5160.01 of the Revised Code. 62084

(G) "Federal poverty line" has the same meaning as in section 62085  
5162.01 of the Revised Code. 62086

(H) "Federally-qualified health center" has the same meaning 62087  
as in section 1905(l)(2)(B) of the "Social Security Act," 42 62088  
U.S.C. 1396d(l)(2)(B). 62089

(I) "Healthcheck" means the component of the medicaid program 62090  
that provides early and periodic screening, diagnostic, and 62091  
treatment services. 62092

~~(I)~~(J) "Home and community-based services medicaid waiver 62093  
component" has the same meaning as in section 5166.01 of the 62094  
Revised Code. 62095

~~(J)~~(K) "Hospital" has the same meaning as in section 3727.01 62096  
of the Revised Code. 62097

~~(K)~~(L) "ICDS participant" means a dual eligible individual 62098  
who participates in the integrated care delivery system. 62099

~~(L)~~(M) "ICF/IID" has the same meaning as in section 5124.01 62100  
of the Revised Code. 62101

~~(M)~~(N) "Integrated care delivery system" and "ICDS" mean the 62102  
demonstration project authorized by section 5164.91 of the Revised 62103  
Code. 62104

~~(N)~~(O) "Mandatory services" means the health care services 62105  
and items that must be covered by the medicaid state plan as a 62106  
condition of the state receiving federal financial participation 62107  
for the medicaid program. 62108

~~(O)~~(P) "Medicaid managed care organization" has the same 62109  
meaning as in section 5167.01 of the Revised Code. 62110

~~(P)~~(Q) "Medicaid provider" means a person or government entity with a valid provider agreement to provide medicaid services to medicaid recipients. To the extent appropriate in the context, "medicaid provider" includes a person or government entity applying for a provider agreement, a former medicaid provider, or both.

~~(Q)~~(R) "Medicaid services" means either or both of the following:

(1) Mandatory services;

(2) Optional services that the medicaid program covers.

~~(R)~~(S) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

~~(S)~~(T) "Optional services" means the health care services and items that may be covered by the medicaid state plan or a federal medicaid waiver and for which the medicaid program receives federal financial participation.

~~(T)~~(U) "Prescribed drug" has the same meaning as in 42 C.F.R. 440.120.

~~(U)~~(V) "Provider agreement" means an agreement to which all of the following apply:

(1) It is between a medicaid provider and the department of medicaid;

(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients;

(3) It complies with 42 C.F.R. 431.107(b).

~~(V)~~(W) "State plan home and community-based services" means home and community-based services that, as authorized by section 1915(i) of the "Social Security Act," 42 U.S.C. 1396n(i), may be covered by the medicaid program pursuant to an amendment to the medicaid state plan.

~~(W)~~(X) "Terminal distributor of dangerous drugs" has the same 62141  
meaning as in section 4729.01 of the Revised Code. 62142

**Sec. 5164.05.** (A) As used in this section: 62143

(1) "Outpatient health facility" means a facility that 62144  
provides comprehensive primary health services by or under the 62145  
direction of a physician at least five days per week on a 62146  
forty-hour per week basis to outpatients, is operated by the board 62147  
of health of a city or general health district or another public 62148  
agency or by a nonprofit private agency or organization under the 62149  
direction and control of a governing board that has no 62150  
health-related responsibilities other than the direction and 62151  
control of one or more such outpatient health facilities, and 62152  
receives at least seventy-five per cent of its operating funds 62153  
from public sources, except that it does not include an outpatient 62154  
hospital facility or a ~~federally-qualified~~ federally-qualified 62155  
health center ~~as defined in the "Social Security Act," section~~ 62156  
~~1905(1)(2)(B), 42 U.S.C. 1396d(1)(2)(B).~~ 62157

(2) "Comprehensive primary health services" means preventive, 62158  
diagnostic, therapeutic, rehabilitative, or palliative items or 62159  
services that include all of the following: 62160

(a) Services of physicians, physician assistants, and 62161  
certified nurse practitioners; 62162

(b) Diagnostic laboratory and radiological services; 62163

(c) Preventive health services, such as children's eye and 62164  
ear examinations, perinatal services, well child services, and 62165  
family planning services; 62166

(d) Arrangements for emergency medical services; 62167

(e) Transportation services. 62168

(3) "Certified nurse practitioner" has the same meaning as in 62169  
section 4723.01 of the Revised Code. 62170

(B) Subject to division (C) of this section, the medicaid program shall cover comprehensive primary health services provided by outpatient health facilities with valid provider agreements. The department of medicaid shall prospectively determine the medicaid payment rates for such comprehensive primary health services not less often than once each year. The rates shall not be subject to retroactive adjustment based on actual costs incurred. The rates shall not exceed the maximum fee schedule or rates of payment, limitations based on reasonable costs or customary charges, and limitations based on combined payments received for furnishing comparable services, as are applicable to outpatient hospital facilities under the medicare program. In determining an outpatient health facility's rate prospectively, the department shall take into account the historic expenses of the facility, the operating requirements and services offered by the facility, and the geographical location of the facility, shall provide incentives for the efficient and economical utilization of the facility's resources, and shall ensure that the facility does not discriminate between classes of persons for whom or by whom payment for the services is made.

(C) An outpatient health facility does not qualify for medicaid payments under this section unless it:

(1) Has health and medical care policies developed with the advice of and subject to review by an advisory committee of professional personnel, including one or more physicians, one or more dentists if dental care is provided, and one or more registered nurses;

(2) Has a medical director, a dental director, if dental care is provided, and a nursing director responsible for the execution of such policies, and has physicians, dentists, nursing, and ancillary staff appropriate to the scope of services provided;

(3) Requires that the care of every patient be under the

supervision of a physician, provides for medical care in case of 62203  
emergency, has in effect a written agreement with one or more 62204  
hospitals and one or more other outpatient facilities, and has an 62205  
established system for the referral of patients to other resources 62206  
and a utilization review plan and program; 62207

(4) Maintains clinical records on all patients; 62208

(5) Provides nursing services and other therapeutic services 62209  
in compliance with applicable laws and rules and under the 62210  
supervision of a registered nurse, and has a registered nurse on 62211  
duty at all times when the facility is in operation; 62212

(6) Follows approved methods and procedures for the 62213  
dispensing and administration of drugs and biologicals; 62214

(7) Maintains the accounting and record-keeping system 62215  
required under federal laws and regulations for the determination 62216  
of reasonable and allowable costs. 62217

Sec. 5164.302. As used in this section, "post-hospital 62218  
extended care agreement" means a contract between a hospital and a 62219  
nursing home regarding inpatients' discharges from the hospital 62220  
and admissions to the nursing home for post-hospital extended 62221  
care. 62222

The department of medicaid shall not enter into a provider 62223  
agreement with, or revalidate the provider agreement of, a 62224  
hospital if any of the following applies: 62225

(A) The hospital has a post-hospital extended care agreement 62226  
with a nursing home that does any of the following: 62227

(1) Permits the hospital to do either of the following: 62228

(a) Negotiate with a third-party payer the rates the nursing 62229  
home is to be paid for providing extended care under the 62230  
agreement; 62231

<u>(b) Receive payment for the services the nursing home provides under the agreement.</u>	62232
	62233
<u>(2) Requires, incentivizes, or coerces the nursing home to do any of the following:</u>	62234
	62235
<u>(a) Use or make referrals to the hospital's staff, including physicians, medical directors, and nurses;</u>	62236
	62237
<u>(b) Use a specific technology or software program unless both of the following apply:</u>	62238
	62239
<u>(i) The technology or software program is standardized, uniform, and compatible with the technology or software programs used by all hospitals in this state;</u>	62240
	62241
	62242
<u>(ii) Unless the nursing home already has and uses the technology or software program, the hospital compensates the nursing home for the costs associated with acquiring the technology or software program, subscription payments for the technology or software program, and training individuals to use the technology or software program.</u>	62243
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<u>(c) Provide a service without prior authorization from a managed care organization if the organization requires the nursing home to obtain prior authorization for the service as a condition of being paid for the service.</u>	62249
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	62252
<u>(3) Permits the hospital to do either of the following regarding a service the nursing facility provides if prior authorization from a managed care organization is needed for the nursing home to receive payment for the service:</u>	62253
	62254
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	62256
<u>(a) Obtain the prior authorization;</u>	62257
<u>(b) Represent the nursing home in obtaining the prior authorization.</u>	62258
	62259
<u>(4) Supersedes, negates, or otherwise interferes with a contract between the nursing home and a third-party payer.</u>	62260
	62261

(B) When the hospital selects a nursing home with which to enter into a post-hospital extended care agreement, either of the following applies: 62262  
62263  
62264

(1) The hospital fails to do either of the following: 62265

(a) Include quality measures and other necessary outcome measures and define thresholds for the measures as part of the selection process; 62266  
62267  
62268

(b) Ensure that the nursing home can meet the needs of persons admitted to the nursing home under the agreement. 62269  
62270

(2) The hospital does either of the following: 62271

(a) Uses referrals or patient utilization of services as part of the selection process; 62272  
62273

(b) Considers the use of any of the hospital's staff, resources, or downstream services, as defined in rules the medicaid director shall adopt under section 5164.02 of the Revised Code, that create revenue for the hospital. 62274  
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62277

(C) The hospital fails to make either of the following available to a nursing home or the department of medicaid on request: 62278  
62279  
62280

(1) The hospital's process for selecting nursing homes with which to enter into post-hospital extended care agreements; 62281  
62282

(2) An explanation of how the hospital complied with division (B) of this section when selecting nursing homes for such agreements. 62283  
62284  
62285

**Sec. 5164.342.** (A) As used in this section: 62286

"Applicant" means a person who is under final consideration for employment with a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services. 62287  
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"Community-based long-term care provider" means a provider as defined in section 173.39 of the Revised Code. 62291  
62292

"Community-based long-term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code. 62293  
62294

"Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 62295  
62296

"Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 62297  
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"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services. 62300  
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"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of medicaid, other than such a person or government entity that is certified under the medicare program. "Waiver agency" does not mean an independent provider as defined in section 5164.341 of the Revised Code. 62303  
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(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3701.881 of the Revised Code. If a waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor, the waiver agency may provide for any of its applicants and employees who are not subject to database reviews and criminal records checks under section 173.38 of the Revised Code to undergo database reviews and criminal records checks in accordance with that ~~section 173.38 of the Revised Code~~ rather than this section. 62310  
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(C) No waiver agency shall employ an applicant or continue to employ an employee in a position that involves providing home and 62320  
62321

community-based services if any of the following apply: 62322

(1) A review of the databases listed in division (E) of this 62323  
section reveals any of the following: 62324

(a) That the applicant or employee is included in one or more 62325  
of the databases listed in divisions (E)(1) to (5) of this 62326  
section; 62327

(b) That there is in the state nurse aide registry 62328  
established under section 3721.32 of the Revised Code a statement 62329  
detailing findings by the director of health that the applicant or 62330  
employee abused, neglected, or exploited a long-term care facility 62331  
or residential care facility resident or misappropriated property 62332  
of such a resident; 62333

(c) That the applicant or employee is included in one or more 62334  
of the databases, if any, specified in rules authorized by this 62335  
section and the rules prohibit the waiver agency from employing an 62336  
applicant or continuing to employ an employee included in such a 62337  
database in a position that involves providing home and 62338  
community-based services. 62339

(2) After the applicant or employee is given the information 62340  
and notification required by divisions (F)(2)(a) and (b) of this 62341  
section, the applicant or employee fails to do either of the 62342  
following: 62343

(a) Access, complete, or forward to the superintendent of the 62344  
bureau of criminal identification and investigation the form 62345  
prescribed to division (C)(1) of section 109.572 of the Revised 62346  
Code or the standard impression sheet prescribed pursuant to 62347  
division (C)(2) of that section; 62348

(b) Instruct the superintendent to submit the completed 62349  
report of the criminal records check required by this section 62350  
directly to the chief administrator of the waiver agency. 62351

(3) Except as provided in rules authorized by this section, 62352  
the applicant or employee is found by a criminal records check 62353  
required by this section to have been convicted of or have pleaded 62354  
guilty to a disqualifying offense, regardless of the date of the 62355  
conviction or date of entry of the guilty plea. 62356

(D) At the time of each applicant's initial application for 62357  
employment in a position that involves providing home and 62358  
community-based services, the chief administrator of a waiver 62359  
agency shall inform the applicant of both of the following: 62360

(1) That a review of the databases listed in division (E) of 62361  
this section will be conducted to determine whether the waiver 62362  
agency is prohibited by division (C)(1) of this section from 62363  
employing the applicant in the position; 62364

(2) That, unless the database review reveals that the 62365  
applicant may not be employed in the position, a criminal records 62366  
check of the applicant will be conducted and the applicant is 62367  
required to provide a set of the applicant's fingerprint 62368  
impressions as part of the criminal records check. 62369

(E) As a condition of employing any applicant in a position 62370  
that involves providing home and community-based services, the 62371  
chief administrator of a waiver agency shall conduct a database 62372  
review of the applicant in accordance with rules authorized by 62373  
this section. If rules authorized by this section so require, the 62374  
chief administrator of a waiver agency shall conduct a database 62375  
review of an employee in accordance with the rules as a condition 62376  
of continuing to employ the employee in a position that involves 62377  
providing home and community-based services. A database review 62378  
shall determine whether the applicant or employee is included in 62379  
any of the following: 62380

(1) The excluded parties list system that is maintained by 62381  
the United States general services administration pursuant to 62382

subpart 9.4 of the federal acquisition regulation and available at 62383  
the federal web site known as the system for award management; 62384

(2) The list of excluded individuals and entities maintained 62385  
by the office of inspector general in the United States department 62386  
of health and human services pursuant to the "Social Security 62387  
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 62388

(3) The registry of developmental disabilities employees 62389  
established under section 5123.52 of the Revised Code; 62390

(4) The internet-based sex offender and child-victim offender 62391  
database established under division (A)(11) of section 2950.13 of 62392  
the Revised Code; 62393

(5) The internet-based database of inmates established under 62394  
section 5120.66 of the Revised Code; 62395

(6) The state nurse aide registry established under section 62396  
3721.32 of the Revised Code; 62397

(7) Any other database, if any, specified in rules authorized 62398  
by this section. 62399

(F)(1) As a condition of employing any applicant in a 62400  
position that involves providing home and community-based 62401  
services, the chief administrator of a waiver agency shall require 62402  
the applicant to request that the superintendent of the bureau of 62403  
criminal identification and investigation conduct a criminal 62404  
records check of the applicant. If rules authorized by this 62405  
section so require, the chief administrator of a waiver agency 62406  
shall require an employee to request that the superintendent 62407  
conduct a criminal records check of the employee at times 62408  
specified in the rules as a condition of continuing to employ the 62409  
employee in a position that involves providing home and 62410  
community-based services. However, a criminal records check is not 62411  
required for an applicant or employee if the waiver agency is 62412  
prohibited by division (C)(1) of this section from employing the 62413

applicant or continuing to employ the employee in a position that 62414  
involves providing home and community-based services. If an 62415  
applicant or employee for whom a criminal records check request is 62416  
required by this section does not present proof of having been a 62417  
resident of this state for the five-year period immediately prior 62418  
to the date the criminal records check is requested or provide 62419  
evidence that within that five-year period the superintendent has 62420  
requested information about the applicant or employee from the 62421  
federal bureau of investigation in a criminal records check, the 62422  
chief administrator shall require the applicant or employee to 62423  
request that the superintendent obtain information from the 62424  
federal bureau of investigation as part of the criminal records 62425  
check. Even if an applicant or employee for whom a criminal 62426  
records check request is required by this section presents proof 62427  
of having been a resident of this state for the five-year period, 62428  
the chief administrator may require the applicant or employee to 62429  
request that the superintendent include information from the 62430  
federal bureau of investigation in the criminal records check. 62431

(2) The chief administrator shall provide the following to 62432  
each applicant and employee for whom a criminal records check is 62433  
required by this section: 62434

(a) Information about accessing, completing, and forwarding 62435  
to the superintendent of the bureau of criminal identification and 62436  
investigation the form prescribed pursuant to division (C)(1) of 62437  
section 109.572 of the Revised Code and the standard impression 62438  
sheet prescribed pursuant to division (C)(2) of that section; 62439

(b) Written notification that the applicant or employee is to 62440  
instruct the superintendent to submit the completed report of the 62441  
criminal records check directly to the chief administrator. 62442

(3) A waiver agency shall pay to the bureau of criminal 62443  
identification and investigation the fee prescribed pursuant to 62444  
division (C)(3) of section 109.572 of the Revised Code for any 62445

criminal records check required by this section. However, a waiver 62446  
agency may require an applicant to pay to the bureau the fee for a 62447  
criminal records check of the applicant. If the waiver agency pays 62448  
the fee for an applicant, it may charge the applicant a fee not 62449  
exceeding the amount the waiver agency pays to the bureau under 62450  
this section if the waiver agency notifies the applicant at the 62451  
time of initial application for employment of the amount of the 62452  
fee and that, unless the fee is paid, the applicant will not be 62453  
considered for employment. 62454

(G)(1) A waiver agency may employ conditionally an applicant 62455  
for whom a criminal records check is required by this section 62456  
prior to obtaining the results of the criminal records check if 62457  
both of the following apply: 62458

(a) The waiver agency is not prohibited by division (C)(1) of 62459  
this section from employing the applicant in a position that 62460  
involves providing home and community-based services. 62461

(b) The chief administrator of the waiver agency requires the 62462  
applicant to request a criminal records check regarding the 62463  
applicant in accordance with division (F)(1) of this section not 62464  
later than five business days after the applicant begins 62465  
conditional employment. 62466

(2) A waiver agency that employs an applicant conditionally 62467  
under division (G)(1) of this section shall terminate the 62468  
applicant's employment if the results of the criminal records 62469  
check, other than the results of any request for information from 62470  
the federal bureau of investigation, are not obtained within the 62471  
period ending sixty days after the date the request for the 62472  
criminal records check is made. Regardless of when the results of 62473  
the criminal records check are obtained, if the results indicate 62474  
that the applicant has been convicted of or has pleaded guilty to 62475  
a disqualifying offense, the waiver agency shall terminate the 62476  
applicant's employment unless circumstances specified in rules 62477

authorized by this section exist that permit the waiver agency to 62478  
employ the applicant and the waiver agency chooses to employ the 62479  
applicant. 62480

(H) The report of any criminal records check conducted 62481  
pursuant to a request made under this section is not a public 62482  
record for the purposes of section 149.43 of the Revised Code and 62483  
shall not be made available to any person other than the 62484  
following: 62485

(1) The applicant or employee who is the subject of the 62486  
criminal records check or the representative of the applicant or 62487  
employee; 62488

(2) The chief administrator of the waiver agency that 62489  
requires the applicant or employee to request the criminal records 62490  
check or the administrator's representative; 62491

(3) The medicaid director and the staff of the department who 62492  
are involved in the administration of the medicaid program; 62493

(4) The director of aging or the director's designee if the 62494  
waiver agency also is a community-based long-term care provider or 62495  
community-based long-term care subcontractor; 62496

(5) An individual receiving or deciding whether to receive 62497  
home and community-based services from the subject of the criminal 62498  
records check; 62499

(6) A court, hearing officer, or other necessary individual 62500  
involved in a case dealing with any of the following: 62501

(a) A denial of employment of the applicant or employee; 62502

(b) Employment or unemployment benefits of the applicant or 62503  
employee; 62504

(c) A civil or criminal action regarding the medicaid 62505  
program. 62506

(I) The medicaid director shall adopt rules under section 62507

5164.02 of the Revised Code to implement this section. 62508

(1) The rules may do the following: 62509

(a) Require employees to undergo database reviews and 62510  
criminal records checks under this section; 62511

(b) If the rules require employees to undergo database 62512  
reviews and criminal records checks under this section, exempt one 62513  
or more classes of employees from the requirements; 62514

(c) For the purpose of division (E)(7) of this section, 62515  
specify other databases that are to be checked as part of a 62516  
database review conducted under this section. 62517

(2) The rules shall specify all of the following: 62518

(a) The procedures for conducting a database review under 62519  
this section; 62520

(b) If the rules require employees to undergo database 62521  
reviews and criminal records checks under this section, the times 62522  
at which the database reviews and criminal records checks are to 62523  
be conducted; 62524

(c) If the rules specify other databases to be checked as 62525  
part of a database review, the circumstances under which a waiver 62526  
agency is prohibited from employing an applicant or continuing to 62527  
employ an employee who is found by the database review to be 62528  
included in one or more of those databases; 62529

(d) The circumstances under which a waiver agency may employ 62530  
an applicant or employee who is found by a criminal records check 62531  
required by this section to have been convicted of or have pleaded 62532  
guilty to a disqualifying offense. 62533

(J) The amendments made by H.B. 487 of the 129th general 62534  
assembly to this section do not preclude the department of 62535  
medicaid from taking action against a person for failure to comply 62536  
with former division (H) of this section as that division existed 62537

on the day preceding January 1, 2013. 62538

**Sec. 5164.36.** (A) As used in this section: 62539

(1) "Credible allegation of fraud" has the same meaning as in 62540  
42 C.F.R. 455.2, except that for purposes of this section any 62541  
reference in that regulation to the "state" or the "state medicaid 62542  
agency" means the department of medicaid. 62543

(2) "Disqualifying indictment" means an indictment of a 62544  
medicaid provider or its officer, authorized agent, associate, 62545  
manager, employee, or, if the provider is a noninstitutional 62546  
provider, its owner, if either of the following applies: 62547

(a) The indictment charges the person with committing an act 62548  
to which both of the following apply: 62549

(i) The act would be a felony or misdemeanor under the laws 62550  
of this state or the jurisdiction within which the act occurred. 62551

(ii) The act relates to or results from furnishing or billing 62552  
for medicaid services under the medicaid program or relates to or 62553  
results from performing management or administrative services 62554  
relating to furnishing medicaid services under the medicaid 62555  
program. 62556

(b) If the medicaid provider is an independent provider, the 62557  
indictment charges the person with committing an act that would 62558  
constitute a disqualifying offense. 62559

(3) "Disqualifying offense" means any of the offenses listed 62560  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 62561  
the Revised Code. 62562

(4) "Independent provider" has the same meaning as in section 62563  
5164.341 of the Revised Code. 62564

(5) "Noninstitutional medicaid provider" means any person or 62565  
entity with a provider agreement other than a hospital, nursing 62566

facility, or ICF/IID. 62567

~~(6) "Owner" has the same meaning as in section 5164.37 of the~~ 62568  
Revised Code means any person having at least five per cent 62569  
ownership in a noninstitutional medicaid provider. 62570

(B)(1) Except as provided in division (C) of this section and 62571  
in rules authorized by this section, ~~on determining there is a~~ 62572  
~~credible allegation of fraud for which an investigation is pending~~ 62573  
~~under the medicaid program against a medicaid provider,~~ the 62574  
department of medicaid shall suspend the provider agreement held 62575  
by ~~the~~ a medicaid provider on determining either of the following: 62576

(a) There is a credible allegation of fraud against any of 62577  
the following for which an investigation is pending under the 62578  
medicaid program: 62579

(i) The medicaid provider; 62580

(ii) The medicaid provider's owner, officer, authorized 62581  
agent, associate, manager, or employee. 62582

(b) A disqualifying indictment has been issued against any of 62583  
the following: 62584

(i) The medicaid provider; 62585

(ii) The medicaid provider's officer, authorized agent, 62586  
associate, manager, or employee; 62587

(iii) If the medicaid provider is a noninstitutional 62588  
provider, its owner. Subject 62589

(2) Subject to division (C) of this section, the department 62590  
shall also ~~terminate~~ suspend all medicaid payments to ~~the~~ a 62591  
medicaid provider for services rendered, regardless of the date 62592  
that the services are rendered, when the department suspends the 62593  
provider's provider agreement under this section. 62594

~~(2)(a)(3)~~ (3) The suspension of a provider agreement shall 62595  
continue in effect until either of the following ~~is the case~~ 62596

occurs: 62597

~~(i) The (a) If the suspension is the result of a credible~~ 62598  
~~allegation of fraud, the~~ department or a prosecuting authority 62599  
determines that there is insufficient evidence of fraud by the 62600  
medicaid provider; 62601

~~(ii) The (b) Regardless of whether the suspension is the~~ 62602  
~~result of a credible allegation of fraud or a disqualifying~~ 62603  
~~indictment, the~~ proceedings in any related criminal case are 62604  
completed through dismissal of the indictment or through 62605  
conviction, entry of a guilty plea, or finding of not guilty. 62606

~~(b) If or, if~~ the department commences a process to terminate 62607  
the suspended provider agreement, ~~the suspension shall also~~ 62608  
~~continue in effect until~~ the termination process is concluded. 62609

~~(3)(4)(a) When subject to a suspension provider agreement is~~ 62610  
~~suspended~~ under this section, ~~a medicaid provider, owner, officer,~~ 62611  
~~authorized agent, associate, manager, or employee shall not own~~ 62612  
~~none of the following shall take, during the period of the~~ 62613  
~~suspension, any of the actions specified in division (B)(4)(b) of~~ 62614  
~~this section:~~ 62615

(i) The medicaid provider; 62616

(ii) If the suspension is the result of an action taken by an 62617  
officer, authorized agent, associate, manager, or employee of the 62618  
medicaid provider, that person; 62619

(iii) If the medicaid provider is a noninstitutional provider 62620  
and the suspension is the result of an action taken by the owner 62621  
of the provider, the owner. 62622

(b) The following are the actions that persons specified in 62623  
division (B)(4)(a) of this section cannot take during the 62624  
suspension of a provider agreement: 62625

(i) Own services provided, or provide services, to any other 62626

medicaid provider or risk contractor ~~or arrange;~~ 62627

(ii) Arrange for, render to, or order services to any other 62628  
medicaid provider or risk contractor ~~or arrange;~~ 62629

(iii) Arrange for, render to, or order services for medicaid 62630  
recipients ~~during the period of suspension. During the period of~~ 62631  
~~suspension, the provider, owner, officer, authorized agent,~~ 62632  
~~associate, manager, or employee shall not receive;~~ 62633

(iv) Receive direct payments under the medicaid program or 62634  
indirect payments of medicaid funds in the form of salary, shared 62635  
fees, contracts, kickbacks, or rebates from or through any other 62636  
medicaid provider or risk contractor. 62637

(C) The department shall not suspend a provider agreement or 62638  
~~terminate~~ medicaid payments under division (B) of this section if 62639  
the medicaid provider or, if the provider is a noninstitutional 62640  
provider, the owner can demonstrate through the submission of 62641  
written evidence that the provider or owner did not directly or 62642  
indirectly sanction the action of its authorized agent, associate, 62643  
manager, or employee that resulted in the credible allegation of 62644  
fraud or disqualifying indictment. 62645

(D) ~~The termination of medicaid payment under division (B) of~~ 62646  
~~this section applies only to payments for medicaid services~~ 62647  
~~rendered subsequent to the date on which the notice required by~~ 62648  
~~division (E) of this section is sent. Claims for payment of~~ 62649  
~~medicaid services rendered by the medicaid provider prior to the~~ 62650  
~~issuance of the notice may be subject to prepayment review~~ 62651  
~~procedures whereby the department reviews claims to determine~~ 62652  
~~whether they are supported by sufficient documentation, are in~~ 62653  
~~compliance with state and federal statutes and rules, and are~~ 62654  
~~otherwise complete.~~ 62655

(E) After suspending a provider agreement under division (B) 62656  
of this section, the department shall, ~~as specified in 42 C.F.R.~~ 62657

~~455.23(b)~~, send notice of the suspension to the affected medicaid provider or, if the provider is a noninstitutional provider, the owner in accordance with the following ~~timeframes~~ time frames:

(1) Not later than five days after the suspension, unless a law enforcement agency makes a written request to temporarily delay the notice;

(2) If a law enforcement agency makes a written request to temporarily delay the notice, not later than thirty days after the suspension occurs subject to the conditions specified in division ~~(F)~~(E) of this section.

~~(F)~~(E) A written request for a temporary delay described in division ~~(E)~~(D)(2) of this section may be renewed in writing by a law enforcement agency not more than two times except that under no circumstances shall the notice be issued more than ninety days after the suspension occurs.

~~(G)~~(F) The notice required by division ~~(E)~~(D) of this section shall do all of the following:

(1) State that payments are being suspended in accordance with this section and 42 C.F.R. 455.23;

(2) Set forth the general allegations related to the nature of the conduct leading to the suspension, except that it is not necessary to disclose any specific information concerning an ongoing investigation;

(3) State that the suspension continues to be in effect until either of the ~~following is the case~~:

~~(a) The department or a prosecuting authority determines that there is insufficient evidence of fraud by the provider;~~

~~(b) The proceedings in any related criminal case are completed through dismissal of the indictment or through conviction, entry of a guilty plea, or finding of not guilty and,~~

~~if the department commences a process to terminate the suspended  
provider agreement, until the termination process is concluded.  
circumstances specified in division (B)(3) of this section occur;~~ 62688  
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(4) Specify, if applicable, the type or types of medicaid 62691  
claims or business units of the medicaid provider that are 62692  
affected by the suspension; 62693

(5) Inform the medicaid provider or owner of the opportunity 62694  
to submit to the department, not later than thirty days after 62695  
receiving the notice, a request for reconsideration of the 62696  
suspension in accordance with division ~~(H)~~(G) of this section. 62697

~~(H)~~(G)(1) Pursuant to the procedure specified in division 62698  
~~(H)~~(G)(2) of this section, a medicaid provider ~~or owner~~ subject to 62699  
a suspension under this section or, if the provider is a 62700  
noninstitutional provider, the owner may request a reconsideration 62701  
of the suspension. The request shall be made not later than thirty 62702  
days after receipt of a notice required by division ~~(E)~~(D) of this 62703  
section. The reconsideration is not subject to an adjudication 62704  
hearing pursuant to Chapter 119. of the Revised Code. 62705

(2) In requesting a reconsideration, the medicaid provider or 62706  
owner shall submit written information and documents to the 62707  
department. The information and documents may pertain to any of 62708  
the following issues: 62709

(a) Whether the determination to suspend the provider 62710  
agreement was based on a mistake of fact, other than the validity 62711  
of an indictment in a related criminal case. 62712

(b) If there has been an indictment in a related criminal 62713  
case, whether ~~any offense charged in the indictment resulted from~~ 62714  
~~an offense specified in division (E) of section 5164.37 of the~~ 62715  
~~Revised Code~~ is a disqualifying indictment. 62716

(c) Whether the provider or owner can demonstrate that the 62717  
provider or owner did not directly or indirectly sanction the 62718

action of its authorized agent, associate, manager, or employee 62719  
that resulted in the suspension under this section or an 62720  
indictment in a related criminal case. 62721

~~(I)~~(H) The department shall review the information and 62722  
documents submitted in a request made under division ~~(H)~~(G) of 62723  
this section for reconsideration of a suspension. After the 62724  
review, the suspension may be affirmed, reversed, or modified, in 62725  
whole or in part. The department shall notify the affected 62726  
provider or owner of the results of the review. The review and 62727  
notification of its results shall be completed not later than 62728  
forty-five days after receiving the information and documents 62729  
submitted in a request for reconsideration. 62730

~~(J)~~(I) Rules adopted under section 5164.02 of the Revised 62731  
Code may specify circumstances under which the department would 62732  
not suspend a provider agreement pursuant to this section. 62733

**Sec. 5164.37.** (A) The department of medicaid may suspend a 62734  
medicaid provider's provider agreement without prior notice if the 62735  
department has evidence that the provider presents a danger of 62736  
immediate and serious harm to the health, safety, or welfare of 62737  
medicaid recipients. The department also shall suspend all 62738  
medicaid payments to the medicaid provider for services rendered, 62739  
regardless of the date that the services were rendered, when the 62740  
department suspends the provider agreement under this section. 62741

(B) If the department suspends a medicaid provider's provider 62742  
agreement under this section, the department shall do both of the 62743  
following: 62744

(1) Not later than five days after suspending the provider 62745  
agreement, notify the medicaid provider of the suspension; 62746

(2) Not later than ten business days after suspending the 62747  
provider agreement, notify the medicaid provider that the 62748

department intends to terminate the provider agreement. 62749

(C) The notice that the department provides to a medicaid provider under division (B)(2) of this section shall include the allegation that the provider presents a danger of immediate and serious harm to the health, safety, or welfare of medicaid recipients. It may also include other grounds for terminating the provider agreement. Section 5164.38 of the Revised Code applies to the termination of the provider agreement. 62750  
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(D) The suspension of a medicaid provider's provider agreement and medicaid payments shall cease at the earliest of the following: 62757  
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(1) The department's failure to provide a notice required by division (B) of this section by the time specified in that division; 62760  
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(2) The department rescinds its notice to terminate the provider agreement. 62763  
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(3) The department issues an order regarding the termination of the provider agreement pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code. 62765  
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(E) This section does not limit the department's authority to suspend or terminate a provider agreement or medicaid payments to a medicaid provider under any other provision of the Revised Code. 62768  
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**Sec. 5164.38.** (A) As used in this section: 62771

(1) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code. 62772  
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(2) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code. 62774  
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(B) This section does not apply to either of the following:	62778
(1) Any action taken or decision made by the department of medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section 5167.10 of the Revised Code;	62779 62780 62781 62782
(2) Any action taken by the department under division (D)(2) of section 5124.60, division (D)(1) or (2) of section 5124.61, or sections 5165.60 to 5165.89 of the Revised Code.	62783 62784 62785
(C) Except as provided in division (E) of this section and section 5164.58 of the Revised Code, the department shall do any of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code:	62786 62787 62788 62789
(1) Refuse to enter into a provider agreement with a medicaid provider;	62790 62791
(2) Refuse to revalidate a medicaid provider's provider agreement;	62792 62793
(3) Suspend or terminate a medicaid provider's provider agreement;	62794 62795
(4) Take any action based upon a final fiscal audit of a medicaid provider;	62796 62797
<u>(5) Reduce a hospital emergency department's medicaid payment rates pursuant to division (B) of section 5164.722 of the Revised Code.</u>	62798 62799 62800
(D) Any party who is adversely affected by the issuance of an adjudication order under division (C) of this section may appeal to the court of common pleas of Franklin county in accordance with section 119.12 of the Revised Code.	62801 62802 62803 62804
(E) The department is not required to comply with division (C)(1), (2), or (3) of this section whenever any of the following occur:	62805 62806 62807

(1) The terms of a provider agreement require the medicaid provider to hold a license, permit, or certificate or maintain a certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the license, permit, certificate, or certification has been denied, revoked, not renewed, suspended, or otherwise limited.

(2) The terms of a provider agreement require the medicaid provider to hold a license, permit, or certificate or maintain certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the provider has not obtained the license, permit, certificate, or certification.

(3) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is terminated or not revalidated, because of or pursuant to any of the following:

(a) The termination, refusal to renew, or denial of a license, permit, certificate, or certification by an official, board, commission, department, division, bureau, or other agency of this state other than the department of medicaid, notwithstanding the fact that the provider may hold a license, permit, certificate, or certification from an official, board, commission, department, division, bureau, or other agency of another state;

(b) Division (D) or (E) of section 5164.35 of the Revised Code;

(c) The provider's termination, suspension, or exclusion from the medicare program or from another state's medicaid program and, in either case, the termination, suspension, or exclusion is

binding on the provider's participation in the medicaid program in 62839  
this state; 62840

(d) The provider's pleading guilty to or being convicted of a 62841  
criminal activity materially related to either the medicare or 62842  
medicaid program; 62843

(e) The provider or its owner, officer, authorized agent, 62844  
associate, manager, or employee having been convicted of one of 62845  
the offenses that caused the provider's provider agreement to be 62846  
suspended pursuant to section 5164.36 of the Revised Code; 62847

(f) The provider's failure to provide the department the 62848  
national provider identifier assigned the provider by the national 62849  
provider system pursuant to 45 C.F.R. 162.408. 62850

(4) The medicaid provider's application for a provider 62851  
agreement is denied, or the provider's provider agreement is 62852  
terminated or suspended, as a result of action by the United 62853  
States department of health and human services and that action is 62854  
binding on the provider's medicaid participation. 62855

(5) ~~Pursuant to either section 5164.36 or 5164.37 of the~~ 62856  
~~Revised Code, the~~ The medicaid provider's provider agreement ~~is~~ 62857  
~~and medicaid payments to the provider are suspended and payments~~ 62858  
~~to the provider are suspended pending indictment of the provider~~ 62859  
under section 5164.36 or 5164.37 of the Revised Code. 62860

(6) The medicaid provider's application for a provider 62861  
agreement is denied because the provider's application was not 62862  
complete; 62863

(7) The medicaid provider's provider agreement is converted 62864  
under section 5164.32 of the Revised Code from a provider 62865  
agreement that is not time-limited to a provider agreement that is 62866  
time-limited. 62867

(8) Unless the medicaid provider is a nursing facility or 62868

ICF/IID, the provider's provider agreement is not revalidated 62869  
pursuant to division (B)(1) of section 5164.32 of the Revised 62870  
Code. 62871

(9) The medicaid provider's provider agreement is suspended, 62872  
terminated, or not revalidated because of either of the following: 62873

(a) Any reason authorized or required by one or more of the 62874  
following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 62875  
455.450; 62876

(b) The provider has not billed or otherwise submitted a 62877  
medicaid claim for two years or longer. 62878

(F) In the case of a medicaid provider described in division 62879  
(E)(3)(f), (6), (7), or (9)(b) of this section, the department may 62880  
take its action by sending a notice explaining the action to the 62881  
provider. The notice shall be sent to the medicaid provider's 62882  
address on record with the department. The notice may be sent by 62883  
regular mail. 62884

(G) The department may withhold payments for medicaid 62885  
services rendered by a medicaid provider during the pendency of 62886  
proceedings initiated under division (C)(1), (2), or (3) of this 62887  
section. If the proceedings are initiated under division (C)(4) of 62888  
this section, the department may withhold payments only to the 62889  
extent that they equal amounts determined in a final fiscal audit 62890  
as being due the state. This division does not apply if the 62891  
department fails to comply with section 119.07 of the Revised 62892  
Code, requests a continuance of the hearing, or does not issue a 62893  
decision within thirty days after the hearing is completed. This 62894  
division does not apply to nursing facilities and ICFs/IID. 62895

Sec. 5164.65. The medicaid program shall comply with Chapter 62896  
3962. of the Revised Code as if it were a health plan issuer. This 62897  
requirement extends to medicaid managed care organizations. 62898

Sec. 5164.722. (A) If a hospital emergency department provides to a medicaid recipient medicaid services that are beyond those needed to comply with section 1867 of the "Social Security Act," 42 U.S.C. 1395dd, the medicaid payment rates for the medicaid services shall not exceed the medicaid payment rates that would be paid had the medicaid services been provided in the most appropriate health care setting. The department of medicaid or its designee shall determine what would have been the most appropriate health care setting for the purpose of this section. 62899  
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(B) The department of medicaid shall conduct final fiscal audits of hospital emergency departments under section 5164.55 of the Revised Code to ensure that medicaid payments to hospital emergency departments do not exceed the limits established by this section. If a hospital emergency department does not cooperate with such an audit, the department may reduce for up to five years the medicaid payment rates for medicaid services the hospital emergency department provides. The amount of such a reduction shall not exceed fifty per cent of the amount that otherwise would have been paid. 62908  
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Sec. 5164.723. (A) If a federally-qualified health center is located on the same campus as a hospital emergency department and the center provides medicaid services to a medicaid recipient referred to the center by the hospital emergency department, the medicaid payment rate for the medicaid services the center provides to the recipient at that visit shall equal the following: 62918  
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(1) For the five-year period specified in division (B) of this section, the center's medicaid payment rate for the medicaid services plus the emergency room facility fee established in rules adopted under section 5164.02 of the Revised Code that the hospital emergency department would have been paid had the hospital emergency department provided the medicaid services to 62924  
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the recipient; 62930

(2) For the five-year period immediately following the 62931  
five-year period specified in division (B) of this section, the 62932  
center's medicaid payment rate for the medicaid services plus 62933  
fifty per cent of the emergency room facility fee described in 62934  
division (A)(1) of this section. 62935

(B) The five-year period to which division (A)(1) of this 62936  
section applies is the following: 62937

(1) If the federally-qualified health center participates in 62938  
the medicaid program on the effective date of this section, the 62939  
five-year period beginning on that date; 62940

(2) If the federally-qualified health center begins to 62941  
participate in the medicaid program after the effective date of 62942  
this section, the five-year period beginning on the date the 62943  
center begins to participate in the medicaid program. 62944

**Sec. 5164.724.** The medicaid director shall adopt performance 62945  
indicators to measure the quality of services provided by 62946  
hospitals that are registered with the department of health under 62947  
section 3701.07 of the Revised Code and classified pursuant to 62948  
rules adopted under that section as children's hospitals. Each 62949  
children's hospital shall submit a report annually to the 62950  
department of medicaid on each of the performance indicators. The 62951  
first report shall be submitted not later than January 1, 2021. 62952

**Sec. 5164.7510.** (A) There is hereby established the pharmacy 62953  
and therapeutics committee of the department of medicaid. The 62954  
committee shall assist the department with developing and 62955  
maintaining a preferred drug list for the medicaid program. 62956

The committee shall review and recommend to the medicaid 62957  
director the drugs that should be included on the preferred drug 62958  
list. The recommendations shall be made based on the evaluation of 62959

competent evidence regarding the relative safety, efficacy, and 62960  
effectiveness of prescribed drugs within a class or classes of 62961  
prescribed drugs. 62962

(B) The committee shall consist of ten members and shall be 62963  
appointed by the medicaid director. The director shall seek 62964  
recommendations for membership from relevant professional 62965  
organizations. A candidate for membership recommended by a 62966  
professional organization shall have professional experience 62967  
working with medicaid recipients. 62968

The membership of the committee shall include: 62969

(1) Three pharmacists licensed under Chapter 4729. of the 62970  
Revised Code; 62971

(2) Two doctors of medicine and two doctors of osteopathy who 62972  
hold ~~certificates to practice~~ licenses issued under Chapter 4731. 62973  
of the Revised Code, one of whom is a family practice physician; 62974

(3) A registered nurse licensed under Chapter 4723. of the 62975  
Revised Code; 62976

(4) A pharmacologist who has a doctoral degree; 62977

(5) A psychiatrist who holds a certificate to practice issued 62978  
under Chapter 4731. of the Revised Code and specializes in 62979  
psychiatry. 62980

(C) The committee shall elect from among its members a 62981  
chairperson. Five committee members constitute a quorum. 62982

The committee shall establish guidelines necessary for the 62983  
committee's operation. 62984

The committee may establish one or more subcommittees to 62985  
investigate and analyze issues consistent with the duties of the 62986  
committee under this section. The subcommittees may submit 62987  
proposals regarding the issues to the committee and the committee 62988  
may adopt, reject, or modify the proposals. 62989

A vote by a majority of a quorum is necessary to make 62990  
recommendations to the director. In the case of a tie, the 62991  
chairperson shall decide the outcome. 62992

(D) The director shall act on the committee's recommendations 62993  
not later than thirty days after the recommendation is posted on 62994  
the department's web site under division (F) of this section. If 62995  
the director does not accept a recommendation of the committee, 62996  
the director shall present the basis for this determination not 62997  
later than fourteen days after making the determination or at the 62998  
next scheduled meeting of the committee, whichever is sooner. 62999

(E) An interested party may request, and shall be permitted, 63000  
to make a presentation or submit written materials to the 63001  
committee during a committee meeting. The presentation or other 63002  
materials shall be relevant to an issue under consideration by the 63003  
committee and any written material, including a transcript of 63004  
testimony to be given on the day of the meeting, may be submitted 63005  
to the committee in advance of the meeting. 63006

(F) The department shall post the following on the 63007  
department's web site: 63008

(1) Guidelines established by the committee under division 63009  
(C) of this section; 63010

(2) A detailed committee agenda not later than fourteen days 63011  
prior to the date of a regularly scheduled meeting and not later 63012  
than seventy-two hours prior to the date of a special meeting 63013  
called by the committee; 63014

(3) Committee recommendations not later than seven days after 63015  
the meeting at which the recommendation was approved; 63016

(4) The director's final determination as to the 63017  
recommendations made by the committee under this section. 63018

**Sec. 5164.91. (A)** The medicaid director may implement a 63019

demonstration project called the integrated care delivery system 63020  
to test and evaluate the integration of the care that dual 63021  
eligible individuals receive under medicare and medicaid. No 63022  
provision of Title LI of the Revised Code applies to the 63023  
integrated care delivery system if that provision implements or 63024  
incorporates a provision of federal law governing medicaid and 63025  
that provision of federal law does not apply to the system. 63026

(B) The director shall create a standardized claim form and 63027  
standardized claim codes for the integrated care delivery system. 63028  
The forms and codes shall allow a medical provider that renders a 63029  
medically necessary health care service under the integrated care 63030  
delivery system to use the same claim forms and codes for that 63031  
service, regardless of the payor. 63032

Any claim for a medically necessary service that is properly 63033  
submitted using the standardized claim form and claim codes shall 63034  
be considered a clean claim and shall be paid by the department or 63035  
its designee not later than thirty days from the date the claim is 63036  
submitted. If the department or its designee fails to pay the 63037  
claim within thirty-five calendar days, it shall pay interest on 63038  
the claim equal to one per cent per month calculated from the 63039  
expiration of the thirty-five-day period. Interest shall accrue 63040  
until the claim and interest are paid in full to the provider. 63041

**Sec. 5165.15.** Except as otherwise provided by sections 63042  
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 63043  
per medicaid day payment rate that the department of medicaid 63044  
shall pay a nursing facility provider for nursing facility 63045  
services the provider's nursing facility provides during a state 63046  
fiscal year shall be determined as follows: 63047

(A) Determine the sum of all of the following: 63048

(1) The per medicaid day payment rate for ancillary and 63049

support costs determined for the nursing facility under section 63050  
5165.16 of the Revised Code; 63051

(2) The per medicaid day payment rate for capital costs 63052  
determined for the nursing facility under section 5165.17 of the 63053  
Revised Code; 63054

(3) The per medicaid day payment rate for direct care costs 63055  
determined for the nursing facility under section 5165.19 of the 63056  
Revised Code; 63057

(4) The per medicaid day payment rate for tax costs 63058  
determined for the nursing facility under section 5165.21 of the 63059  
Revised Code; 63060

(5) If the nursing facility qualifies as a critical access 63061  
nursing facility, the nursing facility's critical access incentive 63062  
payment paid under section 5165.23 of the Revised Code. 63063

(B) To the sum determined under division (A) of this section, 63064  
add the following: 63065

(1) For state fiscal years 2018 and 2019, sixteen dollars and 63066  
forty-four cents; 63067

(2) For state fiscal year 2020 and, except as provided in 63068  
division (B)(3) of this section, each state fiscal year 63069  
thereafter, the sum of the following: 63070

(a) The amount specified or determined for the purpose of 63071  
division (B) of this section for the immediately preceding state 63072  
fiscal year; 63073

(b) The difference between the following: 63074

(i) The medicare skilled nursing facility market basket index 63075  
determined for the federal fiscal year that begins during the 63076  
state fiscal year immediately preceding the state fiscal year for 63077  
which the determination is being made under division (B) of this 63078  
section; 63079

(ii) The budget reduction adjustment factor for the state 63080  
fiscal year for which the determination is being made under 63081  
division (B) of this section. 63082

(3) For the first state fiscal year in a group of consecutive 63083  
state fiscal years for which a rebasing is conducted after state 63084  
fiscal year 2020, the amount specified or determined for the 63085  
purpose of division (B) of this section for the immediately 63086  
preceding state fiscal year. 63087

(C) From the sum determined under division (B) of this 63088  
section, subtract one dollar and seventy-nine cents. 63089

(D) To the difference determined under division (C) of this 63090  
section, add the per medicaid day quality payment rate determined 63091  
for the nursing facility under section 5165.25 of the Revised 63092  
Code. 63093

(E) To the sum determined under division (D) of this section, 63094  
add, for the second half of state fiscal year 2020 and all of each 63095  
state fiscal year thereafter, the per medicaid day quality 63096  
incentive payment rate determined for the nursing facility under 63097  
section 5165.26 of the Revised Code. 63098

**Sec. 5165.152.** The total per medicaid day payment rate 63099  
determined under section 5165.15 of the Revised Code shall not be 63100  
paid for nursing facility services provided to low resource 63101  
utilization residents. Instead, the total rate for such nursing 63102  
facility services shall be ~~the following:~~ 63103

~~(A) One one hundred fifteen dollars per medicaid day if the~~ 63104  
~~department of medicaid is satisfied that the nursing facility's~~ 63105  
~~provider is cooperating with the long term care ombudsman program~~ 63106  
~~in efforts to help the nursing facility's low resource utilization~~ 63107  
~~residents receive the services that are most appropriate for such~~ 63108  
~~residents' level of care needs;~~ 63109

~~(B) Ninety one dollars and seventy cents per medicaid day if  
division (A) of this section does not apply to the nursing  
facility.~~ 63110  
63111  
63112

**Sec. 5165.25.** (A) As used in this section: 63113

(1) "Long-stay resident" means an individual who has resided 63114  
in a nursing facility for at least one hundred one days. 63115

(2) "Measurement period" means the ~~following:~~ 63116

~~(a) For state fiscal year 2017, the period beginning July 1,  
2015, and ending December 31, 2015;~~ 63117  
63118

~~(b) For each subsequent state fiscal year, the calendar year  
immediately preceding the calendar year in which ~~the~~ a state  
fiscal year begins.~~ 63119  
63120  
63121

(3) "Nurse aide" has the same meaning as in section 3721.21 63122  
of the Revised Code. 63123

(4) "Short-stay resident" means a nursing facility resident 63124  
who is not a long-stay resident. 63125

(B)(1) Using all of the funds made available for a state 63126  
fiscal year by the rate reductions under division (C) of section 63127  
5165.15 of the Revised Code, the department of medicaid shall 63128  
determine a per medicaid day quality payment rate to be paid for 63129  
that state fiscal year to each nursing facility that meets at 63130  
least one of the quality indicators specified in division (B)(2) 63131  
of this section ~~for the measurement period~~. The largest quality 63132  
payment rate for a state fiscal year shall be paid to nursing 63133  
facilities that meet all of the quality indicators ~~for the~~ 63134  
~~measurement period~~. 63135

(2) The following are the quality indicators to be used for 63136  
the purpose of division (B)(1) of this section: 63137

(a) Not more than the target percentage of the nursing 63138

facility's short-stay residents had new or worsened pressure  
ulcers for the measurement period. 63139  
63140

(b) Not more than the target percentage of long-stay  
residents at high risk for pressure ulcers had pressure ulcers for  
the measurement period. 63141  
63142  
63143

(c) Not more than the target percentage of the nursing  
facility's short-stay residents newly received an antipsychotic  
medication for the measurement period. 63144  
63145  
63146

(d) Not more than the target percentage of the nursing  
facility's long-stay residents received an antipsychotic  
medication for the measurement period. 63147  
63148  
63149

(e) Not more than the target percentage of the nursing  
facility's long-stay residents had an unplanned weight loss for  
the measurement period. 63150  
63151  
63152

(f) The nursing facility's employee retention rate is at  
least the target rate for the measurement period. 63153  
63154

(g) The nursing facility ~~utilized the nursing home version of~~  
~~the preferences for everyday living inventory for all of its~~  
~~residents~~ obtained at least the target score on the following: 63155  
63156  
63157

(i) For an even-numbered state fiscal year, the department of  
aging's most recently published resident satisfaction survey  
conducted pursuant to section 173.47 of the Revised Code; 63158  
63159  
63160

(ii) For an odd-numbered state fiscal year, the department of  
aging's most recently published family satisfaction survey  
conducted pursuant to section 173.47 of the Revised Code. 63161  
63162  
63163

(3) The department shall specify the target percentage for  
the purpose of divisions (B)(2)(a) to (e) of this section at the  
fortieth percentile of nursing facilities that have data for the  
quality indicators. The department also shall specify the target  
rate for the purpose of division (B)(2)(f) of this section and the 63164  
63165  
63166  
63167  
63168

~~target score for the purpose of division (B)(2)(g) of this section. In determining whether a nursing facility meets the quality indicators specified in divisions (B)(2)(c) and (d) of this section, the department shall exclude from consideration the following:~~

~~(a) In the case of the quality indicator specified in division (B)(2)(c) of this section, all of the nursing facility's short stay residents who newly received an antipsychotic medication in conjunction with hospice care;~~

~~(b) In the case of the quality indicator specified in division (B)(2)(d) of this section, all of the nursing facility's long stay residents who received antipsychotic medication in conjunction with hospice care.~~

(C) If a nursing facility undergoes a change of operator during a state fiscal year, the per medicaid day quality payment rate to be paid to the entering operator for nursing facility services that the nursing facility provides during the period beginning on the effective date of the change of operator and ending on the last day of the state fiscal year shall be the same amount as the per medicaid day quality payment rate that was in effect on the day immediately preceding the effective date of the change of operator and paid to the nursing facility's exiting operator. For the immediately following state fiscal year, the per medicaid day quality payment rate shall be ~~the following:~~

~~(1) If the effective date of the change of operator is on or before the first day of October of the calendar year immediately preceding the state fiscal year, the amount determined for the nursing facility in accordance with division (B) of this section for the state fiscal year;~~

~~(2) If the effective date of the change of operator is after the first day of October of the calendar year immediately~~

~~preceding the state fiscal year, the mean per medicaid day quality~~ 63200  
~~payment rate for all nursing facilities for the state fiscal year.~~ 63201

Sec. 5165.26. (A) As used in this section: 63202

(1) "Base rate" means the portion of a nursing facility's 63203  
total per medicaid day payment rate determined under division (A) 63204  
of section 5165.15 of the Revised Code. 63205

(2) "CMS" means the United States centers for medicare and 63206  
medicaid services. 63207

(3) "Long-stay resident" and "measurement period" have the 63208  
same meanings as in section 5165.25 of the Revised Code. 63209

(B) For the second half of with state fiscal year 2020 and 63210  
all of each state fiscal year thereafter, and subject to divisions 63211  
(D) and (E) of this section, the department of medicaid shall 63212  
determine each nursing facility's per medicaid day quality 63213  
incentive payment rate as follows: 63214

(1) Determine the sum of the quality scores determined under 63215  
division (C) of this section for all nursing facilities. 63216

(2) Determine the average quality score by dividing the sum 63217  
determined under division (B)(1) of this section by the number of 63218  
nursing facilities for which a quality score was determined. 63219

(3) Determine the following: 63220

(a) For the second half of state fiscal year 2020, the sum of 63221  
the total number of medicaid days for the second half of calendar 63222  
year 2018 for all nursing facilities for which a quality score was 63223  
determined; 63224

(b) For all of state fiscal year 2021 and each state fiscal 63225  
year thereafter, the sum of the total number of medicaid days for 63226  
the measurement period applicable to the state fiscal year for all 63227  
nursing facilities for which a quality score was determined. 63228

<u>(4) Multiply the average quality score determined under</u>	63229
<u>division (B)(2) of this section by the sum determined under</u>	63230
<u>division (B)(3) of this section.</u>	63231
<u>(5) Determine the value per quality point by determining the</u>	63232
<u>quotient of the following:</u>	63233
<u>(a) The following:</u>	63234
<u>(i) For the second half of state fiscal year 2020, the sum</u>	63235
<u>determined under division (E)(1)(b) of this section;</u>	63236
<u>(ii) For all of state fiscal year 2021 and each state fiscal</u>	63237
<u>year thereafter, the sum determined under division (E)(2)(b) of</u>	63238
<u>this section.</u>	63239
<u>(b) The product determined under division (B)(4) of this</u>	63240
<u>section.</u>	63241
<u>(6) Multiply the value per quality point determined under</u>	63242
<u>division (B)(5) of this section by the nursing facility's quality</u>	63243
<u>score determined under division (C) of this section.</u>	63244
<u>(C)(1) Except as provided in divisions (C)(2) and (3) of this</u>	63245
<u>section, a nursing facility's quality score for a state fiscal</u>	63246
<u>year shall be the sum of the total number of points that CMS</u>	63247
<u>assigned to the nursing facility under CMS's nursing facility</u>	63248
<u>five-star quality rating system for the following quality metrics:</u>	63249
<u>(a) The percentage of the nursing facility's long-stay</u>	63250
<u>residents at high risk for pressure ulcers who had pressure ulcers</u>	63251
<u>during the measurement period;</u>	63252
<u>(b) The percentage of the nursing facility's long-stay</u>	63253
<u>residents who had a urinary tract infection during the measurement</u>	63254
<u>period;</u>	63255
<u>(c) The percentage of the nursing facility's long-stay</u>	63256
<u>residents whose ability to move independently worsened during the</u>	63257
<u>measurement period;</u>	63258

(d) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder during the measurement period. 63259  
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63261

(2) In determining a nursing facility's quality score for a state fiscal year, the department shall make the following adjustment to the number of points that CMS assigned to the nursing facility for each of the quality metrics specified in division (C)(1) of this section: 63262  
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63264  
63265  
63266

(a) Unless division (C)(2)(b) of this section applies, divide the number of the nursing facility's points for the quality metric by twenty. 63267  
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63269

(b) If CMS assigned the nursing facility to the lowest percentile for the quality metric, reduce the number of the nursing facility's points for the quality metric to zero. 63270  
63271  
63272

(3) A nursing facility's quality score shall be zero for a state fiscal year if it is not to receive a quality incentive payment for that state fiscal year because of division (D) of this section. 63273  
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63275  
63276

(D)(1) A nursing facility shall not receive a quality incentive payment for a state fiscal year if the following applies: 63277  
63278  
63279

(a) In the case of the quality incentive payment to be paid for the second half of state fiscal year 2020, the nursing facility's licensed occupancy percentage is less than eighty per cent; 63280  
63281  
63282  
63283

(b) In the case of the quality incentive payment to be paid for all of state fiscal year 2021 and each state fiscal year thereafter, the nursing facility's licensed occupancy percentage is less than the statewide average licensed occupancy percentage. 63284  
63285  
63286  
63287

(2) A nursing facility's licensed occupancy percentage for a 63288

state fiscal year shall be determined as follows: 63289

(a) Multiply the nursing facility's licensed capacity on the last day of the measurement period applicable to the state fiscal year by the number of days in that measurement period; 63290  
63291  
63292

(b) Divide the product determined under division (D)(2)(a) of this section by the number of the nursing facility's inpatient days for the measurement period applicable to the state fiscal year. 63293  
63294  
63295  
63296

(E) The total amount to be spent on quality incentive payments for a state fiscal year shall be the following: 63297  
63298

(1) For the second half of state fiscal year 2020, the amount determined as follows: 63299  
63300

(a) Determine the following amount for each nursing facility, including those that do not receive a quality incentive payment because of division (D) of this section: 63301  
63302  
63303

(i) The amount that is two and four-tenths per cent of the nursing facility's base rate for nursing facility services provided on January 1, 2020; 63304  
63305  
63306

(ii) Multiply the amount determined under division (E)(1)(a)(i) of this section by the number of the nursing facility's medicaid days for the second half of calendar year 2018. 63307  
63308  
63309  
63310

(b) Determine the sum of the products determined under division (E)(1)(a)(ii) of this section for all nursing facilities for which the product was determined for the second half of state fiscal year 2020. 63311  
63312  
63313  
63314

(2) For all of state fiscal year 2021 and each state fiscal year thereafter, the amount determined as follows: 63315  
63316

(a) Determine the following amount for each nursing facility, including those that do not receive a quality incentive payment 63317  
63318

because of division (D) of this section: 63319

(i) The amount that is two and four-tenths per cent of the 63320  
nursing facility's base rate for nursing facility services 63321  
provided on the first day of the state fiscal year; 63322

(ii) Multiply the amount determined under division 63323  
(E)(2)(a)(i) of this section by the number of the nursing 63324  
facility's medicaid days for the measurement period applicable to 63325  
the state fiscal year. 63326

(b) Determine the sum of the products determined under 63327  
division (E)(2)(a)(ii) of this section for all nursing facilities 63328  
for which the product was determined for the state fiscal year. 63329

**Sec. 5166.01.** As used in this chapter: 63330

"209(b) option" means the option described in section 1902(f) 63331  
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 63332  
medicaid program's eligibility requirements for aged, blind, and 63333  
disabled individuals are more restrictive than the eligibility 63334  
requirements for the supplemental security income program. 63335

"Administrative agency" means, with respect to a home and 63336  
community-based services medicaid waiver component, the department 63337  
of medicaid or, if a state agency or political subdivision 63338  
contracts with the department under section 5162.35 of the Revised 63339  
Code to administer the component, that state agency or political 63340  
subdivision. 63341

"Care management system" ~~means the system established under~~ 63342  
has the same meaning as in section 5167.03 5167.01 of the Revised 63343  
Code. 63344

"Dual eligible individual" has the same meaning as in section 63345  
5160.01 of the Revised Code. 63346

"Enrollee" has the same meaning as in section 5167.01 of the 63347  
Revised Code. 63348

"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code. 63349  
63350

"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code. 63351  
63352

"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services. 63353  
63354  
63355  
63356

"Hospital" has the same meaning as in section 3727.01 of the Revised Code. 63357  
63358

"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code. 63359  
63360

"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code. 63361  
63362

"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code. 63363  
63364

"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code. 63365  
63366

"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component. 63367  
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"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code. 63373  
63374

"Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code. 63375  
63376

"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 63377  
63378

"Medicaid services" has the same meaning as in section 63379  
5164.01 of the Revised Code. 63380

"Medicaid waiver component" means a component of the medicaid 63381  
program authorized by a waiver granted by the United States 63382  
department of health and human services under the "Social Security 63383  
Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid 63384  
waiver component" does not include ~~a~~ the care management system 63385  
~~established under section 5167.03 of the Revised Code.~~ 63386

"Medically fragile child" means an individual who is under 63387  
eighteen years of age, has intensive health care needs, and is 63388  
considered blind or disabled under section 1614(a)(2) or (3) of 63389  
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 63390

"Nursing facility" and "nursing facility services" have the 63391  
same meanings as in section 5165.01 of the Revised Code. 63392

"Ohio home care waiver program" means the home and 63393  
community-based services medicaid waiver component that is known 63394  
as Ohio home care and was created pursuant to section 5166.11 of 63395  
the Revised Code. 63396

"Provider agreement" has the same meaning as in section 63397  
5164.01 of the Revised Code. 63398

"Residential treatment facility" means a residential facility 63399  
licensed by the department of mental health and addiction services 63400  
under section 5119.34 of the Revised Code, or an institution 63401  
certified by the department of job and family services under 63402  
section 5103.03 of the Revised Code, that serves children and 63403  
either has more than sixteen beds or is part of a campus of 63404  
multiple facilities or institutions that, combined, have a total 63405  
of more than sixteen beds. 63406

"Skilled nursing facility" has the same meaning as in section 63407  
5165.01 of the Revised Code. 63408

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code.

**Sec. 5166.04.** The following requirements apply to each home and community-based services medicaid waiver component:

(A) Only an individual who qualifies for a component shall receive that component's medicaid services.

(B) A level of care determination shall be made as part of the process of determining whether an individual qualifies for a component and shall be made each year after the initial determination if, during such a subsequent year, the administrative agency determines there is a reasonable indication that the individual's needs have changed.

(C) A written plan of care or individual service plan based on an individual assessment of the medicaid services that an individual needs to avoid needing admission to a hospital, nursing facility, or ICF/IID shall be created for each individual determined eligible for a component.

(D) Each individual determined eligible for a component shall receive that component's medicaid services in accordance with the individual's level of care determination and written plan of care or individual service plan.

(E) No individual may receive medicaid services under a component while the individual is a hospital inpatient or resident of a skilled nursing facility, nursing facility, or ICF/IID.

(F) No individual may receive prevocational, educational, or supported employment services under a component if the individual is eligible for such services that are funded with federal funds provided under 29 U.S.C. 730 or the "Individuals with Disabilities Education Act," 111 Stat. 37 (1997), 20 U.S.C. 1400, as amended.

(G) Safeguards shall be taken to protect the health and 63439  
welfare of individuals receiving medicaid services under a 63440  
component, including safeguards established in rules adopted under 63441  
section 5166.02 of the Revised Code and safeguards established by 63442  
licensing and certification requirements that are applicable to 63443  
the providers of that component's medicaid services. 63444

(H) No medicaid services may be provided under a component by 63445  
a provider that is subject to standards that the "Social Security 63446  
Act," section 1616(e)(1), 42 U.S.C. 1382e(e)(1), requires be 63447  
established if the provider fails to comply with the standards 63448  
applicable to the provider. 63449

(I) Individuals determined to be eligible for a component, or 63450  
such individuals' representatives, shall be informed of that 63451  
component's medicaid services, including any choices that the 63452  
individual or representative may make regarding the component's 63453  
medicaid services, and given the choice of either receiving 63454  
medicaid services under that component or, as appropriate, 63455  
hospital services, nursing facility services, or ICF/IID services. 63456

(J) No individual shall lose eligibility for services under a 63457  
component, or have the services reduced or otherwise disrupted, on 63458  
the basis that the individual also receives services under the 63459  
medicaid buy-in for workers with disabilities program. 63460

(K) No individual shall lose eligibility for services under a 63461  
component, or have the services reduced or otherwise disrupted, on 63462  
the basis that the individual's income or resources increase to an 63463  
amount above the eligibility limit for the component if the 63464  
individual is participating in the medicaid buy-in for workers 63465  
with disabilities program and the amount of the individual's 63466  
income or resources does not exceed the eligibility limit for the 63467  
medicaid buy-in for workers with disabilities program. 63468

(L) No individual receiving services under a component shall 63469

be required to pay any cost sharing expenses for the services for 63470  
any period during which the individual also participates in the 63471  
medicaid buy-in for workers with disabilities program. 63472

(M) If a component covers home-delivered meals, both of the 63473  
following shall apply: 63474

(1) The format in which the meals are delivered to an 63475  
individual and the frequency of the deliveries shall be consistent 63476  
with the individual's needs as specified in the individual's 63477  
written plan of care or individual service plan; 63478

(2) The individual who delivers the meals shall not leave the 63479  
meals with the individual to whom they are delivered unless the 63480  
individuals meet face-to-face at the time of the delivery. 63481

**Sec. 5166.122.** (A) As used in this section, "snack" has the 63482  
same meaning as in section 173.30 of the Revised Code. 63483

(B) An entity that provides home-delivered meals under the 63484  
Ohio home care waiver program shall not offer snacks in addition 63485  
to the breakfast, lunch, or dinner meals provided to individuals 63486  
enrolled in the program unless the entity does all of the 63487  
following: 63488

(1) Offers an enrollee not more than five snack choices at a 63489  
time; 63490

(2) Provides an enrollee with the amount of calories in, and 63491  
the sugar and sodium contents of, each snack offered to the 63492  
enrollee; 63493

(3) Provides an enrollee not more than one snack per each 63494  
breakfast, lunch, and dinner meal that is provided to the enrollee 63495  
at the same time as the snacks. 63496

**Sec. 5166.162.** (A) As used in this section, "snack" has the 63497  
same meaning as in section 173.30 of the Revised Code. 63498

(B) An entity that provides home-delivered meals under the ICDS medicaid waiver component shall not offer snacks in addition to the breakfast, lunch, or dinner meals provided to ICDS participants unless the entity does all of the following: 63499  
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63502

(1) Offers a participant not more than five snack choices at a time; 63503  
63504

(2) Provides a participant with the amount of calories in, and the sugar and sodium contents of, each snack offered to the participant; 63505  
63506  
63507

(3) Provides a participant not more than one snack per each breakfast, lunch, and dinner meal that is provided to the participant at the same time as the snacks. 63508  
63509  
63510

**Sec. 5166.22.** (A) Subject to division (B) of this section, 63511  
when the department of developmental disabilities allocates 63512  
enrollment numbers to a county board of developmental disabilities 63513  
for home and community-based services specified in division (A)(1) 63514  
of section 5166.20 of the Revised Code and provided under any of 63515  
the medicaid waiver components that the department administers 63516  
under section 5166.21 of the Revised Code, the department shall 63517  
consider ~~all~~ both of the following: 63518

(1) The number of individuals with developmental disabilities 63519  
placed on the county board's waiting list established for the 63520  
services pursuant to section 5126.042 of the Revised Code; 63521

~~(2) The implementation component required by division (A)(3) 63522  
of section 5126.054 of the Revised Code of the county board's plan 63523  
approved under section 5123.046 of the Revised Code;~~ 63524

~~(3) Anything else the department considers necessary to 63525  
enable the county board to provide the services to individuals 63526  
placed on the county board's waiting list established for the 63527  
services pursuant to section 5126.042 of the Revised Code. 63528~~

(B) Division (A) of this section applies to home and community-based services provided under the medicaid waiver component known as the transitions developmental disabilities waiver only to the extent, if any, provided by the contract required by section 5166.21 of the Revised Code regarding the component.

**Sec. 5166.40.** (A) As used in sections 5166.40 to ~~5166.409~~ 5166.4011 of the Revised Code:

(1) "Adult" means an individual who is at least eighteen years of age.

(2) "Basic component" means the component of the healthy Ohio program into which a healthy Ohio program participant is placed pursuant to division (B) of section 5166.401 of the Revised Code.

(3) "Buckeye account" means a modified health savings account established under section ~~5166.402~~ 5166.403 of the Revised Code.

~~(3) "Contribution"~~ (4) "Buckeye account payment mechanism" means a method of payment issued by a managed care organization to a healthy Ohio program participant in the plus component under section 5166.404 of the Revised Code or issued by the medicaid director to a former healthy Ohio program participant under section 5166.408 of the Revised Code.

(5)(a) "Contributions" means ~~the amounts that an individual contributes to the individual's buckeye account and are contributed to the account on the individual's~~ all of the following:

(i) The personal contributions made by a healthy Ohio program participant;

(ii) Contributions made on behalf of a participant under ~~divisions (C) and~~ division (D) of section ~~5166.402~~ 5166.403 of the Revised Code;

(iii) Amounts representing points transferred to a participant's account pursuant to division (F) of section 5166.403 of the Revised Code; 63559  
63560  
63561

(iv) Amounts credited to a participant's account under section 5166.409 of the Revised Code. "Contribution" 63562  
63563

(b) "Contributions" does not mean the portion of an individual's buckeye account that consists of medicaid funds deposited points awarded to a participant's buckeye account under division (B) of section 5166.402 5166.403 of the Revised Code or section 5166.404 5166.405 of the Revised Code. 63564  
63565  
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~~(4) "Core portion" means the portion of a healthy Ohio program participant's buckeye account that consists of the following:~~ 63569  
63570  
63571

~~(a) The amount of contributions to the account;~~ 63572

~~(b) The amounts awarded to the account under divisions (C) and (D) of section 5166.404 of the Revised Code.~~ 63573  
63574

~~(5)(6) "Eligible employer-sponsored health plan" has the same meaning as in section 5000A(f)(2) of the "Internal Revenue Code of 1986," 26 U.S.C. 5000A(f)(2).~~ 63575  
63576  
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~~(6)(7) "Healthy Ohio program" means the medicaid waiver component established under sections 5166.40 to 5166.409 5166.4011 of the Revised Code under which medicaid recipients specified in division (B) of this section enroll in comprehensive health plans and contribute to buckeye accounts consisting of a basic component and a plus component.~~ 63578  
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~~(7) "Healthy Ohio program debit swipe card" means a debit swipe card issued by a managed care organization to a healthy Ohio program participant under section 5166.403 of the Revised Code.~~ 63584  
63585  
63586

(8) "Not-for-profit organization" means an organization that is exempt from federal income taxation under section 501(a) and 63587  
63588

(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(a) 63589  
and (c)(3). 63590

(9) "Mandatory services" has the same meaning as in section 63591  
5164.01 of the Revised Code. 63592

(10)(a) "Personal contributions" means the amounts that a 63593  
healthy Ohio program participant contributes under division (C) of 63594  
section 5166.403 of the Revised Code to participate in the plus 63595  
component of the healthy Ohio program. 63596

(b) "Personal contributions" does not mean any of the 63597  
following: 63598

(i) Amounts that are contributed on a participant's behalf 63599  
under division (D) of section 5166.403 of the Revised Code; 63600

(ii) Amounts that represent points transferred to a 63601  
participant's buckeye account pursuant to division (F) of section 63602  
5166.403 of the Revised Code; 63603

(iii) Amounts credited to a participant's buckeye account 63604  
under section 5166.409 of the Revised Code. 63605

(11) "Plus component" means the component of the healthy Ohio 63606  
program into which a healthy Ohio program participant is placed 63607  
pursuant to division (A) of section 5166.401 of the Revised Code. 63608

(12) "Ward of the state" means an individual who is a ward, 63609  
as defined in section 2111.01 of the Revised Code. 63610

~~(10)~~(13) "Workforce development activity" and "local board" 63611  
have the same meanings as in section 6301.01 of the Revised Code. 63612

(B) The medicaid director shall establish a medicaid waiver 63613  
component to be known as the healthy Ohio program. Each adult 63614  
medicaid recipient, other than a ward of the state, determined to 63615  
be eligible for medicaid on the basis of either of the following 63616  
shall participate in the healthy Ohio program: 63617

(1) On the basis of being included in the category identified 63618

by the department of medicaid as covered families and children; 63619

(2) On the basis of being included in the expansion 63620  
eligibility group. 63621

(C) Except as provided in section ~~5166.406~~ 5166.407 of the 63622  
Revised Code, a healthy Ohio program participant shall not receive 63623  
medicaid services under the fee-for-service component of medicaid 63624  
or participate in the care management system. 63625

Sec. 5166.401. (A) A healthy Ohio program participant shall 63626  
be placed in the plus component of the healthy Ohio program when 63627  
the participant begins to participate in the healthy Ohio program. 63628

(B) Except as provided in division (C) of this section, a 63629  
healthy Ohio program participant shall be moved to the basic 63630  
component of the healthy Ohio program if a monthly installment 63631  
payment authorized by division (E) of section 5166.403 of the 63632  
Revised Code is sixty days late. There shall be no gap in coverage 63633  
under the healthy Ohio program when a participant is moved from 63634  
the plus component to the basic component. Contributions are not 63635  
required for a participant to be in the basic component. A 63636  
participant in the basic component may not return to the plus 63637  
component until the later of the following: 63638

(1) Twelve months after the date the participant is moved to 63639  
the basic component; 63640

(2) When all of the participant's unpaid monthly installment 63641  
payments due for the months the participant was in the plus 63642  
component are paid in full. 63643

(C) Division (B) of this section and division (C) of section 63644  
5166.403 of the Revised Code do not apply to a healthy Ohio 63645  
program participant if any of the following is the case: 63646

(1) The participant is pregnant. 63647

(2) The participant has a severe and persistent mental 63648

illness. 63649

(3) The participant needs treatment for cancer. 63650

(4) The participant is in treatment for alcoholism or drug 63651  
addiction as those terms are defined in section 5119.01 of the 63652  
Revised Code and the participant is making satisfactory progress 63653  
under the treatment according to criteria established in rules 63654  
authorized by section 5166.4011 of the Revised Code. 63655

**Sec. ~~5166.401~~ 5166.402.** (A) A healthy Ohio program 63656  
participant shall enroll in a comprehensive health plan offered by 63657  
a managed care organization under contract with the department of 63658  
medicaid. All of the following apply to the health plan: 63659

~~(A) It~~ (1) If the participant is in the plus component of the 63660  
healthy Ohio program and subject to division (B) of this section, 63661  
the plan shall cover physician, hospital inpatient, hospital 63662  
outpatient, pregnancy-related, mental health, pharmaceutical, 63663  
laboratory, and other health care services the medicaid director 63664  
determines necessary. 63665

~~(B) It shall not begin to pay for any services it covers~~ 63666  
~~until the amount of the noncore portion of the participant's~~ 63667  
~~buckeye account is zero.~~ 63668

~~(C) It~~ (2) If the participant is in the basic component of 63669  
the healthy Ohio program, both of the following apply to the 63670  
plan's coverage: 63671

(a) Subject to divisions (A)(2)(b), (B), and (E) of this 63672  
section, the plan shall cover only mandatory services and, at the 63673  
medicaid director's discretion, other health care services the 63674  
director determines necessary. 63675

(b) The plan shall not cover services the medicaid director 63676  
chooses to exclude from coverage. 63677

(3) If the participant is in the plus component, the plan 63678

shall ~~require copayments~~ do both of the following: 63679

(a) Require coinsurance for health care services covered by 63680  
the health plan, except that a participant's copayments shall be 63681  
waived whenever the amount of the core portion of the 63682  
participant's buckeye account is zero for the first five hundred 63683  
dollars of costs for preventative health services the participant 63684  
receives under the plan each year for the purpose of satisfying 63685  
requirements established in rules authorized by section 5166.4011 63686  
of the Revised Code; 63687

(b) Permit a provider to charge the participant a copayment 63688  
for health care services covered by the plan if the participant 63689  
fails to appear for a previously scheduled appointment two or more 63690  
times in a calendar year without providing the provider notice in 63691  
accordance with the provider's appointment cancellation policies. 63692

~~(D) It~~ (4) If the participant is in the basic component, the 63693  
plan shall require copayments for health care services that are 63694  
covered by the plan and made subject to copayment requirements by 63695  
rules authorized by section 5166.4011 of the Revised Code. 63696

(5) The plan shall have the following payout limits: 63697

~~(1)~~ (a) Three hundred thousand dollars per year; 63698

~~(2)~~ (b) One million dollars for a participant's lifetime. 63699

(B) The comprehensive health plan in which a healthy Ohio 63700  
program participant enrolls may exclude from coverage a 63701  
prescription drug if the medicaid director determines that the 63702  
health care condition the prescription drug would otherwise be 63703  
used to treat can be adequately treated by another prescription 63704  
drug or health care service covered by the plan. 63705

(C) The coinsurance required by division (A)(3)(a) of this 63706  
section for a health care service covered by the plan in which a 63707  
healthy Ohio program participant is enrolled shall equal twenty 63708

per cent of the plan's payment rate for the health care service. 63709

(D) The copayments required by division (A)(4) of this section shall not exceed the maximum amounts permitted under 42 C.F.R. 447.50 to 447.57. 63710  
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(E) If the medicaid director determines that it is necessary for the basic component to cover other health care services in addition to mandatory services, the director shall ensure that there is enough of a difference between what the plus component and basic component cover so as to provide a strong incentive for healthy Ohio program participants to comply with the requirements to participate in the plus component. 63713  
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**Sec. ~~5166.402~~ 5166.403.** (A)(1) A buckeye account shall be established for each healthy Ohio program participant in the plus component. Subject to division (A)(2) of this section, a participant's buckeye account shall ~~consist of both of~~ have the following number of points: 63720  
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63723  
63724

(a) The medicaid ~~funds deposited into~~ points awarded to the account under division (B) of this section and ~~division (A) of~~ section ~~5166.404~~ 5166.405 of the Revised Code; 63725  
63726  
63727

(b) ~~Contributions made~~ One point for each dollar contributed by the participant and on the participant's behalf under divisions (C) and (D) of this section; 63728  
63729  
63730

(c) The points transferred to the account pursuant to division (F) of this section; 63731  
63732

(d) The points credited to the account under section 5166.409 of the Revised Code. 63733  
63734

(2) A buckeye account shall not have more than ~~ten~~ fifteen thousand ~~dollars in it~~ points at one time. 63735  
63736

(B) Subject to division (A)(2) of this section, ~~one two~~ thousand ~~dollars of~~ five hundred medicaid ~~funds~~ points shall be 63737  
63738

deposited awarded each year ~~into~~ to the buckeye account of a 63739  
healthy Ohio program participant in the plus component. ~~Except in~~ 63740  
~~the case of a participant who is not required to make~~ 63741  
~~contributions to the participant's buckeye account, the initial~~ 63742  
~~deposit of medicaid funds into a participant's buckeye account~~ 63743  
~~shall not occur until the initial contribution to the~~ 63744  
~~participant's account is made under division (C) or (D) of this~~ 63745  
~~section.~~ 63746

(C)~~(1)~~ Subject to divisions ~~(A)(2)~~, (D)~~7~~ and ~~(F)~~ (G) of this 63747  
section and division (C) of section 5166.401 of the Revised Code, 63748  
a healthy Ohio program participant shall ~~contribute each year to~~ 63749  
~~the participant's buckeye account~~ make an annual personal 63750  
contribution in an amount equal to the lesser of the following to 63751  
participate in the plus component of the healthy Ohio program: 63752

~~(a)~~ (1) Two per cent of the participant's annual countable 63753  
family income or twelve dollars, whichever is greater; 63754

~~(b)~~ Ninety-nine (2) Two hundred forty dollars. 63755

~~(2)~~ ~~A participant's contributions to the participant's~~ 63756  
~~buckeye account may be made in monthly installments. A monthly~~ 63757  
~~installment payment shall be considered an initial contribution.~~ 63758

(D)(1) Subject to division (D)(2) of this section, the 63759  
following may make contributions ~~to a healthy Ohio program~~ 63760  
~~participant's buckeye account on the participant's behalf of a~~ 63761  
healthy Ohio program participant in the plus component of the 63762  
healthy Ohio program: 63763

(a) The participant's employer, but only up to fifty per cent 63764  
of the personal contributions the participant is required to make; 63765

(b) A not-for-profit organization, but only up to seventy- 63766  
five per cent of the personal contributions the participant is 63767  
required to make; 63768

(c) The managed care organization that offers the health plan 63769  
in which the participant enrolls under the healthy Ohio program, 63770  
but both of the following apply to such contributions: 63771

(i) They shall be used only to pay the costs for the 63772  
participant to participate in a health-related incentive available 63773  
under the health plan, such as completion of a risk assessment or 63774  
participation in a smoking cessation program. 63775

(ii) They cannot reduce the amount of personal contributions 63776  
the participant is required to ~~contribute~~ make. 63777

(2) Contributions made on a participant's behalf under 63778  
divisions (D)(1)(a) and (b) of this section shall be coordinated 63779  
in a manner so that the participant makes at least twenty-five per 63780  
cent of the personal contributions the participant is required to 63781  
make. 63782

(E) ~~Except in the case of a healthy Ohio program participant~~ 63783  
~~who is not required to make contributions to the participant's~~ 63784  
~~buckeye account, a participant shall not begin to receive benefits~~ 63785  
~~under the healthy Ohio program until the initial contribution to~~ 63786  
~~the participant's buckeye account is made under division (C) or~~ 63787  
~~(D) of this section. Contributions that must be made for a healthy~~ 63788  
~~Ohio program participant to be in the plus component of the~~ 63789  
~~healthy Ohio program may be made in monthly installment payments.~~ 63790

(F) If a healthy Ohio program participant's spouse also 63791  
participates in the plus component of the healthy Ohio program and 63792  
the number of points in the participant's buckeye account exceeds 63793  
the sum of the number of medicaid points required to be awarded 63794  
for a year under division (B) of this section and the number of 63795  
points representing the participant's personal contributions 63796  
required to be made that year under division (C) of this section, 63797  
the participant may transfer one or more points from the 63798  
participant's buckeye account to the buckeye account of the 63799

participant's spouse. The transfer shall be made in accordance 63800  
with rules authorized by section 5166.4011 of the Revised Code. 63801

(G)(1) The following ~~portion of the amount~~ points that 63802  
~~remains~~ remain in a healthy Ohio program participant's buckeye 63803  
account at the end of a year shall carry forward in the account 63804  
for the next year: 63805

(a) If the participant satisfies requirements regarding 63806  
preventative health services established in rules authorized by 63807  
section ~~5166.409~~ 5166.4011 of the Revised Code, ~~the entire amount~~ 63808  
all of the remaining points; 63809

(b) If division ~~(F)~~(G)(1)(a) of this section does not apply, 63810  
the ~~amount~~ points representing the participant's personal 63811  
contributions ~~to the account.~~ 63812

(2) The amount of personal contributions that must be made ~~to~~ 63813  
~~a participant's buckeye account~~ for a year shall be reduced by the 63814  
~~amount~~ points that ~~is~~ are carried forward under division ~~(F)~~(G)(1) 63815  
of this section. If the ~~amount~~ number of points carried forward ~~is~~ 63816  
represents at least the amount of personal contributions that 63817  
division (C) of this section requires for that year, no 63818  
contributions are required to be made for the participant that 63819  
year. 63820

~~(G)~~ (H) A buckeye account shall be used only for the 63821  
following: 63822

(1) To pay for the expenses for which a ~~healthy Ohio program~~ 63823  
~~debit swipe card~~ buckeye account payment mechanism may be used as 63824  
specified in division ~~(A)~~ (B) of section ~~5166.403~~ 5166.404 of the 63825  
Revised Code; 63826

(2) Other purposes authorized by rules adopted under section 63827  
~~5166.409~~ 5166.4011 of the Revised Code. 63828

~~(H)~~ (I) The department of medicaid shall provide for a 63829

healthy Ohio program participant in the plus component to receive 63830  
monthly statements showing the current ~~amount~~ number of points in 63831  
the participant's buckeye account and the number of points used in 63832  
the previous month's expenditures from the account month. The 63833  
~~statement shall specify how much of the amount in the~~ 63834  
~~participant's buckeye account is the core portion and how much is~~ 63835  
~~the noncore portion~~. The department may arrange for the statements 63836  
to be provided in an electronic format. 63837

(J) If a healthy Ohio program participant is moved to the 63838  
basic component, the participant's buckeye account shall be 63839  
deactivated and shall not be reactivated until the participant 63840  
returns to the plus component. 63841

**Sec. ~~5166.403~~ 5166.404.** (A) A managed care organization that 63842  
offers the health plan in which a healthy Ohio program participant 63843  
in the plus component enrolls shall issue to the participant a 63844  
~~debit swipe card to be used to pay~~ buckeye account payment 63845  
mechanism, which shall be issued in the form of technology the 63846  
department of medicaid deems most convenient. 63847

(B)(1) A healthy Ohio program participant may use the 63848  
participant's buckeye account payment mechanism only for the 63849  
following: 63850

~~(1) Until the amount of the noncore portion of the~~ 63851  
~~participant's buckeye account is zero, the costs of health care~~ 63852  
~~services that are covered by the health plan and provided to the~~ 63853  
~~participant by a provider participating in the health plan;~~ 63854

~~(2)(a)~~ The participant's copayments coinsurance under 63855  
division ~~(C)(A)(3)(a)~~ 5166.401 5166.402 of the Revised 63856  
Code but not any copayments charged pursuant to division (A)(3)(b) 63857  
of that section; 63858

~~(3)(b)~~ Subject to division (B)(2) of this section and rules 63859

authorized by section ~~5166.409~~ 5166.4011 of the Revised Code, both 63860  
of the following: 63861

(i) The costs of health care services that are medically 63862  
necessary for the participant but not covered by the health plan; 63863

(ii) The costs of medically necessary health care services 63864  
that are provided to a minor child or other family member of the 63865  
participant and not covered by any other private or government 63866  
health insurance. 63867

~~(B)(1)~~ (2) Only the number of points on a participant's 63868  
buckeye account payment mechanism that represent the medicaid 63869  
points awarded to the participant's buckeye account under section 63870  
5166.405 of the Revised Code may be used for the purposes 63871  
specified in divisions (B)(1)(b)(i) and (ii) of this section. 63872

(C) A healthy Ohio program participant's ~~debit swipe card~~ 63873  
buckeye account payment mechanism shall be credited with one point 63874  
for each of the following: 63875

~~(a) Each dollar of medicaid funds deposited into point in the~~ 63876  
~~participant's buckeye account under division (B) of section~~ 63877  
~~5166.402 of the Revised Code;~~ 63878

~~(b) Each dollar contributed to the participant's buckeye~~ 63879  
~~account under divisions (C) and (D) of section 5166.402 of the~~ 63880  
~~Revised Code;~~ 63881

~~(c) Each point awarded to the participant under section~~ 63882  
~~5166.404 of the Revised Code.~~ 63883

~~(2).~~ Each time a ~~healthy Ohio program~~ participant uses the 63884  
participant's ~~debit swipe card~~ buckeye account payment mechanism, 63885  
the amount for which the card is used shall be deducted from the 63886  
number of points on the card ~~as follows:~~ 63887

~~(a) If the card is used for the purpose specified in division~~ 63888  
~~(A)(1) of this section, the deduction shall come from the points~~ 63889

~~representing the noncore portion of the participant's buckeye  
account.~~ 63890  
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~~(b) If the card is used for the purpose specified in division  
(A)(2) or (3) of this section, the deduction shall come from the  
points representing the core portion of the participant's buckeye  
account.~~ 63892  
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~~(C)~~ (D) A healthy Ohio program participant's ~~debit swipe card~~  
buckeye account payment mechanism shall do all of the following: 63896  
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(1) Verify the participant's eligibility for the healthy Ohio  
program; 63898  
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(2) Determine whether the service the participant seeks is  
covered under the health plan; 63900  
63901

(3) Determine whether the provider from which the participant  
seeks the service is a participating provider under the health  
plan; 63902  
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(4) ~~Be linked to the participant's buckeye account in a  
manner~~ Facilitate the production of a reasonable, good faith cost  
estimate under Chapter 3962. of the Revised Code when the  
participant seeks a service covered under the health care plan,  
including the component of the cost estimate that enables informs  
the participant ~~to know~~ at the point of service what about how  
many points will be deducted from ~~the noncore portion and core  
portion of~~ the participant's buckeye account for the service and  
how ~~much~~ many points will remain in ~~each portion of~~ the account  
after the deduction. 63905  
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**Sec. 5166.404 5166.405.** ~~(A)~~ The medicaid director shall 63915  
establish a system under which medicaid points are awarded in 63916  
accordance with this section to ~~healthy Ohio program debit swipe~~  
eards buckeye accounts. ~~One dollar of medicaid funds shall be~~ 63917  
~~deposited into a healthy Ohio program participant's buckeye~~ 63918  
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~~account for each point awarded to the participant under this section.~~ 63920  
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~~(B) The director shall provide a one time award of twenty points to a healthy Ohio program participant who provides for the participant's contributions under division (C) of section 5166.402 of the Revised Code to be made by electronic funds transfers from the participant's checking or savings account. Twenty points shall be deducted from the participant's card if the participant terminates the electronic funds transfers.~~ 63922  
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~~(C) The director may award up to ~~two hundred~~ one thousand medicaid points annually to a healthy Ohio program participant who achieves is in the plus component of the program and whose health status has improved after achieving objectively verifiable health care goals outcomes. The medicaid points shall be awarded in accordance with the rules authorized by section ~~5166.409~~ 5166.4011 of the Revised Code. A participant shall not be awarded more than ~~two hundred~~ one thousand medicaid points per year under this division section regardless of the number of ~~health care goals~~ those outcomes the participant achieves that year.~~ 63929  
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~~(D) Up to one hundred points may be awarded annually to a healthy Ohio program participant by one or more primary care physicians who verify that the participant has satisfied health care benchmarks set by the physicians. A participant shall not be awarded more than one hundred points per year under this division regardless of how many primary care physicians award points to the participant that year and the number of points the primary care physicians award the participant that year.~~ 63939  
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**Sec. 5166.405 5166.406.** (A) A healthy Ohio program participant's participation in the program shall cease if any of the following applies: 63947  
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(1) ~~Unless the participant is pregnant, a monthly installment payment to the participant's buckeye account is sixty days late.~~ 63950  
63951

~~(2)~~ The participant fails to submit documentation needed for a redetermination of the participant's eligibility for medicaid before the sixty-first day after the documentation is requested. 63952  
63953  
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~~(3)~~(2) The participant becomes eligible for medicaid on a basis other than being included in the category identified by the department of medicaid as covered families and children or being included in the expansion eligibility group. 63955  
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~~(4)~~(3) The participant becomes a ward of the state. 63959

~~(5)~~(4) The participant ceases to be eligible for medicaid. 63960

~~(6)~~(5) The participant exhausts the annual or lifetime payout limit specified in division ~~(D)~~(A)~~(5)~~ of section ~~5166.401~~ 5166.402 of the Revised Code. 63961  
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~~(7)~~(6) The participant requests that the participant's participation be terminated. 63964  
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(B) A healthy Ohio program participant who ceases to participate in the program ~~under~~ because of division (A)(1) ~~or (2)~~ of this section may not resume participation until the former participant ~~pays the full amount of the monthly installment payment or~~ submits the documentation needed for the former participant's medicaid eligibility redetermination. The former participant shall not be transferred to the fee-for-service component of medicaid or the care management system as a result of ceasing to participate in the ~~healthy Ohio program under~~ because of division (A)(1) ~~or (2)~~ of this section. 63966  
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(C) Except as provided in section ~~5166.407~~ 5166.408 of the Revised Code, a healthy Ohio program participant who ceases to participate in the program shall ~~be provided the contributions that are in~~ receive a refund from the participant's buckeye 63976  
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account at the time the participant ceases participation. The 63980  
amount of the refund shall be determined as follows: 63981

(1) Determine the total number of points that represents the 63982  
participant's personal contributions and has been credited to the 63983  
participant's buckeye account since the participant began 63984  
participating in the program or, if the participant has resumed 63985  
participation after having previously received a refund under 63986  
division (C) of this section, the total number of points that 63987  
represents the participant's personal contributions and has been 63988  
credited to the participant's buckeye account since the 63989  
participant last resumed participation; 63990

(2) Determine the total number of points that represents the 63991  
contributions credited, and the medicaid points awarded under 63992  
section 5166.405 of the Revised Code, to the participant's buckeye 63993  
account since the participant began participating in the program 63994  
or, if the participant has resumed participation after having 63995  
previously received a refund under division (C) of this section, 63996  
the number of such points credited and awarded since the 63997  
participant last resumed participation; 63998

(3) Determine the percentage that the number of points 63999  
determined under division (C)(1) of this section is of the number 64000  
of points determined under division (C)(2) of this section; 64001

(4) Determine the amount that is the percentage determined 64002  
under division (C)(3) of this section of the number of points that 64003  
the participant's buckeye account has at the time the participant 64004  
ceases participation and that represents the contributions and 64005  
medicaid points awarded under section 5166.405 of the Revised 64006  
Code. 64007

**Sec. ~~5166.406~~ 5166.407.** If a healthy Ohio program participant 64008  
exhausts the annual or lifetime payout limits specified in 64009  
division ~~(D)~~ (A)(5) of section ~~5166.401~~ 5166.402 of the Revised 64010

Code, the participant shall be transferred to the fee-for-service 64011  
component of medicaid or the care management system on the day 64012  
immediately following the day that the participant exhausts the 64013  
payout limit. A participant who exhausts the annual payout limit 64014  
for a year shall resume participation in the healthy Ohio program 64015  
at the beginning of the immediately following year if division (B) 64016  
of section 5166.40 of the Revised Code continues to apply to the 64017  
participant. 64018

**Sec. ~~5166.407~~ 5166.408.** (A) If a healthy Ohio program 64019  
participant ceases to qualify for medicaid due to increased family 64020  
countable income or because the medicaid program ceases to cover 64021  
the participant's eligibility group and the participant purchases 64022  
a health insurance policy or obtains health care coverage under an 64023  
eligible employer-sponsored health plan, the amount equal to the 64024  
number of points remaining in the former participant's buckeye 64025  
account shall be transferred in accordance with rules authorized 64026  
by section 5166.4011 of the Revised Code to an account to be known 64027  
as a bridge account. The amount so transferred may be used only to 64028  
pay for the following: 64029

(1) If the former participant has purchased a health 64030  
insurance policy, the former participant's premiums and costs in 64031  
~~purchasing the policy and~~ paying for the former participant's 64032  
~~out-of-pocket expenses~~ copayments and deductibles under the policy 64033  
for health care services and prescription drugs covered by the 64034  
policy; 64035

(2) If the former participant has obtained health care 64036  
coverage under an eligible employer-sponsored health plan, the 64037  
former participant's ~~out-of-pocket expenses~~ premiums, copayments, 64038  
and deductibles under the plan for health care services and 64039  
prescription drugs covered by the plan. 64040

(B) Only ~~the~~ an amount equal to the number of points 64041  
remaining in a former healthy Ohio program participant's buckeye 64042  
account at the time the former participant ceased to participate 64043  
in the healthy Ohio program shall be deposited into the bridge 64044  
account. The bridge account shall be closed once the amount 64045  
transferred to it under division (A) of this section is exhausted 64046  
or the amount remaining in the account is credited to a new 64047  
buckeye account pursuant to section 5166.409 of the Revised Code. 64048

(C) The medicaid director shall notify a former healthy Ohio 64049  
program participant when a bridge account is established for the 64050  
former participant under this section and provide for the former 64051  
participant to receive a buckeye account payment mechanism that is 64052  
connected to the participant's bridge account. The buckeye account 64053  
payment mechanism may be used only for the purposes specified in 64054  
divisions (A)(1) and (2) of this section. 64055

**Sec. 5166.409.** If a former healthy Ohio program participant 64056  
for whom a bridge account was created under section 5166.408 of 64057  
the Revised Code regains eligibility for medicaid and a new 64058  
buckeye account is established for the participant under section 64059  
5166.403 of the Revised Code, one point for each dollar remaining 64060  
in the bridge account shall be credited to the new buckeye account 64061  
in accordance with rules authorized by section 5166.4011 of the 64062  
Revised Code and the bridge account shall be closed. 64063

**Sec. ~~5166.408~~ 5166.4010.** Each county department of job and 64064  
family services shall offer to refer to a local board each healthy 64065  
Ohio program participant who resides in the county served by the 64066  
county department and is either unemployed or employed for less 64067  
than an average of twenty hours per week. The referral shall 64068  
include information about the workforce development activities 64069  
available from the local board. A participant may refuse to accept 64070  
the referral and to participate in the workforce development 64071

activities without any affect on the participant's eligibility 64072  
for, or participation in, the healthy Ohio program. 64073

**Sec. ~~5166.409~~ 5166.4011.** The medicaid director shall adopt 64074  
rules under section 5166.02 of the Revised Code to do all of the 64075  
following: 64076

(A) For the purpose of division (C)(4) of section 5166.401 of 64077  
the Revised Code, establish criteria to be used to determine 64078  
whether a healthy Ohio program participant is making satisfactory 64079  
progress in a treatment program for alcoholism or drug addiction. 64080

(B) For the purpose of division (A)(3)(a) of section 5166.402 64081  
of the Revised Code and ~~division (F)(G)(1)(a) of section 5166.402~~ 64082  
5166.403 of the Revised Code, establish requirements regarding 64083  
preventative health services for healthy Ohio program 64084  
participants. The requirements may differ for participants of 64085  
different ages and genders. 64086

~~(B)~~ (C) For the purpose of division (A)(4) of section 64087  
5166.402 of the Revised Code, specify the health care services 64088  
that are subject to copayment requirements. 64089

(D) For the purpose of division (F) of section 5166.403 of 64090  
the Revised Code, establish procedures for a healthy Ohio program 64091  
participant to transfer points from the participant's buckeye 64092  
account to the buckeye account of the participant's spouse. 64093

(E) For the purpose of division ~~(G)~~(H)(2) of section ~~5166.402~~ 64094  
5166.403 of the Revised Code, authorize additional uses of a 64095  
buckeye account and establish the means for using the account for 64096  
those purposes. 64097

~~(C)~~ (F) For the ~~purpose~~ purposes of ~~division (A)(3)~~ divisions 64098  
(B)(1)(b)(i) and (ii) of section ~~5166.403~~ 5166.404 of the Revised 64099  
Code, establish requirements for the use of a ~~healthy Ohio program~~ 64100  
~~debit swipe card~~ buckeye account payment mechanism to pay for the 64101

following: 64102

(1) The costs of medically necessary health care services not covered by the health plan in which a healthy Ohio program participant in the plus component enrolls; 64103  
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(2) The costs of medically necessary health care services that are provided to a minor child or other family member of a healthy Ohio program participant in the plus component and not covered by any other private or government health insurance. 64106  
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~~(D)~~ (G) For the purpose of division (C) of section 5166.404 5166.405 of the Revised Code, establish a system under which the director may award medicaid points to healthy Ohio program participants who achieve are in the plus component of the program and whose health status has improved after achieving objectively verifiable health care goals outcomes. The rules shall specify the goals outcomes that qualify for medicaid points and the number of medicaid points each goal outcome is worth. The number of medicaid points may vary for different goals outcomes. 64110  
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~~(E)~~ (H) For the purpose of section 5166.407 5166.408 of the Revised Code, establish procedures and requirements for the transfer of the amounts remaining in former healthy Ohio program participants' buckeye accounts to bridge accounts. 64119  
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(I) For the purpose of section 5166.409 of the Revised Code, establish procedures and requirements for crediting points to new buckeye accounts. 64123  
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Sec. 5166.42. The medicaid director shall establish a medicaid waiver component that addresses social determinants of health, including housing, transportation, food, interpersonal safety, and toxic stress. 64126  
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Sec. 5166.43. The medicaid director shall establish a medicaid waiver component under which medicaid MCO plans may cover 64130  
64131

any service or product that would have a beneficial effect on the 64132  
health of enrollees and, because of the beneficial effect, is 64133  
likely to reduce the per recipient per month costs under the plan 64134  
by the end of the first three years that the service or product is 64135  
covered. 64136

**Sec. 5166.50.** (A) The medicaid director shall request that 64137  
the United States secretary of health and human services enter 64138  
into an enforceable agreement with the director that provides for 64139  
no federal financial participation to be withheld due to any of 64140  
the following: 64141

(1) Implementation of sections 5167.35 and 5167.36 of the 64142  
Revised Code; 64143

(2) For the purpose of section 5167.10 of the Revised Code, 64144  
enrollment of individuals designated for participation in the care 64145  
management system pursuant to section 5167.03 of the Revised Code 64146  
in medicaid managed care organizations that are regional networks 64147  
consisting of hospitals. 64148

(B) Unless the agreement specified in division (A) of this 64149  
section is in effect: 64150

(1) Sections 5167.35 and 5167.36 of the Revised Code shall 64151  
not be implemented. 64152

(2) For the purpose of section 5167.10 of the Revised Code, 64153  
the department shall not enroll individuals designated for 64154  
participation in the care management system pursuant to section 64155  
5167.03 of the Revised Code in medicaid managed care organizations 64156  
that are regional networks consisting of hospitals. 64157

**Sec. 5167.01.** As used in this chapter: 64158

(A) "Affiliated company" means an entity, including a 64159  
third-party payer or specialty pharmacy, with common ownership, 64160

members of a board of directors, or managers, or that is a parent 64161  
company, subsidiary company, jointly held company, or holding 64162  
company with respect to the other entity. 64163

(B) "Care management system" means the system established 64164  
under section 5167.03 of the Revised Code. 64165

(C) "Controlled substance" has the same meaning as in section 64166  
3719.01 of the Revised Code. 64167

~~(B)~~(D) "Dual eligible individual" has the same meaning as in 64168  
section 5160.01 of the Revised Code. 64169

~~(C)~~(E) "Emergency services" has the same meaning as in the 64170  
"Social Security Act," section 1932(b)(2), 42 U.S.C. 64171  
1396u-2(b)(2). 64172

~~(D)~~(F) "Enrollee" means a medicaid recipient who participates 64173  
in the care management system and enrolls in a medicaid MCO plan. 64174

(G) "Home health agency" has the same meaning as in 42 C.F.R. 64175  
440.70(d). 64176

(H) "Home health services" has the same meaning as in 42 64177  
C.F.R. 440.70(a). 64178

(I) "ICDS participant" has the same meaning as in section 64179  
5164.01 of the Revised Code. 64180

(J) "Manufacturer of dangerous drugs" has the same meaning as 64181  
in section 4729.01 of the Revised Code. 64182

~~(E)~~(K) "Medicaid managed care organization" means a managed 64183  
care organization under contract with the department of medicaid 64184  
pursuant to section 5167.10 of the Revised Code. 64185

~~(F)~~(L) "Medicaid MCO plan" means a plan that a medicaid 64186  
managed care organization, pursuant to its contract with the 64187  
department of medicaid under section 5167.10 of the Revised Code, 64188  
makes available to medicaid recipients participating in the care 64189  
management system. 64190

(M) "Medicaid waiver component" has the same meaning as in 64191  
section 5166.01 of the Revised Code. 64192

~~(G)~~(N) "Nursing facility services" has the same meaning as in 64193  
section 5165.01 of the Revised Code. 64194

(O) "Part B drug" means a drug or biological described in 64195  
section 1842(o)(1)(C) of the "Social Security Act," 42 U.S.C. 64196  
1395u(o)(1)(C). 64197

~~(H)~~(P) "Pharmacy benefit manager" has the same meaning as in 64198  
section 3959.01 of the Revised Code. 64199

(O) "Practice of pharmacy" has the same meaning as in section 64200  
4729.01 of the Revised Code. 64201

(R) "Prescribed drug" has the same meaning as in section 64202  
5164.01 of the Revised Code. 64203

~~(I)~~(S) "Provider" means any person or government entity that 64204  
furnishes services to a medicaid recipient enrolled in a medicaid 64205  
~~managed care organization~~ MCO plan, regardless of whether the 64206  
person or entity has a provider agreement. 64207

~~(J)~~(T) "Provider agreement" has the same meaning as in 64208  
section 5164.01 of the Revised Code. 64209

(U) "State pharmacy benefit manager" means the pharmacy 64210  
benefit manager selected by and under contract with the director 64211  
of administrative services under section 125.93 of the Revised 64212  
Code. 64213

**Sec. 5167.03.** As part of the medicaid program, the department 64214  
of medicaid shall establish a care management system. The 64215  
department shall implement the system in some or all counties. 64216

The department shall designate the medicaid recipients who 64217  
are required or permitted to participate in the care management 64218  
system. ~~Those who shall be required to participate in the system~~ 64219

~~include medicaid recipients who receive cognitive behavioral  
therapy as described in division (A)(2) of section 5167.16 of the  
Revised Code. Except as provided in section 5166.406 5166.407 of  
the Revised Code, no medicaid recipient participating in the  
healthy Ohio program established under section 5166.40 of the  
Revised Code shall participate in the system.~~

The general assembly's authorization through the enactment of  
legislation is needed before home and community-based services  
available under a medicaid waiver component or nursing facility  
services are included in the care management system, except that  
ICDS participants may be required or permitted to obtain such  
services under the system. Medicaid recipients who receive such  
services may be designated for voluntary or mandatory  
participation in the system in order to receive other health care  
services included in the system.

The department may require or permit participants in the care  
management system to ~~obtain~~ do either or both of the following:

(A) Obtain health care services from providers designated by  
the department. ~~The department may require or permit participants  
to obtain health care services through medicaid managed care  
organizations;~~

(B) Enroll in a medicaid MCO plan.

**Sec. 5167.04.** The department of medicaid ~~shall~~ may include  
alcohol, drug addiction, and mental health services covered by  
medicaid in the care management system ~~established under section  
5167.03 of the Revised Code. The services shall not be included in  
the system before July 1, 2018.~~

**Sec. 5167.05.** The department of medicaid shall include  
prescribed drugs covered by the medicaid program in the care  
management system.

~~Sec. 5167.121~~ 5167.051. If the medicaid program covers the 64250  
pharmacist services described in section 5164.14 of the Revised 64251  
Code, the department of medicaid may ~~require a medicaid managed~~ 64252  
~~care organization to provide coverage of the pharmacist services~~ 64253  
~~to the same extent when the services are provided to a medicaid~~ 64254  
~~recipient who is enrolled in the organization as a part of~~ include 64255  
the services in the care management system ~~established under~~ 64256  
~~section 5167.03 of the Revised Code.~~ 64257

~~Sec. 5167.10.~~ (A) The department of medicaid may enter into 64258  
contracts with managed care organizations, ~~including health~~ 64259  
~~insuring corporations,~~ under which the organizations are 64260  
authorized to provide, or arrange for the provision of, health 64261  
care services to medicaid recipients who are required or permitted 64262  
to ~~obtain health care services through managed care organizations~~ 64263  
~~as part of~~ participate in the care management system ~~established~~ 64264  
~~under section 5167.03 of the Revised Code.~~ 64265

~~(B)(1) Subject to division (B)(2)(a) of this section, the~~ 64266  
~~department or its actuary shall base the hospital inpatient~~ 64267  
~~capital payment portion of the payment made to managed care~~ 64268  
~~organizations on data for services provided to all recipients~~ 64269  
~~enrolled in managed care organizations with which the department~~ 64270  
~~contracts, as reported by hospitals on relevant cost reports~~ 64271  
~~submitted pursuant to rules adopted under section 5167.02 of the~~ 64272  
~~Revised Code.~~ 64273

~~(2)(a) The hospital inpatient capital payment portion of the~~ 64274  
~~payment made to medicaid managed care organizations shall not~~ 64275  
~~exceed any maximum rate established by the department pursuant to~~ 64276  
~~rules adopted under this section.~~ 64277

~~(b) If a maximum rate is established, a medicaid managed care~~ 64278  
~~organization shall not compensate hospitals for inpatient capital~~ 64279

~~costs in an amount that exceeds that rate.~~ 64280

~~(C) The department of medicaid shall allow a medicaid managed  
care organization to use providers to render care upon completion  
of the medicaid managed care organization's credentialing process.  
There is no limit on the number of medicaid managed care  
organizations the department may contract with at any one time.  
The managed care organizations with which the department may enter  
into contracts include both of the following:~~ 64281  
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~~(A) Health insuring corporations;~~ 64288

~~(B) Subject to section 5166.50 of the Revised Code, regional  
networks consisting of hospitals that accept a capitated payment  
from the department that is not more than ninety per cent of the  
lowest capitated payment made to a medicaid managed care  
organization that is a health insuring corporation.~~ 64289  
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**Sec. 5167.101.** ~~(A) Subject to division (B) of this section,  
the department of medicaid or its actuary shall base the hospital  
inpatient capital payment portion of the payment made to a  
medicaid managed care organization on data for services provided  
to all of the organization's enrollees, as reported by hospitals  
on relevant cost reports submitted pursuant to rules adopted under  
section 5167.02 of the Revised Code.~~ 64294  
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~~(B) The hospital inpatient capital payment portion of the  
payment made to medicaid managed care organizations shall not  
exceed any maximum rate established in rules adopted under section  
5167.02 of the Revised Code.~~ 64301  
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~~If a maximum rate is established, a medicaid managed care  
organization shall not compensate hospitals for inpatient capital  
costs in an amount that exceeds that rate.~~ 64305  
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**Sec. 5167.102.** ~~The department of medicaid shall allow a  
medicaid managed care organization to use providers to render care~~ 64308  
64309

to the organization's enrollees upon completion of the 64310  
organization's credentialing process. 64311

Sec. 5167.103. The department of medicaid shall make 64312  
available on its internet web site the metrics the department uses 64313  
to determine how well medicaid managed care organizations perform 64314  
under the contracts entered into under section 5167.10 of the 64315  
Revised Code. The department shall update its internet web site 64316  
each quarter to reflect any changes it makes to the metrics. 64317

Sec. 5167.104. If a medicaid managed care organization 64318  
establishes a payment rate for a service covered by its medicaid 64319  
MCO plan that is greater than the payment rate for the service 64320  
under the fee-for-service component of the medicaid program, the 64321  
organization shall require any provider of the service that seeks 64322  
to be part of the organization's provider panel available to the 64323  
organization's enrollees to enter into a value-based contract with 64324  
the organization. 64325

Sec. 5167.105. A medicaid managed care organization shall not 64326  
permit a provider to be part of the organization's provider panel 64327  
available to the organization's enrollees unless the provider 64328  
assures the organization that the provider, once a member of the 64329  
provider panel, will, in accordance with section 3962.05 of the 64330  
Revised Code, provide to the organization the information 64331  
specified in that section if the provider chooses to have the 64332  
organization provide to the organization's enrollees the 64333  
reasonable, good faith cost estimate described in section 3962.04 64334  
of the Revised Code. 64335

Sec. 5167.11. When contracting under section 5167.10 of the 64336  
Revised Code with a health insuring corporation that holds a 64337  
certificate of authority under Chapter 1751. of the Revised Code, 64338

~~the department of medicaid~~ Each medicaid managed care organization 64339  
shall ~~require the health insuring corporation to provide a~~ 64340  
grievance process for ~~medicaid recipients~~ the organization's 64341  
enrollees in accordance with 42 C.F.R. 438, subpart F. 64342

**Sec. 5167.12.** (A) ~~When contracting under section 5167.10 of~~ 64343  
~~the Revised Code with a managed care organization that is a health~~ 64344  
~~insuring corporation, the department of medicaid shall require the~~ 64345  
~~health insuring corporation to provide coverage of prescribed~~ 64346  
~~drugs for medicaid recipients enrolled in the health insuring~~ 64347  
~~corporation. In providing the required coverage, the health~~ 64348  
~~insuring corporation may use~~ medicaid MCO plans may include 64349  
strategies for the management of drug utilization, but any such 64350  
strategies are subject to the limitations and requirements of this 64351  
section and the ~~department's~~ approval of the department of 64352  
medicaid. 64353

(B) ~~The department~~ A medicaid MCO plan shall not ~~permit a~~ 64354  
~~health insuring corporation to~~ impose a prior authorization 64355  
requirement in the case of a drug to which all of the following 64356  
apply: 64357

(1) The drug is an antidepressant or antipsychotic. 64358

(2) The drug is administered or dispensed in a standard 64359  
tablet or capsule form, except that in the case of an 64360  
antipsychotic, the drug also may be administered or dispensed in a 64361  
long-acting injectable form. 64362

(3) The drug is prescribed by any of the following: 64363

(a) A physician who ~~is allowed by the health insuring~~ 64364  
~~corporation~~ medicaid managed care organization that offers the 64365  
plan allows to provide care as a psychiatrist through its 64366  
credentialing process, as described in division (C) of section 64367  
5167.10 of the Revised Code; 64368

(b) A psychiatrist who is practicing at a location on behalf of a community mental health services provider whose mental health services are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code;

(c) A certified nurse practitioner, as defined in section 4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code;

(d) A clinical nurse specialist, as defined in section 4723.01 of the Revised Code, who is certified in psychiatric mental health by a national certifying organization approved by the board of nursing under section 4723.46 of the Revised Code.

(4) The drug is prescribed for a use that is indicated on the drug's labeling, as approved by the federal food and drug administration.

(C) ~~Subject to division (E) of this section, the~~ The department shall authorize a ~~health insuring corporation~~ medicaid MCO plan to ~~develop and implement~~ include a pharmacy utilization management program under which prior authorization through the program is established as a condition of obtaining a controlled substance pursuant to a prescription.

(D) ~~The department shall require a health insuring corporation to~~ Each medicaid managed care organization and medicaid MCO plan shall comply with sections 5164.091, 5164.7511, 5164.7512, and 5164.7514 of the Revised Code, as if the ~~health insuring corporation~~ organization were the department and the plan were the medicaid program.

**Sec. 5167.13.** ~~Each contract the department of medicaid enters into with a managed care organization under section 5167.10 of the Revised Code shall require the~~ medicaid managed care organization

~~to shall~~ implement a coordinated services program for ~~medicaid~~ 64399  
~~recipients enrolled in the organization~~ organization's enrollees 64400  
who are found to have obtained prescribed drugs under the medicaid 64401  
program at a frequency or in an amount that is not medically 64402  
necessary. The program shall be implemented in a manner that is 64403  
consistent with section 1915(a)(2) of the "Social Security Act," 64404  
~~section 1915(a)(2),~~ 42 U.S.C. 1396n(a)(2), and 42 C.F.R. 64405  
431.54(e). 64406

**Sec. 5167.14.** ~~Each contract the department of medicaid enters~~ 64407  
~~into with a medicaid~~ managed care organization ~~under section~~ 64408  
~~5167.10 of the Revised Code shall require the managed care~~ 64409  
~~organization to~~ enter into a data security agreement with the 64410  
state board of pharmacy governing the managed care organization's 64411  
use of the board's drug database established and maintained under 64412  
section 4729.75 of the Revised Code. 64413

This section does not apply if the board no longer maintains 64414  
the drug database. 64415

**Sec. 5167.17.** ~~When contracting under section 5167.10 of the~~ 64416  
~~Revised Code with a~~ Each medicaid managed care organization ~~that~~ 64417  
~~is a health insuring corporation, the department of medicaid shall~~ 64418  
~~require the health insuring corporation to~~ provide enhanced care 64419  
management services for pregnant women and women capable of 64420  
becoming pregnant in the communities specified in rules adopted 64421  
under section 3701.142 of the Revised Code. ~~The contract shall~~ 64422  
~~specify that the services are to~~ shall be provided in a manner 64423  
intended to decrease the incidence of prematurity, low birth 64424  
weight, and infant mortality, as well as improve the overall 64425  
health status of women capable of becoming pregnant for the 64426  
purpose of ensuring optimal future birth outcomes. 64427

**Sec. 5167.171.** ~~When contracting with a~~ Each medicaid managed 64428

care organization ~~that is a health insuring corporation, the~~ 64429  
~~department of medicaid shall require the organization, if the~~ 64430  
organization requires practitioners to obtain prior approval 64431  
before administering progesterone to the organization's enrollees 64432  
who are pregnant medicaid recipients enrolled in the organization, 64433  
~~to~~ use a uniform prior approval form for progesterone that is not 64434  
more than one page. 64435

**Sec. 5167.172.** ~~When contracting with a~~ Each medicaid managed 64436  
care organization ~~that is a health insuring corporation, the~~ 64437  
~~department of medicaid shall require the organization to~~ promote 64438  
the use of technology-based resources, such as mobile telephone or 64439  
text messaging applications, that offer tips on having a healthy 64440  
pregnancy and healthy baby to ~~medicaid recipients~~ the 64441  
organization's enrollees who are ~~enrolled in the organization and~~ 64442  
~~are~~ pregnant or have an infant who is less than one year of age. 64443

**Sec. 5167.18.** ~~Each contract the department of medicaid enters~~ 64444  
~~into with a~~ medicaid managed care organization ~~under section~~ 64445  
~~5167.10 of the Revised Code shall require the managed care~~ 64446  
~~organization to~~ comply with federal and state efforts to identify 64447  
fraud, waste, and abuse in the medicaid program. 64448

**Sec. 5167.19.** (A) As used in this section: 64449

(1) "Applicable percentage" means the following: 64450

(a) For the first year that incentive payments are made under 64451  
this section, two per cent; 64452

(b) For the second year that the incentive payments are made 64453  
under this section, four per cent; 64454

(c) For the third and subsequent years that the incentive 64455  
payments are made under this section, six per cent. 64456

(2) "Base operating DRG payment amount" has the meaning specified in rules authorized by this section. 64457  
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(3) "Medicare hospital value-based purchasing program" means the program that the United States secretary of health and human services must establish under section 1886(o) of the "Social Security Act," 42 U.S.C. 1395ww(o). 64459  
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(4) "Participating hospital" means a hospital under contract with a medicaid managed care organization to provide inpatient hospital services to medicaid recipients enrolled in a medicaid MCO plan offered by the organization. 64463  
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(B) Each medicaid managed care organization shall implement a hospital value-based purchasing program that, except as otherwise provided by this section, is identical to the medicare hospital value-based purchasing program. Under the program, a medicaid managed care organization shall make incentive payments to participating hospitals based on their successes in meeting the measures used for the medicare hospital value-based purchasing program. The total amount that a medicaid managed care organization makes available for the incentive payments for a year shall be equal to the total amount of the savings achieved for that year due to the reduced hospital payments the organization makes under division (C) of this section. 64467  
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(C) Each medicaid managed care organization shall reduce each participating hospital's base operating DRG payment amount for each discharge in a year by an amount equal to the applicable percentage of the participating hospital's base operating DRG payment amount for the discharge for that year. The reduction shall be made for all participating hospitals each year regardless of whether a participating hospital has earned an incentive payment under this section for that year. 64479  
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(D) The medicaid director shall adopt rules under section 64487

5167.02 of the Revised Code as necessary to implement this 64488  
section, including rules that define the term "base operating DRG 64489  
payment amount." 64490

**Sec. 5167.20.** (A) Except as provided in division (B) of this 64491  
section, when a ~~participant in the care management system~~ 64492  
~~established under this chapter is enrolled in a~~ medicaid managed 64493  
care organization ~~and the organization~~ refers the ~~participant an~~ 64494  
enrollee to receive services, other than emergency services 64495  
provided on or after January 1, 2007, at a hospital that 64496  
participates in the medicaid program but is not under contract 64497  
with the organization, the hospital shall provide the service for 64498  
which the referral was made and shall accept from the 64499  
organization, as payment in full, ~~the an amount derived from equal~~ 64500  
to ninety per cent of the payment rate used by the department to 64501  
pay other hospitals of the same type for providing the same 64502  
service to a medicaid recipient who is not enrolled in a medicaid 64503  
~~managed care organization~~ MCO plan. 64504

(B) A hospital is not subject to division (A) of this section 64505  
if all of the following are the case: 64506

(1) The hospital is located in a county in which participants 64507  
in the care management system are required before January 1, 2006, 64508  
to be enrolled in a medicaid ~~managed care organization that is a~~ 64509  
~~health insuring corporation~~ MCO plan; 64510

(2) The hospital has entered into a contract before January 64511  
1, 2006, with at least one health insuring corporation serving the 64512  
participants specified in division (B)(1) of this section; 64513

(3) The hospital remains under contract with at least one 64514  
health insuring corporation serving participants in the care 64515  
management system who are required to be enrolled in a ~~health~~ 64516  
~~insuring corporation~~ medicaid MCO plan. 64517

(C) The medicaid director shall adopt rules under section 64518  
5167.02 of the Revised Code specifying the circumstances under 64519  
which a medicaid managed care organization is permitted to refer a 64520  
~~participant in the care management system~~ an enrollee to a 64521  
hospital that is not under contract with the organization. 64522

**Sec. 5167.201.** (A) When a ~~participant in the care management~~ 64523  
~~system established under this chapter is enrolled in a~~ medicaid 64524  
managed care ~~organization and~~ organization's enrollee receives 64525  
emergency services on or after January 1, 2007, from a provider 64526  
that is not under contract with the organization, the provider 64527  
shall accept from the organization, as payment in full, not more 64528  
than the amounts (less any payments for indirect costs of medical 64529  
education and direct costs of graduate medical education) that the 64530  
provider could collect if the ~~participant~~ enrollee received 64531  
medicaid other than through enrollment in a ~~managed care~~ 64532  
~~organization~~ medicaid MCO plan. 64533

(B) This section does not apply to any treatment that is not 64534  
an emergency service if, before providing the service, the 64535  
provider obtains the patient's consent after disclosing the 64536  
following to the patient: 64537

(1) The medical service is not necessary for the patient's 64538  
immediate health or welfare and can be completed at a later date. 64539

(2) The patient may be liable for payment of part or all of 64540  
the medical service if the patient does not obtain approval from 64541  
the patient's medicaid MCO plan before receiving the service. 64542

(C) An agreement entered into by a ~~participant~~ an enrollee, a 64543  
~~participant's~~ an enrollee's parent, or a ~~participant's~~ an 64544  
enrollee's legal guardian that requires payment for emergency 64545  
services in violation of this section is void and unenforceable. 64546

**Sec. 5167.22.** Both of the following shall apply to each 64547

medicaid managed care organization that seeks to recoup an 64548  
overpayment made to a provider: 64549

(A) The medicaid managed care organization shall not initiate 64550  
the recoupment later than one year after the date that the payment 64551  
for the services was made. 64552

(B) When the medicaid managed care organization seeks to 64553  
recoup the overpayment, it shall provide the provider all of the 64554  
details of the recoupment, including all of the following 64555  
information: 64556

(1) The name, address, and medicaid identification number of 64557  
the medicaid recipient to whom the services were provided; 64558

(2) The date or dates that the services were provided; 64559

(3) The reason for the recoupment; 64560

(4) The method by which the provider may contest the proposed 64561  
recoupment. 64562

**Sec. 5167.221.** If the care management system covers home 64563  
health services provided by a home health agency, a medicaid 64564  
managed care organization shall not do either of the following: 64565

(A) Require a medicaid recipient to obtain prior 64566  
authorization for the first ten days of the services if a 64567  
physician, nursing facility, or hospital referred the recipient to 64568  
the services; 64569

(B) Require a medicaid recipient to obtain prior 64570  
authorization for any of the services if the recipient is a 64571  
hospice patient, as defined in section 3712.01 of the Revised 64572  
Code. 64573

**Sec. 5167.24.** (A) If the department of medicaid includes 64574  
prescribed drugs in the care management system as authorized by 64575

section 5167.05 of the Revised Code and the department contracts 64576  
with medicaid managed care organizations under section 5167.10 of 64577  
the Revised Code, the organizations shall use the state pharmacy 64578  
benefit manager selected under section 125.93 of the Revised Code 64579  
pursuant to the terms of the master contract entered into under 64580  
that section. The state pharmacy benefit manager shall be 64581  
responsible for processing all pharmacy claims under the care 64582  
management system. 64583

(B) Notwithstanding division (A) of this section, a medicaid 64584  
managed care organization may contract directly with a pharmacy 64585  
regarding the practice of pharmacy. 64586

**Sec. 5167.241.** (A) In consultation with the medicaid 64587  
director, the state pharmacy benefit manager shall develop a 64588  
medicaid prescribed drug formulary that it will use when 64589  
administering prescription drug benefits on behalf of a medicaid 64590  
managed care organization under the care management system. At 64591  
minimum, the medicaid prescribed drug formulary shall list 64592  
prescribed drugs and shall specify the per unit price for each 64593  
drug. The state pharmacy benefit manager shall price drugs on the 64594  
formulary at the cheapest rate for the state. The formulary price 64595  
is the total price ceiling, including any supplemental rebates or 64596  
discounts received for the prescribed drug. The formulary shall 64597  
not become effective until the medicaid director approves it. 64598

(B) The state pharmacy benefit manager shall disclose 64599  
immediately and in writing to the department of medicaid any 64600  
changes to the medicaid prescribed drug formulary. The director 64601  
may disapprove any changes to the formulary. 64602

(C) If the centers for medicare and medicaid services (CMS) 64603  
adopts rules to include the international pricing index model, as 64604  
described in the advance notice of proposed rulemaking issued by 64605

CMS on October 30, 2018 (Federal Register Vol. 83, No. 210, pp. 54546-54561), the medicaid director shall apply for a waiver component as needed and amend the state medicaid plan to implement the international pricing index model as the formulary under the care management system. 64606  
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(D)(1) If those rules are adopted, the state pharmacy benefit manager shall use them as a model for the medicaid prescribed drug formulary instead of the standards under division (A) of this section. At a minimum, the formulary shall contain all part B drugs that the CMS includes in the international pricing index model. 64611  
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The per unit price shall not be more than the target price for the prescribed drug derived from the international pricing index model described in Federal Register Vol. 83, No. 210, pp. 54556. The formulary shall not become effective until the medicaid director approves it. 64617  
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(2) The state pharmacy benefit manager shall review the medicaid prescribed drug formulary at least monthly and update it based on changes that CMS makes to the list of drugs included in the international pricing index model and the per unit prices described in division (D) of this section. The state pharmacy benefit manager shall disclose immediately and in writing to the department of medicaid any changes to the medicaid prescribed drug formulary. The director may disapprove any changes to the formulary. 64622  
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(E) The state pharmacy benefit manager shall not make any payment for a prescribed drug included in the medicaid prescribed drug formulary in an amount that exceeds the per unit price for the drug as described in division (A) of this section. 64631  
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(F) In developing the medicaid prescribed drug formulary under this section in consultation with the department, the state 64635  
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pharmacy benefit manager shall negotiate prices for and price 64637  
prescribed drugs at the lowest prices possible to maximize the 64638  
health of medicaid recipients and promote the efficiency of the 64639  
medicaid program. 64640

**Sec. 5167.242.** (A) The state pharmacy benefit manager shall 64641  
provide to the medicaid director a written quarterly report 64642  
containing the following information from the immediately 64643  
preceding quarter: 64644

(1) The prices that the state pharmacy benefit manager 64645  
negotiated for prescribed drugs under the care management system. 64646  
The price must include any rebates the state pharmacy benefit 64647  
manager received from the drug manufacturer; 64648

(2) The prices the state pharmacy benefit manager paid to 64649  
pharmacies for prescribed drugs; 64650

(3) Any rebate amounts the state pharmacy benefit manager 64651  
passed on to individual pharmacies; 64652

(4) The percentage of savings in drug prices that are passed 64653  
on to participants in the care management system; 64654

(5) The information described in division (D) of section 64655  
125.93 of the Revised Code; 64656

(6) Any other information required by the director. 64657

(B) The director may ask the state pharmacy benefit manager 64658  
to provide additional information as necessary. 64659

(C) At the time of contract execution, renewal, or 64660  
modification, the department shall modify the reporting 64661  
requirements under its medicaid managed care organization 64662  
contracts as necessary to meet the requirements of this section. 64663

**Sec. 5167.243.** No person shall violate section 5167.24 or 64664  
5167.241 of the Revised Code. Whoever violates those sections is 64665

subject to a civil penalty in an amount to be determined by the 64666  
medicaid director. 64667

Sec. 5167.244. The medicaid director shall adopt rules under 64668  
section 5167.02 of the Revised Code as necessary to implement and 64669  
enforce sections 5167.24 to 5167.243 of the Revised Code, 64670  
including all of the following: 64671

(A) Specifying the information that must be disclosed to the 64672  
department by the state pharmacy benefit manager under section 64673  
5167.242 of the Revised Code; 64674

(B) Establishing the amount of the civil penalties for 64675  
violations of sections 5167.24 to 5167.243 of the Revised Code; 64676

(C) Adjusting its capitation payments to medicaid managed 64677  
care organizations as necessary as a result of the state pharmacy 64678  
benefit manager processing all pharmacy claims under the care 64679  
management system under section 5167.24 of the Revised Code; 64680

(D) In accordance with section 4729.261 of the Revised Code, 64681  
consulting with the state board of pharmacy to develop a 64682  
definition for "specialty drug" and "specialty pharmacy" and to 64683  
prohibit the state pharmacy benefit manager from requiring a 64684  
medicaid recipient to obtain a specialty drug from a specialty 64685  
pharmacy owned or otherwise associated with the state pharmacy 64686  
benefit manager. 64687

Sec. 5167.26. For the purpose of determining the amount the 64688  
department of medicaid pays hospitals under section 5168.09 of the 64689  
Revised Code and the amount of disproportionate share hospital 64690  
payments paid by the medicare program pursuant to section 1915 of 64691  
the "Social Security Act," ~~section 1915,~~ 42 U.S.C. 1396n, a 64692  
medicaid managed care organization shall keep detailed records for 64693  
each hospital with which it contracts, including records regarding 64694

the cost to the hospital of providing hospital services for the 64695  
organization, payments made by the organization to the hospital 64696  
for the services, utilization of hospital services by ~~medicaid~~ 64697  
~~recipients enrolled in the organization~~ organization's enrollees, 64698  
and other utilization data required by the department. 64699

Sec. 5167.28. (A) Each medicaid managed care organization 64700  
shall establish an employment connection incentive program to 64701  
assist medicaid recipients enrolled in a medicaid MCO plan offered 64702  
by the organization in obtaining and maintaining employment. 64703

(B) A medicaid recipient enrolled in a medicaid managed care 64704  
organization's medicaid MCO plan may volunteer to participate in 64705  
the organization's employment connection incentive program. No 64706  
recipient is required to participate. 64707

(C) Each medicaid managed care organization shall do both of 64708  
the following for each medicaid recipient participating in the 64709  
organization's employment connection incentive program: 64710

(1) Identify the barriers that the recipient has to achieving 64711  
greater financial independence, including all of the following 64712  
barriers: 64713

(a) Education; 64714

(b) Employment; 64715

(c) Physical and behavioral health care; 64716

(d) Transportation; 64717

(e) Child care; 64718

(f) Housing; 64719

(g) Legal problems, including criminal records; 64720

(h) Other barriers identified for the recipient. 64721

(2) Assist the recipient in overcoming the barriers 64722

identified for the recipient. 64723

(D) The assistance provided to a medicaid recipient pursuant to division (C)(2) of this section shall include assistance in obtaining and maintaining meaningful employment. Such assistance shall include all of the following as appropriate for the recipient: 64724  
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(1) Education programs, including the following types of education programs: 64729  
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(a) English as a second language; 64731

(b) Literacy; 64732

(c) Programs designed to lead to the attainment of the equivalent of a high school diploma; 64733  
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(d) Post-secondary. 64735

(2) Job training, placement, and retention programs; 64736

(3) Apprenticeship programs; 64737

(4) Mentoring programs; 64738

(5) Other activities the department of medicaid shall specify. 64739  
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(E) The department of medicaid shall establish criteria it shall use to determine the success that medicaid managed care organizations have with their employment connection incentive programs. The criteria shall include the length of time that a medicaid recipient who participated in a medicaid managed care organization's employment connective incentive program has ceased to be eligible for medicaid due to increased earnings resulting from employment that the program helped the recipient obtain or maintain. 64741  
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(F) The department shall provide incentive payments to medicaid managed care organizations according to their successes 64750  
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with their employment connection incentive programs. The 64752  
department shall determine the amount of each payment and the 64753  
times at which medicaid managed care organizations earn payments. 64754  
The amount of a payment to be made to a medicaid managed care 64755  
organization shall be based on the savings in the nonfederal share 64756  
of the per recipient per month cost of the capitation payments to 64757  
the organization resulting from the organization's success with 64758  
its employment connection incentive program. 64759

**Sec. 5167.29.** (A) As used in this section: 64760

(1) "Covered health care" means a health care product, 64761  
service, or procedure covered by a medicaid MCO plan. 64762

(2) "Emergency service" has the same meaning as in section 64763  
1753.28 of the Revised Code. 64764

(3) "High quality and efficient participating provider" means 64765  
a participating provider to which both of the following apply: 64766

(a) The provider has a high rating under division (C) of this 64767  
section. 64768

(b) The cost to a medicaid managed care organization for 64769  
covered health care the provider furnishes to an enrollee is less 64770  
than the cost the organization would have incurred if the enrollee 64771  
had obtained the covered health care from another participating 64772  
provider with which the enrollee initially scheduled an 64773  
appointment for the covered health care. 64774

(4) "Participating provider" means a provider who is a member 64775  
of a medicaid managed care organization's provider panel. 64776

(B) Each medicaid managed care organization shall establish 64777  
and implement a program that incentivizes enrollees to obtain 64778  
covered health care from high quality and efficient participating 64779  
providers. The incentives shall be in the form of points awarded 64780  
to enrollees under division (E) of this section which the 64781

organization shall enable the enrollees to redeem for merchandise 64782  
available through the organization's internet web site. 64783

(C) As part of the program instituted under this section, a 64784  
medicaid managed care organization shall do both of the following: 64785

(1) Rate participating providers based on quality metrics. 64786  
The quality metrics for hospitals shall be the measures used for 64787  
the medicare hospital value-based purchasing program. The 64788  
department of medicaid shall establish the quality metrics for 64789  
other types of providers. In rating participating providers, an 64790  
organization shall award providers between one and five stars 64791  
based on the providers' scores on the quality metrics. 64792

(2) Establish on the organization's internet web site a 64793  
system under which enrollees rate and provide comments about 64794  
participating providers after appointments with the providers. The 64795  
system shall be similar to internet web sites that enable 64796  
consumers to rate and provide comments about commercial products. 64797  
The organization shall encourage enrollees to use the system after 64798  
each appointment with a participating provider. The system shall 64799  
enable all enrollees to see the ratings and comments that other 64800  
enrollees have made for each participating provider. 64801

(D) A medicaid managed care organization shall provide an 64802  
enrollee all of the following before any covered health care, 64803  
other than an emergency service, is furnished to the enrollee by a 64804  
participating provider with which the enrollee has scheduled an 64805  
appointment for the covered health care: 64806

(1) A reasonable, good faith cost estimate for the covered 64807  
health care described in section 3962.04 of the Revised Code, 64808  
regardless of whether the provider also provides the cost estimate 64809  
to the enrollee or the enrollee's representative; 64810

(2) The provider's quality rating under division (C)(1) of 64811  
this section and average enrollee rating under division (C)(2) of 64812

this section; 64813

(3) The address of the organization's internet web site at 64814  
which the enrollee may access the enrollee rating system 64815  
established under division (C)(2) of this section so that the 64816  
enrollee can read the ratings and comments made by other enrollees 64817  
about the provider and other participating providers; 64818

(4) A list of high quality and efficient participating 64819  
providers who could furnish the covered health care to the 64820  
enrollee and the providers' quality ratings under division (C)(1) 64821  
of this section and average enrollee ratings under division (C)(2) 64822  
of this section. 64823

(E)(1) Subject to division (E)(2) of this section, a medicaid 64824  
managed care organization shall award points to an enrollee if the 64825  
enrollee cancels an appointment for covered health care with a 64826  
participating provider that is not a high quality and efficient 64827  
participating provider and instead obtains the covered health care 64828  
from a high quality and efficient participating provider. The 64829  
number of points awarded shall be sufficient to incentivize the 64830  
enrollee to cancel the initial appointment and obtain the covered 64831  
health care from the high quality and efficient participating 64832  
provider. 64833

(2) A medicaid managed care organization shall monitor 64834  
enrollees' behavior under the program to thwart abuse of the 64835  
program. An enrollee found to have abused or attempted to abuse 64836  
the program shall not be awarded points. 64837

(F) The department of medicaid shall monitor each medicaid 64838  
managed care organization as the organization establishes and 64839  
implements the program under this section and determine the 64840  
effectiveness of each organization's program. 64841

**Sec. 5167.35. (A) As used in this section:** 64842

(1) "Mandatory services" has the same meaning as in section 5164.01 of the Revised Code. 64843  
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(2) "Optional services" has the same meaning as in section 5164.01 of the Revised Code. 64845  
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(3) "Specified states" means the following states: Illinois, Indiana, Michigan, Ohio, Pennsylvania, and West Virginia. 64847  
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(B) This section is subject to section 5166.50 of the Revised Code. 64849  
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(C) The department of medicaid shall establish the shared savings bonus program. Under the program, the department shall, subject to division (D) of this section, do both of the following before the beginning of each fiscal year: 64851  
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(1) Determine the average of the per recipient capitated payment rate, not including any shared savings bonus received under division (D) of this section, for each medicaid managed care organization for the three fiscal years immediately preceding the fiscal year for which the determination is made; 64855  
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(2) Determine the average per recipient cost to the medicaid programs in the specified states for the eligibility groups that are designated for participation in the care management system pursuant to section 5167.03 of the Revised Code for the three fiscal years immediately preceding the fiscal year for which the determination is made. 64860  
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(D) In making the determinations under divisions (C)(1) and (2) of this section, the department shall include only the costs for mandatory services and the costs for those optional services that are covered by the medicaid program in this state and the medicaid programs in all of the specified states. 64866  
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(E)(1) Subject to division (E)(3) of this section, the amount of a medicaid managed care organization's shared savings bonus for 64871  
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a fiscal year shall be determined as follows: 64873

(a) Subtract the organization's three-year average determined under division (C)(1) of this section for the fiscal year from the three-year average determined under division (C)(2) of this section for the fiscal year; 64874  
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(b) Subject to division (E)(2) of this section, subtract the organization's three-year average determined under division (C)(1) of this section for the fiscal year from the organization's initial three-year average determined under that division; 64878  
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(c) Determine the sum of the differences determined under divisions (E)(1)(a) and (b) of this section; 64882  
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(d) Multiply the sum determined under division (E)(1)(c) of this section by twenty per cent. 64884  
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(2) The amount determined under division (E)(1)(b) of this section for a medicaid managed care organization for the first fiscal year that the determination is made for the organization shall be zero. 64886  
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(3) If the amount determined under division (E)(1)(c) of this section for a medicaid managed care organization for the first or second fiscal year for which the determination is made is a negative number, the organization's shared savings bonus for that fiscal year shall be zero. If the amount determined under that division for a medicaid managed care organization for the third or a subsequent fiscal year for which the determination is made is a negative number, the department shall terminate the organization's contract with the department and enter into a contract with another managed care organization under section 5167.10 of the Revised Code. The effective date of the contract termination shall be the same as the effective date of the contract with the other managed care organization so as to avoid a disruption in medicaid recipients' access to services under the care management system. 64890  
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Sec. 5167.36. (A) As used in this section: 64904

(1) "Assignment share percentage" means the percentage of 64905  
medicaid recipients who are randomly assigned to enroll in a 64906  
particular participating MCO's medicaid MCO plan under division 64907  
(D) of this section. 64908

(2) "Participating MCO" means a medicaid managed care 64909  
organization participating in the quality incentive program 64910  
established under this section. 64911

(B) This section is subject to section 5166.50 of the Revised 64912  
Code. 64913

(C) The department of medicaid shall establish the quality 64914  
incentive program. Under the program, if a medicaid recipient 64915  
participating in the care management system does not select a 64916  
medicaid MCO plan in which to enroll, the department shall 64917  
randomly assign the recipient to enroll in a medicaid MCO plan 64918  
offered by one of the participating MCOs. The number of recipients 64919  
randomly assigned to enroll in each participating MCO's medicaid 64920  
MCO plan shall be determined in accordance with that participating 64921  
MCO's assignment share percentage calculated under division (D) of 64922  
this section for the year the enrollment takes place. 64923

All of the following shall participate in the quality 64924  
incentive program: 64925

(1) Each medicaid managed care organization that has a 64926  
contract under section 5167.10 of the Revised Code on the 64927  
effective date of this section; 64928

(2) Other managed care organizations that become medicaid 64929  
managed care organizations after the effective date of this 64930  
section and are selected by the department. 64931

(D)(1) During the first calendar year that the quality 64932  
incentive program is operated, the assignment share percentage 64933

shall be the same for all of the participating MCOs. Each year 64934  
thereafter, each participating MCO shall be ranked according to 64935  
the number of points it is awarded under division (E) of this 64936  
section, and each participating MCO's assignment share percentage 64937  
shall be adjusted as follows: 64938

(a) The assignment share percentage of the participating MCO 64939  
ranked at the top shall be increased by twenty-five per cent. 64940

(b) The assignment share percentage of the participating MCO 64941  
ranked at the bottom shall be decreased by twenty-five per cent. 64942

(c) The assignment share percentage of all of the other 64943  
participating MCOs shall be increased or decreased in a 64944  
corresponding, linear, and proportional manner based on their 64945  
ranks. 64946

(2) If a medicaid managed care organization becomes a 64947  
participating MCO after the other participating MCOs' assignment 64948  
share percentages have been assigned, the department shall do both 64949  
of the following: 64950

(a) Assign to the new participating MCO an initial assignment 64951  
share percentage which shall be the percentage determined by 64952  
dividing one hundred by the total number of participating MCOs; 64953

(b) Adjust the assignment share percentages of all of the 64954  
other participating MCOs proportionally. 64955

(E)(1) The department shall award points annually to each 64956  
participating MCO based on health and quality metrics taken from 64957  
the previous calendar year. Subject to divisions (E)(2) and (3) of 64958  
this section, the department shall determine how points are 64959  
awarded to participating MCOs. The number of points awarded to a 64960  
participating MCO based on quality metrics shall not be more than 64961  
twenty per cent of the total number of points awarded to the 64962  
participating MCO. 64963

(2) The health metrics used to determine the number of points awarded to a participating MCO shall include the following health measurements for the group of medicaid recipients who have been randomly assigned under division (C) of this section to enroll in a medicaid MCO plan offered by the participating MCO: 64964  
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(a) Smoking rate; 64969

(b) Infant mortality rate; 64970

(c) Hemoglobin a1c levels; 64971

(d) Obesity rate; 64972

(e) Incidence of relapse of alcohol or drug addiction; 64973

(f) Health measurements developed by the department in consultation with groups representing individuals with developmental disabilities. 64974  
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(3) The quality metrics used to determine the number of points awarded to a participating MCO shall include the following quality measurements as measured through a survey established by the department: 64977  
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(a) How promptly the participating MCO pays claims for services rendered to enrollees; 64981  
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(b) The participating MCO's responsiveness to provider and enrollee requests; 64983  
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(c) Provider user satisfaction; 64985

(d) The effectiveness of the participating MCO's program established under section 5167.29 of the Revised Code; 64986  
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(e) Any other measurements the department considers appropriate. 64988  
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(4) The department shall publish each participating MCO's point totals annually and provide the information to medicaid recipients before they enroll in a medicaid MCO plan. 64990  
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(F) If, for the second or a subsequent calendar year that the quality incentive program is operated, a participating MCO's assignment share percentage is decreased under division (D)(1) of this section to an amount that is equal to or less than fifty per cent of its assignment share percentage for the first calendar year that the program is operated, the department shall terminate the participating MCO's participation in the program. 64993  
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(G) A participating MCO shall not treat medicaid recipients who are randomly assigned to enroll in the participating MCO's medicaid MCO plan under division (C) of this section differently than how the participating MCO treats medicaid recipients who select the plan on their own. 65000  
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**Sec. 5167.41.** The department of medicaid may disenroll some or all medicaid recipients ~~enrolled in~~ from a medicaid MCO plan offered by a medicaid managed care organization if the department proposes to terminate or not to renew the contract entered into under section 5167.10 of the Revised Code and determines that the recipients' access to medically necessary services is jeopardized by the proposal to terminate or not to renew the contract. The disenrollment is not subject to Chapter 119. of the Revised Code, but the medicaid managed care organization may request a reconsideration of the disenrollment. Reconsiderations shall be requested and conducted in accordance with rules the medicaid director shall adopt under section 5167.02 of the Revised Code. The request for, or conduct of, a reconsideration regarding a proposed disenrollment shall not delay the disenrollment. 65005  
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**Sec. 5168.03.** The requirements of sections 5168.06 to 5168.09 of the Revised Code apply only as long as the United States ~~health care financing administration~~ centers for medicare and medicaid services determines that the assessment imposed under section 5168.06 of the Revised Code is a permissible health care-related 65019  
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65023

tax pursuant to the "Social Security Act," section 1903(w), 42 65024  
U.S.C. 1396b(w). Whenever the department of medicaid is informed 65025  
that the assessment is an impermissible health care-related tax, 65026  
the department shall promptly refund to each hospital the amount 65027  
of money currently in the hospital care assurance program fund 65028  
created by section 5168.11 of the Revised Code that has been paid 65029  
by the hospital under section 5168.06 or 5168.07 of the Revised 65030  
Code, plus any investment earnings on that amount. 65031  
65032

**Sec. 5168.05.** (A) Except as provided in division (C) of this 65033  
section, each hospital, on or before the first day of July of each 65034  
year or at a later date approved by the medicaid director, shall 65035  
submit to the department of medicaid a financial statement for the 65036  
preceding calendar year that accurately reflects the income, 65037  
expenses, assets, liabilities, and net worth of the hospital, and 65038  
accompanying notes. A hospital that has a fiscal year different 65039  
from the calendar year shall file its financial statement within 65040  
one hundred eighty days of the end of its fiscal year or at a 65041  
later date approved by the director. The financial statement shall 65042  
be prepared by an independent certified public accountant and 65043  
reflect an official audit report prepared in a manner consistent 65044  
with generally accepted accounting principles. The financial 65045  
statement shall, to the extent that the hospital has sufficient 65046  
financial records, show bad debt and charity care separately from 65047  
courtesy care and contractual allowances. 65048

(B) Except as provided in division (C) of this section, each 65049  
hospital, within one hundred eighty days after the end of the 65050  
hospital's cost reporting period, shall submit to the department a 65051  
cost report in a format prescribed in rules adopted under section 65052  
5168.02 of the Revised Code. The department shall grant a hospital 65053  
an extension of the one hundred eighty day period if the ~~health~~ 65054  
~~care financing administration of the United States department of~~ 65055

~~health and human centers for medicare and medicaid services~~ 65056  
extends the date by which the hospital must submit its cost report 65057  
for the hospital's cost reporting period. 65058

(C) The director may adopt rules under section 5168.02 of the 65059  
Revised Code specifying financial information that must be 65060  
submitted by hospitals for which no financial statement or cost 65061  
report is available. The rules shall specify deadlines for 65062  
submitting the information. Each such hospital shall submit the 65063  
information specified in the rules not later than the deadline 65064  
specified in the rules. 65065

**Sec. 5168.06.** (A) For the purpose of distributing funds to 65066  
hospitals under the medicaid program pursuant to sections 5168.01 65067  
to 5168.14 of the Revised Code and depositing funds into the 65068  
health care/medicaid support and recoveries fund created under 65069  
section 5162.52 of the Revised Code, there is hereby imposed an 65070  
assessment on all hospitals. Each hospital's assessment shall be 65071  
based on total facility costs. All hospitals shall be assessed 65072  
according to the rate or rates established each program year in 65073  
rules adopted under section 5168.02 of the Revised Code. The 65074  
department shall assess all hospitals uniformly and in a manner 65075  
consistent with federal statutes and regulations. During any 65076  
program year, the department shall not assess any hospital more 65077  
than two per cent of the hospital's total facility costs. 65078

The department shall establish an assessment rate or rates 65079  
each program year that will do both of the following: 65080

(1) Yield funds that, when combined with intergovernmental 65081  
transfers and federal matching funds, will produce a program of 65082  
sufficient size to pay a substantial portion of the indigent care 65083  
provided by hospitals; 65084

(2) Yield funds that, when combined with intergovernmental 65085  
transfers and federal matching funds, will produce amounts for 65086

distribution to disproportionate share hospitals that do not 65087  
exceed, in the aggregate, the limits prescribed by the United 65088  
States ~~health care financing administration~~ centers for medicare 65089  
and medicaid services under the "Social Security Act," section 65090  
1923(f), 42 U.S.C. 1396r-4(f). 65091

(B)(1) Except as provided in division (B)(3) of this section, 65092  
each hospital shall pay its assessment in periodic installments in 65093  
accordance with a schedule established in rules adopted under 65094  
section 5168.02 of the Revised Code. 65095

(2) The installments shall be equal in amount, unless either 65096  
of the following applies: 65097

(a) The department makes adjustments during a program year 65098  
under division (D) of section 5168.08 of the Revised Code in the 65099  
total amount of hospitals' assessments; 65100

(b) The medicaid director determines that adjustments in the 65101  
amounts of installments are necessary for the administration of 65102  
sections 5168.01 to 5168.14 of the Revised Code and that unequal 65103  
installments will not create cash flow difficulties for hospitals. 65104

(3) The director may adopt rules under section 5168.02 of the 65105  
Revised Code establishing alternate schedules for hospitals to pay 65106  
assessments under this section in order to reduce hospitals' cash 65107  
flow difficulties. 65108

**Sec. 5168.07.** (A) The department of medicaid may require 65109  
governmental hospitals to make intergovernmental transfers each 65110  
program year for the purpose of distributing funds to hospitals 65111  
under the medicaid program pursuant to sections 5168.01 to 5168.14 65112  
of the Revised Code and depositing funds into the health 65113  
care/medicaid support and recoveries fund created under section 65114  
5162.52 of the Revised Code. The department shall not require 65115  
transfers in an amount that, when combined with hospital 65116

assessments paid under section 5168.06 of the Revised Code and 65117  
federal matching funds, produce amounts for distribution to 65118  
disproportionate share hospitals that, in the aggregate, exceed 65119  
limits prescribed by the United States ~~health care financing~~ 65120  
~~administration~~ centers for medicare and medicaid services under 65121  
the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 65122

(B) Before or during each program year, the department shall 65123  
notify each governmental hospital of the amount of the 65124  
intergovernmental transfer it is required to make during the 65125  
program year. Each governmental hospital shall make 65126  
intergovernmental transfers as required by the department under 65127  
this section in periodic installments, executed by electronic fund 65128  
transfer, in accordance with a schedule established in rules 65129  
adopted under section 5168.02 of the Revised Code. 65130

**Sec. 5168.08.** (A) Before or during each program year, the 65131  
department of medicaid shall mail to each hospital by certified 65132  
mail, return receipt requested, the preliminary determination of 65133  
the amount that the hospital is assessed under section 5168.06 of 65134  
the Revised Code during the program year. The preliminary 65135  
determination of a hospital's assessment shall be calculated for a 65136  
cost-reporting period that is specified in rules adopted under 65137  
section 5168.02 of the Revised Code. 65138

The department shall consult with hospitals each year when 65139  
determining the date on which it will mail the preliminary 65140  
determinations in order to minimize hospitals' cash flow 65141  
difficulties. 65142

If no hospital submits a request for reconsideration under 65143  
division (B) of this section, the preliminary determination 65144  
constitutes the final reconciliation of each hospital's assessment 65145  
under section 5168.06 of the Revised Code. The final 65146  
reconciliation is subject to adjustments under division (D) of 65147

this section. 65148

(B) Not later than fourteen days after the preliminary 65149  
determinations are mailed, any hospital may submit to the 65150  
department a written request to reconsider the preliminary 65151  
determinations. The request shall be accompanied by written 65152  
materials setting forth the basis for the reconsideration. If one 65153  
or more hospitals submit a request, the department shall hold a 65154  
public hearing not later than thirty days after the preliminary 65155  
determinations are mailed to reconsider the preliminary 65156  
determinations. The department shall mail to each hospital a 65157  
written notice of the date, time, and place of the hearing at 65158  
least ten days prior to the hearing. On the basis of the evidence 65159  
submitted to the department or presented at the public hearing, 65160  
the department shall reconsider and may adjust the preliminary 65161  
determinations. The result of the reconsideration is the final 65162  
reconciliation of the hospital's assessment under section 5168.06 65163  
of the Revised Code. The final reconciliation is subject to 65164  
adjustments under division (D) of this section. 65165

(C) The department shall mail to each hospital a written 65166  
notice of its assessment for the program year under the final 65167  
reconciliation. A hospital may appeal the final reconciliation of 65168  
its assessment to the court of common pleas of Franklin county. 65169  
While a judicial appeal is pending, the hospital shall pay, in 65170  
accordance with the schedules required by division (B) of section 65171  
5168.06 of the Revised Code, any amount of its assessment that is 65172  
not in dispute into the hospital care assurance program fund 65173  
created in section 5168.11 of the Revised Code. 65174

(D) In the course of any program year, the department may 65175  
adjust the assessment rate or rates established in rules pursuant 65176  
to section 5168.06 of the Revised Code or adjust the amounts of 65177  
intergovernmental transfers required under section 5168.07 of the 65178  
Revised Code and, as a result of the adjustment, adjust each 65179

hospital's assessment and intergovernmental transfer, to reflect 65180  
refinements made by the United States ~~health care financing~~ 65181  
~~administration centers for medicare and medicaid services~~ during 65182  
that program year to the limits it prescribed under the "Social 65183  
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). When 65184  
adjusted, the assessment rate or rates must comply with division 65185  
(A) of section 5168.06 of the Revised Code. An adjusted 65186  
intergovernmental transfer must comply with division (A) of 65187  
section 5168.07 of the Revised Code. The department shall notify 65188  
hospitals of adjustments made under this division and adjust for 65189  
the remainder of the program year the installments paid by 65190  
hospitals under sections 5168.06 and 5168.07 of the Revised Code 65191  
in accordance with rules adopted under section 5168.02 of the 65192  
Revised Code. 65193

**Sec. 5168.75.** As used in sections 5168.75 to 5168.86 of the 65194  
Revised Code: 65195

(A) "Basic health care services" means all of the services 65196  
listed in division (A)(1) of section 1751.01 of the Revised Code. 65197

(B) "Care management system" ~~means the system established~~ 65198  
~~under~~ has the same meaning as in section ~~5167.03~~ 5167.01 of the 65199  
Revised Code. 65200

(C) "Dual eligible individual" has the same meaning as in 65201  
section 5160.01 of the Revised Code. 65202

(D) "Franchise fee" means the fee imposed on health insuring 65203  
corporation plans under section 5168.76 of the Revised Code. 65204

(E) "Health insuring corporation" has the same meaning as in 65205  
section 1751.01 of the Revised Code, except it does not mean a 65206  
corporation that, pursuant to a policy, contract, certificate, or 65207  
agreement, pays for, reimburses, or provides, delivers, arranges 65208  
for, or otherwise makes available, only supplemental health care 65209

services or only specialty health care services. 65210

(F) "Health insuring corporation plan" means a policy, 65211  
contract, certificate, or agreement of a health insuring 65212  
corporation under which the corporation pays for, reimburses, 65213  
provides, delivers, arranges for, or otherwise makes available 65214  
basic health care services. "Health insuring corporation plan" 65215  
does not mean any of the following: 65216

(1) A policy, contract, certificate, or agreement under which 65217  
a health insuring corporation pays for, reimburses, provides, 65218  
delivers, arranges for, or otherwise makes available only 65219  
supplemental health care services or only specialty health care 65220  
services; 65221

(2) An approved health benefits plan described in 5 U.S.C. 65222  
8903 or 8903a, if imposing the franchise fee on the plan would 65223  
violate 5 U.S.C. 8909(f); 65224

(3) A medicare advantage plan authorized by Part C of Title 65225  
XVIII of the "Social Security Act," 42 U.S.C. 1395w-21 et seq. 65226

(G) "Indirect guarantee percentage" means the percentage 65227  
specified in section 1903(w)(4)(C)(ii) of the "Social Security 65228  
Act," 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in 65229  
determining whether a health care class is indirectly held 65230  
harmless for any portion of the costs of a broad-based 65231  
health-care-related tax. If the indirect guarantee percentage 65232  
changes during a fiscal year, the indirect guarantee percentage is 65233  
the following: 65234

(1) For the part of the fiscal year before the change takes 65235  
effect, the percentage in effect before the change; 65236

(2) For the part of the fiscal year beginning with the date 65237  
the indirect guarantee percentage changes, the new percentage. 65238

(H) "Medicaid managed care organization" has the same meaning 65239

as in section 5167.01 of the Revised Code. 65240

(I) "Medicaid provider" has the same meaning as in section 65241  
5164.01 of the Revised Code. 65242

(J) "Ohio medicaid member month" means a month in which a 65243  
medicaid recipient residing in this state is enrolled in a health 65244  
insuring corporation plan. 65245

(K) "Other Ohio member month" means a month in which a 65246  
resident of this state who is not a medicaid recipient is enrolled 65247  
in a health insuring corporation plan. 65248

(L) "Rate year" means the fiscal year for which a franchise 65249  
fee is imposed. 65250

**Sec. 5501.20.** (A) As used in this section: 65251

(1) "Career professional service" means that part of the 65252  
competitive classified service that consists of employees of the 65253  
department of transportation who, regardless of job 65254  
classification, meet both of the following qualifications: 65255

(a) They are supervisors, professional employees who are not 65256  
in a collective bargaining unit, confidential employees, or 65257  
management level employees, all as defined in section 4117.01 of 65258  
the Revised Code. 65259

(b) They exercise authority that is not merely routine or 65260  
clerical in nature and report only to a higher level unclassified 65261  
employee or employee in the career professional service. 65262

(2) "Demoted" means that an employee is placed in a position 65263  
where the employee's wage rate equals, or is not more than twenty 65264  
per cent less than, the employee's wage rate immediately prior to 65265  
demotion or where the employee's job responsibilities are reduced, 65266  
or both. 65267

(3) "Employee in the career professional service with 65268

restoration rights" means an employee in the career professional 65269  
service who has been in the classified civil service for at least 65270  
two years and who has a cumulative total of at least ten years of 65271  
continuous service with the department of transportation. 65272

~~(B) Not later than the first day of July of each odd numbered 65273  
year, the director of transportation shall adopt a rule in 65274  
accordance with section 111.15 of the Revised Code that 65275  
establishes a business plan for the department of transportation 65276  
that states the department's mission, business objectives, and 65277  
strategies and that establishes a procedure by which employees in 65278  
the career professional service will be held accountable for their 65279  
performance. The director shall adopt a rule that establishes a 65280  
business plan for the department only once in each two years. 65281  
Within sixty days after the effective date of a rule that 65282  
establishes a business plan for the department, the The director 65283  
shall adopt a rule in accordance with section 111.15 of the 65284  
Revised Code that identifies specific positions within the 65285  
department of transportation that are included in the career 65286  
professional service. The director may amend the rule that 65287  
identifies the specific positions included in the career 65288  
professional service whenever the director determines necessary. 65289  
Any rule adopted under this division is subject to review and 65290  
invalidation by the joint committee on agency rule review as 65291  
provided in division (D) of section 111.15 of the Revised Code. 65292  
The director shall provide a copy of any rule adopted under this 65293  
division to the director of budget and management. 65294~~

~~Except as otherwise provided in this section, an An employee 65295  
in the career professional service is subject to the provisions of 65296  
Chapter 124. of the Revised Code that govern employees in the 65297  
classified civil service. 65298~~

~~(C) After an employee is appointed to a position in the 65299  
career professional service, the employee's direct supervisor 65300~~

~~shall provide the employee appointed to that position with a~~ 65301  
~~written performance action plan that describes the department's~~ 65302  
~~expectations for that employee in fulfilling the mission, business~~ 65303  
~~objectives, and strategies stated in the department's business~~ 65304  
~~plan. No sooner than four months after being appointed to a~~ 65305  
~~position in the career professional service, an employee appointed~~ 65306  
~~to that position shall receive a written performance review based~~ 65307  
~~on the employee's fulfillment of the mission, business objectives,~~ 65308  
~~and strategies stated in the department's business plan. After the~~ 65309  
~~initial performance review, the An employee in the career~~ 65310  
~~professional service shall receive a written performance review at~~ 65311  
~~least once each year or as often as the director considers~~ 65312  
~~necessary. The department shall give an employee whose performance~~ 65313  
~~is unsatisfactory an opportunity to improve performance for a~~ 65314  
~~period of at least six months, by means of a written ~~corrective~~~~ 65315  
~~action performance improvement plan, before the department takes~~ 65316  
~~any disciplinary action under this section ~~or section 124.34 of~~~~ 65317  
~~the Revised Code. The department shall base its performance review~~ 65318  
~~forms on its business plan.~~ 65319

(D) An employee in the career professional service may be 65320  
suspended, demoted, or removed ~~because of performance that hinders~~ 65321  
~~or restricts the fulfillment of the department's business plan~~ 65322  
~~pursuant to division (C) of this section~~ or for disciplinary 65323  
reasons under section 124.34 or 124.57 of the Revised Code. An 65324  
employee in the career professional service may appeal only the 65325  
employee's removal to the state personnel board of review. An 65326  
employee in the career professional service may appeal a demotion 65327  
or a suspension of more than three days pursuant to rules the 65328  
director adopts in accordance with section 111.15 of the Revised 65329  
Code. 65330

(E) An employee in the career professional service with 65331  
restoration rights has restoration rights if demoted because of 65332

~~performance that hinders or restricts fulfillment of the mission,~~ 65333  
~~business objectives, or strategies stated in the department's~~ 65334  
~~business plan,~~ but not if involuntarily demoted or removed for any 65335  
of the reasons described in section 124.34 or for a violation of 65336  
section 124.57 of the Revised Code. The director shall demote an 65337  
employee who has restoration rights of that nature to a position 65338  
in the classified service that in the director's judgment is 65339  
similar in nature to the position the employee held immediately 65340  
prior to being appointed to the position in the career 65341  
professional service. The director shall assign to an employee who 65342  
is demoted to a position in the classified service as provided in 65343  
this division a wage rate that equals, or that is not more than 65344  
twenty per cent less than, the wage rate assigned to the employee 65345  
in the career professional service immediately prior to the 65346  
employee's demotion. 65347

Sec. 5501.91. (A) As used in this section, "port authority" 65348  
means a port authority created under Chapter 4582. of the Revised 65349  
Code. 65350

(B) There is hereby established the Ohio maritime assistance 65351  
program, which the department of transportation shall administer. 65352  
Under the program, a port authority may apply to the department 65353  
for a grant to be used as prescribed in division (D) of this 65354  
section. In order to be eligible for a grant under this section, a 65355  
port authority is required to meet either of the following 65356  
requirements: 65357

(1) At the time of application for a grant, the port 65358  
authority owns an active marine cargo terminal located on the 65359  
shore of Lake Erie or the Ohio river or on a Lake Erie tributary. 65360

(2) The grant application is for the planning and 65361  
construction of a new marine cargo terminal located on the shore 65362  
of Lake Erie or the Ohio river or on a Lake Erie tributary. 65363

(C)(1) Every applicant for a grant shall submit with its application a written business justification for the investment that indicates the operational and market need for the project in a form the director of transportation shall prescribe. 65364  
65365  
65366  
65367

(2) The department shall evaluate all grant applications according to the following criteria: 65368  
65369

(a) The degree to which the proposed project will increase the efficiency or capacity of maritime cargo terminal operations; 65370  
65371

(b) Whether the project will result in the handling of new types of cargo or an increase in cargo volume; 65372  
65373

(c) Whether the project will meet an identified supply chain need or benefit Ohio firms that export goods to foreign markets, or import goods to Ohio for use in manufacturing or for value-added distribution; 65374  
65375  
65376  
65377

(d) Any other criteria the director determines to be appropriate. 65378  
65379

(3) If a grant application does not meet the criteria specified in divisions (C)(2)(b) and (c) of this section, an applicant is not eligible for a grant under this section. 65380  
65381  
65382

(D) A port authority shall use a grant awarded under this section only for any of the following purposes: 65383  
65384

(1) Land acquisition and site development for marine cargo terminal and associated uses, including demolition and environmental remediation; 65385  
65386  
65387

(2) Construction of wharves, quay walls, bulkheads, jetties, revetments, breakwaters, shipping channels, dredge disposal facilities, projects for the beneficial use of dredge material, and other structures and improvements directly related to maritime commerce and harbor infrastructure; 65388  
65389  
65390  
65391  
65392

(3) Construction and repair of warehouses, transit sheds, 65393

railroad tracks, roadways, gates and gatehouses, fencing, bridges, 65394  
offices, shipyards, and other improvements needed for marine cargo 65395  
terminal and associated uses, including shipyards; 65396

(4) Acquisition of cargo handling equipment, including mobile 65397  
shore cranes, stationary cranes, tow motors, fork lifts, yard 65398  
tractors, craneways, conveyor and bulk material handling 65399  
equipment, and all types of ship loading and unloading equipment; 65400

(5) Planning and design services and other services 65401  
associated with construction. 65402

(E) A port authority shall pay a matching amount of at least 65403  
one dollar for each grant dollar received for the proposed 65404  
project. 65405

(F) The director of transportation, in accordance with 65406  
Chapter 119. of the Revised Code, shall adopt rules governing the 65407  
program established under this section, including the grant 65408  
application, evaluation, award processes, and how the grant money 65409  
may be spent by a port authority. 65410

**Sec. 5502.63.** (A) The division of criminal justice services 65411  
in the department of public safety shall prepare a poster and a 65412  
brochure that describe safe firearms practices. The poster and 65413  
brochure shall contain typeface that is at least one-quarter inch 65414  
tall. The division shall furnish copies of the poster and brochure 65415  
free of charge to each federally licensed firearms dealer in this 65416  
state. 65417

As used in this division, "federally licensed firearms 65418  
dealer" means an importer, manufacturer, or dealer having a 65419  
license to deal in destructive devices or their ammunition, issued 65420  
and in effect pursuant to the federal "Gun Control Act of 1968," 65421  
82 Stat. 1213, 18 U.S.C. 923 et seq., and any amendments or 65422  
additions to that act or reenactments of that act. 65423

(B)(1) The division of criminal justice services shall create a poster that provides information regarding the national human trafficking resource center hotline. The poster shall be no smaller than eight and one-half inches by eleven inches in size and shall include a statement in substantially the following form:

"If you or someone you know is being forced to engage in any activity and cannot leave - whether it is commercial sex, housework, farm work, or any other activity - call the National Human Trafficking Resource Center Hotline at 1-888-373-7888 to access help and services.

Victims of human trafficking are protected under U.S. and Ohio law.

The toll-free Hotline is:

- Available 24 hours a day, 7 days a week
- Operated by a non-profit, non-governmental organization
- Anonymous & confidential
- Accessible in 170 languages
- Able to provide help, referral to services, training, and general information."

The statement shall appear on each poster in English, Spanish, and, for each county, any other language required for voting materials in that county under section 1973aa-1a of the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C. 1973, as amended. In addition to the national human trafficking resource center hotline, the statement may contain any additional hotlines regarding human trafficking for access to help and services.

(2) The division shall make the poster available for print on its public web site and shall make the poster available to and encourage its display at each of the following places:

- (a) A highway truck stop;

(b) A hotel, as defined in section 3731.01 of the Revised Code;	65454 65455
(c) An adult entertainment establishment, as defined in section 2907.39 of the Revised Code;	65456 65457
(d) A beauty salon, as defined in section 4713.01 of the Revised Code;	65458 65459
(e) An agricultural labor camp, as defined in section 3733.41 of the Revised Code;	65460 65461
(f) A hospital or urgent care center;	65462
(g) Any place where there is occurring a contest for the championship of a division, conference, or league of a professional athletic association or of a national collegiate athletic association division I intercollegiate sport or where there is occurring an athletic competition at which cash prizes are awarded to individuals or teams;	65463 65464 65465 65466 65467 65468
(h) Any establishment operating as a massage parlor, massage spa, alternative health clinic, or similar entity by persons who do not hold a valid <del>certificate</del> <u>license</u> from the state medical board to practice massage therapy under Chapter 4731. of the Revised Code;	65469 65470 65471 65472 65473
(i) A fair.	65474
(3) As used in this section:	65475
(a) "Fair" means the annual exposition conducted by any county or independent agricultural society or the Ohio expositions commission.	65476 65477 65478
(b) "Highway truck stop" means a gas station with a sign that is visible from a highway, as defined in section 5501.01 of the Revised Code, that offers amenities to commercial vehicles.	65479 65480 65481
<b>Sec. 5505.068.</b> (A) As used in this section and in section	65482

5505.0610 of the Revised Code: 65483

(1) "Agent" means a dealer, as defined in section 1707.01 of 65484  
the Revised Code, who is licensed under sections 1707.01 to 65485  
~~1707.45~~ 1707.50 of the Revised Code or under comparable laws of 65486  
another state or of the United States. 65487

(2) "Minority business enterprise" has the same meaning as in 65488  
section 122.71 of the Revised Code. 65489

(3) "Ohio-qualified agent" means an agent designated as such 65490  
by the state highway patrol retirement board. 65491

(4) "Ohio-qualified investment manager" means an investment 65492  
manager designated as such by the state highway patrol retirement 65493  
board. 65494

(5) "Principal place of business" means an office in which 65495  
the agent regularly provides securities or investment advisory 65496  
services and solicits, meets with, or otherwise communicates with 65497  
clients. 65498

(B) The state highway patrol retirement board shall, for the 65499  
purposes of this section, designate an agent as an Ohio-qualified 65500  
agent if the agent meets all of the following requirements: 65501

(1) The agent is subject to taxation under Chapter 5725., 65502  
5726., 5733., 5747., or 5751. of the Revised Code. 65503

(2) The agent is authorized to conduct business in this 65504  
state; 65505

(3) The agent maintains a principal place of business in this 65506  
state and employs at least five residents of this state. 65507

(C) The state highway patrol retirement board shall adopt and 65508  
implement a written policy to establish criteria and procedures 65509  
used to select agents to execute securities transactions on behalf 65510  
of the retirement system. The policy shall address each of the 65511

following:	65512
(1) Commissions charged by the agent, both in the aggregate and on a per share basis;	65513 65514
(2) The execution speed and trade settlement capabilities of the agent;	65515 65516
(3) The responsiveness, reliability, and integrity of the agent;	65517 65518
(4) The nature and value of research provided by the agent;	65519
(5) Any special capabilities of the agent.	65520
(D)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section.	65521 65522 65523 65524 65525 65526 65527
(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.	65528 65529 65530
(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.	65531 65532 65533 65534 65535
<b>Sec. 5513.06.</b> (A) The director of transportation may debar a vendor from consideration for contract awards upon a finding based upon a reasonable belief that the vendor has done any of the following:	65536 65537 65538 65539
(1) Abused the solicitation process by repeatedly withdrawing	65540

bids before purchase orders or contracts are issued or failing to accept orders based upon firm bids; 65541  
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(2) Failed to substantially perform a contract according to its terms, conditions, and specifications within specified time limits; 65543  
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(3) Failed to cooperate in monitoring contract performance by refusing to provide information or documents required in a contract, failed to respond and correct matters related to complaints to the vendor, or accumulated repeated justified complaints regarding performance of a contract; 65546  
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(4) Attempted to influence a public employee to breach ethical conduct standards; 65551  
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(5) Colluded with other bidders to restrain competition by any means; 65553  
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(6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the vendor's business integrity; 65555  
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(7) Been convicted under state or federal antitrust laws; 65561

(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract; 65562  
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(9) Has been debarred by a state agency, another state, or by any agency or department of the federal government; 65565  
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(10) Violated any other responsible business practice or performed in an unsatisfactory manner as determined by the director. 65567  
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(B) When the director reasonably believes that grounds for 65570

debarment exist, the director shall send the vendor a notice of 65571  
proposed debarment. If the vendor is a partnership, association, 65572  
or corporation, the director also may debar from consideration for 65573  
contract awards any partner of the partnership, or the officers 65574  
and directors of the association or corporation, being debarred. 65575  
When the director reasonably believes that grounds for debarment 65576  
exist, the director shall send the individual involved a notice of 65577  
proposed debarment. A notice of proposed debarment shall indicate 65578  
the grounds for the debarment of the vendor or individual and the 65579  
procedure for requesting a hearing. The notice and hearing shall 65580  
be in accordance with Chapter 119. of the Revised Code. If the 65581  
vendor or individual does not respond with a request for a hearing 65582  
in the manner specified in Chapter 119. of the Revised Code, the 65583  
director shall issue the debarment decision without a hearing and 65584  
shall notify the vendor or individual of the decision by certified 65585  
mail, return receipt requested. The debarment period may be of any 65586  
length determined by the director and the director may modify or 65587  
rescind the debarment at any time. During the period of debarment, 65588  
the director shall not include on a bidder list or consider for a 65589  
contract award any partnership, association, or corporation 65590  
affiliated with a debarred individual. After the debarment period 65591  
expires, the vendor or individual, and any partnership, 65592  
association, or corporation affiliated with the individual, may 65593  
reapply for inclusion on bidder lists through the regular 65594  
application process if such entity or individual is not otherwise 65595  
debarred. 65596

**Sec. 5525.03. (A)** All prospective bidders other than 65597  
environmental remediators and specialty contractors for which 65598  
there are no classes of work provided for in the rules adopted by 65599  
the director of transportation shall apply for qualification on 65600  
forms prescribed and furnished by the director. The application 65601  
shall be accompanied by a certificate of compliance with 65602

affirmative action programs issued pursuant to section 9.47 of the Revised Code and dated no earlier than one hundred eighty days ~~prior to~~ before the date fixed for the opening of bids for a particular project. ~~The~~

(B) The director shall act upon an application for qualification within thirty days after it is presented to the director. Upon the receipt of any application for qualification, the director shall examine the application to determine whether the applicant is competent and responsible and possesses the financial resources required by section 5525.04 of the Revised Code. If the applicant is found to possess the qualifications prescribed by sections 5525.02 to 5525.09 of the Revised Code and by rules adopted by the director, including a certificate of compliance with affirmative action programs, a certificate of qualification shall be issued to the applicant, which shall be valid for the period of one year or such shorter period of time as the director prescribes, unless revoked by the director for cause as defined by rules adopted by the director under section 5525.05 of the Revised Code. ~~The~~

(C) The certificate of qualification shall contain a statement fixing the aggregate amount of work, for any or all owners, that the applicant may have under construction and uncompleted at any one time and may contain a statement limiting such bidder to the submission of bids upon a certain class of work. Subject to any restriction as to amount or class of work therein contained, the certificate of qualification shall authorize its holder to bid on all work on which bids are taken by the department of transportation during the period of time therein specified. ~~An~~

(D) An applicant who has received a certificate of qualification and desires to amend the certificate by the dollar amount or by the classes of work may submit to the director such

documentation as the director considers appropriate. The director 65635  
shall review the documentation submitted by the applicant and, 65636  
within fifteen days, shall either amend the certificate of 65637  
qualification or deny the request. If the director denies the 65638  
request to amend the certificate, the applicant may appeal that 65639  
decision to the ~~director's request~~ director's prequalification 65640  
review board in accordance with section 5525.07 of the Revised 65641  
Code. Two or more persons, partnerships, or corporations may bid 65642  
jointly on any one project, but only on condition that prior to 65643  
the time bids are taken on the project the bidders make a joint 65644  
application for qualification and obtain a joint certificate 65645  
qualification. 65646

(E) The director may debar from participating in future 65647  
contracts with the department any bidding company as well as any 65648  
partner of a partnership, or the officers and directors of an 65649  
association or corporation if the certificate of qualification of 65650  
the company, partnership, association, or corporation is revoked 65651  
or not renewed by the director. When the director reasonably 65652  
believes that grounds for revocation and debarment exist, the 65653  
director shall send the bidding company and any individual 65654  
involved a notice of proposed revocation and debarment indicating 65655  
the grounds for such action as established in rules adopted by the 65656  
director under section 5525.05 of the Revised Code and the 65657  
procedure for requesting a hearing. The notice and hearing shall 65658  
be in accordance with Chapter 119. of the Revised Code. If the 65659  
bidding company or individual does not respond with a request for 65660  
a hearing in the manner specified in Chapter 119. of the Revised 65661  
Code, the director shall revoke the certificate and issue the 65662  
debarment decision without a hearing and shall notify the bidding 65663  
company or individual of the decision by certified mail, return 65664  
receipt requested. ~~The~~ 65665

(F) The debarment period may be of any length determined by 65666

the director and the director may modify or rescind the debarment 65667  
at any time. During the period of debarment, the director shall 65668  
not issue a certificate of qualification for any company, 65669  
partnership, association, or corporation affiliated with a 65670  
debarred individual. After the debarment period expires, the 65671  
bidding company or individual, and any partnership, association, 65672  
or corporation affiliated with the individual may make an 65673  
application for qualification if such entity or individual is not 65674  
otherwise debarred. 65675

**Sec. 5537.07.** (A) When the cost to the Ohio turnpike and 65676  
infrastructure commission under any contract with a person other 65677  
than a governmental agency involves an expenditure of more than 65678  
fifty thousand dollars, the commission shall make a written 65679  
contract with the lowest responsive and responsible bidder, in 65680  
accordance with section 9.312 of the Revised Code, after 65681  
advertisement, in accordance with section 7.16 of the Revised 65682  
Code, for not less than two consecutive weeks in a newspaper of 65683  
general circulation ~~in Franklin county,~~ and in such other 65684  
publications as the commission determines, ~~which.~~ The notice shall 65685  
state the general character of the work and the general character 65686  
of the materials to be furnished, the place where plans and 65687  
specifications therefor may be examined, and the time and place of 65688  
receiving bids. The commission may require that the cost estimate 65689  
for the construction, demolition, alteration, repair, improvement, 65690  
renovation, or reconstruction of roadways and bridges for which 65691  
the commission is required to receive bids be kept confidential 65692  
and remain confidential until after all bids for the public 65693  
improvement have been received or the deadline for receiving bids 65694  
has passed. Thereafter, and before opening the bids submitted for 65695  
the roadways and bridges, the commission shall make the cost 65696  
estimate public knowledge by reading the cost estimate in a public 65697  
place. The commission may reject any and all bids. The 65698

requirements of this division do not apply to contracts for the 65699  
acquisition of real property or compensation for professional or 65700  
other personal services. 65701

(B) Each bid for a contract for construction, demolition, 65702  
alteration, repair, improvement, renovation, or reconstruction 65703  
shall contain the full name of every person interested in it and 65704  
shall meet the requirements of section 153.54 of the Revised Code. 65705

(C) Other than for a contract referred to in division (B) of 65706  
this section, each bid for a contract that involves an expenditure 65707  
in excess of ~~one~~ five hundred ~~fifty~~ thousand dollars or any 65708  
contract with a service facility operator shall contain the full 65709  
name of every person interested in it and shall be accompanied by 65710  
a sufficient bond or certified check on a solvent bank that if the 65711  
bid is accepted a contract will be entered into and the 65712  
performance of its proposal secured. 65713

(D) Other than a contract referred to in division (B) of this 65714  
section, a bond with good and sufficient surety, in a form as 65715  
prescribed and approved by the commission, shall be required of 65716  
every contractor awarded a contract that involves an expenditure 65717  
in excess of ~~one~~ five hundred ~~fifty~~ thousand dollars or any 65718  
contract with a service facility operator. The bond shall be in an 65719  
amount equal to at least fifty per cent of the contract price and 65720  
shall be conditioned upon the faithful performance of the 65721  
contract. 65722

(E)(1) Notwithstanding any other provisions of this section, 65723  
the commission may establish a program to expedite special 65724  
turnpike projects by combining the design and construction 65725  
elements of any public improvement project into a single contract. 65726  
The commission shall prepare and distribute a scope of work 65727  
document upon which the bidders shall base their bids. At a 65728  
minimum, bidders shall meet the requirements of section 4733.161 65729  
of the Revised Code. Except in regard to those requirements 65730

relating to providing plans, the commission shall award contracts 65731  
following the requirements set forth in divisions (A), (B), (C), 65732  
and (D) of this section. 65733

(2) Notwithstanding any other provision of this section or 65734  
any other provision of the Revised Code to the contrary, the 65735  
commission may use a value-based selection process when selecting 65736  
a contractor to perform a project that contains both design and 65737  
construction elements in a single contract under this division. 65738

(F) Notwithstanding any other provision of this section or 65739  
any other provision of the Revised Code to the contrary, the 65740  
commission may enter into a written contract after submission of 65741  
competitive proposals when the commission determines that 65742  
competitive bidding is not practical or advantageous to the 65743  
commission. The commission may conduct discussions with anyone 65744  
that submits a competitive proposal when that proposal might be 65745  
selected to ensure that the person understands and is responsive 65746  
to the requirements of the project. The commission may award the 65747  
contract to the person that submits the best proposal, as 65748  
determined by the commission. The commission shall consider 65749  
multiple factors in awarding a contract under this division, 65750  
including price and the evaluation criteria set forth in the 65751  
request for competitive proposals. 65752

(G) The commission may contract for the purchase of 65753  
equipment, materials, and services without public advertisement in 65754  
any of the following circumstances: 65755

(1) The construction of a temporary bridge; 65756

(2) The making of temporary emergency repairs to a highway or 65757  
bridge when necessary because of a storm, flood, landslide, or 65758  
other natural disaster; 65759

(3) While responding to circumstances created by an 65760  
extraordinary emergency, as determined by the commission. 65761

Sec. 5537.13. (A) Subject to division (C)(1) of this section 65762  
and section 5537.26 of the Revised Code, the Ohio turnpike and 65763  
infrastructure commission may fix, revise, charge, and collect 65764  
tolls for each turnpike project, and contract in the manner 65765  
provided by this section with any person desiring the use of any 65766  
part thereof, including the right-of-way adjoining the paved 65767  
portion, for placing thereon telephone, electric light, or power 65768  
lines, service facilities, or for any other purpose, and fix the 65769  
terms, conditions, rents, and rates of charge for such use, 65770  
provided that no toll, charge, or rental may be made by the 65771  
commission for placing in, on, along, over, or under the turnpike 65772  
project, equipment or public utility facilities that are necessary 65773  
to serve service facilities or to interconnect any public utility 65774  
facilities. 65775

(B) Contracts for the operation of service facilities shall 65776  
be made in writing. Such contracts, except contracts with state 65777  
agencies or other governmental agencies, shall be made with the 65778  
bidder whose bid is determined by the commission to be the best 65779  
bid received, after advertisement, in accordance with section 7.16 65780  
of the Revised Code, for two consecutive weeks in a newspaper of 65781  
general circulation in ~~Franklin county~~, and in other publications 65782  
that the commission determines. The notice shall state the general 65783  
character of the service facilities operation proposed, the place 65784  
where plans and specifications may be examined, and the time and 65785  
place of receiving bids. Bids shall contain the full name of each 65786  
person interested in them, and shall be in such form as the 65787  
commission requires. The commission may reject any and all bids. 65788  
All contracts for service facilities shall be preserved in the 65789  
principal office of the commission. 65790

(C)(1) Except as necessary to comply with covenants in bond 65791  
proceedings in existence before July 1, 2013, for calendar years 65792  
2013 through 2023, the commission shall not increase the toll 65793

rates for any class of passenger vehicle as fixed on ~~the effective~~ 65794  
~~date of this amendment~~ July 1, 2013, when both of the following 65795  
apply: 65796

(a) The tolls are collected and remitted in accordance with a 65797  
multi-jurisdiction electronic toll collection agreement; and 65798

(b) The distance traveled is thirty miles or less. 65799

(2) Subject to division (C)(1) of this section, tolls shall 65800  
be so fixed and adjusted as to provide funds at least sufficient 65801  
with other revenues of the Ohio turnpike system, if any, to pay: 65802

(a) The cost of maintaining, improving, repairing, 65803  
constructing, and operating the Ohio turnpike system and its 65804  
different parts and sections, and to create and maintain any 65805  
reserves for those purposes; 65806

(b) Any unpaid bond service charges on outstanding bonds 65807  
payable from pledged revenues as such charges become due and 65808  
payable, and to create and maintain any reserves for that purpose. 65809

(D) Toll is not subject to supervision, approval, or 65810  
regulation by any state agency other than the turnpike and 65811  
infrastructure commission. 65812

(E) Revenues derived from each turnpike project shall be 65813  
first applied to pay the cost of maintenance, improvement, repair, 65814  
and operation and to provide any reserves therefor that are 65815  
provided for in the bond proceedings authorizing the issuance of 65816  
those outstanding bonds, and otherwise as provided by the 65817  
commission. The bond proceedings also shall provide, subject to 65818  
the provisions of any other applicable bond proceedings, for the 65819  
pledge of all, or such part as the commission may determine of the 65820  
pledged revenues and the applicable special fund or funds to the 65821  
payment of the bond service charges, which pledge may be made to 65822  
secure the bonds senior or subordinate to or on a parity with 65823  
bonds theretofore or thereafter issued, if and to the extent 65824

provided in the bond proceedings. The pledge shall be valid and 65825  
binding from the time the pledge is made; the revenues and the 65826  
pledged revenues thereafter received by the commission immediately 65827  
shall be subject to the lien of the pledge without any physical 65828  
delivery thereof or further act, and the lien of the pledge shall 65829  
be valid and binding as against all parties having claims of any 65830  
kind in tort, contract, or otherwise against the commission, 65831  
whether or not those parties have notice thereof. The bond 65832  
proceedings by which a pledge is created need not be filed or 65833  
recorded except in the records of the commission. The use and 65834  
disposition of moneys to the credit of a bond service fund shall 65835  
be subject to the applicable bond proceedings. 65836

(F) The proceeds of bonds issued for the payment of the costs 65837  
of infrastructure projects, net of the payment of all financing 65838  
expenses and deposits into debt service reserves or other special 65839  
funds as may be required in the applicable bond proceedings, shall 65840  
be deposited to the infrastructure fund or funds and shall be 65841  
exclusively used to pay the cost of infrastructure projects 65842  
approved by the commission, except that income earned by the 65843  
infrastructure fund may be used by the commission towards the 65844  
payment of bond service charges. 65845

**Sec. 5537.17.** (A) Each turnpike project open to traffic shall 65846  
be maintained and kept in good condition and repair by the Ohio 65847  
turnpike and infrastructure commission. The Ohio turnpike system 65848  
shall be policed and operated by a force of police, toll 65849  
collectors, and other employees and agents that the commission 65850  
employs or contracts for. 65851

(B) All public or private property damaged or destroyed in 65852  
carrying out the powers granted by this chapter shall be restored 65853  
or repaired and placed in its original condition, as nearly as 65854  
practicable, or adequate compensation or consideration made 65855

therefor out of moneys provided under this chapter. 65856

(C) All governmental agencies may lease, lend, grant, or 65857  
convey to the commission at its request, upon terms that the 65858  
proper authorities of the governmental agencies consider 65859  
reasonable and fair and without the necessity for an 65860  
advertisement, order of court, or other action or formality, other 65861  
than the regular and formal action of the authorities concerned, 65862  
any property that is necessary or convenient to the effectuation 65863  
of the purposes of the commission, including public roads and 65864  
other property already devoted to public use. 65865

(D) Each bridge constituting part of a turnpike project shall 65866  
be inspected at least once each year by a professional engineer 65867  
employed or retained by the commission. 65868

(E) ~~On or before the first day of July in each year, the~~ 65869  
~~commission shall make an annual report of its activities for the~~ 65870  
~~preceding calendar year to the governor and the general assembly.~~ 65871  
~~Each such report shall set forth a complete operating and~~ 65872  
~~financial statement covering the commission's operations and~~ 65873  
~~funding of any turnpike projects and infrastructure projects~~ 65874  
during the year. The commission shall cause an audit of its books 65875  
and accounts to be made at least once each year by certified 65876  
public accountants approved by the auditor of state, and the cost 65877  
thereof may be treated as a part of the cost of operations of the 65878  
commission. ~~The auditor of state, at least once a year and without~~ 65879  
~~previous notice to the commission, shall audit the accounts and~~ 65880  
~~transactions of the commission~~ On or before the first day of July 65881  
in each year, the commission shall submit a comprehensive annual 65882  
financial report containing its audited financial statements for 65883  
the preceding calendar year to the governor, the general assembly, 65884  
and the director of budget and management. Each such report shall 65885  
set forth a complete operating and financial statement covering 65886  
the commission's operations and funding of any turnpike projects 65887

and infrastructure projects during the year. 65888

(F) The commission shall submit a copy of its ~~annual audit by~~ 65889  
~~the auditor of state and~~ its proposed annual budget for each 65890  
calendar or fiscal year to the governor, the presiding officers of 65891  
each house of the general assembly, the director of budget and 65892  
management, and the legislative service commission no later than 65893  
the first day of that calendar or fiscal year. 65894

(G) Upon request of the chairperson of the appropriate 65895  
standing committee or subcommittee of the senate and house of 65896  
representatives that is primarily responsible for considering 65897  
transportation budget matters, the commission shall appear at 65898  
least one time before each committee or subcommittee during the 65899  
period when that committee or subcommittee is considering the 65900  
biennial appropriations for the department of transportation and 65901  
shall provide testimony outlining its budgetary results for the 65902  
last two calendar years, including a comparison of budget and 65903  
actual revenue and expenditure amounts. The commission also shall 65904  
address its current budget and long-term capital plan. 65905

(H) Not more than sixty nor less than thirty days before 65906  
adopting its annual budget, the commission shall submit a copy of 65907  
its proposed annual budget to the governor, the presiding officers 65908  
of each house of the general assembly, the director of budget and 65909  
management, and the legislative service commission. The office of 65910  
budget and management shall review the proposed budget and may 65911  
provide recommendations to the commission for its consideration. 65912

**Sec. 5705.091.** The board of county commissioners of each 65913  
county shall establish a county developmental disabilities general 65914  
fund. Notwithstanding section 5705.10 of the Revised Code, 65915  
proceeds from levies under section 5705.222 and division (L) of 65916  
section 5705.19 of the Revised Code shall be deposited to the 65917  
credit of the county developmental disabilities general fund. 65918

Accounts shall be established within the county developmental 65919  
disabilities general fund for each of the several particular 65920  
purposes of the levies as specified in the resolutions under which 65921  
the levies were approved, and proceeds from different levies that 65922  
were approved for the same particular purpose shall be credited to 65923  
accounts for that purpose. Other money received by the county for 65924  
the purposes of Chapters 3323. and 5126. of the Revised Code and 65925  
not required by state or federal law to be deposited to the credit 65926  
of a different fund shall also be deposited to the credit of the 65927  
county developmental disabilities general fund, in an account 65928  
appropriate to the particular purpose for which the money was 65929  
received. Unless otherwise provided by law, an unexpended balance 65930  
at the end of a fiscal year in any account in the county 65931  
developmental disabilities general fund shall be appropriated the 65932  
next fiscal year to the same fund. 65933

A county board of developmental disabilities may request, by 65934  
resolution, that the board of county commissioners establish a 65935  
county developmental disabilities capital fund for money to be 65936  
used for acquisition, construction, or improvement of capital 65937  
facilities or acquisition of capital equipment used in providing 65938  
services to persons with developmental disabilities. The county 65939  
board of developmental disabilities shall transmit a certified 65940  
copy of the resolution to the board of county commissioners. Upon 65941  
receiving the resolution, the board of county commissioners shall 65942  
establish a county developmental disabilities capital fund. 65943

A county board of developmental disabilities may request, by 65944  
resolution, that the board of county commissioners establish a 65945  
county developmental disability medicaid reserve fund. On receipt 65946  
of the resolution, the board of county commissioners shall 65947  
establish a county developmental disability medicaid reserve fund. 65948  
Funds needed for the county board of developmental disabilities to 65949  
pay for extraordinary costs, including, but not limited to, costs 65950

for services to individuals with developmental disabilities, or to 65951  
ensure the availability of adequate funds in the event a tax levy 65952  
for services for individuals with developmental disabilities 65953  
fails, may be deposited into the fund. The county board of 65954  
developmental disabilities shall use money in the fund for such 65955  
purposes as needed. 65956

**Sec. 5705.21.** (A) At any time, the board of education of any 65957  
city, local, exempted village, cooperative education, or joint 65958  
vocational school district, by a vote of two-thirds of all its 65959  
members, may declare by resolution that the amount of taxes that 65960  
may be raised within the ten-mill limitation by levies on the 65961  
current tax duplicate will be insufficient to provide an adequate 65962  
amount for the necessary requirements of the school district, that 65963  
it is necessary to levy a tax in excess of such limitation for one 65964  
of the purposes specified in division (A), (D), (F), (H), or (DD) 65965  
of section 5705.19 of the Revised Code, for general permanent 65966  
improvements, for the purpose of operating a cultural center, for 65967  
the purpose of providing for school safety and security, or for 65968  
the purpose of providing education technology, and that the 65969  
question of such additional tax levy shall be submitted to the 65970  
electors of the school district at a special election on a day to 65971  
be specified in the resolution. In the case of a qualifying 65972  
library levy for the support of a library association or private 65973  
corporation, the question shall be submitted to the electors of 65974  
the association library district. If the resolution states that 65975  
the levy is for the purpose of operating a cultural center, the 65976  
ballot shall state that the levy is "for the purpose of operating 65977  
the..... (name of cultural center)." 65978

As used in this division, "cultural center" means a 65979  
freestanding building, separate from a public school building, 65980  
that is open to the public for educational, musical, artistic, and 65981  
cultural purposes; "education technology" means, but is not 65982

limited to, computer hardware, equipment, materials, and 65983  
accessories, equipment used for two-way audio or video, and 65984  
software; "general permanent improvements" means permanent 65985  
improvements without regard to the limitation of division (F) of 65986  
section 5705.19 of the Revised Code that the improvements be a 65987  
specific improvement or a class of improvements that may be 65988  
included in a single bond issue; and "providing for school safety 65989  
and security" includes but is not limited to providing for 65990  
permanent improvements to provide or enhance security, employment 65991  
of or contracting for the services of safety personnel, providing 65992  
mental health services and counseling, or providing training in 65993  
safety and security practices and responses. 65994

A resolution adopted under this division shall be confined to 65995  
a single purpose and shall specify the amount of the increase in 65996  
rate that it is necessary to levy, the purpose of the levy, and 65997  
the number of years during which the increase in rate shall be in 65998  
effect. The number of years may be any number not exceeding five 65999  
or, if the levy is for current expenses of the district or for 66000  
general permanent improvements, for a continuing period of time. 66001

(B)(1) The board of education of a qualifying school 66002  
district, by resolution, may declare that it is necessary to levy 66003  
a tax in excess of the ten-mill limitation for the purpose of 66004  
paying the current expenses of partnering community schools and, 66005  
if any of the levy proceeds are so allocated, of the district. A 66006  
qualifying school district that is not a municipal school district 66007  
may allocate all of the levy proceeds to partnering community 66008  
schools. A municipal school district shall allocate a portion of 66009  
the levy proceeds to the current expenses of the district. The 66010  
resolution shall declare that the question of the additional tax 66011  
levy shall be submitted to the electors of the school district at 66012  
a special election on a day to be specified in the resolution. The 66013  
resolution shall state the purpose of the levy, the rate of the 66014

tax expressed in mills per dollar of taxable value, the number of 66015  
such mills to be levied for the current expenses of the partnering 66016  
community schools and the number of such mills, if any, to be 66017  
levied for the current expenses of the school district, the number 66018  
of years the tax will be levied, and the first year the tax will 66019  
be levied. The number of years the tax may be levied may be any 66020  
number not exceeding ten years, or for a continuing period of 66021  
time. 66022

The levy of a tax for the current expenses of a partnering 66023  
community school under this section and the distribution of 66024  
proceeds from the tax by a qualifying school district to 66025  
partnering community schools is hereby determined to be a proper 66026  
public purpose. 66027

(2)(a) If any portion of the levy proceeds are to be 66028  
allocated to the current expenses of the qualifying school 66029  
district, the form of the ballot at an election held pursuant to 66030  
division (B) of this section shall be as follows: 66031

"Shall a levy be imposed by the..... (insert the name of 66032  
the qualifying school district) for the purpose of current 66033  
expenses of the school district and of partnering community 66034  
schools at a rate not exceeding..... (insert the number of mills) 66035  
mills for each one dollar of valuation, of which..... (insert the 66036  
number of mills to be allocated to partnering community schools) 66037  
mills is to be allocated to partnering community schools), which 66038  
amounts to..... (insert the rate expressed in dollars and cents) 66039  
for each one hundred dollars of valuation, for..... (insert the 66040  
number of years the levy is to be imposed, or that it will be 66041  
levied for a continuing period of time), beginning..... (insert 66042  
first year the tax is to be levied), which will first be payable 66043  
in calendar year..... (insert the first calendar year in which 66044  
the tax would be payable)? 66045

	FOR THE TAX LEVY
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	AGAINST THE TAX LEVY	"
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(b) If all of the levy proceeds are to be allocated to the current expenses of partnering community schools, the form of the ballot shall be as follows:

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"Shall a levy be imposed by the..... (insert the name of the qualifying school district) for the purpose of current expenses of partnering community schools at a rate not exceeding..... (insert the number of mills) mills for each one dollar of valuation which amounts to..... (insert the rate expressed in dollars and cents) for each one hundred dollars of valuation, for..... (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), beginning..... (insert first year the tax is to be levied), which will first be payable in calendar year..... (insert the first calendar year in which the tax would be payable)?

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	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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(3) Upon each receipt of a tax distribution by the qualifying school district, the board of education shall credit the portion allocated to partnering community schools to the partnering community schools fund. All income from the investment of money in the partnering community schools fund shall be credited to that fund.

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(a) If the qualifying school district is a municipal school district, the board of education shall distribute the partnering community schools amount among the then qualifying community schools not more than forty-five days after the school district receives and deposits each tax distribution. From each tax distribution, each such partnering community school shall receive a portion of the partnering community schools amount in the proportion that the number of its resident students bears to the

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aggregate number of resident students of all such partnering  
community schools as of the date of receipt and deposit of the tax  
distribution. 66079  
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(b) If the qualifying school district is not a municipal  
school district, the board of education may distribute all or a  
portion of the amount in the partnering community schools fund  
during a fiscal year to partnering community schools on or before  
the first day of June of the preceding fiscal year. Each such  
partnering community school shall receive a portion of the amount  
distributed by the board from the partnering community schools  
fund during the fiscal year in the proportion that the number of  
its resident students bears to the aggregate number of resident  
students of all such partnering community schools as of the date  
the school district received and deposited the most recent tax  
distribution. On or before the fifteenth day of June of each  
fiscal year, the board of education shall announce an estimated  
allocation to partnering community schools for the ensuing fiscal  
year. The board is not required to allocate to partnering  
community schools the entire partnering community schools amount  
in the fiscal year in which a tax distribution is received and  
deposited in the partnering community schools fund. The estimated  
allocation shall be published on the web site of the school  
district and expressed as a dollar amount per resident student.  
The actual allocation to community schools in a fiscal year need  
not conform to the estimate published by the school district so  
long if the estimate was made in good faith. 66082  
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Distributions by a school district under division (B)(3)(b)  
of this section shall be made in accordance with distribution  
agreements entered into by the board of education and each  
partnering community school eligible for distributions under this  
division. The distribution agreements shall be certified to the  
department of education each fiscal year before the thirtieth day 66105  
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of July. Each agreement shall provide for at least three 66111  
distributions by the school district to the partnering community 66112  
school during the fiscal year and shall require the initial 66113  
distribution be made on or before the thirtieth day of July. 66114

(c) For the purposes of division (B) of this section, the 66115  
number of resident students shall be the number of such students 66116  
reported under section 3317.03 of the Revised Code and established 66117  
by the department of education as of the date of receipt and 66118  
deposit of the tax distribution. 66119

(4) To the extent an agreement whereby the qualifying school 66120  
district and a community school endorse each other's programs is 66121  
necessary for the community school to qualify as a partnering 66122  
community school under division (B)(6)(b) of this section, the 66123  
board of education of the school district shall certify to the 66124  
department of education the agreement along with the determination 66125  
that such agreement satisfies the requirements of that division. 66126  
The board's determination is conclusive. 66127

(5) For the purposes of Chapter 3317. of the Revised Code or 66128  
other laws referring to the "taxes charged and payable" for a 66129  
school district, the taxes charged and payable for a qualifying 66130  
school district that levies a tax under division (B) of this 66131  
section includes only the taxes charged and payable under that 66132  
levy for the current expenses of the school district, and does not 66133  
include the taxes charged and payable for the current expenses of 66134  
partnering community schools. The taxes charged and payable for 66135  
the current expenses of partnering community schools shall not 66136  
affect the calculation of "state education aid" as defined in 66137  
section 5751.20 of the Revised Code. 66138

(6) As used in division (B) of this section: 66139

(a) "Qualifying school district" means a municipal school 66140  
district, as defined in section 3311.71 of the Revised Code or a 66141

school district that contains within its territory a partnering  
community school. 66142  
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(b) "Partnering community school" means a community school 66144  
established under Chapter 3314. of the Revised Code that is 66145  
located within the territory of the qualifying school district and 66146  
meets one of the following criteria: 66147

(i) If the qualifying school district is a municipal school 66148  
district, the community school is sponsored by the district or is 66149  
a party to an agreement with the district whereby the district and 66150  
the community school endorse each other's programs; 66151

(ii) If the qualifying school district is not a municipal 66152  
school district, the community school is sponsored by a sponsor 66153  
that was rated as "exemplary" in the ratings most recently 66154  
published under section 3314.016 of the Revised Code before the 66155  
resolution proposing the levy is certified to the board of 66156  
elections. 66157

(c) "Partnering community schools amount" means the product 66158  
obtained, as of the receipt and deposit of the tax distribution, 66159  
by multiplying the amount of a tax distribution by a fraction, the 66160  
numerator of which is the number of mills per dollar of taxable 66161  
value of the property tax to be allocated to partnering community 66162  
schools, and the denominator of which is the total number of mills 66163  
per dollar of taxable value authorized by the electors in the 66164  
election held under division (B) of this section, each as set 66165  
forth in the resolution levying the tax. If the resolution 66166  
allocates all of the levy proceeds to partnering community 66167  
schools, the "partnering schools amount" equals the amount of the 66168  
tax distribution. 66169

(d) "Partnering community schools fund" means a separate fund 66170  
established by the board of education of a qualifying school 66171  
district for the deposit of partnering community school amounts 66172

under this section. 66173

(e) "Resident student" means a student enrolled in a 66174  
partnering community school who is entitled to attend school in 66175  
the qualifying school district under section 3313.64 or 3313.65 of 66176  
the Revised Code. 66177

(f) "Tax distribution" means a distribution of proceeds of 66178  
the tax authorized by division (B) of this section under section 66179  
321.24 of the Revised Code and distributions that are attributable 66180  
to that tax under sections 323.156 and 4503.068 of the Revised 66181  
Code or other applicable law. 66182

(C) A resolution adopted under this section shall specify the 66183  
date of holding the election, which shall not be earlier than 66184  
ninety days after the adoption and certification of the resolution 66185  
and which shall be consistent with the requirements of section 66186  
3501.01 of the Revised Code. 66187

A resolution adopted under this section may propose to renew 66188  
one or more existing levies imposed under division (A) or (B) of 66189  
this section or to increase or decrease a single levy imposed 66190  
under either such division. 66191

If the board of education imposes one or more existing levies 66192  
for the purpose specified in division (F) of section 5705.19 of 66193  
the Revised Code, the resolution may propose to renew one or more 66194  
of those existing levies, or to increase or decrease a single such 66195  
existing levy, for the purpose of general permanent improvements. 66196

If the resolution proposes to renew two or more existing 66197  
levies, the levies shall be levied for the same purpose. The 66198  
resolution shall identify those levies and the rates at which they 66199  
are levied. The resolution also shall specify that the existing 66200  
levies shall not be extended on the tax lists after the year 66201  
preceding the year in which the renewal levy is first imposed, 66202  
regardless of the years for which those levies originally were 66203

authorized to be levied. 66204

If the resolution proposes to renew an existing levy imposed 66205  
under division (B) of this section, the rates allocated to the 66206  
qualifying school district and to partnering community schools 66207  
each may be increased or decreased or remain the same, and the 66208  
total rate may be increased, decreased, or remain the same. The 66209  
resolution and notice of election shall specify the number of the 66210  
mills to be levied for the current expenses of the partnering 66211  
community schools and the number of the mills, if any, to be 66212  
levied for the current expenses of the qualifying school district. 66213

A resolution adopted under this section shall go into 66214  
immediate effect upon its passage, and no publication of the 66215  
resolution shall be necessary other than that provided for in the 66216  
notice of election. A copy of the resolution shall immediately 66217  
after its passing be certified to the board of elections of the 66218  
proper county in the manner provided by section 5705.25 of the 66219  
Revised Code. That section shall govern the arrangements for the 66220  
submission of such question and other matters concerning the 66221  
election to which that section refers, including publication of 66222  
notice of the election, except that the election shall be held on 66223  
the date specified in the resolution. In the case of a resolution 66224  
adopted under division (B) of this section, the publication of 66225  
notice of that election shall state the number of the mills, if 66226  
any, to be levied for the current expenses of partnering community 66227  
schools and the number of the mills to be levied for the current 66228  
expenses of the qualifying school district. If a majority of the 66229  
electors voting on the question so submitted in an election vote 66230  
in favor of the levy, the board of education may make the 66231  
necessary levy within the school district or, in the case of a 66232  
qualifying library levy for the support of a library association 66233  
or private corporation, within the association library district, 66234  
at the additional rate, or at any lesser rate in excess of the 66235

ten-mill limitation on the tax list, for the purpose stated in the 66236  
resolution. A levy for a continuing period of time may be reduced 66237  
pursuant to section 5705.261 of the Revised Code. The tax levy 66238  
shall be included in the next tax budget that is certified to the 66239  
county budget commission. 66240

(D)(1) After the approval of a levy on the current tax list 66241  
and duplicate for current expenses, for recreational purposes, for 66242  
community centers provided for in section 755.16 of the Revised 66243  
Code, or for a public library of the district under division (A) 66244  
of this section, and prior to the time when the first tax 66245  
collection from the levy can be made, the board of education may 66246  
anticipate a fraction of the proceeds of the levy and issue 66247  
anticipation notes in a principal amount not exceeding fifty per 66248  
cent of the total estimated proceeds of the levy to be collected 66249  
during the first year of the levy. 66250

(2) After the approval of a levy for general permanent 66251  
improvements for a specified number of years or for permanent 66252  
improvements having the purpose specified in division (F) of 66253  
section 5705.19 of the Revised Code, the board of education may 66254  
anticipate a fraction of the proceeds of the levy and issue 66255  
anticipation notes in a principal amount not exceeding fifty per 66256  
cent of the total estimated proceeds of the levy remaining to be 66257  
collected in each year over a period of five years after the 66258  
issuance of the notes. 66259

The notes shall be issued as provided in section 133.24 of 66260  
the Revised Code, shall have principal payments during each year 66261  
after the year of their issuance over a period not to exceed five 66262  
years, and may have a principal payment in the year of their 66263  
issuance. 66264

(3) After approval of a levy for general permanent 66265  
improvements for a continuing period of time, the board of 66266  
education may anticipate a fraction of the proceeds of the levy 66267

and issue anticipation notes in a principal amount not exceeding 66268  
fifty per cent of the total estimated proceeds of the levy to be 66269  
collected in each year over a specified period of years, not 66270  
exceeding ten, after the issuance of the notes. 66271

The notes shall be issued as provided in section 133.24 of 66272  
the Revised Code, shall have principal payments during each year 66273  
after the year of their issuance over a period not to exceed ten 66274  
years, and may have a principal payment in the year of their 66275  
issuance. 66276

(4) After the approval of a levy on the current tax list and 66277  
duplicate under division (B) of this section, and prior to the 66278  
time when the first tax collection from the levy can be made, the 66279  
board of education may anticipate a fraction of the proceeds of 66280  
the levy for the current expenses of the school district and issue 66281  
anticipation notes in a principal amount not exceeding fifty per 66282  
cent of the estimated proceeds of the levy to be collected during 66283  
the first year of the levy and allocated to the school district. 66284  
The portion of the levy proceeds to be allocated to partnering 66285  
community schools under that division shall not be included in the 66286  
estimated proceeds anticipated under this division and shall not 66287  
be used to pay debt charges on any anticipation notes. 66288

The notes shall be issued as provided in section 133.24 of 66289  
the Revised Code, shall have principal payments during each year 66290  
after the year of their issuance over a period not to exceed five 66291  
years, and may have a principal payment in the year of their 66292  
issuance. 66293

(E) The submission of questions to the electors under this 66294  
section is subject to the limitation on the number of election 66295  
dates established by section 5705.214 of the Revised Code. 66296

(F) The board of education of any school district that levies 66297  
a tax under this section for the purpose of providing for school 66298

safety and security may report to the department of education how 66299  
the district is using revenue from that tax. 66300

The board of education of any school district that proposes 66301  
to levy a tax for the purpose of providing for school safety and 66302  
security may share the proceeds of the tax with chartered 66303  
nonpublic schools, as defined by section 3310.01 of the Revised 66304  
Code, that are located in the territory of the school district as 66305  
provided in this division. The resolution levying the tax and the 66306  
form of the ballot shall state that proceeds from the levy are to 66307  
be shared with chartered nonpublic schools and shall state the 66308  
percentage of the proceeds that is to be shared with those 66309  
schools. 66310

If a percentage of the proceeds of such a tax are to be 66311  
shared with chartered nonpublic schools under this division, such 66312  
proceeds shall be shared with all chartered nonpublic schools 66313  
located in the territory of the school district. Of the percentage 66314  
of the proceeds to be shared with chartered nonpublic schools, 66315  
each such school shall receive an amount that bears the same 66316  
proportion of that percentage that the number of resident students 66317  
attending that school bears to the total number of resident 66318  
students attending all such schools in the territory of the school 66319  
district. For the purposes of this section, a resident student is 66320  
a student enrolled in a chartered nonpublic school located in the 66321  
territory of the school district who is entitled to attend school 66322  
in the school district under section 3313.64 or 3313.65 of the 66323  
Revised Code. 66324

All proceeds of the levy shall be credited to a fund of the 66325  
school district created for that purpose, and the board of 66326  
education shall pay each chartered nonpublic school its share of 66327  
the proceeds from that fund not less frequently than once after 66328  
each settlement of taxes under divisions (A) and (C) of section 66329  
321.24 of the Revised Code. Any chartered nonpublic school 66330

receiving payments under this section shall use all of such 66331  
payments only for providing for school safety and security. 66332

**Sec. 5709.17.** The following property shall be exempted from 66333  
taxation: 66334

(A) Real estate held or occupied by an association or 66335  
corporation, organized or incorporated under the laws of this 66336  
state relative to soldiers' memorial associations or monumental 66337  
building associations and that, in the opinion of the trustees, 66338  
directors, or managers thereof, is necessary and proper to carry 66339  
out the object intended for such association or corporation; 66340

(B) Real estate and tangible personal property held or 66341  
occupied by a qualifying veterans' organization and used primarily 66342  
for meetings and administration of the qualifying veterans' 66343  
organization or for providing, on a not-for-profit basis, programs 66344  
and supportive services to past or present members of the armed 66345  
forces of the United States and their families, except real estate 66346  
held by such an organization for the production of rental income 66347  
in excess of thirty-six thousand dollars in a tax year, before 66348  
accounting for any cost or expense incurred in the production of 66349  
such income. For the purposes of this division, rental income 66350  
includes only income arising directly from renting the real estate 66351  
to others for consideration, but does not include income arising 66352  
from renting the real estate to a qualifying veterans' 66353  
organization. 66354

As used in this division, "qualifying veterans' organization" 66355  
means an organization that is incorporated under the laws of this 66356  
state or the United States and that meets either of the following 66357  
requirements: 66358

(1) The organization qualifies for exemption from taxation 66359  
under section 501(c)(19) or 501(c)(23) of the Internal Revenue 66360  
Code. 66361

(2) The organization meets the criteria for exemption under section 501(c)(19) of the Internal Revenue Code and regulations adopted pursuant thereto, but is exempt from taxation under section 501(c)(4) of the Internal Revenue Code.

(C) Tangible personal property held by a corporation chartered under 112 Stat. 1335, 36 U.S.C. 40701, described in section 501(c)(3) of the Internal Revenue Code, and exempt from taxation under section 501(a) of the Internal Revenue Code shall be exempt from taxation if it is property obtained as described in 112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407.

(D) Real estate held or occupied by a fraternal organization and used primarily for meetings of and the administration of the fraternal organization or for providing, on a not-for-profit basis, educational or health services, except real estate held by such an organization for the production of rental income in excess of thirty-six thousand dollars in a tax year before accounting for any cost or expense incurred in the production of such income. For the purposes of this division, rental income includes only income arising directly from renting the real estate to others for consideration, but does not include income arising from renting the real estate to any fraternal organization for use primarily for meetings of and the administration of such fraternal organization or for providing, on a not-for-profit basis, educational or health services. As used in this division, ~~"rental income" has the same meaning as in division (B) of this section, and "fraternal organization" means a domestic fraternal society, order, or association operating under the lodge, council, or grange system that qualifies for exemption from taxation under section 501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; that provides financial support for charitable purposes, as defined in division (B)(12) of section 5739.02 of the Revised~~

Code; and that operates under a state governing body that has been 66394  
operating in this state for at least eighty-five years. 66395

**Sec. 5709.40.** (A) As used in this section: 66396

(1) "Blighted area" and "impacted city" have the same 66397  
meanings as in section 1728.01 of the Revised Code. 66398

(2) "Business day" means a day of the week excluding 66399  
Saturday, Sunday, and a legal holiday as defined under section 66400  
1.14 of the Revised Code. 66401

(3) "Housing renovation" means a project carried out for 66402  
residential purposes. 66403

(4) "Improvement" means the increase in the assessed value of 66404  
any real property that would first appear on the tax list and 66405  
duplicate of real and public utility property after the effective 66406  
date of an ordinance adopted under this section were it not for 66407  
the exemption granted by that ordinance. 66408

(5) "Incentive district" means an area not more than three 66409  
hundred acres in size enclosed by a continuous boundary in which a 66410  
project is being, or will be, undertaken and having one or more of 66411  
the following distress characteristics: 66412

(a) At least fifty-one per cent of the residents of the 66413  
district have incomes of less than eighty per cent of the median 66414  
income of residents of the political subdivision in which the 66415  
district is located, as determined in the same manner specified 66416  
under section 119(b) of the "Housing and Community Development Act 66417  
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 66418

(b) The average rate of unemployment in the district during 66419  
the most recent twelve-month period for which data are available 66420  
is equal to at least one hundred fifty per cent of the average 66421  
rate of unemployment for this state for the same period. 66422

(c) At least twenty per cent of the people residing in the 66423

district live at or below the poverty level as defined in the 66424  
federal Housing and Community Development Act of 1974, 42 U.S.C. 66425  
5301, as amended, and regulations adopted pursuant to that act. 66426

(d) The district is a blighted area. 66427

(e) The district is in a situational distress area as 66428  
designated by the director of development services under division 66429  
(F) of section 122.23 of the Revised Code. 66430

(f) As certified by the engineer for the political 66431  
subdivision, the public infrastructure serving the district is 66432  
inadequate to meet the development needs of the district as 66433  
evidenced by a written economic development plan or urban renewal 66434  
plan for the district that has been adopted by the legislative 66435  
authority of the subdivision. 66436

(g) The district is comprised entirely of unimproved land 66437  
that is located in a distressed area as defined in section 122.23 66438  
of the Revised Code. 66439

(6) "Overlay" means an area of not more than three hundred 66440  
acres that is a square, or that is a rectangle having two longer 66441  
sides that are not more than twice the length of the two shorter 66442  
sides, that the legislative authority of a municipal corporation 66443  
delineates on a map of a proposed incentive district. 66444

(7) "Project" means development activities undertaken on one 66445  
or more parcels, including, but not limited to, construction, 66446  
expansion, and alteration of buildings or structures, demolition, 66447  
remediation, and site development, and any building or structure 66448  
that results from those activities. 66449

(8) "Public infrastructure improvement" includes, but is not 66450  
limited to, public roads and highways; water and sewer lines; the 66451  
continued maintenance of those public roads and highways and water 66452  
and sewer lines; environmental remediation; land acquisition, 66453  
including acquisition in aid of industry, commerce, distribution, 66454

or research; demolition, including demolition on private property 66455  
when determined to be necessary for economic development purposes; 66456  
stormwater and flood remediation projects, including such projects 66457  
on private property when determined to be necessary for public 66458  
health, safety, and welfare; the provision of gas, electric, and 66459  
communications service facilities, including the provision of gas 66460  
or electric service facilities owned by nongovernmental entities 66461  
when such improvements are determined to be necessary for economic 66462  
development purposes; and the enhancement of public waterways 66463  
through improvements that allow for greater public access. 66464

(B) The legislative authority of a municipal corporation, by 66465  
ordinance, may declare improvements to certain parcels of real 66466  
property located in the municipal corporation to be a public 66467  
purpose. Improvements with respect to a parcel that is used or to 66468  
be used for residential purposes may be declared a public purpose 66469  
under this division only if the parcel is located in a blighted 66470  
area of an impacted city. For this purpose, "parcel that is used 66471  
or to be used for residential purposes" means a parcel that, as 66472  
improved, is used or to be used for purposes that would cause the 66473  
tax commissioner to classify the parcel as residential property in 66474  
accordance with rules adopted by the commissioner under section 66475  
5713.041 of the Revised Code. Except ~~with the approval as~~ 66476  
otherwise provided under division (D) of this section ~~of the board~~ 66477  
~~of education of each city, local, or exempted village school~~ 66478  
~~district within which the improvements are located~~ or section 66479  
5709.51 of the Revised Code, not more than seventy-five per cent 66480  
of an improvement thus declared to be a public purpose may be 66481  
exempted from real property taxation for a period of not more than 66482  
ten years. The ordinance shall specify the percentage of the 66483  
improvement to be exempted from taxation and the life of the 66484  
exemption. 66485

An ordinance adopted or amended under this division shall 66486

designate the specific public infrastructure improvements made, to 66487  
be made, or in the process of being made by the municipal 66488  
corporation that directly benefit, or that once made will directly 66489  
benefit, the parcels for which improvements are declared to be a 66490  
public purpose. The service payments provided for in section 66491  
5709.42 of the Revised Code shall be used to finance the public 66492  
infrastructure improvements designated in the ordinance, for the 66493  
purpose described in division (D)(1) of this section or as 66494  
provided in section 5709.43 of the Revised Code. 66495

(C)(1) The legislative authority of a municipal corporation 66496  
may adopt an ordinance creating an incentive district and 66497  
declaring improvements to parcels within the district to be a 66498  
public purpose and, except as provided in division (C)(2) of this 66499  
section, exempt from taxation as provided in this section, but no 66500  
legislative authority of a municipal corporation that has a 66501  
population that exceeds twenty-five thousand, as shown by the most 66502  
recent federal decennial census, shall adopt an ordinance that 66503  
creates an incentive district if the sum of the taxable value of 66504  
real property in the proposed district for the preceding tax year 66505  
and the taxable value of all real property in the municipal 66506  
corporation that would have been taxable in the preceding year 66507  
were it not for the fact that the property was in an existing 66508  
incentive district and therefore exempt from taxation exceeds 66509  
twenty-five per cent of the taxable value of real property in the 66510  
municipal corporation for the preceding tax year. The ordinance 66511  
shall delineate the boundary of the proposed district and 66512  
specifically identify each parcel within the district. A proposed 66513  
district may not include any parcel that is or has been exempted 66514  
from taxation under division (B) of this section or that is or has 66515  
been within another district created under this division. An 66516  
ordinance may create more than one such district, and more than 66517  
one ordinance may be adopted under division (C)(1) of this 66518  
section. 66519

(2)(a) Not later than thirty days prior to adopting an ordinance under division (C)(1) of this section, if the municipal corporation intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the legislative authority of the municipal corporation shall conduct a public hearing on the proposed ordinance. Not later than thirty days prior to the public hearing, the legislative authority shall give notice of the public hearing and the proposed ordinance by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed ordinance. The notice shall include a map of the proposed incentive district on which the legislative authority of the municipal corporation shall have delineated an overlay. The notice shall inform the property owner of the owner's right to exclude the owner's property from the incentive district if the owner's entire parcel of property will not be located within the overlay, by submitting a written response in accordance with division (C)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response.

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C)(1) of this section whose entire parcel of property is not located within the overlay may exclude the property from the proposed incentive district by submitting a written response to the legislative authority of the municipal corporation not later than forty-five days after the postmark date on the notice required under division (C)(2)(a) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the legislative authority under division (C)(2)(a) of this section. The response shall conform to any content requirements that may be

established by the municipal corporation and included in the 66553  
notice provided under division (C)(2)(a) of this section. In the 66554  
response, property owners may identify a parcel by street address, 66555  
by the manner in which it is identified in the ordinance, or by 66556  
other means allowing the identity of the parcel to be ascertained. 66557

(c) Before adopting an ordinance under division (C)(1) of 66558  
this section, the legislative authority of a municipal corporation 66559  
shall amend the ordinance to exclude any parcel located wholly or 66560  
partly outside the overlay for which a written response has been 66561  
submitted under division (C)(2)(b) of this section. A municipal 66562  
corporation shall not apply for exemptions from taxation under 66563  
section 5709.911 of the Revised Code for any such parcel, and 66564  
service payments may not be required from the owner of the parcel. 66565  
Improvements to a parcel excluded from an incentive district under 66566  
this division may be exempted from taxation under division (B) of 66567  
this section pursuant to an ordinance adopted under that division 66568  
or under any other section of the Revised Code under which the 66569  
parcel qualifies. 66570

(3)(a) An ordinance adopted under division (C)(1) of this 66571  
section shall specify the life of the incentive district and the 66572  
percentage of the improvements to be exempted, shall designate the 66573  
public infrastructure improvements made, to be made, or in the 66574  
process of being made, that benefit or serve, or, once made, will 66575  
benefit or serve parcels in the district. The ordinance also shall 66576  
identify one or more specific projects being, or to be, undertaken 66577  
in the district that place additional demand on the public 66578  
infrastructure improvements designated in the ordinance. The 66579  
project identified may, but need not be, the project under 66580  
division (C)(3)(b) of this section that places real property in 66581  
use for commercial or industrial purposes. Except as otherwise 66582  
permitted under that division, the service payments provided for 66583  
in section 5709.42 of the Revised Code shall be used to finance 66584

the designated public infrastructure improvements, for the purpose 66585  
described in division (D)(1), (E), or (F) of this section, or as 66586  
provided in section 5709.43 of the Revised Code. 66587

An ordinance adopted under division (C)(1) of this section on 66588  
or after March 30, 2006, shall not designate police or fire 66589  
equipment as public infrastructure improvements, and no service 66590  
payment provided for in section 5709.42 of the Revised Code and 66591  
received by the municipal corporation under the ordinance shall be 66592  
used for police or fire equipment. 66593

(b) An ordinance adopted under division (C)(1) of this 66594  
section may authorize the use of service payments provided for in 66595  
section 5709.42 of the Revised Code for the purpose of housing 66596  
renovations within the incentive district, provided that the 66597  
ordinance also designates public infrastructure improvements that 66598  
benefit or serve the district, and that a project within the 66599  
district places real property in use for commercial or industrial 66600  
purposes. Service payments may be used to finance or support 66601  
loans, deferred loans, and grants to persons for the purpose of 66602  
housing renovations within the district. The ordinance shall 66603  
designate the parcels within the district that are eligible for 66604  
housing renovation. The ordinance shall state separately the 66605  
amounts or the percentages of the expected aggregate service 66606  
payments that are designated for each public infrastructure 66607  
improvement and for the general purpose of housing renovations. 66608

(4) Except with the approval of the board of education of 66609  
each city, local, or exempted village school district within the 66610  
territory of which the incentive district is or will be located, 66611  
and subject to division (E) of this section, the life of an 66612  
incentive district shall not exceed ten years, and the percentage 66613  
of improvements to be exempted shall not exceed seventy-five per 66614  
cent. With approval of the board of education, the life of a 66615  
district may be not more than thirty years, and the percentage of 66616

improvements to be exempted may be not more than one hundred per 66617  
cent. The approval of a board of education shall be obtained in 66618  
the manner provided in division (D) of this section. 66619

(D)(1) If the ordinance declaring improvements to a parcel to 66620  
be a public purpose or creating an incentive district specifies 66621  
that payments in lieu of taxes provided for in section 5709.42 of 66622  
the Revised Code shall be paid to the city, local, or exempted 66623  
village, and joint vocational school district in which the parcel 66624  
or incentive district is located in the amount of the taxes that 66625  
would have been payable to the school district if the improvements 66626  
had not been exempted from taxation, the percentage of the 66627  
improvement that may be exempted from taxation may exceed 66628  
seventy-five per cent, and the exemption may be granted for up to 66629  
thirty years, without the approval of the board of education as 66630  
otherwise required under division (D)(2) of this section. 66631

(2) Improvements with respect to a parcel may be exempted 66632  
from taxation under division (B) of this section, and improvements 66633  
to parcels within an incentive district may be exempted from 66634  
taxation under division (C) of this section, for up to ten years 66635  
or, with the approval under this paragraph of the board of 66636  
education of the city, local, or exempted village school district 66637  
within which the parcel or district is located, for up to thirty 66638  
years. The percentage of the improvement exempted from taxation 66639  
may, with such approval, exceed seventy-five per cent, but shall 66640  
not exceed one hundred per cent. Not later than forty-five 66641  
business days prior to adopting an ordinance under this section 66642  
declaring improvements to be a public purpose that is subject to 66643  
approval by a board of education under this division, the 66644  
legislative authority shall deliver to the board of education a 66645  
notice stating its intent to adopt an ordinance making that 66646  
declaration. The notice regarding improvements with respect to a 66647  
parcel under division (B) of this section shall identify the 66648

parcels for which improvements are to be exempted from taxation, 66649  
provide an estimate of the true value in money of the 66650  
improvements, specify the period for which the improvements would 66651  
be exempted from taxation and the percentage of the improvement 66652  
that would be exempted, and indicate the date on which the 66653  
legislative authority intends to adopt the ordinance. The notice 66654  
regarding improvements to parcels within an incentive district 66655  
under division (C) of this section shall delineate the boundaries 66656  
of the district, specifically identify each parcel within the 66657  
district, identify each anticipated improvement in the district, 66658  
provide an estimate of the true value in money of each such 66659  
improvement, specify the life of the district and the percentage 66660  
of improvements that would be exempted, and indicate the date on 66661  
which the legislative authority intends to adopt the ordinance. 66662  
The board of education, by resolution adopted by a majority of the 66663  
board, may approve the exemption for the period or for the 66664  
exemption percentage specified in the notice; may disapprove the 66665  
exemption for the number of years in excess of ten, may disapprove 66666  
the exemption for the percentage of the improvement to be exempted 66667  
in excess of seventy-five per cent, or both; or may approve the 66668  
exemption on the condition that the legislative authority and the 66669  
board negotiate an agreement providing for compensation to the 66670  
school district equal in value to a percentage of the amount of 66671  
taxes exempted in the eleventh and subsequent years of the 66672  
exemption period or, in the case of exemption percentages in 66673  
excess of seventy-five per cent, compensation equal in value to a 66674  
percentage of the taxes that would be payable on the portion of 66675  
the improvement in excess of seventy-five per cent were that 66676  
portion to be subject to taxation, or other mutually agreeable 66677  
compensation. If an agreement is negotiated between the 66678  
legislative authority and the board to compensate the school 66679  
district for all or part of the taxes exempted, including 66680  
agreements for payments in lieu of taxes under section 5709.42 of 66681

the Revised Code, the legislative authority shall compensate the 66682  
joint vocational school district within which the parcel or 66683  
district is located at the same rate and under the same terms 66684  
received by the city, local, or exempted village school district. 66685

(3) The board of education shall certify its resolution to 66686  
the legislative authority not later than fourteen days prior to 66687  
the date the legislative authority intends to adopt the ordinance 66688  
as indicated in the notice. If the board of education and the 66689  
legislative authority negotiate a mutually acceptable compensation 66690  
agreement, the ordinance may declare the improvements a public 66691  
purpose for the number of years specified in the ordinance or, in 66692  
the case of exemption percentages in excess of seventy-five per 66693  
cent, for the exemption percentage specified in the ordinance. In 66694  
either case, if the board and the legislative authority fail to 66695  
negotiate a mutually acceptable compensation agreement, the 66696  
ordinance may declare the improvements a public purpose for not 66697  
more than ten years, and shall not exempt more than seventy-five 66698  
per cent of the improvements from taxation. If the board fails to 66699  
certify a resolution to the legislative authority within the time 66700  
prescribed by this division, the legislative authority thereupon 66701  
may adopt the ordinance and may declare the improvements a public 66702  
purpose for up to thirty years, or, in the case of exemption 66703  
percentages proposed in excess of seventy-five per cent, for the 66704  
exemption percentage specified in the ordinance. The legislative 66705  
authority may adopt the ordinance at any time after the board of 66706  
education certifies its resolution approving the exemption to the 66707  
legislative authority, or, if the board approves the exemption on 66708  
the condition that a mutually acceptable compensation agreement be 66709  
negotiated, at any time after the compensation agreement is agreed 66710  
to by the board and the legislative authority. 66711

(4) If a board of education has adopted a resolution waiving 66712  
its right to approve exemptions from taxation under this section 66713

and the resolution remains in effect, approval of exemptions by 66714  
the board is not required under division (D) of this section. If a 66715  
board of education has adopted a resolution allowing a legislative 66716  
authority to deliver the notice required under division (D) of 66717  
this section fewer than forty-five business days prior to the 66718  
legislative authority's adoption of the ordinance, the legislative 66719  
authority shall deliver the notice to the board not later than the 66720  
number of days prior to such adoption as prescribed by the board 66721  
in its resolution. If a board of education adopts a resolution 66722  
waiving its right to approve agreements or shortening the 66723  
notification period, the board shall certify a copy of the 66724  
resolution to the legislative authority. If the board of education 66725  
rescinds such a resolution, it shall certify notice of the 66726  
rescission to the legislative authority. 66727

(5) If the legislative authority is not required by division 66728  
(D) of this section to notify the board of education of the 66729  
legislative authority's intent to declare improvements to be a 66730  
public purpose, the legislative authority shall comply with the 66731  
notice requirements imposed under section 5709.83 of the Revised 66732  
Code, unless the board has adopted a resolution under that section 66733  
waiving its right to receive such a notice. 66734

(6) Nothing in division (D) of this section prohibits the 66735  
legislative authority of a municipal corporation from amending the 66736  
ordinance or resolution under section 5709.51 of the Revised Code 66737  
to extend the term of the exemption. 66738

(E)(1) If a proposed ordinance under division (C)(1) of this 66739  
section exempts improvements with respect to a parcel within an 66740  
incentive district for more than ten years, or the percentage of 66741  
the improvement exempted from taxation exceeds seventy-five per 66742  
cent, not later than forty-five business days prior to adopting 66743  
the ordinance the legislative authority of the municipal 66744  
corporation shall deliver to the board of county commissioners of 66745

the county within which the incentive district will be located a 66746  
notice that states its intent to adopt an ordinance creating an 66747  
incentive district. The notice shall include a copy of the 66748  
proposed ordinance, identify the parcels for which improvements 66749  
are to be exempted from taxation, provide an estimate of the true 66750  
value in money of the improvements, specify the period of time for 66751  
which the improvements would be exempted from taxation, specify 66752  
the percentage of the improvements that would be exempted from 66753  
taxation, and indicate the date on which the legislative authority 66754  
intends to adopt the ordinance. 66755

(2) The board of county commissioners, by resolution adopted 66756  
by a majority of the board, may object to the exemption for the 66757  
number of years in excess of ten, may object to the exemption for 66758  
the percentage of the improvement to be exempted in excess of 66759  
seventy-five per cent, or both. If the board of county 66760  
commissioners objects, the board may negotiate a mutually 66761  
acceptable compensation agreement with the legislative authority. 66762  
In no case shall the compensation provided to the board exceed the 66763  
property taxes forgone due to the exemption. If the board of 66764  
county commissioners objects, and the board and legislative 66765  
authority fail to negotiate a mutually acceptable compensation 66766  
agreement, the ordinance adopted under division (C)(1) of this 66767  
section shall provide to the board compensation in the eleventh 66768  
and subsequent years of the exemption period equal in value to not 66769  
more than fifty per cent of the taxes that would be payable to the 66770  
county or, if the board's objection includes an objection to an 66771  
exemption percentage in excess of seventy-five per cent, 66772  
compensation equal in value to not more than fifty per cent of the 66773  
taxes that would be payable to the county, on the portion of the 66774  
improvement in excess of seventy-five per cent, were that portion 66775  
to be subject to taxation. The board of county commissioners shall 66776  
certify its resolution to the legislative authority not later than 66777  
thirty days after receipt of the notice. 66778

(3) If the board of county commissioners does not object or 66779  
fails to certify its resolution objecting to an exemption within 66780  
thirty days after receipt of the notice, the legislative authority 66781  
may adopt the ordinance, and no compensation shall be provided to 66782  
the board of county commissioners. If the board timely certifies 66783  
its resolution objecting to the ordinance, the legislative 66784  
authority may adopt the ordinance at any time after a mutually 66785  
acceptable compensation agreement is agreed to by the board and 66786  
the legislative authority, or, if no compensation agreement is 66787  
negotiated, at any time after the legislative authority agrees in 66788  
the proposed ordinance to provide compensation to the board of 66789  
fifty per cent of the taxes that would be payable to the county in 66790  
the eleventh and subsequent years of the exemption period or on 66791  
the portion of the improvement in excess of seventy-five per cent, 66792  
were that portion to be subject to taxation. 66793

(F) Service payments in lieu of taxes that are attributable 66794  
to any amount by which the effective tax rate of either a renewal 66795  
levy with an increase or a replacement levy exceeds the effective 66796  
tax rate of the levy renewed or replaced, or that are attributable 66797  
to an additional levy, for a levy authorized by the voters for any 66798  
of the following purposes on or after January 1, 2006, and which 66799  
are provided pursuant to an ordinance creating an incentive 66800  
district under division (C)(1) of this section that is adopted on 66801  
or after January 1, 2006, or a later date as specified in this 66802  
division, shall be distributed to the appropriate taxing authority 66803  
as required under division (C) of section 5709.42 of the Revised 66804  
Code in an amount equal to the amount of taxes from that 66805  
additional levy or from the increase in the effective tax rate of 66806  
such renewal or replacement levy that would have been payable to 66807  
that taxing authority from the following levies were it not for 66808  
the exemption authorized under division (C) of this section: 66809

(1) A tax levied under division (L) of section 5705.19 or 66810

section 5705.191 or 5705.222 of the Revised Code for community developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;	66811 66812 66813
(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;	66814 66815 66816
(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;	66817 66818
(4) A tax levied by a joint-county district or by a county under section 5705.19, 5705.191, or 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services or facilities;	66819 66820 66821 66822
(5) A tax levied under section 5705.23 of the Revised Code for library purposes;	66823 66824
(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children;	66825 66826 66827
(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code;	66828 66829 66830
(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts;	66831 66832 66833
(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code;	66834 66835 66836 66837
(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes;	66838 66839
(11) A tax levied under section 5705.191 of the Revised Code	66840

for the purpose of making appropriations for public assistance; 66841  
human or social services; public relief; public welfare; public 66842  
health and hospitalization; and support of general hospitals; 66843

(12) A tax levied under section 3709.29 of the Revised Code 66844  
for a general health district program. 66845

(13) A tax levied by a township under section 505.39, 66846  
division (I) of section 5705.19, or division (JJ) of section 66847  
5705.19 of the Revised Code to the extent the proceeds are used 66848  
for the purposes described in division (I) of that section, for 66849  
the purpose of funding fire, emergency medical, and ambulance 66850  
services as described in that section and those divisions. 66851  
Division (F)(13) of this section applies only if the township 66852  
levying the tax provides fire, emergency medical, or ambulance 66853  
services in the incentive district, and only to incentive 66854  
districts created by an ordinance adopted on or after the 66855  
effective date of the amendment of this section by H.B. 69 of the 66856  
132nd general assembly, March 23, 2018. The board of township 66857  
trustees may, by resolution, waive the application of this 66858  
division or negotiate with the municipal corporation that created 66859  
the district for a lesser amount of payments in lieu of taxes. 66860

(G) An exemption from taxation granted under this section 66861  
commences with the tax year specified in the ordinance so long as 66862  
the year specified in the ordinance commences after the effective 66863  
date of the ordinance. If the ordinance specifies a year 66864  
commencing before the effective date of the resolution or 66865  
specifies no year whatsoever, the exemption commences with the tax 66866  
year in which an exempted improvement first appears on the tax 66867  
list and duplicate of real and public utility property and that 66868  
commences after the effective date of the ordinance. In lieu of 66869  
stating a specific year, the ordinance may provide that the 66870  
exemption commences in the tax year in which the value of an 66871  
improvement exceeds a specified amount or in which the 66872

construction of one or more improvements is completed, provided 66873  
that such tax year commences after the effective date of the 66874  
ordinance. With respect to the exemption of improvements to 66875  
parcels under division (B) of this section, the ordinance may 66876  
allow for the exemption to commence in different tax years on a 66877  
parcel-by-parcel basis, with a separate exemption term specified 66878  
for each parcel. 66879

Except as otherwise provided in this division or section 66880  
5709.51 of the Revised Code, the exemption ends on the date 66881  
specified in the ordinance as the date the improvement ceases to 66882  
be a public purpose or the incentive district expires, or ends on 66883  
the date on which the public infrastructure improvements and 66884  
housing renovations are paid in full from the municipal public 66885  
improvement tax increment equivalent fund established under 66886  
division (A) of section 5709.43 of the Revised Code, whichever 66887  
occurs first. The exemption of an improvement with respect to a 66888  
parcel or within an incentive district may end on a later date, as 66889  
specified in the ordinance, if the legislative authority and the 66890  
board of education of the city, local, or exempted village school 66891  
district within which the parcel or district is located have 66892  
entered into a compensation agreement under section 5709.82 of the 66893  
Revised Code with respect to the improvement, and the board of 66894  
education has approved the term of the exemption under division 66895  
(D)(2) of this section, but in no case shall the improvement be 66896  
exempted from taxation for more than thirty years. Exemptions 66897  
shall be claimed and allowed in the same manner as in the case of 66898  
other real property exemptions. If an exemption status changes 66899  
during a year, the procedure for the apportionment of the taxes 66900  
for that year is the same as in the case of other changes in tax 66901  
exemption status during the year. 66902

(H) Additional municipal financing of public infrastructure 66903  
improvements and housing renovations may be provided by any 66904

methods that the municipal corporation may otherwise use for 66905  
financing such improvements or renovations. If the municipal 66906  
corporation issues bonds or notes to finance the public 66907  
infrastructure improvements and housing renovations and pledges 66908  
money from the municipal public improvement tax increment 66909  
equivalent fund to pay the interest on and principal of the bonds 66910  
or notes, the bonds or notes are not subject to Chapter 133. of 66911  
the Revised Code. 66912

(I) The municipal corporation, not later than fifteen days 66913  
after the adoption of an ordinance under this section, shall 66914  
submit to the director of development services a copy of the 66915  
ordinance. On or before the thirty-first day of March of each 66916  
year, the municipal corporation shall submit a status report to 66917  
the director of development services. The report shall indicate, 66918  
in the manner prescribed by the director, the progress of the 66919  
project during each year that an exemption remains in effect, 66920  
including a summary of the receipts from service payments in lieu 66921  
of taxes; expenditures of money from the funds created under 66922  
section 5709.43 of the Revised Code; a description of the public 66923  
infrastructure improvements and housing renovations financed with 66924  
such expenditures; and a quantitative summary of changes in 66925  
employment and private investment resulting from each project. 66926

(J) Nothing in this section shall be construed to prohibit a 66927  
legislative authority from declaring to be a public purpose 66928  
improvements with respect to more than one parcel. 66929

(K) If a parcel is located in a new community district in 66930  
which the new community authority imposes a community development 66931  
charge on the basis of rentals received from leases of real 66932  
property as described in division (L)(2) of section 349.01 of the 66933  
Revised Code, the parcel may not be exempted from taxation under 66934  
this section. 66935

**Sec. 5709.41.** (A) As used in this section: 66936

(1) "Business day" means a day of the week excluding 66937  
Saturday, Sunday, and a legal holiday as defined under section 66938  
1.14 of the Revised Code. 66939

(2) "Improvement" means the increase in assessed value of any 66940  
parcel of property subsequent to the acquisition of the parcel by 66941  
a municipal corporation engaged in urban redevelopment. 66942

(B) The legislative authority of a municipal corporation, by 66943  
ordinance, may declare to be a public purpose any improvement to a 66944  
parcel of real property if both of the following apply: 66945

(1) The municipal corporation held fee title to the parcel 66946  
prior to the adoption of the ordinance; 66947

(2) The parcel is leased, or the fee of the parcel is 66948  
conveyed, to any person either before or after adoption of the 66949  
ordinance. 66950

Improvements used or to be used for residential purposes may 66951  
be declared a public purpose under this section only if the parcel 66952  
is located in a blighted area of an impacted city as those terms 66953  
are defined in section 1728.01 of the Revised Code. For this 66954  
purpose, "parcel that is used or to be used for residential 66955  
purposes" means a parcel that, as improved, is used or to be used 66956  
for purposes that would cause the tax commissioner to classify the 66957  
parcel as residential property in accordance with rules adopted by 66958  
the commissioner under section 5713.041 of the Revised Code. 66959

(C) Except as otherwise provided in division (C)(1), (2), or 66960  
(3) of this section, not more than seventy-five per cent of an 66961  
improvement thus declared to be a public purpose may be exempted 66962  
from real property taxation. The ordinance shall specify the 66963  
percentage of the improvement to be exempted from taxation. If a 66964  
parcel is located in a new community district in which the new 66965

community authority imposes a community development charge on the 66966  
basis of rentals received from leases of real property as 66967  
described in division (L)(2) of section 349.01 of the Revised 66968  
Code, the parcel may not be exempted from taxation under this 66969  
section. 66970

(1) If the ordinance declaring improvements to a parcel to be 66971  
a public purpose specifies that payments in lieu of taxes provided 66972  
for in section 5709.42 of the Revised Code shall be paid to the 66973  
city, local, or exempted village school district in which the 66974  
parcel is located in the amount of the taxes that would have been 66975  
payable to the school district if the improvements had not been 66976  
exempted from taxation, the percentage of the improvement that may 66977  
be exempted from taxation may exceed seventy-five per cent, and 66978  
the exemption may be granted for up to thirty years, without the 66979  
approval of the board of education as otherwise required under 66980  
division (C)(2) of this section. 66981

(2) Improvements may be exempted from taxation for up to ten 66982  
years or, with the approval of the board of education of the city, 66983  
local, or exempted village school district within the territory of 66984  
which the improvements are or will be located, for up to thirty 66985  
years. The percentage of the improvement exempted from taxation 66986  
may, with such approval, exceed seventy-five per cent, but shall 66987  
not exceed one hundred per cent. Not later than forty-five 66988  
business days prior to adopting an ordinance under this section, 66989  
the legislative authority shall deliver to the board of education 66990  
a notice stating its intent to declare improvements to be a public 66991  
purpose under this section. The notice shall describe the parcel 66992  
and the improvements, provide an estimate of the true value in 66993  
money of the improvements, specify the period for which the 66994  
improvements would be exempted from taxation and the percentage of 66995  
the improvements that would be exempted, and indicate the date on 66996  
which the legislative authority intends to adopt the ordinance. 66997

The board of education, by resolution adopted by a majority of the board, may approve the exemption for the period or for the exemption percentage specified in the notice, may disapprove the exemption for the number of years in excess of ten, may disapprove the exemption for the percentage of the improvements to be exempted in excess of seventy-five per cent, or both, or may approve the exemption on the condition that the legislative authority and the board negotiate an agreement providing for compensation to the school district equal in value to a percentage of the amount of taxes exempted in the eleventh and subsequent years of the exemption period, or, in the case of exemption percentages in excess of seventy-five per cent, compensation equal in value to a percentage of the taxes that would be payable on the portion of the improvement in excess of seventy-five per cent were that portion to be subject to taxation. The board of education shall certify its resolution to the legislative authority not later than fourteen days prior to the date the legislative authority intends to adopt the ordinance as indicated in the notice. If the board of education approves the exemption on the condition that a compensation agreement be negotiated, the board in its resolution shall propose a compensation percentage. If the board of education and the legislative authority negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for the number of years specified in the ordinance or, in the case of exemption percentages in excess of seventy-five per cent, for the exemption percentage specified in the ordinance. In either case, if the board and the legislative authority fail to negotiate a mutually acceptable compensation agreement, the ordinance may declare the improvements a public purpose for not more than ten years, but shall not exempt more than seventy-five per cent of the improvements from taxation. If the board fails to certify a resolution to the legislative authority within the time prescribed

by this division, the legislative authority thereupon may adopt 67031  
the ordinance and may declare the improvements a public purpose 67032  
for up to thirty years. The legislative authority may adopt the 67033  
ordinance at any time after the board of education certifies its 67034  
resolution approving the exemption to the legislative authority, 67035  
or, if the board approves the exemption on the condition that a 67036  
mutually acceptable compensation agreement be negotiated, at any 67037  
time after the compensation agreement is agreed to by the board 67038  
and the legislative authority. If a mutually acceptable 67039  
compensation agreement is negotiated between the legislative 67040  
authority and the board, including agreements for payments in lieu 67041  
of taxes under section 5709.42 of the Revised Code, the 67042  
legislative authority shall compensate the joint vocational school 67043  
district within the territory of which the improvements are or 67044  
will be located at the same rate and under the same terms received 67045  
by the city, local, or exempted village school district. 67046

(3) If a board of education has adopted a resolution waiving 67047  
its right to approve exemptions from taxation and the resolution 67048  
remains in effect, approval of exemptions by the board is not 67049  
required under this division. If a board of education has adopted 67050  
a resolution allowing a legislative authority to deliver the 67051  
notice required under this division fewer than forty-five business 67052  
days prior to the legislative authority's adoption of the 67053  
ordinance, the legislative authority shall deliver the notice to 67054  
the board not later than the number of days prior to such adoption 67055  
as prescribed by the board in its resolution. If a board of 67056  
education adopts a resolution waiving its right to approve 67057  
exemptions or shortening the notification period, the board shall 67058  
certify a copy of the resolution to the legislative authority. If 67059  
the board of education rescinds such a resolution, it shall 67060  
certify notice of the rescission to the legislative authority. 67061

(4) If the legislative authority is not required by division 67062

(C)(1), (2), or (3) of this section to notify the board of 67063  
education of the legislative authority's intent to declare 67064  
improvements to be a public purpose, the legislative authority 67065  
shall comply with the notice requirements imposed under section 67066  
5709.83 of the Revised Code, unless the board has adopted a 67067  
resolution under that section waiving its right to receive such a 67068  
notice. 67069

(5) Nothing in division (C) of this section prohibits the 67070  
legislative authority of a municipal corporation from amending the 67071  
ordinance or resolution under section 5709.51 of the Revised Code 67072  
to extend the term of the exemption. 67073

(D) The exemption commences on the effective date of the 67074  
ordinance and ends on the date specified in the ordinance as the 67075  
date the improvement ceases to be a public purpose. The exemption 67076  
shall be claimed and allowed in the same or a similar manner as in 67077  
the case of other real property exemptions. If an exemption status 67078  
changes during a tax year, the procedure for the apportionment of 67079  
the taxes for that year is the same as in the case of other 67080  
changes in tax exemption status during the year. 67081

(E) A municipal corporation, not later than fifteen days 67082  
after the adoption of an ordinance granting a tax exemption under 67083  
this section, shall submit to the director of development services 67084  
a copy of the ordinance. On or before the thirty-first day of 67085  
March each year, the municipal corporation shall submit a status 67086  
report to the director of development outlining the progress of 67087  
the project during each year that the exemption remains in effect. 67088

Sec. 5709.51. (A) The legislative authority of a municipal 67089  
corporation, a board of township trustees, or a board of county 67090  
commissioners may amend an ordinance or resolution adopted in 67091  
accordance with division (B) of section 5709.40, section 5709.41, 67092  
division (B) of section 5709.73, or division (A) of section 67093

5709.78 of the Revised Code, as applicable, to extend the 67094  
exemption from taxation of improvements to the parcel or parcels 67095  
designated in the ordinance or resolution for an additional period 67096  
of not more than thirty years if all of the following conditions 67097  
are met: 67098

(1) The service payments made pursuant to section 5709.42, 67099  
5709.74, or 5709.79 of the Revised Code by the owner or owners of 67100  
the parcel or parcels designated in the ordinance or resolution 67101  
exceeded one million five hundred thousand dollars in the calendar 67102  
year preceding the adoption of the amendment. 67103

(2) The service payments described in division (A)(1) of this 67104  
section did not exceed one million five hundred thousand dollars 67105  
in any calendar year before the calendar year immediately 67106  
preceding the adoption of the amendment. This condition applies 67107  
only to amendments adopted under this section on or after January 67108  
1, 2021. 67109

(3) The amendment extending the exemption provides for 67110  
compensation to the city, local, or exempted village school 67111  
district in which the parcel or parcels are located equal in value 67112  
to the amount of taxes that would be payable to the school 67113  
district if the improvements had not been exempted from taxation 67114  
for the additional period. 67115

(B) Not later than fifteen days after amending an ordinance 67116  
or resolution under this section, the legislative authority of the 67117  
municipal corporation, board of township trustees, or board of 67118  
county commissioners shall send a copy of the amendment to the 67119  
director of development services. 67120

**Sec. 5709.54.** (A) As used in this section: 67121

(1) "Pre-residential development property" means a subdivided 67122  
parcel of unimproved real property on which construction of one or 67123

more residential buildings is planned but has not yet commenced. 67124  
The construction of streets, sidewalks, curbs, or driveways or the 67125  
installation of water, sewer, or other utility lines on a 67126  
subdivided parcel does not cause construction of a residential 67127  
building to commence for purposes of division (A)(1) or (B) of 67128  
this section. 67129

(2) "Residential building" means a building or structure any 67130  
part of which is to be used as a dwelling. 67131

(3) "Unexempted value" means, for any subdivided parcel, one 67132  
of the following: 67133

(a) Except as provided in division (A)(3)(b) of this section, 67134  
the nonagricultural taxable value of the original property for the 67135  
tax year preceding the tax year the subdivided property first 67136  
appears on the tax list as a subdivided parcel multiplied by a 67137  
fraction, the numerator of which is the true value in money of the 67138  
subdivided parcel for the tax year the subdivided parcel first 67139  
appears on the tax list and the denominator of which is the true 67140  
value in money of all subdivided parcels subdivided from that 67141  
original parcel for that tax year. 67142

(b) If a subdivided parcel exempted under this section is 67143  
itself subdivided, the "unexempted value" of the newly subdivided 67144  
parcel equals the unexempted value, as defined in division 67145  
(A)(3)(a) of this section, of the parcel from which the newly 67146  
subdivided parcel was subdivided for the tax year preceding the 67147  
tax year the newly subdivided parcel first appears on the tax list 67148  
multiplied by a fraction, the numerator of which is the true value 67149  
in money of the newly subdivided parcel for the tax year it first 67150  
appears on the tax list and the denominator of which is the true 67151  
value in money for that year of all newly subdivided parcels 67152  
resulting from the most recent subdivision. 67153

(4) "Subdivided parcel" means a parcel resulting from the 67154

subdivision of original property pursuant to a plat subdividing 67155  
that property presented to the county auditor under section 67156  
5713.18 of the Revised Code. 67157

(5) "Original property" means the parcel from which a 67158  
subdivided parcel is subdivided. 67159

(6) "Qualifying owner" means the owner of pre-residential 67160  
development property for any portion of a tax year ending on or 67161  
after the effective date of the enactment of this section by H.B. 67162  
166 of the 133rd general assembly that includes the date a plat 67163  
subdividing land including such property is presented to the 67164  
county auditor under section 5713.18 of the Revised Code, or any 67165  
other person to which title to the property is transferred, 67166  
without consideration, by another qualifying owner. 67167

(7) "Nonagricultural taxable value" means the taxable value 67168  
of land as if such land were valued and assessed for a tax year 67169  
pursuant to Section 2 of Article XII, Ohio Constitution, and not 67170  
in accordance with Section 36 of Article II, Ohio Constitution. 67171

(B) Any increase in taxable value above the unexempted value 67172  
of pre-residential development property owned by a qualifying 67173  
owner is exempted from taxation beginning with the first tax year 67174  
the pre-residential development property appears on the tax list 67175  
after a plat subdividing land including that property is presented 67176  
to the county auditor under section 5713.18 of the Revised Code 67177  
and for each of the two ensuing tax years or, if later, each of 67178  
the ensuing tax years until, but not including, the tax year in 67179  
which a sexennial reappraisal is completed, except that the 67180  
exemption shall not apply beginning with the tax year that begins 67181  
after the tax year in which the earlier of the following occurs: 67182

(1) Construction of a residential building on that property 67183  
commences; 67184

(2) Title to the property is transferred for consideration by 67185

a qualifying owner to another person. 67186

(C) The tax commissioner shall not approve an application for an exemption authorized under this section unless the applicant for the exemption certifies that the parcel that is the subject of the exemption satisfies the requirements of division (A)(1) of this section for pre-residential development property. 67187  
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(D) Nothing in this section shall be construed to authorize a parcel subject to the partial exemption authorized by this section to be valued and assessed for taxation in any manner other than in accordance with Section 36 of Article II or Section 2 of Article XII, Ohio Constitution, as applicable to the parcel. 67192  
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**Sec. 5709.73.** (A) As used in this section and section 5709.74 of the Revised Code: 67197  
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(1) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined in section 1.14 of the Revised Code. 67199  
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(2) "Further improvements" or "improvements" means the increase in the assessed value of real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of a resolution adopted under this section were it not for the exemption granted by that resolution. For purposes of division (B) of this section, "improvements" do not include any property used or to be used for residential purposes. For this purpose, "property that is used or to be used for residential purposes" means property that, as improved, is used or to be used for purposes that would cause the tax commissioner to classify the property as residential property in accordance with rules adopted by the commissioner under section 5713.041 of the Revised Code. 67202  
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(3) "Housing renovation" means a project carried out for 67215

residential purposes. 67216

(4) "Incentive district" has the same meaning as in section 67217  
5709.40 of the Revised Code, except that a blighted area is in the 67218  
unincorporated area of a township. 67219

(5) "Overlay" has the same meaning as in section 5709.40 of 67220  
the Revised Code, except that the overlay is delineated by the 67221  
board of township trustees. 67222

(6) "Project" and "public infrastructure improvement" have 67223  
the same meanings as in section 5709.40 of the Revised Code. 67224

(B) A board of township trustees may, by unanimous vote, 67225  
adopt a resolution that declares to be a public purpose any public 67226  
infrastructure improvements made that are necessary for the 67227  
development of certain parcels of land located in the 67228  
unincorporated area of the township. Except ~~with the approval as~~ 67229  
otherwise provided under division (D) of this section ~~of the board~~ 67230  
~~of education of each city, local, or exempted village school~~ 67231  
~~district within which the improvements are located~~ or section 67232  
5709.51 of the Revised Code, the resolution may exempt from real 67233  
property taxation not more than seventy-five per cent of further 67234  
improvements to a parcel of land that directly benefits from the 67235  
public infrastructure improvements, for a period of not more than 67236  
ten years. The resolution shall specify the percentage of the 67237  
further improvements to be exempted and the life of the exemption. 67238

(C)(1) A board of township trustees may adopt, by unanimous 67239  
vote, a resolution creating an incentive district and declaring 67240  
improvements to parcels within the district to be a public purpose 67241  
and, except as provided in division (C)(2) of this section, exempt 67242  
from taxation as provided in this section, but no board of 67243  
township trustees of a township that has a population that exceeds 67244  
twenty-five thousand, as shown by the most recent federal 67245  
decennial census, shall adopt a resolution that creates an 67246

incentive district if the sum of the taxable value of real 67247  
property in the proposed district for the preceding tax year and 67248  
the taxable value of all real property in the township that would 67249  
have been taxable in the preceding year were it not for the fact 67250  
that the property was in an existing incentive district and 67251  
therefore exempt from taxation exceeds twenty-five per cent of the 67252  
taxable value of real property in the township for the preceding 67253  
tax year. The district shall be located within the unincorporated 67254  
area of the township and shall not include any territory that is 67255  
included within a district created under division (B) of section 67256  
5709.78 of the Revised Code. The resolution shall delineate the 67257  
boundary of the proposed district and specifically identify each 67258  
parcel within the district. A proposed district may not include 67259  
any parcel that is or has been exempted from taxation under 67260  
division (B) of this section or that is or has been within another 67261  
district created under this division. A resolution may create more 67262  
than one such district, and more than one resolution may be 67263  
adopted under division (C)(1) of this section. 67264

(2)(a) Not later than thirty days prior to adopting a 67265  
resolution under division (C)(1) of this section, if the township 67266  
intends to apply for exemptions from taxation under section 67267  
5709.911 of the Revised Code on behalf of owners of real property 67268  
located within the proposed incentive district, the board shall 67269  
conduct a public hearing on the proposed resolution. Not later 67270  
than thirty days prior to the public hearing, the board shall give 67271  
notice of the public hearing and the proposed resolution by first 67272  
class mail to every real property owner whose property is located 67273  
within the boundaries of the proposed incentive district that is 67274  
the subject of the proposed resolution. The notice shall include a 67275  
map of the proposed incentive district on which the board of 67276  
township trustees shall have delineated an overlay. The notice 67277  
shall inform the property owner of the owner's right to exclude 67278  
the owner's property from the incentive district if both of the 67279

following conditions are met: 67280

(i) The owner's entire parcel of property will not be located 67281  
within the overlay. 67282

(ii) The owner has submitted a statement to the board of 67283  
county commissioners of the county in which the parcel is located 67284  
indicating the owner's intent to seek a tax exemption for 67285  
improvements to the owner's parcel under division (A) or (B) of 67286  
section 5709.78 of the Revised Code within the next five years. 67287

When both of the preceding conditions are met, the owner may 67288  
exclude the owner's property from the incentive district by 67289  
submitting a written response in accordance with division 67290  
(C)(2)(b) of this section. The notice also shall include 67291  
information detailing the required contents of the response, the 67292  
address to which the response may be mailed, and the deadline for 67293  
submitting the response. 67294

(b) Any owner of real property located within the boundaries 67295  
of an incentive district proposed under division (C)(1) of this 67296  
section who meets the conditions specified in divisions 67297  
(C)(2)(a)(i) and (ii) of this section may exclude the property 67298  
from the proposed incentive district by submitting a written 67299  
response to the board not later than forty-five days after the 67300  
postmark date on the notice required under division (C)(2)(a) of 67301  
this section. The response shall include a copy of the statement 67302  
submitted under division (C)(2)(a)(ii) of this section. The 67303  
response shall be sent by first class mail or delivered in person 67304  
at a public hearing held by the board under division (C)(2)(a) of 67305  
this section. The response shall conform to any content 67306  
requirements that may be established by the board and included in 67307  
the notice provided under division (C)(2)(a) of this section. In 67308  
the response, property owners may identify a parcel by street 67309  
address, by the manner in which it is identified in the 67310  
resolution, or by other means allowing the identity of the parcel 67311

to be ascertained. 67312

(c) Before adopting a resolution under division (C)(1) of 67313  
this section, the board shall amend the resolution to exclude any 67314  
parcel for which a written response has been submitted under 67315  
division (C)(2)(b) of this section. A township shall not apply for 67316  
exemptions from taxation under section 5709.911 of the Revised 67317  
Code for any such parcel, and service payments may not be required 67318  
from the owner of the parcel. Improvements to a parcel excluded 67319  
from an incentive district under this division may be exempted 67320  
from taxation under division (B) of this section pursuant to a 67321  
resolution adopted under that division or under any other section 67322  
of the Revised Code under which the parcel qualifies. 67323

(3)(a) A resolution adopted under division (C)(1) of this 67324  
section shall specify the life of the incentive district and the 67325  
percentage of the improvements to be exempted, shall designate the 67326  
public infrastructure improvements made, to be made, or in the 67327  
process of being made, that benefit or serve, or, once made, will 67328  
benefit or serve parcels in the district. The resolution also 67329  
shall identify one or more specific projects being, or to be, 67330  
undertaken in the district that place additional demand on the 67331  
public infrastructure improvements designated in the resolution. 67332  
The project identified may, but need not be, the project under 67333  
division (C)(3)(b) of this section that places real property in 67334  
use for commercial or industrial purposes. 67335

A resolution adopted under division (C)(1) of this section on 67336  
or after March 30, 2006, shall not designate police or fire 67337  
equipment as public infrastructure improvements, and, except as 67338  
provided in division (F) of this section, no service payment 67339  
provided for in section 5709.74 of the Revised Code and received 67340  
by the township under the resolution shall be used for police or 67341  
fire equipment. 67342

(b) A resolution adopted under division (C)(1) of this 67343

section may authorize the use of service payments provided for in 67344  
section 5709.74 of the Revised Code for the purpose of housing 67345  
renovations within the incentive district, provided that the 67346  
resolution also designates public infrastructure improvements that 67347  
benefit or serve the district, and that a project within the 67348  
district places real property in use for commercial or industrial 67349  
purposes. Service payments may be used to finance or support 67350  
loans, deferred loans, and grants to persons for the purpose of 67351  
housing renovations within the district. The resolution shall 67352  
designate the parcels within the district that are eligible for 67353  
housing renovations. The resolution shall state separately the 67354  
amount or the percentages of the expected aggregate service 67355  
payments that are designated for each public infrastructure 67356  
improvement and for the purpose of housing renovations. 67357

(4) Except with the approval of the board of education of 67358  
each city, local, or exempted village school district within the 67359  
territory of which the incentive district is or will be located, 67360  
and subject to division (E) of this section, the life of an 67361  
incentive district shall not exceed ten years, and the percentage 67362  
of improvements to be exempted shall not exceed seventy-five per 67363  
cent. With approval of the board of education, the life of a 67364  
district may be not more than thirty years, and the percentage of 67365  
improvements to be exempted may be not more than one hundred per 67366  
cent. The approval of a board of education shall be obtained in 67367  
the manner provided in division (D) of this section. 67368

(D) Improvements with respect to a parcel may be exempted 67369  
from taxation under division (B) of this section, and improvements 67370  
to parcels within an incentive district may be exempted from 67371  
taxation under division (C) of this section, for up to ten years 67372  
or, with the approval of the board of education of the city, 67373  
local, or exempted village school district within which the parcel 67374  
or district is located, for up to thirty years. The percentage of 67375

the improvements exempted from taxation may, with such approval, 67376  
exceed seventy-five per cent, but shall not exceed one hundred per 67377  
cent. Not later than forty-five business days prior to adopting a 67378  
resolution under this section declaring improvements to be a 67379  
public purpose that is subject to approval by a board of education 67380  
under this division, the board of township trustees shall deliver 67381  
to the board of education a notice stating its intent to adopt a 67382  
resolution making that declaration. The notice regarding 67383  
improvements with respect to a parcel under division (B) of this 67384  
section shall identify the parcels for which improvements are to 67385  
be exempted from taxation, provide an estimate of the true value 67386  
in money of the improvements, specify the period for which the 67387  
improvements would be exempted from taxation and the percentage of 67388  
the improvements that would be exempted, and indicate the date on 67389  
which the board of township trustees intends to adopt the 67390  
resolution. The notice regarding improvements made under division 67391  
(C) of this section to parcels within an incentive district shall 67392  
delineate the boundaries of the district, specifically identify 67393  
each parcel within the district, identify each anticipated 67394  
improvement in the district, provide an estimate of the true value 67395  
in money of each such improvement, specify the life of the 67396  
district and the percentage of improvements that would be 67397  
exempted, and indicate the date on which the board of township 67398  
trustees intends to adopt the resolution. The board of education, 67399  
by resolution adopted by a majority of the board, may approve the 67400  
exemption for the period or for the exemption percentage specified 67401  
in the notice; may disapprove the exemption for the number of 67402  
years in excess of ten, may disapprove the exemption for the 67403  
percentage of the improvements to be exempted in excess of 67404  
seventy-five per cent, or both; or may approve the exemption on 67405  
the condition that the board of township trustees and the board of 67406  
education negotiate an agreement providing for compensation to the 67407  
school district equal in value to a percentage of the amount of 67408

taxes exempted in the eleventh and subsequent years of the 67409  
exemption period or, in the case of exemption percentages in 67410  
excess of seventy-five per cent, compensation equal in value to a 67411  
percentage of the taxes that would be payable on the portion of 67412  
the improvements in excess of seventy-five per cent were that 67413  
portion to be subject to taxation, or other mutually agreeable 67414  
compensation. 67415

The board of education shall certify its resolution to the 67416  
board of township trustees not later than fourteen days prior to 67417  
the date the board of township trustees intends to adopt the 67418  
resolution as indicated in the notice. If the board of education 67419  
and the board of township trustees negotiate a mutually acceptable 67420  
compensation agreement, the resolution may declare the 67421  
improvements a public purpose for the number of years specified in 67422  
the resolution or, in the case of exemption percentages in excess 67423  
of seventy-five per cent, for the exemption percentage specified 67424  
in the resolution. In either case, if the board of education and 67425  
the board of township trustees fail to negotiate a mutually 67426  
acceptable compensation agreement, the resolution may declare the 67427  
improvements a public purpose for not more than ten years, and 67428  
shall not exempt more than seventy-five per cent of the 67429  
improvements from taxation. If the board of education fails to 67430  
certify a resolution to the board of township trustees within the 67431  
time prescribed by this section, the board of township trustees 67432  
thereupon may adopt the resolution and may declare the 67433  
improvements a public purpose for up to thirty years or, in the 67434  
case of exemption percentages proposed in excess of seventy-five 67435  
per cent, for the exemption percentage specified in the 67436  
resolution. The board of township trustees may adopt the 67437  
resolution at any time after the board of education certifies its 67438  
resolution approving the exemption to the board of township 67439  
trustees, or, if the board of education approves the exemption on 67440  
the condition that a mutually acceptable compensation agreement be 67441

negotiated, at any time after the compensation agreement is agreed 67442  
to by the board of education and the board of township trustees. 67443  
If a mutually acceptable compensation agreement is negotiated 67444  
between the board of township trustees and the board of education, 67445  
including agreements for payments in lieu of taxes under section 67446  
5709.74 of the Revised Code, the board of township trustees shall 67447  
compensate the joint vocational school district within which the 67448  
parcel or district is located at the same rate and under the same 67449  
terms received by the city, local, or exempted village school 67450  
district. 67451

If a board of education has adopted a resolution waiving its 67452  
right to approve exemptions from taxation under this section and 67453  
the resolution remains in effect, approval of such exemptions by 67454  
the board of education is not required under division (D) of this 67455  
section. If a board of education has adopted a resolution allowing 67456  
a board of township trustees to deliver the notice required under 67457  
division (D) of this section fewer than forty-five business days 67458  
prior to adoption of the resolution by the board of township 67459  
trustees, the board of township trustees shall deliver the notice 67460  
to the board of education not later than the number of days prior 67461  
to the adoption as prescribed by the board of education in its 67462  
resolution. If a board of education adopts a resolution waiving 67463  
its right to approve exemptions or shortening the notification 67464  
period, the board of education shall certify a copy of the 67465  
resolution to the board of township trustees. If the board of 67466  
education rescinds the resolution, it shall certify notice of the 67467  
rescission to the board of township trustees. 67468

If the board of township trustees is not required by division 67469  
(D) of this section to notify the board of education of the board 67470  
of township trustees' intent to declare improvements to be a 67471  
public purpose, the board of township trustees shall comply with 67472  
the notice requirements imposed under section 5709.83 of the 67473

Revised Code before taking formal action to adopt the resolution 67474  
making that declaration, unless the board of education has adopted 67475  
a resolution under that section waiving its right to receive the 67476  
notice. 67477

Nothing in this division prohibits the board of township 67478  
trustees from amending the resolution under section 5709.51 of the 67479  
Revised Code to extend the term of the exemption. 67480

(E)(1) If a proposed resolution under division (C)(1) of this 67481  
section exempts improvements with respect to a parcel within an 67482  
incentive district for more than ten years, or the percentage of 67483  
the improvement exempted from taxation exceeds seventy-five per 67484  
cent, not later than forty-five business days prior to adopting 67485  
the resolution the board of township trustees shall deliver to the 67486  
board of county commissioners of the county within which the 67487  
incentive district is or will be located a notice that states its 67488  
intent to adopt a resolution creating an incentive district. The 67489  
notice shall include a copy of the proposed resolution, identify 67490  
the parcels for which improvements are to be exempted from 67491  
taxation, provide an estimate of the true value in money of the 67492  
improvements, specify the period of time for which the 67493  
improvements would be exempted from taxation, specify the 67494  
percentage of the improvements that would be exempted from 67495  
taxation, and indicate the date on which the board of township 67496  
trustees intends to adopt the resolution. 67497

(2) The board of county commissioners, by resolution adopted 67498  
by a majority of the board, may object to the exemption for the 67499  
number of years in excess of ten, may object to the exemption for 67500  
the percentage of the improvement to be exempted in excess of 67501  
seventy-five per cent, or both. If the board of county 67502  
commissioners objects, the board may negotiate a mutually 67503  
acceptable compensation agreement with the board of township 67504  
trustees. In no case shall the compensation provided to the board 67505

of county commissioners exceed the property taxes foregone due to 67506  
the exemption. If the board of county commissioners objects, and 67507  
the board of county commissioners and board of township trustees 67508  
fail to negotiate a mutually acceptable compensation agreement, 67509  
the resolution adopted under division (C)(1) of this section shall 67510  
provide to the board of county commissioners compensation in the 67511  
eleventh and subsequent years of the exemption period equal in 67512  
value to not more than fifty per cent of the taxes that would be 67513  
payable to the county or, if the board of county commissioner's 67514  
objection includes an objection to an exemption percentage in 67515  
excess of seventy-five per cent, compensation equal in value to 67516  
not more than fifty per cent of the taxes that would be payable to 67517  
the county, on the portion of the improvement in excess of 67518  
seventy-five per cent, were that portion to be subject to 67519  
taxation. The board of county commissioners shall certify its 67520  
resolution to the board of township trustees not later than thirty 67521  
days after receipt of the notice. 67522

(3) If the board of county commissioners does not object or 67523  
fails to certify its resolution objecting to an exemption within 67524  
thirty days after receipt of the notice, the board of township 67525  
trustees may adopt its resolution, and no compensation shall be 67526  
provided to the board of county commissioners. If the board of 67527  
county commissioners timely certifies its resolution objecting to 67528  
the trustees' resolution, the board of township trustees may adopt 67529  
its resolution at any time after a mutually acceptable 67530  
compensation agreement is agreed to by the board of county 67531  
commissioners and the board of township trustees, or, if no 67532  
compensation agreement is negotiated, at any time after the board 67533  
of township trustees agrees in the proposed resolution to provide 67534  
compensation to the board of county commissioners of fifty per 67535  
cent of the taxes that would be payable to the county in the 67536  
eleventh and subsequent years of the exemption period or on the 67537  
portion of the improvement in excess of seventy-five per cent, 67538

were that portion to be subject to taxation. 67539

(F) Service payments in lieu of taxes that are attributable 67540  
to any amount by which the effective tax rate of either a renewal 67541  
levy with an increase or a replacement levy exceeds the effective 67542  
tax rate of the levy renewed or replaced, or that are attributable 67543  
to an additional levy, for a levy authorized by the voters for any 67544  
of the following purposes on or after January 1, 2006, and which 67545  
are provided pursuant to a resolution creating an incentive 67546  
district under division (C)(1) of this section that is adopted on 67547  
or after January 1, 2006, or a later date as specified in this 67548  
division, shall be distributed to the appropriate taxing authority 67549  
as required under division (C) of section 5709.74 of the Revised 67550  
Code in an amount equal to the amount of taxes from that 67551  
additional levy or from the increase in the effective tax rate of 67552  
such renewal or replacement levy that would have been payable to 67553  
that taxing authority from the following levies were it not for 67554  
the exemption authorized under division (C) of this section: 67555

(1) A tax levied under division (L) of section 5705.19 or 67556  
section 5705.191 or 5705.222 of the Revised Code for community 67557  
developmental disabilities programs and services pursuant to 67558  
Chapter 5126. of the Revised Code; 67559

(2) A tax levied under division (Y) of section 5705.19 of the 67560  
Revised Code for providing or maintaining senior citizens services 67561  
or facilities; 67562

(3) A tax levied under section 5705.22 of the Revised Code 67563  
for county hospitals; 67564

(4) A tax levied by a joint-county district or by a county 67565  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 67566  
for alcohol, drug addiction, and mental health services or 67567  
families; 67568

(5) A tax levied under section 5705.23 of the Revised Code 67569

for library purposes; 67570

(6) A tax levied under section 5705.24 of the Revised Code 67571  
for the support of children services and the placement and care of 67572  
children; 67573

(7) A tax levied under division (Z) of section 5705.19 of the 67574  
Revised Code for the provision and maintenance of zoological park 67575  
services and facilities under section 307.76 of the Revised Code; 67576

(8) A tax levied under section 511.27 or division (H) of 67577  
section 5705.19 of the Revised Code for the support of township 67578  
park districts; 67579

(9) A tax levied under division (A), (F), or (H) of section 67580  
5705.19 of the Revised Code for parks and recreational purposes of 67581  
a joint recreation district organized pursuant to division (B) of 67582  
section 755.14 of the Revised Code; 67583

(10) A tax levied under section 1545.20 or 1545.21 of the 67584  
Revised Code for park district purposes; 67585

(11) A tax levied under section 5705.191 of the Revised Code 67586  
for the purpose of making appropriations for public assistance; 67587  
human or social services; public relief; public welfare; public 67588  
health and hospitalization; and support of general hospitals; 67589

(12) A tax levied under section 3709.29 of the Revised Code 67590  
for a general health district program; 67591

(13) A tax levied by a township under section 505.39, 505.51, 67592  
or division (I), (J), (U), or (JJ) of section 5705.19 of the 67593  
Revised Code for the purpose of funding fire, police, emergency 67594  
medical, or ambulance services as described in those sections. 67595  
Division (F)(13) of this section applies only to incentive 67596  
districts created by a resolution adopted on or after March 22, 67597  
2019, the effective date of the amendment of this section by H.B. 67598  
500 of the 132nd general assembly, and only if that resolution 67599

specifies that division (F) of this section shall apply to such a tax. 67600  
67601

(G) An exemption from taxation granted under this section 67602  
commences with the tax year specified in the resolution so long as 67603  
the year specified in the resolution commences after the effective 67604  
date of the resolution. If the resolution specifies a year 67605  
commencing before the effective date of the resolution or 67606  
specifies no year whatsoever, the exemption commences with the tax 67607  
year in which an exempted improvement first appears on the tax 67608  
list and duplicate of real and public utility property and that 67609  
commences after the effective date of the resolution. In lieu of 67610  
stating a specific year, the resolution may provide that the 67611  
exemption commences in the tax year in which the value of an 67612  
improvement exceeds a specified amount or in which the 67613  
construction of one or more improvements is completed, provided 67614  
that such tax year commences after the effective date of the 67615  
resolution. With respect to the exemption of improvements to 67616  
parcels under division (B) of this section, the resolution may 67617  
allow for the exemption to commence in different tax years on a 67618  
parcel-by-parcel basis, with a separate exemption term specified 67619  
for each parcel. 67620

Except as otherwise provided in this division and section 67621  
5709.51 of the Revised Code, the exemption ends on the date 67622  
specified in the resolution as the date the improvement ceases to 67623  
be a public purpose or the incentive district expires, or ends on 67624  
the date on which the public infrastructure improvements and 67625  
housing renovations are paid in full from the township public 67626  
improvement tax increment equivalent fund established under 67627  
section 5709.75 of the Revised Code, whichever occurs first. The 67628  
exemption of an improvement with respect to a parcel or within an 67629  
incentive district may end on a later date, as specified in the 67630  
resolution, if the board of township trustees and the board of 67631

education of the city, local, or exempted village school district 67632  
within which the parcel or district is located have entered into a 67633  
compensation agreement under section 5709.82 of the Revised Code 67634  
with respect to the improvement and the board of education has 67635  
approved the term of the exemption under division (D) of this 67636  
section, but in no case shall the improvement be exempted from 67637  
taxation for more than thirty years. The board of township 67638  
trustees may, by majority vote, adopt a resolution permitting the 67639  
township to enter into such agreements as the board finds 67640  
necessary or appropriate to provide for the construction or 67641  
undertaking of public infrastructure improvements and housing 67642  
renovations. Any exemption shall be claimed and allowed in the 67643  
same or a similar manner as in the case of other real property 67644  
exemptions. If an exemption status changes during a tax year, the 67645  
procedure for the apportionment of the taxes for that year is the 67646  
same as in the case of other changes in tax exemption status 67647  
during the year. 67648

(H) The board of township trustees may issue the notes of the 67649  
township to finance all costs pertaining to the construction or 67650  
undertaking of public infrastructure improvements and housing 67651  
renovations made pursuant to this section. The notes shall be 67652  
signed by the board and attested by the signature of the township 67653  
fiscal officer, shall bear interest not to exceed the rate 67654  
provided in section 9.95 of the Revised Code, and are not subject 67655  
to Chapter 133. of the Revised Code. The resolution authorizing 67656  
the issuance of the notes shall pledge the funds of the township 67657  
public improvement tax increment equivalent fund established 67658  
pursuant to section 5709.75 of the Revised Code to pay the 67659  
interest on and principal of the notes. The notes, which may 67660  
contain a clause permitting prepayment at the option of the board, 67661  
shall be offered for sale on the open market or given to the 67662  
vendor or contractor if no sale is made. 67663

(I) The township, not later than fifteen days after the adoption of a resolution under this section, shall submit to the director of development services a copy of the resolution. On or before the thirty-first day of March of each year, the township shall submit a status report to the director of development services. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that the exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the fund created under section 5709.75 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with the expenditures; and a quantitative summary of changes in private investment resulting from each project.

(J) Nothing in this section shall be construed to prohibit a board of township trustees from declaring to be a public purpose improvements with respect to more than one parcel.

If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

(K) A board of township trustees that adopted a resolution under this section prior to July 21, 1994, may amend that resolution to include any additional public infrastructure improvement. A board of township trustees that seeks by the amendment to utilize money from its township public improvement tax increment equivalent fund for land acquisition in aid of industry, commerce, distribution, or research, demolition on private property, or stormwater and flood remediation projects may do so provided that the board currently is a party to a

hold-harmless agreement with the board of education of the city, 67696  
local, or exempted village school district within the territory of 67697  
which are located the parcels that are subject to an exemption. 67698  
For the purposes of this division, a "hold-harmless agreement" 67699  
means an agreement under which the board of township trustees 67700  
agrees to compensate the school district for one hundred per cent 67701  
of the tax revenue that the school district would have received 67702  
from further improvements to parcels designated in the resolution 67703  
were it not for the exemption granted by the resolution. 67704

(L) Notwithstanding the limitation prescribed by division (D) 67705  
of this section on the number of years that improvements to a 67706  
parcel or parcels may be exempted from taxation, a board of 67707  
trustees of a township with a population of fifteen thousand or 67708  
more may amend a resolution originally adopted under this section 67709  
before December 31, 1994, to extend the exemption of improvements 67710  
to the parcel or parcels included in such resolution for an 67711  
additional period not to exceed fifteen years. The amendment shall 67712  
not increase the percentage of improvements to the parcel or 67713  
parcels exempted from taxation. Before adopting an amendment 67714  
authorized under this division, the board of township trustees 67715  
shall obtain the approval of each board of education of the city, 67716  
local, or exempted village school district within which the 67717  
exempted parcels are located in the manner required under division 67718  
(D) of this section, except that (1) the board of education may 67719  
approve the exemption on the condition that the board of township 67720  
trustees and the board of education negotiate an agreement 67721  
providing for compensation to the school district equal in value 67722  
to the amount of taxes the district forgoes in each year the 67723  
exemption is extended pursuant to this division or any other 67724  
mutually agreeable compensation and (2) if the board of education 67725  
fails to certify a resolution approving the amendment to the board 67726  
of township trustees within the time prescribed by division (D) of 67727  
this section, the board of township trustees shall not adopt the 67728

amendment authorized under this division. 67729

No approval under this division shall be required from a 67730  
board of education that has adopted a resolution waiving its right 67731  
to approve exemptions from taxation pursuant to division (D) of 67732  
this section. If the board of education has adopted such a 67733  
resolution, the board of township trustees shall comply with the 67734  
notice requirements imposed under section 5709.83 of the Revised 67735  
Code before taking formal action to adopt an amendment authorized 67736  
under this division unless the board of education has adopted a 67737  
resolution under that section waiving its right to receive the 67738  
notice. Not later than fourteen days before adopting an amendment 67739  
authorized under this division, the board of township trustees 67740  
shall deliver a notice identical to a notice required under 67741  
section 5709.83 of the Revised Code to the board of county 67742  
commissioners of each county in which the exempted parcels are 67743  
located. 67744

**Sec. 5709.78.** (A) A board of county commissioners may, by 67745  
resolution, declare improvements to certain parcels of real 67746  
property located in the unincorporated territory of the county to 67747  
be a public purpose. Except ~~with the approval as otherwise~~ 67748  
provided under division (C) of this section ~~of the board of~~ 67749  
~~education of each city, local, or exempted village school district~~ 67750  
~~within which the improvements are located~~ or section 5709.51 of 67751  
the Revised Code, not more than seventy-five per cent of an 67752  
improvement thus declared to be a public purpose may be exempted 67753  
from real property taxation, for a period of not more than ten 67754  
years. The resolution shall specify the percentage of the 67755  
improvement to be exempted and the life of the exemption. 67756

A resolution adopted under this division shall designate the 67757  
specific public infrastructure improvements made, to be made, or 67758  
in the process of being made by the county that directly benefit, 67759

or that once made will directly benefit, the parcels for which 67760  
improvements are declared to be a public purpose. The service 67761  
payments provided for in section 5709.79 of the Revised Code shall 67762  
be used to finance the public infrastructure improvements 67763  
designated in the resolution, or as provided in section 5709.80 of 67764  
the Revised Code. 67765

(B)(1) A board of county commissioners may adopt a resolution 67766  
creating an incentive district and declaring improvements to 67767  
parcels within the district to be a public purpose and, except as 67768  
provided in division (B)(2) of this section, exempt from taxation 67769  
as provided in this section, but no board of county commissioners 67770  
of a county that has a population that exceeds twenty-five 67771  
thousand, as shown by the most recent federal decennial census, 67772  
shall adopt a resolution that creates an incentive district if the 67773  
sum of the taxable value of real property in the proposed district 67774  
for the preceding tax year and the taxable value of all real 67775  
property in the county that would have been taxable in the 67776  
preceding year were it not for the fact that the property was in 67777  
an existing incentive district and therefore exempt from taxation 67778  
exceeds twenty-five per cent of the taxable value of real property 67779  
in the county for the preceding tax year. The district shall be 67780  
located within the unincorporated territory of the county and 67781  
shall not include any territory that is included within a district 67782  
created under division (C) of section 5709.73 of the Revised Code. 67783  
The resolution shall delineate the boundary of the proposed 67784  
district and specifically identify each parcel within the 67785  
district. A proposed district may not include any parcel that is 67786  
or has been exempted from taxation under division (A) of this 67787  
section or that is or has been within another district created 67788  
under this division. A resolution may create more than one such 67789  
district, and more than one resolution may be adopted under 67790  
division (B)(1) of this section. 67791

(2)(a) Not later than thirty days prior to adopting a resolution under division (B)(1) of this section, if the county intends to apply for exemptions from taxation under section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the board of county commissioners shall conduct a public hearing on the proposed resolution. Not later than thirty days prior to the public hearing, the board shall give notice of the public hearing and the proposed resolution by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed resolution. The board also shall provide the notice by first class mail to the clerk of each township in which the proposed incentive district will be located. The notice shall include a map of the proposed incentive district on which the board of county commissioners shall have delineated an overlay. The notice shall inform property owners of the owner's right to exclude the owner's property from the incentive district if both of the following conditions are met:

(i) The owner's entire parcel of property will not be located within the overlay.

(ii) The owner has submitted a statement to the board of township trustees of the township in which the parcel is located indicating the owner's intent to seek a tax exemption for improvements to the owner's parcel under division (B) or (C) of section 5709.73 of the Revised Code within the next five years.

When both of the preceding conditions are met, the owner may exclude the owner's property from the incentive district by submitting a written response in accordance with division (B)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for

submitting the response. 67824

(b) Any owner of real property located within the boundaries 67825  
of an incentive district proposed under division (B) (1) of this 67826  
section who meets the conditions specified in divisions 67827  
(B)(2)(a)(i) and (ii) of this section may exclude the property 67828  
from the proposed incentive district by submitting a written 67829  
response to the board not later than forty-five days after the 67830  
postmark date on the notice required under division (B)(2)(a) of 67831  
this section. The response shall include a copy of the statement 67832  
submitted under division (B)(2)(a)(ii) of this section. The 67833  
response shall be sent by first class mail or delivered in person 67834  
at a public hearing held by the board under division (B)(2)(a) of 67835  
this section. The response shall conform to any content 67836  
requirements that may be established by the board and included in 67837  
the notice provided under division (B)(2)(a) of this section. In 67838  
the response, property owners may identify a parcel by street 67839  
address, by the manner in which it is identified in the 67840  
resolution, or by other means allowing the identity of the parcel 67841  
to be ascertained. 67842

(c) Before adopting a resolution under division (B)(1) of 67843  
this section, the board shall amend the resolution to exclude any 67844  
parcel for which a written response has been submitted under 67845  
division (B)(2)(b) of this section. A county shall not apply for 67846  
exemptions from taxation under section 5709.911 of the Revised 67847  
Code for any such parcel, and service payments may not be required 67848  
from the owner of the parcel. Improvements to a parcel excluded 67849  
from an incentive district under this division may be exempted 67850  
from taxation under division (A) of this section pursuant to a 67851  
resolution adopted under that division or under any other section 67852  
of the Revised Code under which the parcel qualifies. 67853

(3)(a) A resolution adopted under division (B)(1) of this 67854  
section shall specify the life of the incentive district and the 67855

percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The resolution also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the resolution. The project identified may, but need not be, the project under division (B)(3)(b) of this section that places real property in use for commercial or industrial purposes.

A resolution adopted under division (B)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and no service payment provided for in section 5709.79 of the Revised Code and received by the county under the resolution shall be used for police or fire equipment.

(b) A resolution adopted under division (B)(1) of this section may authorize the use of service payments provided for in section 5709.79 of the Revised Code for the purpose of housing renovations within the incentive district, provided that the resolution also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes. Service payments may be used to finance or support loans, deferred loans, and grants to persons for the purpose of housing renovations within the district. The resolution shall designate the parcels within the district that are eligible for housing renovations. The resolution shall state separately the amount or the percentages of the expected aggregate service payments that are designated for each public infrastructure improvement and for the purpose of housing renovations.

(4) Except with the approval of the board of education of

each city, local, or exempted village school district within the 67888  
territory of which the incentive district is or will be located, 67889  
and subject to division (D) of this section, the life of an 67890  
incentive district shall not exceed ten years, and the percentage 67891  
of improvements to be exempted shall not exceed seventy-five per 67892  
cent. With approval of the board of education, the life of a 67893  
district may be not more than thirty years, and the percentage of 67894  
improvements to be exempted may be not more than one hundred per 67895  
cent. The approval of a board of education shall be obtained in 67896  
the manner provided in division (C) of this section. 67897

(C)(1) Improvements with respect to a parcel may be exempted 67898  
from taxation under division (A) of this section, and improvements 67899  
to parcels within an incentive district may be exempted from 67900  
taxation under division (B) of this section, for up to ten years 67901  
or, with the approval of the board of education of each city, 67902  
local, or exempted village school district within which the parcel 67903  
or district is located, for up to thirty years. The percentage of 67904  
the improvements exempted from taxation may, with such approval, 67905  
exceed seventy-five per cent, but shall not exceed one hundred per 67906  
cent. Not later than forty-five business days prior to adopting a 67907  
resolution under this section declaring improvements to be a 67908  
public purpose that is subject to the approval of a board of 67909  
education under this division, the board of county commissioners 67910  
shall deliver to the board of education a notice stating its 67911  
intent to adopt a resolution making that declaration. The notice 67912  
regarding improvements with respect to a parcel under division (A) 67913  
of this section shall identify the parcels for which improvements 67914  
are to be exempted from taxation, provide an estimate of the true 67915  
value in money of the improvements, specify the period for which 67916  
the improvements would be exempted from taxation and the 67917  
percentage of the improvements that would be exempted, and 67918  
indicate the date on which the board of county commissioners 67919  
intends to adopt the resolution. The notice regarding improvements 67920

to parcels within an incentive district under division (B) of this 67921  
section shall delineate the boundaries of the district, 67922  
specifically identify each parcel within the district, identify 67923  
each anticipated improvement in the district, provide an estimate 67924  
of the true value in money of each such improvement, specify the 67925  
life of the district and the percentage of improvements that would 67926  
be exempted, and indicate the date on which the board of county 67927  
commissioners intends to adopt the resolution. The board of 67928  
education, by resolution adopted by a majority of the board, may 67929  
approve the exemption for the period or for the exemption 67930  
percentage specified in the notice; may disapprove the exemption 67931  
for the number of years in excess of ten, may disapprove the 67932  
exemption for the percentage of the improvements to be exempted in 67933  
excess of seventy-five per cent, or both; or may approve the 67934  
exemption on the condition that the board of county commissioners 67935  
and the board of education negotiate an agreement providing for 67936  
compensation to the school district equal in value to a percentage 67937  
of the amount of taxes exempted in the eleventh and subsequent 67938  
years of the exemption period or, in the case of exemption 67939  
percentages in excess of seventy-five per cent, compensation equal 67940  
in value to a percentage of the taxes that would be payable on the 67941  
portion of the improvements in excess of seventy-five per cent 67942  
were that portion to be subject to taxation, or other mutually 67943  
agreeable compensation. 67944

(2) The board of education shall certify its resolution to 67945  
the board of county commissioners not later than fourteen days 67946  
prior to the date the board of county commissioners intends to 67947  
adopt its resolution as indicated in the notice. If the board of 67948  
education and the board of county commissioners negotiate a 67949  
mutually acceptable compensation agreement, the resolution of the 67950  
board of county commissioners may declare the improvements a 67951  
public purpose for the number of years specified in that 67952  
resolution or, in the case of exemption percentages in excess of 67953

seventy-five per cent, for the exemption percentage specified in 67954  
the resolution. In either case, if the board of education and the 67955  
board of county commissioners fail to negotiate a mutually 67956  
acceptable compensation agreement, the resolution may declare the 67957  
improvements a public purpose for not more than ten years, and 67958  
shall not exempt more than seventy-five per cent of the 67959  
improvements from taxation. If the board of education fails to 67960  
certify a resolution to the board of county commissioners within 67961  
the time prescribed by this section, the board of county 67962  
commissioners thereupon may adopt the resolution and may declare 67963  
the improvements a public purpose for up to thirty years or, in 67964  
the case of exemption percentages proposed in excess of 67965  
seventy-five per cent, for the exemption percentage specified in 67966  
the resolution. The board of county commissioners may adopt the 67967  
resolution at any time after the board of education certifies its 67968  
resolution approving the exemption to the board of county 67969  
commissioners, or, if the board of education approves the 67970  
exemption on the condition that a mutually acceptable compensation 67971  
agreement be negotiated, at any time after the compensation 67972  
agreement is agreed to by the board of education and the board of 67973  
county commissioners. If a mutually acceptable compensation 67974  
agreement is negotiated between the board of county commissioners 67975  
and the board of education, including agreements for payments in 67976  
lieu of taxes under section 5709.79 of the Revised Code, the board 67977  
of county commissioners shall compensate the joint vocational 67978  
school district within which the parcel or district is located at 67979  
the same rate and under the same terms received by the city, 67980  
local, or exempted village school district. 67981

(3) If a board of education has adopted a resolution waiving 67982  
its right to approve exemptions from taxation under this section 67983  
and the resolution remains in effect, approval of such exemptions 67984  
by the board of education is not required under division (C) of 67985  
this section. If a board of education has adopted a resolution 67986

allowing a board of county commissioners to deliver the notice 67987  
required under division (C) of this section fewer than forty-five 67988  
business days prior to approval of the resolution by the board of 67989  
county commissioners, the board of county commissioners shall 67990  
deliver the notice to the board of education not later than the 67991  
number of days prior to such approval as prescribed by the board 67992  
of education in its resolution. If a board of education adopts a 67993  
resolution waiving its right to approve exemptions or shortening 67994  
the notification period, the board of education shall certify a 67995  
copy of the resolution to the board of county commissioners. If 67996  
the board of education rescinds such a resolution, it shall 67997  
certify notice of the rescission to the board of county 67998  
commissioners. 67999

(4) Nothing in division (C) of this section prohibits the 68000  
board of county commissioners from amending the resolution under 68001  
section 5709.51 of the Revised Code to extend the term of the 68002  
exemption. 68003

(D)(1) If a proposed resolution under division (B)(1) of this 68004  
section exempts improvements with respect to a parcel within an 68005  
incentive district for more than ten years, or the percentage of 68006  
the improvement exempted from taxation exceeds seventy-five per 68007  
cent, not later than forty-five business days prior to adopting 68008  
the resolution the board of county commissioners shall deliver to 68009  
the board of township trustees of any township within which the 68010  
incentive district is or will be located a notice that states its 68011  
intent to adopt a resolution creating an incentive district. The 68012  
notice shall include a copy of the proposed resolution, identify 68013  
the parcels for which improvements are to be exempted from 68014  
taxation, provide an estimate of the true value in money of the 68015  
improvements, specify the period of time for which the 68016  
improvements would be exempted from taxation, specify the 68017  
percentage of the improvements that would be exempted from 68018

taxation, and indicate the date on which the board intends to 68019  
adopt the resolution. 68020

(2) The board of township trustees, by resolution adopted by 68021  
a majority of the board, may object to the exemption for the 68022  
number of years in excess of ten, may object to the exemption for 68023  
the percentage of the improvement to be exempted in excess of 68024  
seventy-five per cent, or both. If the board of township trustees 68025  
objects, the board of township trustees may negotiate a mutually 68026  
acceptable compensation agreement with the board of county 68027  
commissioners. In no case shall the compensation provided to the 68028  
board of township trustees exceed the property taxes forgone due 68029  
to the exemption. If the board of township trustees objects, and 68030  
the board of township trustees and the board of county 68031  
commissioners fail to negotiate a mutually acceptable compensation 68032  
agreement, the resolution adopted under division (B)(1) of this 68033  
section shall provide to the board of township trustees 68034  
compensation in the eleventh and subsequent years of the exemption 68035  
period equal in value to not more than fifty per cent of the taxes 68036  
that would be payable to the township or, if the board of township 68037  
trustee's objection includes an objection to an exemption 68038  
percentage in excess of seventy-five per cent, compensation equal 68039  
in value to not more than fifty per cent of the taxes that would 68040  
be payable to the township on the portion of the improvement in 68041  
excess of seventy-five per cent, were that portion to be subject 68042  
to taxation. The board of township trustees shall certify its 68043  
resolution to the board of county commissioners not later than 68044  
thirty days after receipt of the notice. 68045

(3) If the board of township trustees does not object or 68046  
fails to certify a resolution objecting to an exemption within 68047  
thirty days after receipt of the notice, the board of county 68048  
commissioners may adopt its resolution, and no compensation shall 68049  
be provided to the board of township trustees. If the board of 68050

township trustees certifies its resolution objecting to the 68051  
commissioners' resolution, the board of county commissioners may 68052  
adopt its resolution at any time after a mutually acceptable 68053  
compensation agreement is agreed to by the board of county 68054  
commissioners and the board of township trustees. If the board of 68055  
township trustees certifies a resolution objecting to the 68056  
commissioners' resolution, the board of county commissioners may 68057  
adopt its resolution at any time after a mutually acceptable 68058  
compensation agreement is agreed to by the board of county 68059  
commissioners and the board of township trustees, or, if no 68060  
compensation agreement is negotiated, at any time after the board 68061  
of county commissioners in the proposed resolution to provide 68062  
compensation to the board of township trustees of fifty per cent 68063  
of the taxes that would be payable to the township in the eleventh 68064  
and subsequent years of the exemption period or on the portion of 68065  
the improvement in excess of seventy-five per cent, were that 68066  
portion to be subject to taxation. 68067

(E) Service payments in lieu of taxes that are attributable 68068  
to any amount by which the effective tax rate of either a renewal 68069  
levy with an increase or a replacement levy exceeds the effective 68070  
tax rate of the levy renewed or replaced, or that are attributable 68071  
to an additional levy, for a levy authorized by the voters for any 68072  
of the following purposes on or after January 1, 2006, and which 68073  
are provided pursuant to a resolution creating an incentive 68074  
district under division (B)(1) of this section that is adopted on 68075  
or after January 1, 2006, shall be distributed to the appropriate 68076  
taxing authority as required under division (D) of section 5709.79 68077  
of the Revised Code in an amount equal to the amount of taxes from 68078  
that additional levy or from the increase in the effective tax 68079  
rate of such renewal or replacement levy that would have been 68080  
payable to that taxing authority from the following levies were it 68081  
not for the exemption authorized under division (B) of this 68082  
section: 68083

(1) A tax levied under division (L) of section 5705.19 or	68084
section 5705.191 or 5705.222 of the Revised Code for community	68085
developmental disabilities programs and services pursuant to	68086
Chapter 5126. of the Revised Code;	68087
(2) A tax levied under division (Y) of section 5705.19 of the	68088
Revised Code for providing or maintaining senior citizens services	68089
or facilities;	68090
(3) A tax levied under section 5705.22 of the Revised Code	68091
for county hospitals;	68092
(4) A tax levied by a joint-county district or by a county	68093
under section 5705.19, 5705.191, or 5705.221 of the Revised Code	68094
for alcohol, drug addiction, and mental health services or	68095
facilities;	68096
(5) A tax levied under section 5705.23 of the Revised Code	68097
for library purposes;	68098
(6) A tax levied under section 5705.24 of the Revised Code	68099
for the support of children services and the placement and care of	68100
children;	68101
(7) A tax levied under division (Z) of section 5705.19 of the	68102
Revised Code for the provision and maintenance of zoological park	68103
services and facilities under section 307.76 of the Revised Code;	68104
(8) A tax levied under section 511.27 or division (H) of	68105
section 5705.19 of the Revised Code for the support of township	68106
park districts;	68107
(9) A tax levied under division (A), (F), or (H) of section	68108
5705.19 of the Revised Code for parks and recreational purposes of	68109
a joint recreation district organized pursuant to division (B) of	68110
section 755.14 of the Revised Code;	68111
(10) A tax levied under section 1545.20 or 1545.21 of the	68112
Revised Code for park district purposes;	68113

(11) A tax levied under section 5705.191 of the Revised Code 68114  
for the purpose of making appropriations for public assistance; 68115  
human or social services; public relief; public welfare; public 68116  
health and hospitalization; and support of general hospitals; 68117

(12) A tax levied under section 3709.29 of the Revised Code 68118  
for a general health district program. 68119

(F) An exemption from taxation granted under this section 68120  
commences with the tax year specified in the resolution so long as 68121  
the year specified in the resolution commences after the effective 68122  
date of the resolution. If the resolution specifies a year 68123  
commencing before the effective date of the resolution or 68124  
specifies no year whatsoever, the exemption commences with the tax 68125  
year in which an exempted improvement first appears on the tax 68126  
list and duplicate of real and public utility property and that 68127  
commences after the effective date of the resolution. In lieu of 68128  
stating a specific year, the resolution may provide that the 68129  
exemption commences in the tax year in which the value of an 68130  
improvement exceeds a specified amount or in which the 68131  
construction of one or more improvements is completed, provided 68132  
that such tax year commences after the effective date of the 68133  
resolution. With respect to the exemption of improvements to 68134  
parcels under division (A) of this section, the resolution may 68135  
allow for the exemption to commence in different tax years on a 68136  
parcel-by-parcel basis, with a separate exemption term specified 68137  
for each parcel. 68138

Except as otherwise provided in this division, the exemption 68139  
ends on the date specified in the resolution as the date the 68140  
improvement ceases to be a public purpose or the incentive 68141  
district expires, or ends on the date on which the county can no 68142  
longer require annual service payments in lieu of taxes under 68143  
section 5709.79 of the Revised Code, whichever occurs first. The 68144  
exemption of an improvement with respect to a parcel or within an 68145

incentive district may end on a later date, as specified in the 68146  
resolution, if the board of commissioners and the board of 68147  
education of the city, local, or exempted village school district 68148  
within which the parcel or district is located have entered into a 68149  
compensation agreement under section 5709.82 of the Revised Code 68150  
with respect to the improvement, and the board of education has 68151  
approved the term of the exemption under division (C)(1) of this 68152  
section, but in no case shall the improvement be exempted from 68153  
taxation for more than thirty years. Exemptions shall be claimed 68154  
and allowed in the same or a similar manner as in the case of 68155  
other real property exemptions. If an exemption status changes 68156  
during a tax year, the procedure for the apportionment of the 68157  
taxes for that year is the same as in the case of other changes in 68158  
tax exemption status during the year. 68159

(G) If the board of county commissioners is not required by 68160  
this section to notify the board of education of the board of 68161  
county commissioners' intent to declare improvements to be a 68162  
public purpose, the board of county commissioners shall comply 68163  
with the notice requirements imposed under section 5709.83 of the 68164  
Revised Code before taking formal action to adopt the resolution 68165  
making that declaration, unless the board of education has adopted 68166  
a resolution under that section waiving its right to receive such 68167  
a notice. 68168

(H) The county, not later than fifteen days after the 68169  
adoption of a resolution under this section, shall submit to the 68170  
director of development services a copy of the resolution. On or 68171  
before the thirty-first day of March of each year, the county 68172  
shall submit a status report to the director of development 68173  
services. The report shall indicate, in the manner prescribed by 68174  
the director, the progress of the project during each year that an 68175  
exemption remains in effect, including a summary of the receipts 68176  
from service payments in lieu of taxes; expenditures of money from 68177

the fund created under section 5709.80 of the Revised Code; a 68178  
description of the public infrastructure improvements and housing 68179  
renovations financed with such expenditures; and a quantitative 68180  
summary of changes in employment and private investment resulting 68181  
from each project. 68182

(I) Nothing in this section shall be construed to prohibit a 68183  
board of county commissioners from declaring to be a public 68184  
purpose improvements with respect to more than one parcel. 68185

(J) If a parcel is located in a new community district in 68186  
which the new community authority imposes a community development 68187  
charge on the basis of rentals received from leases of real 68188  
property as described in division (L)(2) of section 349.01 of the 68189  
Revised Code, the parcel may not be exempted from taxation under 68190  
this section. 68191

**Sec. 5713.08.** (A) The county auditor shall make a list of all 68192  
real and personal property in the auditor's county that is 68193  
exempted from taxation. Such list shall show the name of the 68194  
owner, the value of the property exempted, and a statement in 68195  
brief form of the ground on which such exemption has been granted. 68196  
It shall be corrected annually by adding thereto the items of 68197  
property which have been exempted during the year, and by striking 68198  
therefrom the items which in the opinion of the auditor have lost 68199  
their right of exemption and which have been reentered on the 68200  
taxable list, but no property shall be struck from the exempt 68201  
property list solely because the property has been conveyed to a 68202  
single member limited liability company with a nonprofit purpose 68203  
from its nonprofit member or because the property has been 68204  
conveyed by a single member limited liability company with a 68205  
nonprofit purpose to its nonprofit member. No additions shall be 68206  
made to such exempt lists and no additional items of property 68207  
shall be exempted from taxation without the consent of the tax 68208

commissioner as is provided for in section 5715.27 of the Revised Code or without the consent of the housing officer under section 3735.67 of the Revised Code, except for property exempted by the auditor under that section, property owned by a community school and subject to the exemption authorized under division (A)(1) of section 5709.07 of the Revised Code for tax years after the tax year for which the commissioner grants an application under section 5715.27 of the Revised Code, as described in division (I) of that section, or qualifying agricultural real property, as defined in section 5709.28 of the Revised Code, that is enrolled in an agriculture security area that is exempt under that section.  
The

The commissioner may revise at any time the list in every county so that no property is improperly or illegally exempted from taxation. The auditor shall follow the orders of the commissioner given under this section. An abstract of such list shall be filed annually with the commissioner, on a form approved by the commissioner, and a copy thereof shall be kept on file in the office of each auditor for public inspection.

An application for exemption of property shall include a certificate executed by the county treasurer certifying one of the following:

(1) That all taxes, interest, and penalties levied and assessed against the property sought to be exempted have been paid in full for all of the tax years preceding the tax year for which the application for exemption is filed, except for such taxes, interest, and penalties that may be remitted under division (C) of this section;

(2) That the applicant has entered into a valid delinquent tax contract with the county treasurer pursuant to division (A) of section 323.31 of the Revised Code to pay all of the delinquent taxes, interest, and penalties charged against the property,

except for such taxes, interest, and penalties that may be 68241  
remitted under division (C) of this section. If the auditor 68242  
receives notice under section 323.31 of the Revised Code that such 68243  
a written delinquent tax contract has become void, the auditor 68244  
shall strike such property from the list of exempted property and 68245  
reenter such property on the taxable list. If property is removed 68246  
from the exempt list because a written delinquent tax contract has 68247  
become void, current taxes shall first be extended against that 68248  
property on the general tax list and duplicate of real and public 68249  
utility property for the tax year in which the auditor receives 68250  
the notice required by division (A) of section 323.31 of the 68251  
Revised Code that the delinquent tax contract has become void or, 68252  
if that notice is not timely made, for the tax year in which falls 68253  
the latest date by which the treasurer is required by such section 68254  
to give such notice. A county auditor shall not remove from any 68255  
tax list and duplicate the amount of any unpaid delinquent taxes, 68256  
assessments, interest, or penalties owed on property that is 68257  
placed on the exempt list pursuant to this division. 68258

(3) That a tax certificate has been issued under section 68259  
5721.32 or 5721.33 of the Revised Code with respect to the 68260  
property that is the subject of the application, and the tax 68261  
certificate is outstanding. 68262

(B) If the treasurer's certificate is not included with the 68263  
application or the certificate reflects unpaid taxes, penalties, 68264  
and interest that may not be remitted, the tax commissioner or 68265  
county auditor with whom the application was filed shall notify 68266  
the property owner of that fact, and the applicant shall be given 68267  
sixty days from the date that notification was mailed in which to 68268  
provide the tax commissioner or county auditor with a corrected 68269  
treasurer's certificate. If a corrected treasurer's certificate is 68270  
not received within the time permitted, the tax commissioner or 68271  
county auditor does not have authority to consider the tax 68272

exemption application. 68273

(C) Any taxes, interest, and penalties which have become a 68274  
lien after the property was first used for the exempt purpose, but 68275  
in no case prior to the date of acquisition of the title to the 68276  
property by the applicant, may be remitted by the commissioner or 68277  
county auditor, except as is provided in division (A) of section 68278  
5713.081 of the Revised Code. 68279

(D) Real property acquired by the state in fee simple is 68280  
exempt from taxation from the date of acquisition of title or date 68281  
of possession, whichever is the earlier date, provided that all 68282  
taxes, interest, and penalties as provided in the apportionment 68283  
provisions of section 319.20 of the Revised Code have been paid to 68284  
the date of acquisition of title or date of possession by the 68285  
state, whichever is earlier. The proportionate amount of taxes 68286  
that are a lien but not yet determined, assessed, and levied for 68287  
the year in which the property is acquired, shall be remitted by 68288  
the county auditor for the balance of the year from date of 68289  
acquisition of title or date of possession, whichever is earlier. 68290  
This section shall not be construed to authorize the exemption of 68291  
such property from taxation or the remission of taxes, interest, 68292  
and penalties thereon until all private use has terminated. 68293

**Sec. 5715.19.** (A) As used in this section, "member" has the 68294  
same meaning as in section 1705.01 of the Revised Code, and 68295  
"internet identifier of record" has the same meaning as in section 68296  
9.312 of the Revised Code. 68297

(1) Subject to division (A)(2) of this section, a complaint 68298  
against any of the following determinations for the current tax 68299  
year shall be filed with the county auditor on or before the 68300  
thirty-first day of March of the ensuing tax year or the date of 68301  
closing of the collection for the first half of real and public 68302  
utility property taxes for the current tax year, whichever is 68303

later: 68304

(a) Any classification made under section 5713.041 of the Revised Code; 68305  
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(b) Any determination made under section 5713.32 or 5713.35 of the Revised Code; 68307  
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(c) Any recoupment charge levied under section 5713.35 of the Revised Code; 68309  
68310

(d) The determination of the total valuation or assessment of any parcel that appears on the tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code; 68311  
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68313  
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(e) The determination of the total valuation of any parcel that appears on the agricultural land tax list, except parcels assessed by the tax commissioner pursuant to section 5727.06 of the Revised Code; 68315  
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68318

(f) Any determination made under division (A) of section 319.302 of the Revised Code. 68319  
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If such a complaint is filed by mail or certified mail, the date of the United States postmark placed on the envelope or sender's receipt by the postal service shall be treated as the date of filing. A private meter postmark on an envelope is not a valid postmark for purposes of establishing the filing date. 68321  
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Any person owning taxable real property in the county or in a taxing district with territory in the county; such a person's spouse; an individual who is retained by such a person and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national council of property taxation, or the international association of assessing officers; a public accountant who holds a permit under section 4701.10 of the Revised Code, a general or residential real 68326  
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estate appraiser licensed or certified under Chapter 4763. of the 68334  
Revised Code, or a real estate broker licensed under Chapter 4735. 68335  
of the Revised Code, who is retained by such a person; if the 68336  
person is a firm, company, association, partnership, limited 68337  
liability company, or corporation, an officer, a salaried 68338  
employee, a partner, or a member of that person; if the person is 68339  
a trust, a trustee of the trust; the board of county 68340  
commissioners; the prosecuting attorney or treasurer of the 68341  
county; the board of township trustees of any township with 68342  
territory within the county; the board of education of any school 68343  
district with any territory in the county; or the mayor or 68344  
legislative authority of any municipal corporation with any 68345  
territory in the county may file such a complaint regarding any 68346  
such determination affecting any real property in the county, 68347  
except that a person owning taxable real property in another 68348  
county may file such a complaint only with regard to any such 68349  
determination affecting real property in the county that is 68350  
located in the same taxing district as that person's real property 68351  
is located. The county auditor shall present to the county board 68352  
of revision all complaints filed with the auditor. 68353

(2) As used in division (A)(2) of this section, "interim 68354  
period" means, for each county, the tax year to which section 68355  
5715.24 of the Revised Code applies and each subsequent tax year 68356  
until the tax year in which that section applies again. 68357

No person, board, or officer shall file a complaint against 68358  
the valuation or assessment of any parcel that appears on the tax 68359  
list if it filed a complaint against the valuation or assessment 68360  
of that parcel for any prior tax year in the same interim period, 68361  
unless the person, board, or officer alleges that the valuation or 68362  
assessment should be changed due to one or more of the following 68363  
circumstances that occurred after the tax lien date for the tax 68364  
year for which the prior complaint was filed and that the 68365

circumstances were not taken into consideration with respect to 68366  
the prior complaint: 68367

(a) The property was sold in an arm's length transaction, as 68368  
described in section 5713.03 of the Revised Code; 68369

(b) The property lost value due to some casualty; 68370

(c) Substantial improvement was added to the property; 68371

(d) An increase or decrease of at least fifteen per cent in 68372  
the property's occupancy has had a substantial economic impact on 68373  
the property. 68374

(3) If a county board of revision, the board of tax appeals, 68375  
or any court dismisses a complaint filed under this section or 68376  
section 5715.13 of the Revised Code for the reason that the act of 68377  
filing the complaint was the unauthorized practice of law or the 68378  
person filing the complaint was engaged in the unauthorized 68379  
practice of law, the party affected by a decrease in valuation or 68380  
the party's agent, or the person owning taxable real property in 68381  
the county or in a taxing district with territory in the county, 68382  
may refile the complaint, notwithstanding division (A)(2) of this 68383  
section. 68384

(4)(a) No complaint filed under this section or section 68385  
5715.13 of the Revised Code shall be dismissed for the reason that 68386  
the complaint fails to accurately identify the owner of the 68387  
property that is the subject of the complaint. 68388

(b) If a complaint fails to accurately identify the owner of 68389  
the property that is the subject of the complaint, the board of 68390  
revision shall exercise due diligence to ensure the correct 68391  
property owner is notified as required by divisions (B) and (C) of 68392  
this section. 68393

(5) Notwithstanding division (A)(2) of this section, a 68394  
person, board, or officer may file a complaint against the 68395

valuation or assessment of any parcel that appears on the tax list 68396  
if it filed a complaint against the valuation or assessment of 68397  
that parcel for any prior tax year in the same interim period if 68398  
the person, board, or officer withdrew the complaint before the 68399  
complaint was heard by the board. 68400

(6) A board of county commissioners, a board of township 68401  
trustees, the board of education of a school district, or the 68402  
mayor or legislative authority of a municipal corporation may not 68403  
file a complaint or a counterclaim to a complaint under this 68404  
section with respect to property the political subdivision does 68405  
not own unless the board or legislative authority or, in the case 68406  
of a mayor, the legislative authority of the municipal corporation 68407  
first adopts a resolution authorizing the filing of the complaint 68408  
or counterclaim at a public meeting of the board or legislative 68409  
authority. The resolution shall include all of the following 68410  
information: 68411

(a) Identification of the parcel or parcels that are the 68412  
subject of the complaint or counterclaim by street address, if 68413  
available from online records of the county auditor, and by 68414  
permanent parcel number; 68415

(b) The name of at least one of the record owners of the 68416  
parcel or parcels; 68417

(c) If the resolution authorizes the filing of a complaint, 68418  
the basis for the complaint under divisions (A)(1)(a) to (f) of 68419  
this section relative to each parcel identified in the resolution. 68420

A board or legislative authority shall not adopt a resolution 68421  
required under division (A)(6) of this section that identifies 68422  
more than one parcel under division (A)(6)(a) of this section, 68423  
except that a single resolution may identify more than one parcel 68424  
under that division if each parcel has the same record owner or 68425  
the same record owners, as applicable. Such a resolution shall not 68426

include any other matter and shall be adopted by a separate vote 68427  
from the question of whether to adopt any other resolution except 68428  
another resolution under division (A)(6) of this section. 68429

Before adopting a resolution required by division (A)(6) of 68430  
this section, the board or legislative authority shall mail a 68431  
written notice to at least one of the record owners of the parcel 68432  
or parcels identified in the resolution stating the intent of the 68433  
board or legislative authority in adopting the resolution, the 68434  
proposed date of adoption, and, if the resolution is to authorize 68435  
the filing of a complaint, the basis for the complaint under 68436  
divisions (A)(1)(a) to (f) of this section relative to each parcel 68437  
identified in the resolution. The notice shall be sent by 68438  
certified mail to the last known tax-mailing address of at least 68439  
one of the record owners and, if different from that tax-mailing 68440  
address, to the street address of the parcel or parcels identified 68441  
in the resolution. Alternatively, if the board has record of an 68442  
internet identifier of record associated with at least one of the 68443  
record owners, the board may send the notice by ordinary mail and 68444  
by that internet identifier of record of the time and place the 68445  
resolution will be heard. The notice shall be postmarked at least 68446  
fourteen calendar days before the board or legislative authority 68447  
adopts the resolution. 68448

A board of revision has jurisdiction to consider a complaint 68449  
or counterclaim filed pursuant to a resolution adopted under 68450  
division (A)(6) of this section only if the board, mayor, or 68451  
legislative authority causes the resolution to be certified to the 68452  
board of revision within thirty days after the last date such a 68453  
complaint or counterclaim could be filed. The failure to 68454  
accurately identify the street address or the name of the record 68455  
owners of the parcel in the resolution shall not invalidate the 68456  
resolution nor be a cause for dismissal of the complaint or 68457  
counterclaim. 68458

(7) A complaint form prescribed by a board of revision or the tax commissioner for the purposes of this section shall include a box that a board, mayor, or legislative authority, when filing a complaint or counterclaim, must check indicating that a resolution authorizing the complaint was adopted in accordance with division (A)(6) of this section and that notice was provided before adoption of the resolution to at least one of the record owners of the property that is the subject of the complaint or counterclaim.

(B) Within thirty days after the last date such complaints may be filed, the auditor shall give notice of each complaint in which the stated amount of overvaluation, undervaluation, discriminatory valuation, illegal valuation, or incorrect determination is at least seventeen thousand five hundred dollars to each property owner whose property is the subject of the complaint, if the complaint was not filed by the owner or the owner's spouse, and to each board of education whose school district may be affected by the complaint. For the purposes of this division, separate complaints filed with respect to parcels which together form an economic unit shall be treated as if the parcels were included on a single complaint. As used in this division, "economic unit" means property comprised of multiple parcels that is united by an economic function such that it will normally be sold as a single property. An economic unit may be comprised of parcels that are neither contiguous nor owned by the same owner, but the parcels must be managed and operated on a unitary basis and each parcel must make a positive contribution to the operation of the unit.

Within thirty days after receiving such notice, a board of education; a property owner; the owner's spouse; an individual who is retained by such an owner and who holds a designation from a professional assessment organization, such as the institute for professionals in taxation, the national council of property

taxation, or the international association of assessing officers; 68491  
a public accountant who holds a permit under section 4701.10 of 68492  
the Revised Code, a general or residential real estate appraiser 68493  
licensed or certified under Chapter 4763. of the Revised Code, or 68494  
a real estate broker licensed under Chapter 4735. of the Revised 68495  
Code, who is retained by such a person; or, if the property owner 68496  
is a firm, company, association, partnership, limited liability 68497  
company, corporation, or trust, an officer, a salaried employee, a 68498  
partner, a member, or trustee of that property owner, may file a 68499  
complaint in support of or objecting to the amount of alleged 68500  
overvaluation, undervaluation, discriminatory valuation, illegal 68501  
valuation, or incorrect determination stated in a previously filed 68502  
complaint or objecting to the current valuation. Upon the filing 68503  
of a complaint under this division, the board of education or the 68504  
property owner shall be made a party to the action. 68505

(C) Each board of revision shall notify any complainant and 68506  
also the property owner, if the property owner's address is known, 68507  
when a complaint is filed by one other than the property owner, 68508  
not less than ten days prior to the hearing, either by certified 68509  
mail or, if the board has record of an internet identifier of 68510  
record associated with the owner, by ordinary mail and by that 68511  
internet identifier of record of the time and place the same will 68512  
be heard. The board of revision shall hear and render its decision 68513  
on a complaint within ninety days after the filing thereof with 68514  
the board, except that if a complaint is filed within thirty days 68515  
after receiving notice from the auditor as provided in division 68516  
(B) of this section, the board shall hear and render its decision 68517  
within ninety days after such filing. 68518

(D) The determination of any such complaint shall relate back 68519  
to the date when the lien for taxes or recoupment charges for the 68520  
current year attached or the date as of which liability for such 68521  
year was determined. Liability for taxes and recoupment charges 68522

for such year and each succeeding year until the complaint is 68523  
finally determined and for any penalty and interest for nonpayment 68524  
thereof within the time required by law shall be based upon the 68525  
determination, valuation, or assessment as finally determined. 68526  
Each complaint shall state the amount of overvaluation, 68527  
undervaluation, discriminatory valuation, illegal valuation, or 68528  
incorrect classification or determination upon which the complaint 68529  
is based. The treasurer shall accept any amount tendered as taxes 68530  
or recoupment charge upon property concerning which a complaint is 68531  
then pending, computed upon the claimed valuation as set forth in 68532  
the complaint. If a complaint filed under this section for the 68533  
current year is not determined by the board within the time 68534  
prescribed for such determination, the complaint and any 68535  
proceedings in relation thereto shall be continued by the board as 68536  
a valid complaint for any ensuing year until such complaint is 68537  
finally determined by the board or upon any appeal from a decision 68538  
of the board. In such case, the original complaint shall continue 68539  
in effect without further filing by the original taxpayer, the 68540  
original taxpayer's assignee, or any other person or entity 68541  
authorized to file a complaint under this section. 68542

(E) If a taxpayer files a complaint as to the classification, 68543  
valuation, assessment, or any determination affecting the 68544  
taxpayer's own property and tenders less than the full amount of 68545  
taxes or recoupment charges as finally determined, an interest 68546  
charge shall accrue as follows: 68547

(1) If the amount finally determined is less than the amount 68548  
billed but more than the amount tendered, the taxpayer shall pay 68549  
interest at the rate per annum prescribed by section 5703.47 of 68550  
the Revised Code, computed from the date that the taxes were due 68551  
on the difference between the amount finally determined and the 68552  
amount tendered. This interest charge shall be in lieu of any 68553  
penalty or interest charge under section 323.121 of the Revised 68554

Code unless the taxpayer failed to file a complaint and tender an amount as taxes or recoupment charges within the time required by this section, in which case section 323.121 of the Revised Code applies.

(2) If the amount of taxes finally determined is equal to or greater than the amount billed and more than the amount tendered, the taxpayer shall pay interest at the rate prescribed by section 5703.47 of the Revised Code from the date the taxes were due on the difference between the amount finally determined and the amount tendered, such interest to be in lieu of any interest charge but in addition to any penalty prescribed by section 323.121 of the Revised Code.

(F) Upon request of a complainant, the tax commissioner shall determine the common level of assessment of real property in the county for the year stated in the request that is not valued under section 5713.31 of the Revised Code, which common level of assessment shall be expressed as a percentage of true value and the common level of assessment of lands valued under such section, which common level of assessment shall also be expressed as a percentage of the current agricultural use value of such lands. Such determination shall be made on the basis of the most recent available sales ratio studies of the commissioner and such other factual data as the commissioner deems pertinent.

(G) A complainant shall provide to the board of revision all information or evidence within the complainant's knowledge or possession that affects the real property that is the subject of the complaint. A complainant who fails to provide such information or evidence is precluded from introducing it on appeal to the board of tax appeals or the court of common pleas, except that the board of tax appeals or court may admit and consider the evidence if the complainant shows good cause for the complainant's failure to provide the information or evidence to the board of revision.

(H) In case of the pendency of any proceeding in court based upon an alleged excessive, discriminatory, or illegal valuation or incorrect classification or determination, the taxpayer may tender to the treasurer an amount as taxes upon property computed upon the claimed valuation as set forth in the complaint to the court. The treasurer may accept the tender. If the tender is not accepted, no penalty shall be assessed because of the nonpayment of the full taxes assessed.

**Sec. 5715.27.** (A)(1) Except as provided in division (A)(2) of this section and in section 3735.67 of the Revised Code, the owner, a vendee in possession under a purchase agreement or a land contract, the beneficiary of a trust, or a lessee for an initial term of not less than thirty years of any property may file an application with the tax commissioner, on forms prescribed by the commissioner, requesting that such property be exempted from taxation and that taxes, interest, and penalties be remitted as provided in division (C) of section 5713.08 of the Revised Code.

(2) If the property that is the subject of the application for exemption is any of the following, the application shall be filed with the county auditor of the county in which the property is listed for taxation:

(a) A public road or highway;

(b) Property belonging to the federal government of the United States;

(c) Additions or other improvements to an existing building or structure that belongs to the state or a political subdivision, as defined in section 5713.081 of the Revised Code, and that is exempted from taxation as property used exclusively for a public purpose.

(B) The board of education of any school district may request

the tax commissioner or county auditor to provide it with 68617  
notification of applications for exemption from taxation for 68618  
property located within that district. If so requested, the 68619  
commissioner or auditor shall send to the board on a monthly basis 68620  
reports that contain sufficient information to enable the board to 68621  
identify each property that is the subject of an exemption 68622  
application, including, but not limited to, the name of the 68623  
property owner or applicant, the address of the property, and the 68624  
auditor's parcel number. The commissioner or auditor shall mail 68625  
the reports by the fifteenth day of the month following the end of 68626  
the month in which the commissioner or auditor receives the 68627  
applications for exemption. 68628

(C) A board of education that has requested notification 68629  
under division (B) of this section may, with respect to any 68630  
application for exemption of property located in the district and 68631  
included in the commissioner's or auditor's most recent report 68632  
provided under that division, file a statement with the 68633  
commissioner or auditor and with the applicant indicating its 68634  
intent to submit evidence and participate in any hearing on the 68635  
application. The statements shall be filed prior to the first day 68636  
of the third month following the end of the month in which that 68637  
application was docketed by the commissioner or auditor. A 68638  
statement filed in compliance with this division entitles the 68639  
district to submit evidence and to participate in any hearing on 68640  
the property and makes the district a party for purposes of 68641  
sections 5717.02 to 5717.04 of the Revised Code in any appeal of 68642  
the commissioner's or auditor's decision to the board of tax 68643  
appeals. 68644

(D) The commissioner or auditor shall not hold a hearing on 68645  
or grant or deny an application for exemption of property in a 68646  
school district whose board of education has requested 68647  
notification under division (B) of this section until the end of 68648

the period within which the board may submit a statement with 68649  
respect to that application under division (C) of this section. 68650  
The commissioner or auditor may act upon an application at any 68651  
time prior to that date upon receipt of a written waiver from each 68652  
such board of education, or, in the case of exemptions authorized 68653  
by section 725.02, 1728.10, 5709.40, 5709.41, 5709.411, 5709.45, 68654  
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 68655  
of the Revised Code, upon the request of the property owner. 68656  
Failure of a board of education to receive the report required in 68657  
division (B) of this section shall not void an action of the 68658  
commissioner or auditor with respect to any application. The 68659  
commissioner or auditor may extend the time for filing a statement 68660  
under division (C) of this section. 68661

(E) A complaint may also be filed with the commissioner or 68662  
auditor by any person, board, or officer authorized by section 68663  
5715.19 of the Revised Code to file complaints with the county 68664  
board of revision against the continued exemption of any property 68665  
granted exemption by the commissioner or auditor under this 68666  
section. 68667

(F) An application for exemption and a complaint against 68668  
exemption shall be filed prior to the thirty-first day of December 68669  
of the tax year for which exemption is requested or for which the 68670  
liability of the property to taxation in that year is requested. 68671  
The commissioner or auditor shall consider such application or 68672  
complaint in accordance with procedures established by the 68673  
commissioner, determine whether the property is subject to 68674  
taxation or exempt therefrom, and, if the commissioner makes the 68675  
determination, certify the determination to the auditor. Upon 68676  
making the determination or receiving the commissioner's 68677  
determination, the auditor shall correct the tax list and 68678  
duplicate accordingly. If a tax certificate has been sold under 68679  
section 5721.32 or 5721.33 of the Revised Code with respect to 68680

property for which an exemption has been requested, the tax 68681  
commissioner or auditor shall also certify the findings to the 68682  
county treasurer of the county in which the property is located. 68683

(G) Applications and complaints, and documents of any kind 68684  
related to applications and complaints, filed with the tax 68685  
commissioner or county auditor under this section are public 68686  
records within the meaning of section 149.43 of the Revised Code. 68687

(H) If the commissioner or auditor determines that the use of 68688  
property or other facts relevant to the taxability of property 68689  
that is the subject of an application for exemption or a complaint 68690  
under this section has changed while the application or complaint 68691  
was pending, the commissioner or auditor may make the 68692  
determination under division (F) of this section separately for 68693  
each tax year beginning with the year in which the application or 68694  
complaint was filed or the year for which remission of taxes under 68695  
division (C) of section 5713.08 of the Revised Code was requested, 68696  
and including each subsequent tax year during which the 68697  
application or complaint is pending before the commissioner or 68698  
auditor. 68699

(I) If the tax commissioner grants an application filed by a 68700  
community school under this section for the exemption authorized 68701  
under division (A)(1) of section 5709.07 of the Revised Code, any 68702  
property that is the subject of that application shall be exempt 68703  
from property tax for each succeeding tax year regardless of 68704  
whether the community school files an application under this 68705  
section with respect to such property. The community school, on or 68706  
before the thirty-first day of December of each such succeeding 68707  
tax year, shall submit a statement to the commissioner attesting 68708  
that the property that is the subject of that initial application 68709  
qualifies for the exemption authorized under division (A)(1) of 68710  
section 5709.07 of the Revised Code for that succeeding tax year. 68711  
If the community school fails to file such a statement for a tax 68712

year or if the commissioner otherwise discovers that the property 68713  
no longer qualifies for that exemption, the commissioner shall 68714  
order the county auditor to return the property to the tax list. 68715

**Sec. 5726.04.** (A) The tax levied on a financial institution 68716  
under this chapter shall be the greater of the following: 68717

(1) A minimum tax equal to one thousand dollars; 68718

(2) The product of the total Ohio equity capital of the 68719  
financial institution, as determined under this section, 68720  
multiplied by eight mills for each dollar of the first two hundred 68721  
million dollars of total Ohio equity capital, by four mills for 68722  
each dollar of total Ohio equity capital greater than two hundred 68723  
million and less than one billion three hundred million dollars, 68724  
and by two and one-half mills for each dollar of total Ohio equity 68725  
capital equal to or greater than one billion three hundred million 68726  
dollars. 68727

(B) If the reporting person for a financial institution files 68728  
an FR Y-9 or call report, the total equity capital of the 68729  
financial institution shall equal the total equity capital shown 68730  
on the reporting person's FR Y-9 or call report as of the end of 68731  
the taxable year. The total equity capital of all other financial 68732  
institutions shall be reported as of the end of the taxable year 68733  
in accordance with generally accepted accounting principles. 68734

(C) For the purposes of this section, "total Ohio equity 68735  
capital" means the product of (1) the total equity capital of a 68736  
financial institution as of the end of a taxable year to the 68737  
extent that the total equity capital does not exceed fourteen per 68738  
cent of the financial institution's total assets shown on the 68739  
reporting person's FR-Y9 or call report as of the end of the 68740  
taxable year, multiplied by (2) the Ohio apportionment ratio 68741  
calculated for the financial institution under section 5726.05 of 68742  
the Revised Code, except as provided in section 5726.041 of the 68743

Revised Code. 68744

(D) All payments received from the tax levied under this 68745  
chapter shall be credited to the general revenue fund. 68746

~~(E)(1) As used in this division:~~ 68747

~~(a) "First target tax amount" means two hundred million 68748  
dollars.~~ 68749

~~(b) "Second target tax amount" means one hundred six per cent 68750  
of the first target tax amount or, if applicable, the first target 68751  
tax amount as adjusted under division (E)(2) or (3) of this 68752  
section.~~ 68753

~~(c) "Amount of taxes collected" means the amount of taxes 68754  
received by the tax commissioner from the tax levied under this 68755  
chapter for a tax year, plus the total amount of the tax credit 68756  
authorized by section 5726.57 of the Revised Code claimed on tax 68757  
year 2014 reports, less any amounts refunded to taxpayers for the 68758  
same tax year.~~ 68759

~~(2) If, for the tax year beginning on January 1, 2014, the 68760  
total amount of taxes collected from all taxpayers under this 68761  
chapter is greater than one hundred ten per cent of the first 68762  
target tax amount, the tax commissioner shall decrease each tax 68763  
rate provided in division (A)(2) of this section by a percentage 68764  
equal to the percentage by which the amount of taxes collected 68765  
exceeded the first target tax amount.~~ 68766

~~(3) If, for the tax year beginning on January 1, 2014, the 68767  
total amount of taxes collected from all taxpayers under this 68768  
chapter is less than ninety per cent of the first target tax 68769  
amount, the tax commissioner shall increase the tax rate for each 68770  
dollar of total Ohio equity capital equal to or greater than one 68771  
billion three hundred million dollars as provided in division 68772  
(A)(2) of this section by a percentage equal to a fraction, the 68773  
denominator of which is the aggregate sum of each dollar of each 68774~~

~~taxpayer's Ohio equity capital greater than or equal to one 68775  
billion three hundred million dollars, as reported by each 68776  
taxpayer for tax year 2014, multiplied by the tax rate for each 68777  
dollar of total Ohio equity capital greater than or equal to one 68778  
billion three hundred million dollars provided under division 68779  
(A)(2) of this section, and the numerator of which is the sum of 68780  
the denominator and the difference obtained by subtracting the 68781  
amount of taxes collected under this chapter in tax year 2014 from 68782  
ninety per cent of the first target tax amount. 68783~~

~~(4) If, for the tax year beginning on January 1, 2016, the 68784  
total amount of taxes collected from all taxpayers under this 68785  
chapter is greater than one hundred ten per cent of the second 68786  
target tax amount, the tax commissioner shall decrease each tax 68787  
rate in effect on January 1, 2016, by a percentage equal to the 68788  
percentage by which the amount of taxes collected exceeded the 68789  
second target tax amount. 68790~~

~~(5) If, for the tax year beginning on January 1, 2016, the 68791  
total amount of taxes collected from all taxpayers under this 68792  
chapter is less than ninety per cent of the second target tax 68793  
amount, the tax commissioner shall increase the tax rate for each 68794  
dollar of total Ohio equity capital equal to or greater than one 68795  
billion three hundred million dollars as provided in division 68796  
(A)(2) of this section by a percentage equal to a fraction, the 68797  
denominator of which is the aggregate sum of each dollar of each 68798  
taxpayer's Ohio equity capital greater than or equal to one 68799  
billion three hundred million dollars, as reported by each 68800  
taxpayer for tax year 2016, multiplied by the tax rate for each 68801  
dollar of total Ohio equity capital greater than or equal to one 68802  
billion three hundred million dollars provided under division 68803  
(A)(2) of this section, and the numerator of which is the sum of 68804  
the denominator and the difference obtained by subtracting the 68805  
amount of taxes collected under this chapter in tax year 2016 from 68806~~

~~ninety per cent of the second target tax amount.~~ 68807

~~(6) Tax rates adjusted pursuant to division (E)(2), (3), (4),  
or (5) of this section shall be rounded to the nearest one tenth  
of one mill per dollar. The tax commissioner shall publish the new  
tax rates by journal entry and provide notice of the new tax rates  
to taxpayers. The new tax rates adjusted pursuant to division  
(E)(2) or (3) of this section shall apply to tax years beginning  
on or after January 1, 2015. The new tax rates adjusted pursuant  
to division (E)(4) or (5) of this section shall apply to tax years  
beginning on or after January 1, 2017.~~ 68808  
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**Sec. 5733.40.** As used in sections 5733.40 and 5733.41 and  
Chapter 5747. of the Revised Code: 68817  
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(A)(1) "Adjusted qualifying amount" means either of the  
following: 68819  
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(a) The sum of each qualifying investor's distributive share  
of the income, gain, expense, or loss of a qualifying pass-through  
entity for the qualifying taxable year of the qualifying  
pass-through entity multiplied by the apportionment fraction  
defined in division (B) of this section, subject to section  
5733.401 of the Revised Code and divisions (A)(2) to (7) of this  
section; 68821  
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(b) The sum of each qualifying beneficiary's share of the  
qualifying net income and qualifying net gain distributed by a  
qualifying trust for the qualifying taxable year of the qualifying  
trust multiplied by the apportionment fraction defined in division  
(B) of this section, subject to section 5733.401 of the Revised  
Code and divisions (A)(2) to (7) of this section. 68828  
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(2) The sum shall exclude any amount which, pursuant to the  
Constitution of the United States, the Constitution of Ohio, or  
any federal law is not subject to a tax on or measured by net 68834  
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income. 68837

(3) For the purposes of Chapters 5733. and 5747. of the 68838  
Revised Code, the profit or net income of the qualifying entity 68839  
shall be increased by disallowing all amounts representing 68840  
expenses, other than amounts described in division (A)(7) of this 68841  
section, that the qualifying entity paid to or incurred with 68842  
respect to direct or indirect transactions with one or more 68843  
related members, excluding the cost of goods sold calculated in 68844  
accordance with section 263A of the Internal Revenue Code and 68845  
United States department of the treasury regulations issued 68846  
thereunder. Nothing in division (A)(3) of this section shall be 68847  
construed to limit solely to this chapter the application of 68848  
section 263A of the Internal Revenue Code and United States 68849  
department of the treasury regulations issued thereunder. 68850

(4) For the purposes of Chapters 5733. and 5747. of the 68851  
Revised Code, the profit or net income of the qualifying entity 68852  
shall be increased by disallowing all recognized losses, other 68853  
than losses from sales of inventory the cost of which is 68854  
calculated in accordance with section 263A of the Internal Revenue 68855  
Code and United States department of the treasury regulations 68856  
issued thereunder, with respect to all direct or indirect 68857  
transactions with one or more related members. For the purposes of 68858  
Chapters 5733. and 5747. of the Revised Code, losses from the 68859  
sales of such inventory shall be allowed only to the extent 68860  
calculated in accordance with section 482 of the Internal Revenue 68861  
Code and United States department of the treasury regulations 68862  
issued thereunder. Nothing in division (A)(4) of this section 68863  
shall be construed to limit solely to this section the application 68864  
of section 263A and section 482 of the Internal Revenue Code and 68865  
United States department of the treasury regulations issued 68866  
thereunder. 68867

(5) The sum shall be increased or decreased by an amount 68868

equal to the qualifying investor's or qualifying beneficiary's 68869  
distributive or proportionate share of the amount that the 68870  
qualifying entity would be required to add or deduct under 68871  
divisions (A)(20) and (21) of section 5747.01 of the Revised Code 68872  
if the qualifying entity were a taxpayer for the purposes of 68873  
Chapter 5747. of the Revised Code. 68874

(6) The sum shall be computed without regard to section 68875  
5733.051 or division (D) of section 5733.052 of the Revised Code. 68876

(7) For the purposes of Chapters 5733. and 5747. of the 68877  
Revised Code, guaranteed payments or compensation paid to 68878  
investors by a qualifying entity that is not subject to the tax 68879  
imposed by section 5733.06 of the Revised Code shall be considered 68880  
a distributive share of income of the qualifying entity. Division 68881  
(A)(7) of this section applies only to such payments or such 68882  
compensation paid to an investor who at any time during the 68883  
qualifying entity's taxable year holds at least a twenty per cent 68884  
direct or indirect interest in the profits or capital of the 68885  
qualifying entity. For the purposes of this division, guaranteed 68886  
payments and compensation shall be considered to be paid to an 68887  
investor by a qualifying entity if the qualifying entity in which 68888  
the investor holds at least a twenty per cent direct or indirect 68889  
interest is a client employer of a professional employer 68890  
organization, as those terms are defined in section 4125.01 of the 68891  
Revised Code, and the guaranteed payments or compensation are paid 68892  
to the investor by that professional employer organization. 68893

(B) "Apportionment fraction" means: 68894

(1) With respect to a qualifying pass-through entity other 68895  
than a financial institution, the fraction calculated pursuant to 68896  
division (B)(2) of section 5733.05 of the Revised Code as if the 68897  
qualifying pass-through entity were a corporation subject to the 68898  
tax imposed by section 5733.06 of the Revised Code; 68899

(2) With respect to a qualifying pass-through entity that is a financial institution, the fraction calculated pursuant to division (C) of section 5733.056 of the Revised Code as if the qualifying pass-through entity were a financial institution subject to the tax imposed by section 5733.06 of the Revised Code.

(3) With respect to a qualifying trust, the fraction calculated pursuant to division (B)(2) of section 5733.05 of the Revised Code as if the qualifying trust were a corporation subject to the tax imposed by section 5733.06 of the Revised Code, except that the property, payroll, and sales fractions shall be calculated by including in the numerator and denominator of the fractions only the property, payroll, and sales, respectively, directly related to the production of income or gain from acquisition, ownership, use, maintenance, management, or disposition of tangible personal property located in this state at any time during the qualifying trust's qualifying taxable year or of real property located in this state.

(C) "Qualifying beneficiary" means any individual that, during the qualifying taxable year of a qualifying trust, is a beneficiary of that trust, but does not include an individual who is a resident taxpayer for the purposes of Chapter 5747. of the Revised Code for the entire qualifying taxable year of the qualifying trust.

(D) "Fiscal year" means an accounting period ending on any day other than the thirty-first day of December.

(E) "Individual" means a natural person.

(F) "Month" means a calendar month.

(G) "Partnership" has the same meaning as in section 5747.01 of the Revised Code.

(H) "Investor" means any person that, during any portion of a taxable year of a qualifying pass-through entity, is a partner,

member, shareholder, or investor in that qualifying pass-through 68931  
entity. 68932

(I) Except as otherwise provided in section 5733.402 or 68933  
5747.401 of the Revised Code, "qualifying investor" means any 68934  
investor except those described in divisions (I)(1) to ~~(9)~~(11) of 68935  
this section. 68936

(1) An investor satisfying one of the descriptions under 68937  
section 501(a) or (c) of the Internal Revenue Code, a partnership 68938  
with equity securities registered with the United States 68939  
securities and exchange commission under section 12 of the 68940  
"Securities Exchange Act of 1934," as amended, or an investor 68941  
described in division (F) of section 3334.01, or division (A) or 68942  
(C) of section 5733.09 of the Revised Code for the entire 68943  
qualifying taxable year of the qualifying pass-through entity. 68944

(2) An investor who is either an individual or an estate and 68945  
is a resident taxpayer for the purposes of section 5747.01 of the 68946  
Revised Code for the entire qualifying taxable year of the 68947  
qualifying pass-through entity. 68948

(3) An investor who is an individual for whom the qualifying 68949  
pass-through entity makes a good faith and reasonable effort to 68950  
comply fully and timely with the filing and payment requirements 68951  
set forth in division (D) of section 5747.08 of the Revised Code 68952  
and section 5747.09 of the Revised Code with respect to the 68953  
individual's adjusted qualifying amount for the entire qualifying 68954  
taxable year of the qualifying pass-through entity. 68955

(4) An investor that is another qualifying pass-through 68956  
entity having only investors described in division (I)(1), (2), 68957  
(3), ~~or (6)~~, (10), or (11) of this section during the three-year 68958  
period beginning twelve months prior to the first day of the 68959  
qualifying taxable year of the qualifying pass-through entity. 68960

(5) An investor that is another pass-through entity having no 68961

investors other than individuals and estates during the qualifying 68962  
taxable year of the qualifying pass-through entity in which it is 68963  
an investor, and that makes a good faith and reasonable effort to 68964  
comply fully and timely with the filing and payment requirements 68965  
set forth in division (D) of section 5747.08 of the Revised Code 68966  
and section 5747.09 of the Revised Code with respect to investors 68967  
that are not resident taxpayers of this state for the purposes of 68968  
Chapter 5747. of the Revised Code for the entire qualifying 68969  
taxable year of the qualifying pass-through entity in which it is 68970  
an investor. 68971

(6) An investor that is a financial institution required to 68972  
calculate the tax in accordance with division (E) of section 68973  
5733.06 of the Revised Code on the first day of January of the 68974  
calendar year immediately following the last day of the financial 68975  
institution's calendar or fiscal year in which ends the taxpayer's 68976  
taxable year. 68977

(7) An investor other than an individual that satisfies all 68978  
the following: 68979

(a) The investor submits a written statement to the 68980  
qualifying pass-through entity stating that the investor 68981  
irrevocably agrees that the investor has nexus with this state 68982  
under the Constitution of the United States and is subject to and 68983  
liable for the tax calculated under division (A) or (B) of section 68984  
5733.06 of the Revised Code with respect to the investor's 68985  
adjusted qualifying amount for the entire qualifying taxable year 68986  
of the qualifying pass-through entity. The statement is subject to 68987  
the penalties of perjury, shall be retained by the qualifying 68988  
pass-through entity for no fewer than seven years, and shall be 68989  
delivered to the tax commissioner upon request. 68990

(b) The investor makes a good faith and reasonable effort to 68991  
comply timely and fully with all the reporting and payment 68992  
requirements set forth in Chapter 5733. of the Revised Code with 68993

respect to the investor's adjusted qualifying amount for the 68994  
entire qualifying taxable year of the qualifying pass-through 68995  
entity. 68996

(c) Neither the investor nor the qualifying pass-through 68997  
entity in which it is an investor, before, during, or after the 68998  
qualifying pass-through entity's qualifying taxable year, carries 68999  
out any transaction or transactions with one or more related 69000  
members of the investor or the qualifying pass-through entity 69001  
resulting in a reduction or deferral of tax imposed by Chapter 69002  
5733. of the Revised Code with respect to all or any portion of 69003  
the investor's adjusted qualifying amount for the qualifying 69004  
pass-through entity's taxable year, or that constitute a sham, 69005  
lack economic reality, or are part of a series of transactions the 69006  
form of which constitutes a step transaction or transactions or 69007  
does not reflect the substance of those transactions. 69008

(8) Any other investor that the tax commissioner may 69009  
designate by rule. The tax commissioner may adopt rules including 69010  
a rule defining "qualifying investor" or "qualifying beneficiary" 69011  
and governing the imposition of the withholding tax imposed by 69012  
section 5747.41 of the Revised Code with respect to an individual 69013  
who is a resident taxpayer for the purposes of Chapter 5747. of 69014  
the Revised Code for only a portion of the qualifying taxable year 69015  
of the qualifying entity. 69016

(9) An investor that is a trust or fund the beneficiaries of 69017  
which, during the qualifying taxable year of the qualifying 69018  
pass-through entity, are limited to the following: 69019

(a) A person that is or may be the beneficiary of a trust 69020  
subject to Subchapter D of Chapter 1 of Subtitle A of the Internal 69021  
Revenue Code. 69022

(b) A person that is or may be the beneficiary of or the 69023  
recipient of payments from a trust or fund that is a nuclear 69024

decommissioning reserve fund, a designated settlement fund, or any 69025  
other trust or fund established to resolve and satisfy claims that 69026  
may otherwise be asserted by the beneficiary or a member of the 69027  
beneficiary's family. Sections 267(c)(4), 468A(e), and 468B(d)(2) 69028  
of the Internal Revenue Code apply to the determination of whether 69029  
such a person satisfies division (I)(9) of this section. 69030

(c) A person who is or may be the beneficiary of a trust 69031  
that, under its governing instrument, is not required to 69032  
distribute all of its income currently. Division (I)(9)(c) of this 69033  
section applies only if the trust, prior to the due date for 69034  
filing the qualifying pass-through entity's return for taxes 69035  
imposed by section 5733.41 and sections 5747.41 to 5747.453 of the 69036  
Revised Code, irrevocably agrees in writing that for the taxable 69037  
year during or for which the trust distributes any of its income 69038  
to any of its beneficiaries, the trust is a qualifying trust and 69039  
will pay the estimated tax, and will withhold and pay the withheld 69040  
tax, as required under sections 5747.40 to 5747.453 of the Revised 69041  
Code. 69042

For the purposes of division (I)(9) of this section, a trust 69043  
or fund shall be considered to have a beneficiary other than 69044  
persons described under divisions (I)(9)(a) to (c) of this section 69045  
if a beneficiary would not qualify under those divisions under the 69046  
doctrines of "economic reality," "sham transaction," "step 69047  
doctrine," or "substance over form." A trust or fund described in 69048  
division (I)(9) of this section bears the burden of establishing 69049  
by a preponderance of the evidence that any transaction giving 69050  
rise to the tax benefits provided under division (I)(9) of this 69051  
section does not have as a principal purpose a claim of those tax 69052  
benefits. Nothing in this section shall be construed to limit 69053  
solely to this section the application of the doctrines referred 69054  
to in this paragraph. 69055

(10) An investor who is an individual and a nonresident of 69056

this state for the purposes of Chapter 5747. of the Revised Code, 69057  
if the investor submits a written statement to the qualifying 69058  
pass-through entity stating that the investor irrevocably agrees 69059  
that the investor has nexus with this state under the Constitution 69060  
of the United States and is subject to and liable for the tax 69061  
levied under section 5747.02 of the Revised Code, and if the 69062  
investor makes a good faith and reasonable effort to comply fully 69063  
and timely with the filing and payment requirements for 69064  
individuals set forth in Chapter 5747. of the Revised Code with 69065  
respect to the investor's adjusted qualifying amount for the 69066  
entire qualifying taxable year of the qualifying pass-through 69067  
entity in which the individual is an investor. The statement is 69068  
subject to the penalties of perjury, shall be retained by the 69069  
qualifying pass-through entity for not fewer than seven years, and 69070  
shall be delivered to the tax commissioner upon request. 69071

(11) Any investor that is not described in divisions (A)(1) 69072  
to (10) of this section, that submits a written statement to the 69073  
qualifying pass-through entity in which it is in an investor 69074  
stating that the investor irrevocably agrees that the investor has 69075  
nexus with this state under the Constitution of the United States, 69076  
and that makes a good faith and reasonable effort to comply fully 69077  
and timely with the filing and payment requirements set forth in 69078  
section 5733.41 and sections 5747.41 to 5747.453 of the Revised 69079  
Code, to the extent such requirements apply to the investor, with 69080  
respect to the investor's adjusted qualifying amount for the 69081  
entire qualifying taxable year of the qualifying pass-through 69082  
entity in which it is an investor. 69083

(J) "Qualifying net gain" means any recognized net gain with 69084  
respect to the acquisition, ownership, use, maintenance, 69085  
management, or disposition of tangible personal property located 69086  
in this state at any time during a trust's qualifying taxable year 69087  
or real property located in this state. 69088

(K) "Qualifying net income" means any recognized income, net of related deductible expenses, other than distributions deductions with respect to the acquisition, ownership, use, maintenance, management, or disposition of tangible personal property located in this state at any time during the trust's qualifying taxable year or real property located in this state.

(L) "Qualifying entity" means a qualifying pass-through entity or a qualifying trust.

(M) "Qualifying trust" means a trust subject to subchapter J of the Internal Revenue Code that, during any portion of the trust's qualifying taxable year, has income or gain from the acquisition, management, ownership, use, or disposition of tangible personal property located in this state at any time during the trust's qualifying taxable year or real property located in this state. "Qualifying trust" does not include a person described in section 501(c) of the Internal Revenue Code or a person described in division (C) of section 5733.09 of the Revised Code.

(N) "Qualifying pass-through entity" means a pass-through entity as defined in section 5733.04 of the Revised Code, excluding: a person described in section 501(c) of the Internal Revenue Code; a partnership with equity securities registered with the United States securities and exchange commission under section 12 of the Securities Exchange Act of 1934, as amended; or a person described in division (C) of section 5733.09 of the Revised Code.

(O) "Quarter" means the first three months, the second three months, the third three months, or the last three months of a qualifying entity's qualifying taxable year.

(P) "Related member" has the same meaning as in division (A)(6) of section 5733.042 of the Revised Code without regard to division (B) of that section. However, for the purposes of

divisions (A)(3) and (4) of this section only, "related member" 69120  
has the same meaning as in division (A)(6) of section 5733.042 of 69121  
the Revised Code without regard to division (B) of that section, 69122  
but shall be applied by substituting "forty per cent" for "twenty 69123  
per cent" wherever "twenty per cent" appears in division (A) of 69124  
that section. 69125

(Q) "Return" or "report" means the notifications and reports 69126  
required to be filed pursuant to sections 5747.42 to 5747.45 of 69127  
the Revised Code for the purpose of reporting the tax imposed 69128  
under section 5733.41 or 5747.41 of the Revised Code, and included 69129  
declarations of estimated tax when so required. 69130

(R) "Qualifying taxable year" means the calendar year or the 69131  
qualifying entity's fiscal year ending during the calendar year, 69132  
or fractional part thereof, for which the adjusted qualifying 69133  
amount is calculated pursuant to sections 5733.40 and 5733.41 or 69134  
sections 5747.40 to 5747.453 of the Revised Code. 69135

(S) "Distributive share" includes the sum of the income, 69136  
gain, expense, or loss of a disregarded entity or qualified 69137  
subchapter S subsidiary. 69138

**Sec. 5733.41.** The purpose of the tax imposed by this section 69139  
is to complement and to reinforce the tax imposed under section 69140  
5733.06 of the Revised Code. 69141

For the same purposes for which the tax is levied under 69142  
section 5733.06 of the Revised Code, there is hereby levied a tax 69143  
on every qualifying pass-through entity having at least one 69144  
qualifying investor that is not an individual. The tax imposed by 69145  
this section is imposed on the sum of the adjusted qualifying 69146  
amounts of the qualifying pass-through entity's qualifying 69147  
investors that are not individuals as follows: for qualifying 69148  
investors subject to division (G)(2) of section 5733.01 of the 69149  
Revised Code, at six and eight-tenths per cent for the entity's 69150

taxable year ending in 2005, at five and one-tenth per cent for 69151  
the entity's taxable year ending in 2006, at three and four-tenths 69152  
per cent for the entity's taxable year ending in 2007, at one and 69153  
seven-tenths per cent for the entity's taxable year ending in 69154  
2008, and at zero per cent for the entity's taxable year ending in 69155  
2009 or in subsequent years; and for all other qualifying 69156  
investors that are not individuals, at the rate of ~~eight and~~ 69157  
~~one-half~~ three per cent. 69158

The tax imposed by this section applies only if the 69159  
qualifying entity has nexus with this state under the Constitution 69160  
of the United States for any portion of the qualifying entity's 69161  
qualifying taxable year, and the sum of the qualifying entity's 69162  
adjusted qualifying amounts exceeds one thousand dollars for the 69163  
qualifying entity's qualifying taxable year. This section does not 69164  
apply to a pass-through entity if all of the partners, 69165  
shareholders, members, or investors of the pass-through entity are 69166  
taxpayers for the purposes of section 5733.04 of the Revised Code 69167  
without regard to section 5733.09 of the Revised Code for the 69168  
entire qualifying taxable year of the pass-through entity. 69169

If, prior to the due date of the return, a qualifying 69170  
pass-through entity receives from an investor a written 69171  
representation, under penalties of perjury, that the investor is 69172  
described in division (I)(1), (2), (6), (7), (8), ~~or~~ (9), (10), or 69173  
(11) of section 5733.40 of the Revised Code for the qualifying 69174  
pass-through entity's entire qualifying taxable year, the 69175  
qualifying pass-through entity is not required to withhold or pay 69176  
the taxes or estimated taxes imposed under this section or 69177  
sections 5747.41 to 5747.453 of the Revised Code with respect to 69178  
that investor for that qualifying taxable year, and is not subject 69179  
to any interest or interest penalties for failure to withhold or 69180  
pay those taxes or estimated taxes with respect to that investor 69181  
for that qualifying taxable year. 69182

If, prior to the due date of the return, a qualifying trust receives from a beneficiary of that trust a written representation, under penalties of perjury, that the beneficiary is a resident taxpayer for the purposes of Chapter 5747. of the Revised Code for the qualifying trust's entire qualifying taxable year, the qualifying trust is not required to withhold or pay the taxes or estimated taxes imposed under this section or sections 5747.41 to 5747.453 of the Revised Code with respect to that beneficiary for that qualifying taxable year, and is not subject to any interest or interest penalties for failure to withhold or pay those taxes or estimated taxes with respect to that beneficiary for that qualifying taxable year.

The tax commissioner may adopt rules for the purpose of the tax levied by this section or section 5747.41 of the Revised Code, including a rule defining "qualifying investor" or "qualifying beneficiary," and a rule requiring or permitting a qualifying entity to combine its income with related members and to pay the tax and estimated tax on a combined basis.

Sections 5747.10 to 5747.19 and 5747.42 to 5747.453 of the Revised Code apply to a qualifying entity subject to the tax imposed under this section.

The levy of the tax under this section does not prevent a municipal corporation or a joint economic development district created under section 715.70, 715.71, or 715.72 of the Revised Code from levying a tax on income.

**Sec. 5739.01.** As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, the state and its political subdivisions, and combinations of individuals of any form.

(B) "Sale" and "selling" include all of the following 69214  
transactions for a consideration in any manner, whether absolutely 69215  
or conditionally, whether for a price or rental, in money or by 69216  
exchange, and by any means whatsoever: 69217

(1) All transactions by which title or possession, or both, 69218  
of tangible personal property, is or is to be transferred, or a 69219  
license to use or consume tangible personal property is or is to 69220  
be granted; 69221

(2) All transactions by which lodging by a hotel is or is to 69222  
be furnished to transient guests; 69223

(3) All transactions by which: 69224

(a) An item of tangible personal property is or is to be 69225  
repaired, except property, the purchase of which would not be 69226  
subject to the tax imposed by section 5739.02 of the Revised Code; 69227

(b) An item of tangible personal property is or is to be 69228  
installed, except property, the purchase of which would not be 69229  
subject to the tax imposed by section 5739.02 of the Revised Code 69230  
or property that is or is to be incorporated into and will become 69231  
a part of a production, transmission, transportation, or 69232  
distribution system for the delivery of a public utility service; 69233

(c) The service of washing, cleaning, waxing, polishing, or 69234  
painting a motor vehicle is or is to be furnished; 69235

(d) Until August 1, 2003, industrial laundry cleaning 69236  
services are or are to be provided and, on and after August 1, 69237  
2003, laundry and dry cleaning services are or are to be provided; 69238

(e) Automatic data processing, computer services, or 69239  
electronic information services are or are to be provided for use 69240  
in business when the true object of the transaction is the receipt 69241  
by the consumer of automatic data processing, computer services, 69242  
or electronic information services rather than the receipt of 69243

personal or professional services to which automatic data 69244  
processing, computer services, or electronic information services 69245  
are incidental or supplemental. Notwithstanding any other 69246  
provision of this chapter, such transactions that occur between 69247  
members of an affiliated group are not sales. An "affiliated 69248  
group" means two or more persons related in such a way that one 69249  
person owns or controls the business operation of another member 69250  
of the group. In the case of corporations with stock, one 69251  
corporation owns or controls another if it owns more than fifty 69252  
per cent of the other corporation's common stock with voting 69253  
rights. 69254

(f) Telecommunications service, including prepaid calling 69255  
service, prepaid wireless calling service, or ancillary service, 69256  
is or is to be provided, but not including coin-operated telephone 69257  
service; 69258

(g) Landscaping and lawn care service is or is to be 69259  
provided; 69260

(h) Private investigation and security service is or is to be 69261  
provided; 69262

(i) Information services or tangible personal property is 69263  
provided or ordered by means of a nine hundred telephone call; 69264

(j) Building maintenance and janitorial service is or is to 69265  
be provided; 69266

(k) Employment service is or is to be provided; 69267

(l) Employment placement service is or is to be provided; 69268

(m) Exterminating service is or is to be provided; 69269

(n) Physical fitness facility service is or is to be 69270  
provided; 69271

(o) Recreation and sports club service is or is to be 69272  
provided; 69273

(p) On and after August 1, 2003, satellite broadcasting service is or is to be provided;

(q) On and after August 1, 2003, personal care service is or is to be provided to an individual. As used in this division, "personal care service" includes skin care, the application of cosmetics, manicuring, pedicuring, hair removal, tattooing, body piercing, tanning, massage, and other similar services. "Personal care service" does not include a service provided by or on the order of a licensed physician or licensed chiropractor, or the cutting, coloring, or styling of an individual's hair.

~~(r) On and after August 1, 2003, the transportation of persons by motor vehicle or aircraft Transportation service is or is to be provided, when the transportation is entirely within this state, except for transportation provided by an ambulance service, by a transit bus, as defined in section 5735.01 of the Revised Code, and transportation provided by a citizen of the United States holding a certificate of public convenience and necessity issued under 49 U.S.C. 41102;~~

(s) On and after August 1, 2003, motor vehicle towing service is or is to be provided. As used in this division, "motor vehicle towing service" means the towing or conveyance of a wrecked, disabled, or illegally parked motor vehicle.

(t) On and after August 1, 2003, snow removal service is or is to be provided. As used in this division, "snow removal service" means the removal of snow by any mechanized means, but does not include the providing of such service by a person that has less than five thousand dollars in sales of such service during the calendar year.

(u) Electronic publishing service is or is to be provided to a consumer for use in business, except that such transactions occurring between members of an affiliated group, as defined in

division (B)(3)(e) of this section, are not sales. 69305

(4) All transactions by which printed, imprinted, 69306  
overprinted, lithographic, multilithic, blueprinted, photostatic, 69307  
or other productions or reproductions of written or graphic matter 69308  
are or are to be furnished or transferred; 69309

(5) The production or fabrication of tangible personal 69310  
property for a consideration for consumers who furnish either 69311  
directly or indirectly the materials used in the production of 69312  
fabrication work; and include the furnishing, preparing, or 69313  
serving for a consideration of any tangible personal property 69314  
consumed on the premises of the person furnishing, preparing, or 69315  
serving such tangible personal property. Except as provided in 69316  
section 5739.03 of the Revised Code, a construction contract 69317  
pursuant to which tangible personal property is or is to be 69318  
incorporated into a structure or improvement on and becoming a 69319  
part of real property is not a sale of such tangible personal 69320  
property. The construction contractor is the consumer of such 69321  
tangible personal property, provided that the sale and 69322  
installation of carpeting, the sale and installation of 69323  
agricultural land tile, the sale and erection or installation of 69324  
portable grain bins, or the provision of landscaping and lawn care 69325  
service and the transfer of property as part of such service is 69326  
never a construction contract. 69327

As used in division (B)(5) of this section: 69328

(a) "Agricultural land tile" means fired clay or concrete 69329  
tile, or flexible or rigid perforated plastic pipe or tubing, 69330  
incorporated or to be incorporated into a subsurface drainage 69331  
system appurtenant to land used or to be used primarily in 69332  
production by farming, agriculture, horticulture, or floriculture. 69333  
The term does not include such materials when they are or are to 69334  
be incorporated into a drainage system appurtenant to a building 69335  
or structure even if the building or structure is used or to be 69336

used in such production. 69337

(b) "Portable grain bin" means a structure that is used or to 69338  
be used by a person engaged in farming or agriculture to shelter 69339  
the person's grain and that is designed to be disassembled without 69340  
significant damage to its component parts. 69341

(6) All transactions in which all of the shares of stock of a 69342  
closely held corporation are transferred, or an ownership interest 69343  
in a pass-through entity, as defined in section 5733.04 of the 69344  
Revised Code, is transferred, if the corporation or pass-through 69345  
entity is not engaging in business and its entire assets consist 69346  
of boats, planes, motor vehicles, or other tangible personal 69347  
property operated primarily for the use and enjoyment of the 69348  
shareholders or owners; 69349

(7) All transactions in which a warranty, maintenance or 69350  
service contract, or similar agreement by which the vendor of the 69351  
warranty, contract, or agreement agrees to repair or maintain the 69352  
tangible personal property of the consumer is or is to be 69353  
provided; 69354

(8) The transfer of copyrighted motion picture films used 69355  
solely for advertising purposes, except that the transfer of such 69356  
films for exhibition purposes is not a sale; 69357

(9) On and after August 1, 2003, all transactions by which 69358  
tangible personal property is or is to be stored, except such 69359  
property that the consumer of the storage holds for sale in the 69360  
regular course of business; 69361

(10) All transactions in which "guaranteed auto protection" 69362  
is provided whereby a person promises to pay to the consumer the 69363  
difference between the amount the consumer receives from motor 69364  
vehicle insurance and the amount the consumer owes to a person 69365  
holding title to or a lien on the consumer's motor vehicle in the 69366  
event the consumer's motor vehicle suffers a total loss under the 69367

terms of the motor vehicle insurance policy or is stolen and not 69368  
recovered, if the protection and its price are included in the 69369  
purchase or lease agreement; 69370

(11)(a) Except as provided in division (B)(11)(b) of this 69371  
section, on and after October 1, 2009, all transactions by which 69372  
health care services are paid for, reimbursed, provided, 69373  
delivered, arranged for, or otherwise made available by a medicaid 69374  
health insuring corporation pursuant to the corporation's contract 69375  
with the state. 69376

(b) If the centers for medicare and medicaid services of the 69377  
United States department of health and human services determines 69378  
that the taxation of transactions described in division (B)(11)(a) 69379  
of this section constitutes an impermissible health care-related 69380  
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 69381  
1396b(w), and regulations adopted thereunder, the medicaid 69382  
director shall notify the tax commissioner of that determination. 69383  
Beginning with the first day of the month following that 69384  
notification, the transactions described in division (B)(11)(a) of 69385  
this section are not sales for the purposes of this chapter or 69386  
Chapter 5741. of the Revised Code. The tax commissioner shall 69387  
order that the collection of taxes under sections 5739.02, 69388  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 69389  
5741.023 of the Revised Code shall cease for transactions 69390  
occurring on or after that date. 69391

(12) All transactions by which a specified digital product is 69392  
provided for permanent use or less than permanent use, regardless 69393  
of whether continued payment is required. 69394

Except as provided in this section, "sale" and "selling" do 69395  
not include transfers of interest in leased property where the 69396  
original lessee and the terms of the original lease agreement 69397  
remain unchanged, or professional, insurance, or personal service 69398  
transactions that involve the transfer of tangible personal 69399

property as an inconsequential element, for which no separate charges are made.

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the telecommunications service vendor that provides the nine hundred telephone service; if two or more persons are engaged in business at the same place of business under a single trade name in which all collections on account of sales by each are made, such persons shall constitute a single vendor.

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

The transportation network company, and not the transportation network company driver, is the vendor in the case of transactions for transportation network company services under division (B)(3)(r) of this section.

(D)(1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the service described in division (B)(3)(f) or (i) of this section is charged, or to whom the admission is granted.

(2) Physicians, dentists, hospitals, and blood banks operated by nonprofit institutions and persons licensed to practice veterinary medicine, surgery, and dentistry are consumers of all tangible personal property and services purchased by them in connection with the practice of medicine, dentistry, the rendition

of hospital or blood bank service, or the practice of veterinary 69431  
medicine, surgery, and dentistry. In addition to being consumers 69432  
of drugs administered by them or by their assistants according to 69433  
their direction, veterinarians also are consumers of drugs that 69434  
under federal law may be dispensed only by or upon the order of a 69435  
licensed veterinarian or physician, when transferred by them to 69436  
others for a consideration to provide treatment to animals as 69437  
directed by the veterinarian. 69438

(3) A person who performs a facility management, or similar 69439  
service contract for a contractee is a consumer of all tangible 69440  
personal property and services purchased for use in connection 69441  
with the performance of such contract, regardless of whether title 69442  
to any such property vests in the contractee. The purchase of such 69443  
property and services is not subject to the exception for resale 69444  
under division (E) of this section. 69445

(4)(a) In the case of a person who purchases printed matter 69446  
for the purpose of distributing it or having it distributed to the 69447  
public or to a designated segment of the public, free of charge, 69448  
that person is the consumer of that printed matter, and the 69449  
purchase of that printed matter for that purpose is a sale. 69450

(b) In the case of a person who produces, rather than 69451  
purchases, printed matter for the purpose of distributing it or 69452  
having it distributed to the public or to a designated segment of 69453  
the public, free of charge, that person is the consumer of all 69454  
tangible personal property and services purchased for use or 69455  
consumption in the production of that printed matter. That person 69456  
is not entitled to claim exemption under division (B)(42)(f) of 69457  
section 5739.02 of the Revised Code for any material incorporated 69458  
into the printed matter or any equipment, supplies, or services 69459  
primarily used to produce the printed matter. 69460

(c) The distribution of printed matter to the public or to a 69461  
designated segment of the public, free of charge, is not a sale to 69462

the members of the public to whom the printed matter is 69463  
distributed or to any persons who purchase space in the printed 69464  
matter for advertising or other purposes. 69465

(5) A person who makes sales of any of the services listed in 69466  
division (B)(3) of this section is the consumer of any tangible 69467  
personal property used in performing the service. The purchase of 69468  
that property is not subject to the resale exception under 69469  
division (E) of this section. 69470

(6) A person who engages in highway transportation for hire 69471  
is the consumer of all packaging materials purchased by that 69472  
person and used in performing the service, except for packaging 69473  
materials sold by such person in a transaction separate from the 69474  
service. 69475

(7) In the case of a transaction for health care services 69476  
under division (B)(11) of this section, a medicaid health insuring 69477  
corporation is the consumer of such services. The purchase of such 69478  
services by a medicaid health insuring corporation is not subject 69479  
to the exception for resale under division (E) of this section or 69480  
to the exemptions provided under divisions (B)(12), (18), (19), 69481  
and (22) of section 5739.02 of the Revised Code. 69482

(E) "Retail sale" and "sales at retail" include all sales, 69483  
except those in which the purpose of the consumer is to resell the 69484  
thing transferred or benefit of the service provided, by a person 69485  
engaging in business, in the form in which the same is, or is to 69486  
be, received by the person. 69487

(F) "Business" includes any activity engaged in by any person 69488  
with the object of gain, benefit, or advantage, either direct or 69489  
indirect. "Business" does not include the activity of a person in 69490  
managing and investing the person's own funds. 69491

(G) "Engaging in business" means commencing, conducting, or 69492  
continuing in business, and liquidating a business when the 69493

liquidator thereof holds itself out to the public as conducting 69494  
such business. Making a casual sale is not engaging in business. 69495

(H)(1)(a) "Price," except as provided in divisions (H)(2)~~7~~ 69496  
~~(3), and (4)~~ to (6) of this section, means the total amount of 69497  
consideration, including cash, credit, property, and services, for 69498  
which tangible personal property or services are sold, leased, or 69499  
rented, valued in money, whether received in money or otherwise, 69500  
without any deduction for any of the following: 69501

(i) The vendor's cost of the property sold; 69502

(ii) The cost of materials used, labor or service costs, 69503  
interest, losses, all costs of transportation to the vendor, all 69504  
taxes imposed on the vendor, including the tax imposed under 69505  
Chapter 5751. of the Revised Code, and any other expense of the 69506  
vendor; 69507

(iii) Charges by the vendor for any services necessary to 69508  
complete the sale; 69509

(iv) On and after August 1, 2003, delivery charges. As used 69510  
in this division, "delivery charges" means charges by the vendor 69511  
for preparation and delivery to a location designated by the 69512  
consumer of tangible personal property or a service, including 69513  
transportation, shipping, postage, handling, crating, and packing. 69514

(v) Installation charges; 69515

(vi) Credit for any trade-in. 69516

(b) "Price" includes consideration received by the vendor 69517  
from a third party, if the vendor actually receives the 69518  
consideration from a party other than the consumer, and the 69519  
consideration is directly related to a price reduction or discount 69520  
on the sale; the vendor has an obligation to pass the price 69521  
reduction or discount through to the consumer; the amount of the 69522  
consideration attributable to the sale is fixed and determinable 69523

by the vendor at the time of the sale of the item to the consumer; 69524  
and one of the following criteria is met: 69525

(i) The consumer presents a coupon, certificate, or other 69526  
document to the vendor to claim a price reduction or discount 69527  
where the coupon, certificate, or document is authorized, 69528  
distributed, or granted by a third party with the understanding 69529  
that the third party will reimburse any vendor to whom the coupon, 69530  
certificate, or document is presented; 69531

(ii) The consumer identifies the consumer's self to the 69532  
seller as a member of a group or organization entitled to a price 69533  
reduction or discount. A preferred customer card that is available 69534  
to any patron does not constitute membership in such a group or 69535  
organization. 69536

(iii) The price reduction or discount is identified as a 69537  
third party price reduction or discount on the invoice received by 69538  
the consumer, or on a coupon, certificate, or other document 69539  
presented by the consumer. 69540

(c) "Price" does not include any of the following: 69541

(i) Discounts, including cash, term, or coupons that are not 69542  
reimbursed by a third party that are allowed by a vendor and taken 69543  
by a consumer on a sale; 69544

(ii) Interest, financing, and carrying charges from credit 69545  
extended on the sale of tangible personal property or services, if 69546  
the amount is separately stated on the invoice, bill of sale, or 69547  
similar document given to the purchaser; 69548

(iii) Any taxes legally imposed directly on the consumer that 69549  
are separately stated on the invoice, bill of sale, or similar 69550  
document given to the consumer. For the purpose of this division, 69551  
the tax imposed under Chapter 5751. of the Revised Code is not a 69552  
tax directly on the consumer, even if the tax or a portion thereof 69553  
is separately stated. 69554

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade. As used in this division, "watercraft" includes an outdrive unit attached to the watercraft.

(4) In the case of transactions for health care services 69587  
under division (B)(11) of this section, "price" means the amount 69588  
of managed care premiums received each month by a medicaid health 69589  
insuring corporation. 69590

(5) In the case of transactions for transportation network 69591  
company services under division (B)(3)(r) of this section, "price" 69592  
has the same meaning as in division (H)(1) of this section, 69593  
reduced by the amount of any additional fees. As used in this 69594  
division, "additional fees" means any fees remitted by the 69595  
transportation network company rider other than fees for base 69596  
fare, distance, or time, and includes airport access fees, booking 69597  
fees, tolls, and fees for other services unrelated to 69598  
transportation service. 69599

(6) In the case of transactions by which lodging by a hotel 69600  
is or is to be furnished to transient guests, if the vendor is a 69601  
hotel intermediary, "price" means the lodging's fair market value. 69602

(I) "Receipts" means the total amount of the prices of the 69603  
sales of vendors, provided that the dollar value of gift cards 69604  
distributed pursuant to an awards, loyalty, or promotional 69605  
program, and cash discounts allowed and taken on sales at the time 69606  
they are consummated are not included, minus any amount deducted 69607  
as a bad debt pursuant to section 5739.121 of the Revised Code. 69608  
"Receipts" does not include the sale price of property returned or 69609  
services rejected by consumers when the full sale price and tax 69610  
are refunded either in cash or by credit. 69611

(J) "Place of business" means any location at which a person 69612  
engages in business. 69613

(K) "Premises" includes any real property or portion thereof 69614  
upon which any person engages in selling tangible personal 69615  
property at retail or making retail sales and also includes any 69616  
real property or portion thereof designated for, or devoted to, 69617

use in conjunction with the business engaged in by such person. 69618

(L) "Casual sale" means a sale of an item of tangible 69619  
personal property that was obtained by the person making the sale, 69620  
through purchase or otherwise, for the person's own use and was 69621  
previously subject to any state's taxing jurisdiction on its sale 69622  
or use, and includes such items acquired for the seller's use that 69623  
are sold by an auctioneer employed directly by the person for such 69624  
purpose, provided the location of such sales is not the 69625  
auctioneer's permanent place of business. As used in this 69626  
division, "permanent place of business" includes any location 69627  
where such auctioneer has conducted more than two auctions during 69628  
the year. 69629

(M) "Hotel" means every establishment kept, used, maintained, 69630  
advertised, or held out to the public to be a place where sleeping 69631  
accommodations are offered to guests, in which five or more rooms 69632  
are used for the accommodation of such guests, whether the rooms 69633  
are in one or several structures, except as otherwise provided in 69634  
division (G) of section 5739.09 of the Revised Code. 69635

(N) "Transient guests" means persons occupying a room or 69636  
rooms for sleeping accommodations for less than thirty consecutive 69637  
days. 69638

(O) "Making retail sales" means the effecting of transactions 69639  
wherein one party is obligated to pay the price and the other 69640  
party is obligated to provide a service or to transfer title to or 69641  
possession of the item sold. "Making retail sales" does not 69642  
include the preliminary acts of promoting or soliciting the retail 69643  
sales, other than the distribution of printed matter which 69644  
displays or describes and prices the item offered for sale, nor 69645  
does it include delivery of a predetermined quantity of tangible 69646  
personal property or transportation of property or personnel to or 69647  
from a place where a service is performed. 69648

(P) "Used directly in the rendition of a public utility service" means that property that is to be incorporated into and will become a part of the consumer's production, transportation, or distribution system and that retains its classification as tangible personal property after such incorporation; fuel or power used in the production, transportation, or distribution system; and tangible personal property used in the repair and maintenance of the production, transmission, transportation, or distribution system, including only such motor vehicles as are specially designed and equipped for such use. Tangible personal property and services used primarily in providing highway transportation for hire are not used directly in the rendition of a public utility service. In this definition, "public utility" includes a citizen of the United States holding, and required to hold, a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a product.

(S) "Manufacturing operation" means a process in which materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. "Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal

officer of the county transit board if one is appointed pursuant 69681  
to section 306.03 of the Revised Code or the county auditor if the 69682  
board of county commissioners operates the county transit system. 69683

(U) "Transit authority" means a regional transit authority 69684  
created pursuant to section 306.31 of the Revised Code or a county 69685  
in which a county transit system is created pursuant to section 69686  
306.01 of the Revised Code. For the purposes of this chapter, a 69687  
transit authority must extend to at least the entire area of a 69688  
single county. A transit authority that includes territory in more 69689  
than one county must include all the area of the most populous 69690  
county that is a part of such transit authority. County population 69691  
shall be measured by the most recent census taken by the United 69692  
States census bureau. 69693

(V) "Legislative authority" means, with respect to a regional 69694  
transit authority, the board of trustees thereof, and with respect 69695  
to a county that is a transit authority, the board of county 69696  
commissioners. 69697

(W) "Territory of the transit authority" means all of the 69698  
area included within the territorial boundaries of a transit 69699  
authority as they from time to time exist. Such territorial 69700  
boundaries must at all times include all the area of a single 69701  
county or all the area of the most populous county that is a part 69702  
of such transit authority. County population shall be measured by 69703  
the most recent census taken by the United States census bureau. 69704

(X) "Providing a service" means providing or furnishing 69705  
anything described in division (B)(3) of this section for 69706  
consideration. 69707

(Y)(1)(a) "Automatic data processing" means processing of 69708  
others' data, including keypunching or similar data entry services 69709  
together with verification thereof, or providing access to 69710  
computer equipment for the purpose of processing data. 69711

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:

(i) Examining or acquiring data stored in or accessible to the computer equipment;

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.

For transactions occurring on or after the effective date of the amendment of this section by H.B. 157 of the 127th general assembly, December 21, 2007, "electronic information services" does not include electronic publishing ~~as defined in division (LLL) of this section.~~

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;

(b) Analyzing business policies and procedures;	69742
(c) Identifying management information needs;	69743
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	69744 69745 69746
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	69747 69748 69749 69750
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	69751 69752 69753
(g) Testing of business procedures;	69754
(h) Training personnel in business procedure applications;	69755
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	69756 69757 69758 69759 69760 69761
(j) Providing debt collection services by any oral, written, graphic, or electronic means;	69762 69763
(k) Providing digital advertising services.	69764
The services listed in divisions (Y)(2)(a) to (k) of this section are not automatic data processing or computer services.	69765 69766
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	69767 69768 69769
(1) The holder of a permit or certificate issued by this	69770

state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare;

(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a

customer's premises;	69802
(c) Tangible personal property;	69803
(d) Advertising, including directory advertising;	69804
(e) Billing and collection services provided to third parties;	69805 69806
(f) Internet access service;	69807
(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3;	69808 69809 69810 69811 69812 69813 69814 69815
(h) Ancillary service;	69816
(i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.	69817 69818
(2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:	69819 69820 69821 69822 69823
(a) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call, including providing a telephone number. "Conference bridging service" does not include telecommunications services used to reach the conference bridge.	69824 69825 69826 69827 69828
(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.	69829 69830 69831

(c) "Directory assistance" means an ancillary service of providing telephone number or address information.

(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service.

(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900 service" and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer.

(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(5) "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile telecommunications service as well as other non-telecommunications services, including the download of digital

products delivered electronically, and content and ancillary 69863  
services, that must be paid for in advance and that is sold in 69864  
predetermined units or dollars of which the number declines with 69865  
use in a known amount. 69866

(6) "Value-added non-voice data service" means a 69867  
telecommunications service in which computer processing 69868  
applications are used to act on the form, content, code, or 69869  
protocol of the information or data primarily for a purpose other 69870  
than transmission, conveyance, or routing. 69871

(7) "Coin-operated telephone service" means a 69872  
telecommunications service paid for by inserting money into a 69873  
telephone accepting direct deposits of money to operate. 69874

(8) "Customer" has the same meaning as in section 5739.034 of 69875  
the Revised Code. 69876

(BB) "Laundry and dry cleaning services" means removing soil 69877  
or dirt from towels, linens, articles of clothing, or other fabric 69878  
items that belong to others and supplying towels, linens, articles 69879  
of clothing, or other fabric items. "Laundry and dry cleaning 69880  
services" does not include the provision of self-service 69881  
facilities for use by consumers to remove soil or dirt from 69882  
towels, linens, articles of clothing, or other fabric items. 69883

(CC) "Magazines distributed as controlled circulation 69884  
publications" means magazines containing at least twenty-four 69885  
pages, at least twenty-five per cent editorial content, issued at 69886  
regular intervals four or more times a year, and circulated 69887  
without charge to the recipient, provided that such magazines are 69888  
not owned or controlled by individuals or business concerns which 69889  
conduct such publications as an auxiliary to, and essentially for 69890  
the advancement of the main business or calling of, those who own 69891  
or control them. 69892

(DD) "Landscaping and lawn care service" means the services 69893

of planting, seeding, sodding, removing, cutting, trimming, 69894  
pruning, mulching, aerating, applying chemicals, watering, 69895  
fertilizing, and providing similar services to establish, promote, 69896  
or control the growth of trees, shrubs, flowers, grass, ground 69897  
cover, and other flora, or otherwise maintaining a lawn or 69898  
landscape grown or maintained by the owner for ornamentation or 69899  
other nonagricultural purpose. However, "landscaping and lawn care 69900  
service" does not include the providing of such services by a 69901  
person who has less than five thousand dollars in sales of such 69902  
services during the calendar year. 69903

(EE) "Private investigation and security service" means the 69904  
performance of any activity for which the provider of such service 69905  
is required to be licensed pursuant to Chapter 4749. of the 69906  
Revised Code, or would be required to be so licensed in performing 69907  
such services in this state, and also includes the services of 69908  
conducting polygraph examinations and of monitoring or overseeing 69909  
the activities on or in, or the condition of, the consumer's home, 69910  
business, or other facility by means of electronic or similar 69911  
monitoring devices. "Private investigation and security service" 69912  
does not include special duty services provided by off-duty police 69913  
officers, deputy sheriffs, and other peace officers regularly 69914  
employed by the state or a political subdivision. 69915

(FF) "Information services" means providing conversation, 69916  
giving consultation or advice, playing or making a voice or other 69917  
recording, making or keeping a record of the number of callers, 69918  
and any other service provided to a consumer by means of a nine 69919  
hundred telephone call, except when the nine hundred telephone 69920  
call is the means by which the consumer makes a contribution to a 69921  
recognized charity. 69922

(GG) "Research and development" means designing, creating, or 69923  
formulating new or enhanced products, equipment, or manufacturing 69924  
processes, and also means conducting scientific or technological 69925

inquiry and experimentation in the physical sciences with the goal 69926  
of increasing scientific knowledge which may reveal the bases for 69927  
new or enhanced products, equipment, or manufacturing processes. 69928

(HH) "Qualified research and development equipment" means 69929  
capitalized tangible personal property, and leased personal 69930  
property that would be capitalized if purchased, used by a person 69931  
primarily to perform research and development. Tangible personal 69932  
property primarily used in testing, as defined in division (A)(4) 69933  
of section 5739.011 of the Revised Code, or used for recording or 69934  
storing test results, is not qualified research and development 69935  
equipment unless such property is primarily used by the consumer 69936  
in testing the product, equipment, or manufacturing process being 69937  
created, designed, or formulated by the consumer in the research 69938  
and development activity or in recording or storing such test 69939  
results. 69940

(II) "Building maintenance and janitorial service" means 69941  
cleaning the interior or exterior of a building and any tangible 69942  
personal property located therein or thereon, including any 69943  
services incidental to such cleaning for which no separate charge 69944  
is made. However, "building maintenance and janitorial service" 69945  
does not include the providing of such service by a person who has 69946  
less than five thousand dollars in sales of such service during 69947  
the calendar year. As used in this division, "cleaning" does not 69948  
include sanitation services necessary for an establishment 69949  
described in 21 U.S.C. 608 to comply with rules and regulations 69950  
adopted pursuant to that section. 69951

(JJ) "Employment service" means providing or supplying 69952  
personnel, on a temporary or long-term basis, to perform work or 69953  
labor under the supervision or control of another, when the 69954  
personnel so provided or supplied receive their wages, salary, or 69955  
other compensation from the provider or supplier of the employment 69956  
service or from a third party that provided or supplied the 69957

personnel to the provider or supplier. "Employment service" does not include:

(1) Acting as a contractor or subcontractor, where the personnel performing the work are not under the direct control of the purchaser.

(2) Medical and health care services.

(3) Supplying personnel to a purchaser pursuant to a contract of at least one year between the service provider and the purchaser that specifies that each employee covered under the contract is assigned to the purchaser on a permanent basis.

(4) Transactions between members of an affiliated group, as defined in division (B)(3)(e) of this section.

(5) Transactions where the personnel so provided or supplied by a provider or supplier to a purchaser of an employment service are then provided or supplied by that purchaser to a third party as an employment service, except "employment service" does include the transaction between that purchaser and the third party.

(KK) "Employment placement service" means locating or finding employment for a person or finding or locating an employee to fill an available position.

(LL) "Exterminating service" means eradicating or attempting to eradicate vermin infestations from a building or structure, or the area surrounding a building or structure, and includes activities to inspect, detect, or prevent vermin infestation of a building or structure.

(MM) "Physical fitness facility service" means all transactions by which a membership is granted, maintained, or renewed, including initiation fees, membership dues, renewal fees, monthly minimum fees, and other similar fees and dues, by a physical fitness facility such as an athletic club, health spa, or

gymnasium, which entitles the member to use the facility for 69988  
physical exercise. 69989

(NN) "Recreation and sports club service" means all 69990  
transactions by which a membership is granted, maintained, or 69991  
renewed, including initiation fees, membership dues, renewal fees, 69992  
monthly minimum fees, and other similar fees and dues, by a 69993  
recreation and sports club, which entitles the member to use the 69994  
facilities of the organization. "Recreation and sports club" means 69995  
an organization that has ownership of, or controls or leases on a 69996  
continuing, long-term basis, the facilities used by its members 69997  
and includes an aviation club, gun or shooting club, yacht club, 69998  
card club, swimming club, tennis club, golf club, country club, 69999  
riding club, amateur sports club, or similar organization. 70000

(OO) "Livestock" means farm animals commonly raised for food, 70001  
food production, or other agricultural purposes, including, but 70002  
not limited to, cattle, sheep, goats, swine, poultry, and captive 70003  
deer. "Livestock" does not include invertebrates, amphibians, 70004  
reptiles, domestic pets, animals for use in laboratories or for 70005  
exhibition, or other animals not commonly raised for food or food 70006  
production. 70007

(PP) "Livestock structure" means a building or structure used 70008  
exclusively for the housing, raising, feeding, or sheltering of 70009  
livestock, and includes feed storage or handling structures and 70010  
structures for livestock waste handling. 70011

(QQ) "Horticulture" means the growing, cultivation, and 70012  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 70013  
and nursery stock. As used in this division, "nursery stock" has 70014  
the same meaning as in section 927.51 of the Revised Code. 70015

(RR) "Horticulture structure" means a building or structure 70016  
used exclusively for the commercial growing, raising, or 70017  
overwintering of horticultural products, and includes the area 70018

used for stocking, storing, and packing horticultural products 70019  
when done in conjunction with the production of those products. 70020

(SS) "Newspaper" means an unbound publication bearing a title 70021  
or name that is regularly published, at least as frequently as 70022  
biweekly, and distributed from a fixed place of business to the 70023  
public in a specific geographic area, and that contains a 70024  
substantial amount of news matter of international, national, or 70025  
local events of interest to the general public. 70026

(TT) "Professional racing team" means a person that employs 70027  
at least twenty full-time employees for the purpose of conducting 70028  
a motor vehicle racing business for profit. The person must 70029  
conduct the business with the purpose of racing one or more motor 70030  
racing vehicles in at least ten competitive professional racing 70031  
events each year that comprise all or part of a motor racing 70032  
series sanctioned by one or more motor racing sanctioning 70033  
organizations. A "motor racing vehicle" means a vehicle for which 70034  
the chassis, engine, and parts are designed exclusively for motor 70035  
racing, and does not include a stock or production model vehicle 70036  
that may be modified for use in racing. For the purposes of this 70037  
division: 70038

(1) A "competitive professional racing event" is a motor 70039  
vehicle racing event sanctioned by one or more motor racing 70040  
sanctioning organizations, at which aggregate cash prizes in 70041  
excess of eight hundred thousand dollars are awarded to the 70042  
competitors. 70043

(2) "Full-time employee" means an individual who is employed 70044  
for consideration for thirty-five or more hours a week, or who 70045  
renders any other standard of service generally accepted by custom 70046  
or specified by contract as full-time employment. 70047

(UU)(1) "Lease" or "rental" means any transfer of the 70048  
possession or control of tangible personal property for a fixed or 70049

indefinite term, for consideration. "Lease" or "rental" includes 70050  
future options to purchase or extend, and agreements described in 70051  
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 70052  
the amount of consideration may be increased or decreased by 70053  
reference to the amount realized upon the sale or disposition of 70054  
the property. "Lease" or "rental" does not include: 70055

(a) A transfer of possession or control of tangible personal 70056  
property under a security agreement or a deferred payment plan 70057  
that requires the transfer of title upon completion of the 70058  
required payments; 70059

(b) A transfer of possession or control of tangible personal 70060  
property under an agreement that requires the transfer of title 70061  
upon completion of required payments and payment of an option 70062  
price that does not exceed the greater of one hundred dollars or 70063  
one per cent of the total required payments; 70064

(c) Providing tangible personal property along with an 70065  
operator for a fixed or indefinite period of time, if the operator 70066  
is necessary for the property to perform as designed. For purposes 70067  
of this division, the operator must do more than maintain, 70068  
inspect, or set up the tangible personal property. 70069

(2) "Lease" and "rental," as defined in division (UU) of this 70070  
section, shall not apply to leases or rentals that exist before 70071  
June 26, 2003. 70072

(3) "Lease" and "rental" have the same meaning as in division 70073  
(UU)(1) of this section regardless of whether a transaction is 70074  
characterized as a lease or rental under generally accepted 70075  
accounting principles, the Internal Revenue Code, Title XIII of 70076  
the Revised Code, or other federal, state, or local laws. 70077

(VV) "Mobile telecommunications service" has the same meaning 70078  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 70079  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 70080

on and after August 1, 2003, includes related fees and ancillary services, including universal service fees, detailed billing service, directory assistance, service initiation, voice mail service, and vertical services, such as caller ID and three-way calling.

(WW) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code.

(XX) "Satellite broadcasting service" means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment without the use of ground receiving or distribution equipment, except the subscriber's receiving equipment or equipment used in the uplink process to the satellite, and includes all service and rental charges, premium channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service.

(YY) "Tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. For purposes of this chapter and Chapter 5741. of the Revised Code, "tangible personal property" includes motor vehicles, electricity, water, gas, steam, and prewritten computer software.

(ZZ) "Municipal gas utility" means a municipal corporation that owns or operates a system for the distribution of natural gas.

(AAA) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(BBB) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

(CCC) "Delivered electronically" means delivery of computer software from the seller to the purchaser by means other than tangible storage media.

(DDD) "Prewritten computer software" means computer software, including prewritten upgrades, that is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for the modification or enhancement, the modification or enhancement shall not constitute prewritten computer software.

(EEE)(1) "Food" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food" does not include alcoholic beverages, dietary supplements, soft drinks, or tobacco.

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

(a) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one per cent or more

of alcohol by volume. 70144

(b) "Dietary supplements" means any product, other than 70145  
tobacco, that is intended to supplement the diet and that is 70146  
intended for ingestion in tablet, capsule, powder, softgel, 70147  
gelcap, or liquid form, or, if not intended for ingestion in such 70148  
a form, is not represented as conventional food for use as a sole 70149  
item of a meal or of the diet; that is required to be labeled as a 70150  
dietary supplement, identifiable by the "supplement facts" box 70151  
found on the label, as required by 21 C.F.R. 101.36; and that 70152  
contains one or more of the following dietary ingredients: 70153

(i) A vitamin; 70154

(ii) A mineral; 70155

(iii) An herb or other botanical; 70156

(iv) An amino acid; 70157

(v) A dietary substance for use by humans to supplement the 70158  
diet by increasing the total dietary intake; 70159

(vi) A concentrate, metabolite, constituent, extract, or 70160  
combination of any ingredient described in divisions 70161  
(EEE)(2)(b)(i) to (v) of this section. 70162

(c) "Soft drinks" means nonalcoholic beverages that contain 70163  
natural or artificial sweeteners. "Soft drinks" does not include 70164  
beverages that contain milk or milk products, soy, rice, or 70165  
similar milk substitutes, or that contains greater than fifty per 70166  
cent vegetable or fruit juice by volume. 70167

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 70168  
tobacco, or any other item that contains tobacco. 70169

(FFF) "Drug" means a compound, substance, or preparation, and 70170  
any component of a compound, substance, or preparation, other than 70171  
food, dietary supplements, or alcoholic beverages that is 70172  
recognized in the official United States pharmacopoeia, official 70173

homeopathic pharmacopoeia of the United States, or official 70174  
national formulary, and supplements to them; is intended for use 70175  
in the diagnosis, cure, mitigation, treatment, or prevention of 70176  
disease; or is intended to affect the structure or any function of 70177  
the body. 70178

(GGG) "Prescription" means an order, formula, or recipe 70179  
issued in any form of oral, written, electronic, or other means of 70180  
transmission by a duly licensed practitioner authorized by the 70181  
laws of this state to issue a prescription. 70182

(HHH) "Durable medical equipment" means equipment, including 70183  
repair and replacement parts for such equipment, that can 70184  
withstand repeated use, is primarily and customarily used to serve 70185  
a medical purpose, generally is not useful to a person in the 70186  
absence of illness or injury, and is not worn in or on the body. 70187  
"Durable medical equipment" does not include mobility enhancing 70188  
equipment. 70189

(III) "Mobility enhancing equipment" means equipment, 70190  
including repair and replacement parts for such equipment, that is 70191  
primarily and customarily used to provide or increase the ability 70192  
to move from one place to another and is appropriate for use 70193  
either in a home or a motor vehicle, that is not generally used by 70194  
persons with normal mobility, and that does not include any motor 70195  
vehicle or equipment on a motor vehicle normally provided by a 70196  
motor vehicle manufacturer. "Mobility enhancing equipment" does 70197  
not include durable medical equipment. 70198

(JJJ) "Prosthetic device" means a replacement, corrective, or 70199  
supportive device, including repair and replacement parts for the 70200  
device, worn on or in the human body to artificially replace a 70201  
missing portion of the body, prevent or correct physical deformity 70202  
or malfunction, or support a weak or deformed portion of the body. 70203  
As used in this division, before July 1, 2019, "prosthetic device" 70204  
does not include corrective eyeglasses, contact lenses, or dental 70205

prosthesis. On or after July 1, 2019, "prosthetic device" does not  
include dental prosthesis but does include corrective eyeglasses  
or contact lenses.

~~(KKK)(1) "Fractional aircraft ownership program" means a  
program in which persons within an affiliated group sell and  
manage fractional ownership program aircraft, provided that at  
least one hundred airworthy aircraft are operated in the program  
and the program meets all of the following criteria:~~

~~(a) Management services are provided by at least one program  
manager within an affiliated group on behalf of the fractional  
owners.~~

~~(b) Each program aircraft is owned or possessed by at least  
one fractional owner.~~

~~(c) Each fractional owner owns or possesses at least a  
one sixteenth interest in at least one fixed wing program  
aircraft.~~

~~(d) A dry lease aircraft interchange arrangement is in effect  
among all of the fractional owners.~~

~~(e) Multi year program agreements are in effect regarding the  
fractional ownership, management services, and dry lease aircraft  
interchange arrangement aspects of the program.~~

~~(2) As used in division (KKK)(1) of this section:~~

~~(a) "Affiliated group" has the same meaning as in division  
(B)(3)(c) of this section.~~

~~(b) "Fractional owner" means a person that owns or possesses  
at least a one sixteenth interest in a program aircraft and has  
entered into the agreements described in division (KKK)(1)(c) of  
this section.~~

~~(c) "Fractional ownership program aircraft" or "program  
aircraft" means a turbojet aircraft that is owned or possessed by~~

~~a fractional owner and that has been included in a dry lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.~~

~~(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.~~

~~(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (KKK)(1)(e) of this section.~~

~~(LLL) "Electronic publishing" means providing access to one or more of the following primarily for business customers, including the federal government or a state government or a political subdivision thereof, to conduct research: news; business, financial, legal, consumer, or credit materials; editorials, columns, reader commentary, or features; photos or images; archival or research material; legal notices, identity verification, or public records; scientific, educational, instructional, technical, professional, trade, or other literary materials; or other similar information which has been gathered and made available by the provider to the consumer in an~~

electronic format. Providing electronic publishing includes the 70268  
functions necessary for the acquisition, formatting, editing, 70269  
storage, and dissemination of data or information that is the 70270  
subject of a sale. 70271

~~(MMM)~~(LLL) "Medicaid health insuring corporation" means a 70272  
health insuring corporation that holds a certificate of authority 70273  
under Chapter 1751. of the Revised Code and is under contract with 70274  
the department of medicaid pursuant to section 5167.10 of the 70275  
Revised Code. 70276

~~(NNN)~~(MMM) "Managed care premium" means any premium, 70277  
capitation, or other payment a medicaid health insuring 70278  
corporation receives for providing or arranging for the provision 70279  
of health care services to its members or enrollees residing in 70280  
this state. 70281

~~(OOO)~~(NNN) "Captive deer" means deer and other cervidae that 70282  
have been legally acquired, or their offspring, that are privately 70283  
owned for agricultural or farming purposes. 70284

~~(PPP)~~(OOO) "Gift card" means a document, card, certificate, 70285  
or other record, whether tangible or intangible, that may be 70286  
redeemed by a consumer for a dollar value when making a purchase 70287  
of tangible personal property or services. 70288

~~(OOO)~~(PPP) "Specified digital product" means an 70289  
electronically transferred digital audiovisual work, digital audio 70290  
work, or digital book. 70291

As used in division ~~(OOO)~~(PPP) of this section: 70292

(1) "Digital audiovisual work" means a series of related 70293  
images that, when shown in succession, impart an impression of 70294  
motion, together with accompanying sounds, if any. 70295

(2) "Digital audio work" means a work that results from the 70296  
fixation of a series of musical, spoken, or other sounds, 70297

including digitized sound files that are downloaded onto a device 70298  
and that may be used to alert the customer with respect to a 70299  
communication. 70300

(3) "Digital book" means a work that is generally recognized 70301  
in the ordinary and usual sense as a book. 70302

(4) "Electronically transferred" means obtained by the 70303  
purchaser by means other than tangible storage media. 70304

~~(RRR)~~(OOO) "Digital advertising services" means providing 70305  
access, by means of telecommunications equipment, to computer 70306  
equipment that is used to enter, upload, download, review, 70307  
manipulate, store, add, or delete data for the purpose of 70308  
electronically displaying, delivering, placing, or transferring 70309  
promotional advertisements to potential customers about products 70310  
or services or about industry or business brands. 70311

(RRR)(1) "Transportation network company," "transportation 70312  
network company driver," "transportation network company rider," 70313  
and "transportation network company services" have the same 70314  
meanings as in section 3942.01 of the Revised Code. 70315

(2) "Transportation service" means the transportation of 70316  
persons by motor vehicle or aircraft when the transportation is 70317  
entirely within this state or, if providing transportation network 70318  
company services, when the transportation network company rider is 70319  
picked up and dropped off in this state. "Transportation service" 70320  
does not include transportation provided by an ambulance service, 70321  
by a transit bus, as defined in section 5735.01 of the Revised 70322  
Code, and transportation provided by a citizen of the United 70323  
States holding a certificate of public convenience and necessity 70324  
issued under 49 U.S.C. 41102. 70325

(SSS) "Hotel intermediary" means a person that brokers, 70326  
coordinates, or otherwise arranges for the purchase, sale, use, or 70327  
possession of lodging at hotels to or by transient guests, but 70328

does not include any of the following: 70329

(1) A hotel; 70330

(2) A person receiving a commission from a hotel; (3) A person imposing a charge for services described in division (SSS) of this section, provided the charge is separately stated on an invoice, bill of sale, receipt, or similar document given to the consumer. 70331  
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(TTT) "Lodging's fair market value" means the price that a hotel would charge a transient guest for lodging in the hotel had the transient guest purchased that lodging from the hotel and not from a hotel intermediary. 70336  
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**Sec. 5739.011.** (A) As used in this section: 70340

(1) "Manufacturer" means a person who is engaged in manufacturing, processing, assembling, or refining a product for sale and, solely for the purposes of division (B)(12) of this section, a person who meets all the qualifications of that division. 70341  
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(2) "Manufacturing facility" means a single location where a manufacturing operation is conducted, including locations consisting of one or more buildings or structures in a contiguous area owned or controlled by the manufacturer. 70346  
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(3) "Materials handling" means the movement of the product being or to be manufactured, during which movement the product is not undergoing any substantial change or alteration in its state or form. 70350  
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(4) "Testing" means a process or procedure to identify the properties or assure the quality of a material or product. 70354  
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(5) "Completed product" means a manufactured item that is in the form and condition as it will be sold by the manufacturer. An item is completed when all processes that change or alter its 70356  
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state or form or enhance its value are finished, even though the 70359  
item subsequently will be tested to ensure its quality or be 70360  
packaged for storage or shipment. 70361

(6) "Continuous manufacturing operation" means the process in 70362  
which raw materials or components are moved through the steps 70363  
whereby manufacturing occurs. Materials handling of raw materials 70364  
or parts from the point of receipt or preproduction storage or of 70365  
a completed product, to or from storage, to or from packaging, or 70366  
to the place from which the completed product will be shipped, is 70367  
not a part of a continuous manufacturing operation. 70368

(7) "Food" has the same meaning as in section 3717.01 of the 70369  
Revised Code. 70370

(B) For purposes of division (B)(42)(g) of section 5739.02 of 70371  
the Revised Code, the "thing transferred" includes, but is not 70372  
limited to, any of the following: 70373

(1) Production machinery and equipment that act upon the 70374  
product or machinery and equipment that treat the materials or 70375  
parts in preparation for the manufacturing operation; 70376

(2) Materials handling equipment that moves the product 70377  
through a continuous manufacturing operation; equipment that 70378  
temporarily stores the product during the manufacturing operation; 70379  
or, excluding motor vehicles licensed to operate on public 70380  
highways, equipment used in intraplant or interplant transfers of 70381  
work in process where the plant or plants between which such 70382  
transfers occur are manufacturing facilities operated by the same 70383  
person; 70384

(3) Catalysts, solvents, water, acids, oil, and similar 70385  
consumables that interact with the product and that are an 70386  
integral part of the manufacturing operation; 70387

(4) Machinery, equipment, and other tangible personal 70388  
property used during the manufacturing operation that control, 70389

physically support, produce power for, lubricate, or are otherwise 70390  
necessary for the functioning of production machinery and 70391  
equipment and the continuation of the manufacturing operation; 70392

(5) Machinery, equipment, fuel, power, material, parts, and 70393  
other tangible personal property used to manufacture machinery, 70394  
equipment, or other tangible personal property used in 70395  
manufacturing a product for sale; 70396

(6) Machinery, equipment, and other tangible personal 70397  
property used by a manufacturer to test raw materials, the product 70398  
being manufactured, or the completed product; 70399

(7) Machinery and equipment used to handle or temporarily 70400  
store scrap that is intended to be reused in the manufacturing 70401  
operation at the same manufacturing facility; 70402

(8) Coke, gas, water, steam, and similar substances used in 70403  
the manufacturing operation; machinery and equipment used for, and 70404  
fuel consumed in, producing or extracting those substances; 70405  
machinery, equipment, and other tangible personal property used to 70406  
treat, filter, pump, or otherwise make the substance suitable for 70407  
use in the manufacturing operation; and machinery and equipment 70408  
used for, and fuel consumed in, producing electricity for use in 70409  
the manufacturing operation; 70410

(9) Machinery, equipment, and other tangible personal 70411  
property used to transport or transmit electricity, coke, gas, 70412  
water, steam, or similar substances used in the manufacturing 70413  
operation from the point of generation, if produced by the 70414  
manufacturer, or from the point where the substance enters the 70415  
manufacturing facility, if purchased by the manufacturer, to the 70416  
manufacturing operation; 70417

(10) Machinery, equipment, and other tangible personal 70418  
property that treats, filters, cools, refines, or otherwise 70419  
renders water, steam, acid, oil, solvents, or similar substances 70420

used in the manufacturing operation reusable, provided that the 70421  
substances are intended for reuse and not for disposal, sale, or 70422  
transportation from the manufacturing facility; 70423

(11) Parts, components, and repair and installation services 70424  
for items described in division (B) of this section; 70425

(12) Machinery and equipment, detergents, supplies, solvents, 70426  
and any other tangible personal property located at a 70427  
manufacturing facility that are used in the process of removing 70428  
soil, dirt, or other contaminants from, or otherwise preparing in 70429  
a suitable condition for use, towels, linens, articles of 70430  
clothing, floor mats, mop heads, or other similar items, to be 70431  
supplied to a consumer as part of laundry and dry cleaning 70432  
services as defined in division (BB) of section 5739.01 of the 70433  
Revised Code, only when the towels, linens, articles of clothing, 70434  
floor mats, mop heads, or other similar items belong to the 70435  
provider of the services; 70436

(13) Equipment and supplies used to clean processing 70437  
equipment that is part of a continuous manufacturing operation to 70438  
produce ~~milk, ice cream, yogurt, cheese, and similar dairy~~ 70439  
~~products~~ food for human consumption; 70440

(14) Equipment, supplies, and building and janitorial 70441  
services used to clean or maintain any tangible personal property, 70442  
machinery, or equipment that is described in division (B) of this 70443  
section and is part of a continuous manufacturing operation. 70444

(C) For purposes of division (B)(42)(g) of section 5739.02 of 70445  
the Revised Code, the "thing transferred" does not include any of 70446  
the following: 70447

(1) Tangible personal property used in administrative, 70448  
personnel, security, inventory control, record-keeping, ordering, 70449  
billing, or similar functions; 70450

(2) Tangible personal property used in storing raw materials 70451

or parts prior to the commencement of the manufacturing operation 70452  
or used to handle or store a completed product, including storage 70453  
that actively maintains a completed product in a marketable state 70454  
or form; 70455

(3) Tangible personal property used to handle or store scrap 70456  
or waste intended for disposal, sale, or other disposition, other 70457  
than reuse in the manufacturing operation at the same 70458  
manufacturing facility; 70459

(4) Tangible personal property that is or is to be 70460  
incorporated into realty; 70461

(5) Machinery, equipment, and other tangible personal 70462  
property used for ventilation, dust or gas collection, humidity or 70463  
temperature regulation, or similar environmental control, except 70464  
machinery, equipment, and other tangible personal property that 70465  
totally regulates the environment in a special and limited area of 70466  
the manufacturing facility where the regulation is essential for 70467  
production to occur; 70468

(6) Tangible personal property used for the protection and 70469  
safety of workers, unless the property is attached to or 70470  
incorporated into machinery and equipment used in a continuous 70471  
manufacturing operation; 70472

(7) Tangible personal property used to store fuel, water, 70473  
solvents, acid, oil, or similar items consumed in the 70474  
manufacturing operation; 70475

(8) Except as provided in ~~division~~ divisions (B)(13) and (14) 70476  
of this section, machinery, equipment, and other tangible personal 70477  
property used to clean, repair, or maintain real or personal 70478  
property in the manufacturing facility; 70479

(9) Motor vehicles registered for operation on public 70480  
highways. 70481

(D) For purposes of division (B)(42)(g) of section 5739.02 of the Revised Code, if the "thing transferred" is a machine used by a manufacturer in both a taxable and an exempt manner, it shall be totally taxable or totally exempt from taxation based upon its quantified primary use. If the "things transferred" are fungibles, they shall be taxed based upon the proportion of the fungibles used in a taxable manner.

**Sec. 5739.02.** For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state.

(A)(1) The tax shall be collected as provided in section 5739.025 of the Revised Code. The rate of the tax shall be five and three-fourths per cent. The tax applies and is collectible when the sale is made, regardless of the time when the price is paid or delivered.

(2) In the case of the lease or rental, with a fixed term of more than thirty days or an indefinite term with a minimum period of more than thirty days, of any motor vehicles designed by the manufacturer to carry a load of not more than one ton, watercraft, outboard motor, or aircraft, or of any tangible personal property, other than motor vehicles designed by the manufacturer to carry a load of more than one ton, to be used by the lessee or renter primarily for business purposes, the tax shall be collected by the vendor at the time the lease or rental is consummated and shall be

calculated by the vendor on the basis of the total amount to be 70513  
paid by the lessee or renter under the lease agreement. If the 70514  
total amount of the consideration for the lease or rental includes 70515  
amounts that are not calculated at the time the lease or rental is 70516  
executed, the tax shall be calculated and collected by the vendor 70517  
at the time such amounts are billed to the lessee or renter. In 70518  
the case of an open-end lease or rental, the tax shall be 70519  
calculated by the vendor on the basis of the total amount to be 70520  
paid during the initial fixed term of the lease or rental, and for 70521  
each subsequent renewal period as it comes due. As used in this 70522  
division, "motor vehicle" has the same meaning as in section 70523  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 70524  
unit attached to the watercraft. 70525

A lease with a renewal clause and a termination penalty or 70526  
similar provision that applies if the renewal clause is not 70527  
exercised is presumed to be a sham transaction. In such a case, 70528  
the tax shall be calculated and paid on the basis of the entire 70529  
length of the lease period, including any renewal periods, until 70530  
the termination penalty or similar provision no longer applies. 70531  
The taxpayer shall bear the burden, by a preponderance of the 70532  
evidence, that the transaction or series of transactions is not a 70533  
sham transaction. 70534

(3) Except as provided in division (A)(2) of this section, in 70535  
the case of a sale, the price of which consists in whole or in 70536  
part of the lease or rental of tangible personal property, the tax 70537  
shall be measured by the installments of that lease or rental. 70538

(4) In the case of a sale of a physical fitness facility 70539  
service or recreation and sports club service, the price of which 70540  
consists in whole or in part of a membership for the receipt of 70541  
the benefit of the service, the tax applicable to the sale shall 70542  
be measured by the installments thereof. 70543

(B) The tax does not apply to the following: 70544

(1) Sales to the state or any of its political subdivisions, 70545  
or to any other state or its political subdivisions if the laws of 70546  
that state exempt from taxation sales made to this state and its 70547  
political subdivisions; 70548

(2) Sales of food for human consumption off the premises 70549  
where sold; 70550

(3) Sales of food sold to students only in a cafeteria, 70551  
dormitory, fraternity, or sorority maintained in a private, 70552  
public, or parochial school, college, or university; 70553

(4) Sales of newspapers and sales or transfers of magazines 70554  
distributed as controlled circulation publications; 70555

(5) The furnishing, preparing, or serving of meals without 70556  
charge by an employer to an employee provided the employer records 70557  
the meals as part compensation for services performed or work 70558  
done; 70559

(6)(a) Sales of motor fuel upon receipt, use, distribution, 70560  
or sale of which in this state a tax is imposed by the law of this 70561  
state, but this exemption shall not apply to the sale of motor 70562  
fuel on which a refund of the tax is allowable under division (A) 70563  
of section 5735.14 of the Revised Code; and the tax commissioner 70564  
may deduct the amount of tax levied by this section applicable to 70565  
the price of motor fuel when granting a refund of motor fuel tax 70566  
pursuant to division (A) of section 5735.14 of the Revised Code 70567  
and shall cause the amount deducted to be paid into the general 70568  
revenue fund of this state; 70569

(b) Sales of motor fuel other than that described in division 70570  
(B)(6)(a) of this section and used for powering a refrigeration 70571  
unit on a vehicle other than one used primarily to provide comfort 70572  
to the operator or occupants of the vehicle. 70573

(7) Sales of natural gas by a natural gas company or 70574  
municipal gas utility, of water by a water-works company, or of 70575

steam by a heating company, if in each case the thing sold is 70576  
delivered to consumers through pipes or conduits, and all sales of 70577  
communications services by a telegraph company, all terms as 70578  
defined in section 5727.01 of the Revised Code, and sales of 70579  
electricity delivered through wires; 70580

(8) Casual sales by a person, or auctioneer employed directly 70581  
by the person to conduct such sales, except as to such sales of 70582  
motor vehicles, watercraft or outboard motors required to be 70583  
titled under section 1548.06 of the Revised Code, watercraft 70584  
documented with the United States coast guard, snowmobiles, and 70585  
all-purpose vehicles as defined in section 4519.01 of the Revised 70586  
Code; 70587

(9)(a) Sales of services or tangible personal property, other 70588  
than motor vehicles, mobile homes, and manufactured homes, by 70589  
churches, organizations exempt from taxation under section 70590  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 70591  
organizations operated exclusively for charitable purposes as 70592  
defined in division (B)(12) of this section, provided that the 70593  
number of days on which such tangible personal property or 70594  
services, other than items never subject to the tax, are sold does 70595  
not exceed six in any calendar year, except as otherwise provided 70596  
in division (B)(9)(b) of this section. If the number of days on 70597  
which such sales are made exceeds six in any calendar year, the 70598  
church or organization shall be considered to be engaged in 70599  
business and all subsequent sales by it shall be subject to the 70600  
tax. In counting the number of days, all sales by groups within a 70601  
church or within an organization shall be considered to be sales 70602  
of that church or organization. 70603

(b) The limitation on the number of days on which tax-exempt 70604  
sales may be made by a church or organization under division 70605  
(B)(9)(a) of this section does not apply to sales made by student 70606  
clubs and other groups of students of a primary or secondary 70607

school, or a parent-teacher association, booster group, or similar 70608  
organization that raises money to support or fund curricular or 70609  
extracurricular activities of a primary or secondary school. 70610

(c) Divisions (B)(9)(a) and (b) of this section do not apply 70611  
to sales by a noncommercial educational radio or television 70612  
broadcasting station. 70613

(10) Sales not within the taxing power of this state under 70614  
the Constitution or laws of the United States or the Constitution 70615  
of this state; 70616

(11) Except for transactions that are sales under division 70617  
(B)(3)(r) of section 5739.01 of the Revised Code, the 70618  
transportation of persons or property, unless the transportation 70619  
is by a private investigation and security service; 70620

(12) Sales of tangible personal property or services to 70621  
churches, to organizations exempt from taxation under section 70622  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 70623  
nonprofit organizations operated exclusively for charitable 70624  
purposes in this state, no part of the net income of which inures 70625  
to the benefit of any private shareholder or individual, and no 70626  
substantial part of the activities of which consists of carrying 70627  
on propaganda or otherwise attempting to influence legislation; 70628  
sales to offices administering one or more homes for the aged or 70629  
one or more hospital facilities exempt under section 140.08 of the 70630  
Revised Code; and sales to organizations described in division (D) 70631  
of section 5709.12 of the Revised Code. 70632

"Charitable purposes" means the relief of poverty; the 70633  
improvement of health through the alleviation of illness, disease, 70634  
or injury; the operation of an organization exclusively for the 70635  
provision of professional, laundry, printing, and purchasing 70636  
services to hospitals or charitable institutions; the operation of 70637  
a home for the aged, as defined in section 5701.13 of the Revised 70638

Code; the operation of a radio or television broadcasting station 70639  
that is licensed by the federal communications commission as a 70640  
noncommercial educational radio or television station; the 70641  
operation of a nonprofit animal adoption service or a county 70642  
humane society; the promotion of education by an institution of 70643  
learning that maintains a faculty of qualified instructors, 70644  
teaches regular continuous courses of study, and confers a 70645  
recognized diploma upon completion of a specific curriculum; the 70646  
operation of a parent-teacher association, booster group, or 70647  
similar organization primarily engaged in the promotion and 70648  
support of the curricular or extracurricular activities of a 70649  
primary or secondary school; the operation of a community or area 70650  
center in which presentations in music, dramatics, the arts, and 70651  
related fields are made in order to foster public interest and 70652  
education therein; the production of performances in music, 70653  
dramatics, and the arts; or the promotion of education by an 70654  
organization engaged in carrying on research in, or the 70655  
dissemination of, scientific and technological knowledge and 70656  
information primarily for the public. 70657

Nothing in this division shall be deemed to exempt sales to 70658  
any organization for use in the operation or carrying on of a 70659  
trade or business, or sales to a home for the aged for use in the 70660  
operation of independent living facilities as defined in division 70661  
(A) of section 5709.12 of the Revised Code. 70662

(13) Building and construction materials and services sold to 70663  
construction contractors for incorporation into a structure or 70664  
improvement to real property under a construction contract with 70665  
this state or a political subdivision of this state, or with the 70666  
United States government or any of its agencies; building and 70667  
construction materials and services sold to construction 70668  
contractors for incorporation into a structure or improvement to 70669  
real property that are accepted for ownership by this state or any 70670

of its political subdivisions, or by the United States government 70671  
or any of its agencies at the time of completion of the structures 70672  
or improvements; building and construction materials sold to 70673  
construction contractors for incorporation into a horticulture 70674  
structure or livestock structure for a person engaged in the 70675  
business of horticulture or producing livestock; building 70676  
materials and services sold to a construction contractor for 70677  
incorporation into a house of public worship or religious 70678  
education, or a building used exclusively for charitable purposes 70679  
under a construction contract with an organization whose purpose 70680  
is as described in division (B)(12) of this section; building 70681  
materials and services sold to a construction contractor for 70682  
incorporation into a building under a construction contract with 70683  
an organization exempt from taxation under section 501(c)(3) of 70684  
the Internal Revenue Code of 1986 when the building is to be used 70685  
exclusively for the organization's exempt purposes; building and 70686  
construction materials sold for incorporation into the original 70687  
construction of a sports facility under section 307.696 of the 70688  
Revised Code; building and construction materials and services 70689  
sold to a construction contractor for incorporation into real 70690  
property outside this state if such materials and services, when 70691  
sold to a construction contractor in the state in which the real 70692  
property is located for incorporation into real property in that 70693  
state, would be exempt from a tax on sales levied by that state; 70694  
building and construction materials for incorporation into a 70695  
transportation facility pursuant to a public-private agreement 70696  
entered into under sections 5501.70 to 5501.83 of the Revised 70697  
Code; and, until one calendar year after the construction of a 70698  
convention center that qualifies for property tax exemption under 70699  
section 5709.084 of the Revised Code is completed, building and 70700  
construction materials and services sold to a construction 70701  
contractor for incorporation into the real property comprising 70702  
that convention center; 70703

(14) Sales of ships or vessels or rail rolling stock used or 70704  
to be used principally in interstate or foreign commerce, and 70705  
repairs, alterations, fuel, and lubricants for such ships or 70706  
vessels or rail rolling stock; 70707

(15) Sales to persons primarily engaged in any of the 70708  
activities mentioned in division (B)(42)(a), (g), or (h) of this 70709  
section, to persons engaged in making retail sales, or to persons 70710  
who purchase for sale from a manufacturer tangible personal 70711  
property that was produced by the manufacturer in accordance with 70712  
specific designs provided by the purchaser, of packages, including 70713  
material, labels, and parts for packages, and of machinery, 70714  
equipment, and material for use primarily in packaging tangible 70715  
personal property produced for sale, including any machinery, 70716  
equipment, and supplies used to make labels or packages, to 70717  
prepare packages or products for labeling, or to label packages or 70718  
products, by or on the order of the person doing the packaging, or 70719  
sold at retail. "Packages" includes bags, baskets, cartons, 70720  
crates, boxes, cans, bottles, bindings, wrappings, and other 70721  
similar devices and containers, but does not include motor 70722  
vehicles or bulk tanks, trailers, or similar devices attached to 70723  
motor vehicles. "Packaging" means placing in a package. Division 70724  
(B)(15) of this section does not apply to persons engaged in 70725  
highway transportation for hire. 70726

(16) Sales of food to persons using supplemental nutrition 70727  
assistance program benefits to purchase the food. As used in this 70728  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 70729  
federal regulations adopted pursuant to the Food and Nutrition Act 70730  
of 2008. 70731

(17) Sales to persons engaged in farming, agriculture, 70732  
horticulture, or floriculture, of tangible personal property for 70733  
use or consumption primarily in the production by farming, 70734  
agriculture, horticulture, or floriculture of other tangible 70735

personal property for use or consumption primarily in the 70736  
production of tangible personal property for sale by farming, 70737  
agriculture, horticulture, or floriculture; or material and parts 70738  
for incorporation into any such tangible personal property for use 70739  
or consumption in production; and of tangible personal property 70740  
for such use or consumption in the conditioning or holding of 70741  
products produced by and for such use, consumption, or sale by 70742  
persons engaged in farming, agriculture, horticulture, or 70743  
floriculture, except where such property is incorporated into real 70744  
property; 70745

(18) Sales of drugs for a human being that may be dispensed 70746  
only pursuant to a prescription; insulin as recognized in the 70747  
official United States pharmacopoeia; urine and blood testing 70748  
materials when used by diabetics or persons with hypoglycemia to 70749  
test for glucose or acetone; hypodermic syringes and needles when 70750  
used by diabetics for insulin injections; epoetin alfa when 70751  
purchased for use in the treatment of persons with medical 70752  
disease; hospital beds when purchased by hospitals, nursing homes, 70753  
or other medical facilities; and medical oxygen and medical 70754  
oxygen-dispensing equipment when purchased by hospitals, nursing 70755  
homes, or other medical facilities; 70756

(19) Sales of prosthetic devices, durable medical equipment 70757  
for home use, or mobility enhancing equipment, when made pursuant 70758  
to a prescription and when such devices or equipment are for use 70759  
by a human being. 70760

(20) Sales of emergency and fire protection vehicles and 70761  
equipment to nonprofit organizations for use solely in providing 70762  
fire protection and emergency services, including trauma care and 70763  
emergency medical services, for political subdivisions of the 70764  
state; 70765

(21) Sales of tangible personal property manufactured in this 70766  
state, if sold by the manufacturer in this state to a retailer for 70767

use in the retail business of the retailer outside of this state 70768  
and if possession is taken from the manufacturer by the purchaser 70769  
within this state for the sole purpose of immediately removing the 70770  
same from this state in a vehicle owned by the purchaser; 70771

(22) Sales of services provided by the state or any of its 70772  
political subdivisions, agencies, instrumentalities, institutions, 70773  
or authorities, or by governmental entities of the state or any of 70774  
its political subdivisions, agencies, instrumentalities, 70775  
institutions, or authorities; 70776

(23) Sales of motor vehicles to nonresidents of this state 70777  
under the circumstances described in division (B) of section 70778  
5739.029 of the Revised Code; 70779

(24) Sales to persons engaged in the preparation of eggs for 70780  
sale of tangible personal property used or consumed directly in 70781  
such preparation, including such tangible personal property used 70782  
for cleaning, sanitizing, preserving, grading, sorting, and 70783  
classifying by size; packages, including material and parts for 70784  
packages, and machinery, equipment, and material for use in 70785  
packaging eggs for sale; and handling and transportation equipment 70786  
and parts therefor, except motor vehicles licensed to operate on 70787  
public highways, used in intraplant or interplant transfers or 70788  
shipment of eggs in the process of preparation for sale, when the 70789  
plant or plants within or between which such transfers or 70790  
shipments occur are operated by the same person. "Packages" 70791  
includes containers, cases, baskets, flats, fillers, filler flats, 70792  
cartons, closure materials, labels, and labeling materials, and 70793  
"packaging" means placing therein. 70794

(25)(a) Sales of water to a consumer for residential use; 70795

(b) Sales of water by a nonprofit corporation engaged 70796  
exclusively in the treatment, distribution, and sale of water to 70797  
consumers, if such water is delivered to consumers through pipes 70798

or tubing.	70799
(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	70800 70801
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	70802 70803 70804 70805
(a) To prepare food for human consumption for sale;	70806
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	70807 70808 70809 70810
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	70811 70812
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	70813 70814
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	70815 70816 70817 70818
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	70819 70820 70821
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	70822 70823 70824
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation	70825 70826 70827 70828

for hire, except for packages and packaging used for the 70829  
transportation of tangible personal property; 70830

(33) Sales to the state headquarters of any veterans' 70831  
organization in this state that is either incorporated and issued 70832  
a charter by the congress of the United States or is recognized by 70833  
the United States veterans administration, for use by the 70834  
headquarters; 70835

(34) Sales to a telecommunications service vendor, mobile 70836  
telecommunications service vendor, or satellite broadcasting 70837  
service vendor of tangible personal property and services used 70838  
directly and primarily in transmitting, receiving, switching, or 70839  
recording any interactive, one- or two-way electromagnetic 70840  
communications, including voice, image, data, and information, 70841  
through the use of any medium, including, but not limited to, 70842  
poles, wires, cables, switching equipment, computers, and record 70843  
storage devices and media, and component parts for the tangible 70844  
personal property. The exemption provided in this division shall 70845  
be in lieu of all other exemptions under division (B)(42)(a) or 70846  
(n) of this section to which the vendor may otherwise be entitled, 70847  
based upon the use of the thing purchased in providing the 70848  
telecommunications, mobile telecommunications, or satellite 70849  
broadcasting service. 70850

(35)(a) Sales where the purpose of the consumer is to use or 70851  
consume the things transferred in making retail sales and 70852  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 70853  
certificates, or other advertising material that prices and 70854  
describes tangible personal property offered for retail sale. 70855

(b) Sales to direct marketing vendors of preliminary 70856  
materials such as photographs, artwork, and typesetting that will 70857  
be used in printing advertising material; and of printed matter 70858  
that offers free merchandise or chances to win sweepstake prizes 70859  
and that is mailed to potential customers with advertising 70860

material described in division (B)(35)(a) of this section; 70861

(c) Sales of equipment such as telephones, computers, 70862  
facsimile machines, and similar tangible personal property 70863  
primarily used to accept orders for direct marketing retail sales. 70864

(d) Sales of automatic food vending machines that preserve 70865  
food with a shelf life of forty-five days or less by refrigeration 70866  
and dispense it to the consumer. 70867

For purposes of division (B)(35) of this section, "direct 70868  
marketing" means the method of selling where consumers order 70869  
tangible personal property by United States mail, delivery 70870  
service, or telecommunication and the vendor delivers or ships the 70871  
tangible personal property sold to the consumer from a warehouse, 70872  
catalogue distribution center, or similar fulfillment facility by 70873  
means of the United States mail, delivery service, or common 70874  
carrier. 70875

(36) Sales to a person engaged in the business of 70876  
horticulture or producing livestock of materials to be 70877  
incorporated into a horticulture structure or livestock structure; 70878

(37) Sales of personal computers, computer monitors, computer 70879  
keyboards, modems, and other peripheral computer equipment to an 70880  
individual who is licensed or certified to teach in an elementary 70881  
or a secondary school in this state for use by that individual in 70882  
preparation for teaching elementary or secondary school students; 70883

~~(38) Sales to a professional racing team of any of the 70884  
following: 70885~~

~~(a) Motor racing vehicles; 70886~~

~~(b) Repair services for motor racing vehicles; 70887~~

~~(c) Items of property that are attached to or incorporated in 70888  
motor racing vehicles, including engines, chassis, and all other 70889  
components of the vehicles, and all spare, replacement, and 70890~~

~~rebuilt parts or components of the vehicles; except not including~~ 70891  
~~tires, consumable fluids, paint, and accessories consisting of~~ 70892  
~~instrumentation sensors and related items added to the vehicle to~~ 70893  
~~collect and transmit data by means of telemetry and other forms of~~ 70894  
~~communication. Sales of tangible personal property that is not~~ 70895  
~~required to be registered or licensed under the laws of this state~~ 70896  
~~to a citizen of a foreign nation that is not a citizen of the~~ 70897  
~~United States, provided the property is delivered to a person in~~ 70898  
~~this state that is not a related member of the purchaser, is~~ 70899  
~~physically present in this state for the sole purpose of temporary~~ 70900  
~~storage and package consolidation, and is subsequently delivered~~ 70901  
~~to the purchaser at a delivery address in a foreign nation. As~~ 70902  
~~used in division (B)(38) of this section, "related member" has the~~ 70903  
~~same meaning as in section 5733.042 of the Revised Code, and~~ 70904  
~~"temporary storage" means the storage of tangible personal~~ 70905  
~~property for a period of not more than sixty days.~~ 70906

(39) Sales of used manufactured homes and used mobile homes, 70907  
as defined in section 5739.0210 of the Revised Code, made on or 70908  
after January 1, 2000; 70909

(40) Sales of tangible personal property and services to a 70910  
provider of electricity used or consumed directly and primarily in 70911  
generating, transmitting, or distributing electricity for use by 70912  
others, including property that is or is to be incorporated into 70913  
and will become a part of the consumer's production, transmission, 70914  
or distribution system and that retains its classification as 70915  
tangible personal property after incorporation; fuel or power used 70916  
in the production, transmission, or distribution of electricity; 70917  
energy conversion equipment as defined in section 5727.01 of the 70918  
Revised Code; and tangible personal property and services used in 70919  
the repair and maintenance of the production, transmission, or 70920  
distribution system, including only those motor vehicles as are 70921  
specially designed and equipped for such use. The exemption 70922

provided in this division shall be in lieu of all other exemptions 70923  
in division (B)(42)(a) or (n) of this section to which a provider 70924  
of electricity may otherwise be entitled based on the use of the 70925  
tangible personal property or service purchased in generating, 70926  
transmitting, or distributing electricity. 70927

(41) Sales to a person providing services under division 70928  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 70929  
personal property and services used directly and primarily in 70930  
providing taxable services under that section. 70931

(42) Sales where the purpose of the purchaser is to do any of 70932  
the following: 70933

(a) To incorporate the thing transferred as a material or a 70934  
part into tangible personal property to be produced for sale by 70935  
manufacturing, assembling, processing, or refining; or to use or 70936  
consume the thing transferred directly in producing tangible 70937  
personal property for sale by mining, including, without 70938  
limitation, the extraction from the earth of all substances that 70939  
are classed geologically as minerals, or directly in the rendition 70940  
of a public utility service, except that the sales tax levied by 70941  
this section shall be collected upon all meals, drinks, and food 70942  
for human consumption sold when transporting persons. This 70943  
paragraph does not exempt from "retail sale" or "sales at retail" 70944  
the sale of tangible personal property that is to be incorporated 70945  
into a structure or improvement to real property. 70946

(b) To hold the thing transferred as security for the 70947  
performance of an obligation of the vendor; 70948

(c) To resell, hold, use, or consume the thing transferred as 70949  
evidence of a contract of insurance; 70950

(d) To use or consume the thing directly in commercial 70951  
fishing; 70952

(e) To incorporate the thing transferred as a material or a 70953

part into, or to use or consume the thing transferred directly in 70954  
the production of, magazines distributed as controlled circulation 70955  
publications; 70956

(f) To use or consume the thing transferred in the production 70957  
and preparation in suitable condition for market and sale of 70958  
printed, imprinted, overprinted, lithographic, multilithic, 70959  
blueprinted, photostatic, or other productions or reproductions of 70960  
written or graphic matter; 70961

(g) To use the thing transferred, as described in section 70962  
5739.011 of the Revised Code, primarily in a manufacturing 70963  
operation to produce tangible personal property for sale; 70964

(h) To use the benefit of a warranty, maintenance or service 70965  
contract, or similar agreement, as described in division (B)(7) of 70966  
section 5739.01 of the Revised Code, to repair or maintain 70967  
tangible personal property, if all of the property that is the 70968  
subject of the warranty, contract, or agreement would not be 70969  
subject to the tax imposed by this section; 70970

(i) To use the thing transferred as qualified research and 70971  
development equipment; 70972

(j) To use or consume the thing transferred primarily in 70973  
storing, transporting, mailing, or otherwise handling purchased 70974  
sales inventory in a warehouse, distribution center, or similar 70975  
facility when the inventory is primarily distributed outside this 70976  
state to retail stores of the person who owns or controls the 70977  
warehouse, distribution center, or similar facility, to retail 70978  
stores of an affiliated group of which that person is a member, or 70979  
by means of direct marketing. This division does not apply to 70980  
motor vehicles registered for operation on the public highways. As 70981  
used in this division, "affiliated group" has the same meaning as 70982  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 70983  
"direct marketing" has the same meaning as in division (B)(35) of 70984

this section. 70985

(k) To use or consume the thing transferred to fulfill a 70986  
contractual obligation incurred by a warrantor pursuant to a 70987  
warranty provided as a part of the price of the tangible personal 70988  
property sold or by a vendor of a warranty, maintenance or service 70989  
contract, or similar agreement the provision of which is defined 70990  
as a sale under division (B)(7) of section 5739.01 of the Revised 70991  
Code; 70992

(l) To use or consume the thing transferred in the production 70993  
of a newspaper for distribution to the public; 70994

(m) To use tangible personal property to perform a service 70995  
listed in division (B)(3) of section 5739.01 of the Revised Code, 70996  
if the property is or is to be permanently transferred to the 70997  
consumer of the service as an integral part of the performance of 70998  
the service; 70999

(n) To use or consume the thing transferred primarily in 71000  
producing tangible personal property for sale by farming, 71001  
agriculture, horticulture, or floriculture. Persons engaged in 71002  
rendering farming, agriculture, horticulture, or floriculture 71003  
services for others are deemed engaged primarily in farming, 71004  
agriculture, horticulture, or floriculture. This paragraph does 71005  
not exempt from "retail sale" or "sales at retail" the sale of 71006  
tangible personal property that is to be incorporated into a 71007  
structure or improvement to real property. 71008

(o) To use or consume the thing transferred in acquiring, 71009  
formatting, editing, storing, and disseminating data or 71010  
information by electronic publishing; 71011

(p) To provide the thing transferred to the owner or lessee 71012  
of a motor vehicle that is being repaired or serviced, if the 71013  
thing transferred is a rented motor vehicle and the purchaser is 71014  
reimbursed for the cost of the rented motor vehicle by a 71015

manufacturer, warrantor, or provider of a maintenance, service, or 71016  
other similar contract or agreement, with respect to the motor 71017  
vehicle that is being repaired or serviced; 71018

(q) To use or consume the thing transferred directly in 71019  
production of crude oil and natural gas for sale. Persons engaged 71020  
in rendering production services for others are deemed engaged in 71021  
production. 71022

As used in division (B)(42)(q) of this section, "production" 71023  
means operations and tangible personal property directly used to 71024  
expose and evaluate an underground reservoir that may contain 71025  
hydrocarbon resources, prepare the wellbore for production, and 71026  
lift and control all substances yielded by the reservoir to the 71027  
surface of the earth. 71028

(i) For the purposes of division (B)(42)(q) of this section, 71029  
the "thing transferred" includes, but is not limited to, any of 71030  
the following: 71031

(I) Services provided in the construction of permanent access 71032  
roads, services provided in the construction of the well site, and 71033  
services provided in the construction of temporary impoundments; 71034

(II) Equipment and rigging used for the specific purpose of 71035  
creating with integrity a wellbore pathway to underground 71036  
reservoirs; 71037

(III) Drilling and workover services used to work within a 71038  
subsurface wellbore, and tangible personal property directly used 71039  
in providing such services; 71040

(IV) Casing, tubulars, and float and centralizing equipment; 71041

(V) Trailers to which production equipment is attached; 71042

(VI) Well completion services, including cementing of casing, 71043  
and tangible personal property directly used in providing such 71044  
services; 71045

(VII) Wireline evaluation, mud logging, and perforation services, and tangible personal property directly used in providing such services;	71046 71047 71048
(VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole;	71049 71050 71051 71052
(IX) Pressure pumping equipment;	71053
(X) Artificial lift systems equipment;	71054
(XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;	71055 71056 71057
(XII) Tangible personal property directly used to control production equipment.	71058 71059
(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:	71060 71061
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	71062 71063 71064
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	71065 71066 71067
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;	71068 71069 71070
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	71071 71072 71073 71074
(V) Tangible personal property used primarily in gathering	71075

operations occurring off the well site, including gathering	71076
pipelines transporting hydrocarbon gas or liquids away from a	71077
crude oil or natural gas production facility;	71078
(VI) Tangible personal property that is to be incorporated	71079
into a structure or improvement to real property;	71080
(VII) Well site fencing, lighting, or security systems;	71081
(VIII) Communication devices or services;	71082
(IX) Office supplies;	71083
(X) Trailers used as offices or lodging;	71084
(XI) Motor vehicles of any kind;	71085
(XII) Tangible personal property used primarily for the	71086
storage of drilling byproducts and fuel not used for production;	71087
(XIII) Tangible personal property used primarily as a safety	71088
device;	71089
(XIV) Data collection or monitoring devices;	71090
(XV) Access ladders, stairs, or platforms attached to storage	71091
tanks.	71092
The enumeration of tangible personal property in division	71093
(B)(42)(q)(ii) of this section is not intended to be exhaustive,	71094
and any tangible personal property not so enumerated shall not	71095
necessarily be construed to be a "thing transferred" for the	71096
purposes of division (B)(42)(q) of this section.	71097
The commissioner shall adopt and promulgate rules under	71098
sections 119.01 to 119.13 of the Revised Code that the	71099
commissioner deems necessary to administer division (B)(42)(q) of	71100
this section.	71101
As used in division (B)(42) of this section, "thing" includes	71102
all transactions included in divisions (B)(3)(a), (b), and (e) of	71103
section 5739.01 of the Revised Code.	71104

(43) Sales conducted through a coin operated device that 71105  
activates vacuum equipment or equipment that dispenses water, 71106  
whether or not in combination with soap or other cleaning agents 71107  
or wax, to the consumer for the consumer's use on the premises in 71108  
washing, cleaning, or waxing a motor vehicle, provided no other 71109  
personal property or personal service is provided as part of the 71110  
transaction. 71111

~~(44) Sales of replacement and modification parts for engines, 71112  
airframes, instruments, and interiors in, and paint for, aircraft 71113  
used primarily in a fractional aircraft ownership program, and 71114  
sales of services for the repair, modification, and maintenance of 71115  
such aircraft, and machinery, equipment, and supplies primarily 71116  
used to provide those services. 71117~~

~~(45)~~ Sales of telecommunications service that is used 71118  
directly and primarily to perform the functions of a call center. 71119  
As used in this division, "call center" means any physical 71120  
location where telephone calls are placed or received in high 71121  
volume for the purpose of making sales, marketing, customer 71122  
service, technical support, or other specialized business 71123  
activity, and that employs at least fifty individuals that engage 71124  
in call center activities on a full-time basis, or sufficient 71125  
individuals to fill fifty full-time equivalent positions. 71126

~~(46)~~(45) Sales by a telecommunications service vendor of 900 71127  
service to a subscriber. This division does not apply to 71128  
information services, as defined in division (FF) of section 71129  
5739.01 of the Revised Code. 71130

~~(47)~~(46) Sales of value-added non-voice data service. This 71131  
division does not apply to any similar service that is not 71132  
otherwise a telecommunications service. 71133

~~(48)~~(47)(a) Sales of machinery, equipment, and software to a 71134  
qualified direct selling entity for use in a warehouse or 71135

distribution center primarily for storing, transporting, or 71136  
otherwise handling inventory that is held for sale to independent 71137  
salespersons who operate as direct sellers and that is held 71138  
primarily for distribution outside this state; 71139

(b) As used in division (B)~~(48)~~(47)(a) of this section: 71140

(i) "Direct seller" means a person selling consumer products 71141  
to individuals for personal or household use and not from a fixed 71142  
retail location, including selling such product at in-home product 71143  
demonstrations, parties, and other one-on-one selling. 71144

(ii) "Qualified direct selling entity" means an entity 71145  
selling to direct sellers at the time the entity enters into a tax 71146  
credit agreement with the tax credit authority pursuant to section 71147  
122.17 of the Revised Code, provided that the agreement was 71148  
entered into on or after January 1, 2007. Neither contingencies 71149  
relevant to the granting of, nor later developments with respect 71150  
to, the tax credit shall impair the status of the qualified direct 71151  
selling entity under division (B)~~(48)~~(47) of this section after 71152  
execution of the tax credit agreement by the tax credit authority. 71153

(c) Division (B)~~(48)~~(47) of this section is limited to 71154  
machinery, equipment, and software first stored, used, or consumed 71155  
in this state within the period commencing June 24, 2008, and 71156  
ending on the date that is five years after that date. 71157

~~(49) Sales of materials, parts, equipment, or engines used in 71158  
the repair or maintenance of aircraft or avionics systems of such 71159  
aircraft, and sales of repair, remodeling, replacement, or 71160  
maintenance services in this state performed on aircraft or on an 71161  
aircraft's avionics, engine, or component materials or parts. As 71162  
used in division (B)(49) of this section, "aircraft" means 71163  
aircraft of more than six thousand pounds maximum certified 71164  
takeoff weight or used exclusively in general aviation. 71165~~

~~(50) Sales of full flight simulators that are used for pilot 71166~~

~~or flight crew training, sales of repair or replacement parts or components, and sales of repair or maintenance services for such full flight simulators. "Full flight simulator" means a replica of a specific type, or make, model, and series of aircraft cockpit. It includes the assemblage of equipment and computer programs necessary to represent aircraft operations in ground and flight conditions, a visual system providing an out of the cockpit view, and a system that provides cues at least equivalent to those of a three degree of freedom motion system, and has the full range of capabilities of the systems installed in the device as described in appendices A and B of part 60 of chapter 1 of title 14 of the Code of Federal Regulations.~~

~~(51)(48)~~ Any transfer or lease of tangible personal property between the state and JobsOhio in accordance with section 4313.02 of the Revised Code.

~~(52)(49)~~(a) Sales to a qualifying corporation.

(b) As used in division (B)~~(52)(49)~~ of this section:

(i) "Qualifying corporation" means a nonprofit corporation organized in this state that leases from an eligible county land, buildings, structures, fixtures, and improvements to the land that are part of or used in a public recreational facility used by a major league professional athletic team or a class A to class AAA minor league affiliate of a major league professional athletic team for a significant portion of the team's home schedule, provided the following apply:

(I) The facility is leased from the eligible county pursuant to a lease that requires substantially all of the revenue from the operation of the business or activity conducted by the nonprofit corporation at the facility in excess of operating costs, capital expenditures, and reserves to be paid to the eligible county at least once per calendar year.

(II) Upon dissolution and liquidation of the nonprofit corporation, all of its net assets are distributable to the board of commissioners of the eligible county from which the corporation leases the facility. 71198  
71199  
71200  
71201

(ii) "Eligible county" has the same meaning as in section 307.695 of the Revised Code. 71202  
71203

~~(53)~~(50) Sales to or by a cable service provider, video service provider, or radio or television broadcast station regulated by the federal government of cable service or programming, video service or programming, audio service or programming, or electronically transferred digital audiovisual or audio work. As used in division (B)~~(53)~~(50) of this section, "cable service" and "cable service provider" have the same meanings as in section 1332.01 of the Revised Code, and "video service," "video service provider," and "video programming" have the same meanings as in section 1332.21 of the Revised Code. 71204  
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~~(54) Sales of investment metal bullion and investment coins. "Investment metal bullion" means any bullion described in section 408(m)(3)(B) of the Internal Revenue Code, regardless of whether that bullion is in the physical possession of a trustee. "Investment coin" means any coin composed primarily of gold, silver, platinum, or palladium.~~ 71214  
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~~(55)~~(51) Sales of a digital audio work electronically transferred for delivery through use of a machine, such as a juke box, that does all of the following: 71220  
71221  
71222

(a) Accepts direct payments to operate; 71223

(b) Automatically plays a selected digital audio work for a single play upon receipt of a payment described in division (B)~~(55)~~(51)(a) of this section; 71224  
71225  
71226

(c) Operates exclusively for the purpose of playing digital audio works in a commercial establishment. 71227  
71228

~~(56)~~(52)(a) Sales of the following occurring on the first 71229  
Friday of August and the following Saturday and Sunday of each 71230  
year, beginning in 2018: 71231

(i) An item of clothing, the price of which is seventy-five 71232  
dollars or less; 71233

(ii) An item of school supplies, the price of which is twenty 71234  
dollars or less; 71235

(iii) An item of school instructional material, the price of 71236  
which is twenty dollars or less. 71237

(b) As used in division (B)~~(56)~~(52) of this section: 71238

(i) "Clothing" means all human wearing apparel suitable for 71239  
general use. "Clothing" includes, but is not limited to, aprons, 71240  
household and shop; athletic supporters; baby receiving blankets; 71241  
bathing suits and caps; beach capes and coats; belts and 71242  
suspenders; boots; coats and jackets; costumes; diapers, children 71243  
and adult, including disposable diapers; earmuffs; footlets; 71244  
formal wear; garters and garter belts; girdles; gloves and mittens 71245  
for general use; hats and caps; hosiery; insoles for shoes; lab 71246  
coats; neckties; overshoes; pantyhose; rainwear; rubber pants; 71247  
sandals; scarves; shoes and shoe laces; slippers; sneakers; socks 71248  
and stockings; steel-toed shoes; underwear; uniforms, athletic and 71249  
nonathletic; and wedding apparel. "Clothing" does not include 71250  
items purchased for use in a trade or business; clothing 71251  
accessories or equipment; protective equipment; sports or 71252  
recreational equipment; belt buckles sold separately; costume 71253  
masks sold separately; patches and emblems sold separately; sewing 71254  
equipment and supplies including, but not limited to, knitting 71255  
needles, patterns, pins, scissors, sewing machines, sewing 71256  
needles, tape measures, and thimbles; and sewing materials that 71257  
become part of "clothing" including, but not limited to, buttons, 71258  
fabric, lace, thread, yarn, and zippers. 71259

(ii) "School supplies" means items commonly used by a student 71260  
in a course of study. "School supplies" includes only the 71261  
following items: binders; book bags; calculators; cellophane tape; 71262  
blackboard chalk; compasses; composition books; crayons; erasers; 71263  
folders, expandable, pocket, plastic, and manila; glue, paste, and 71264  
paste sticks; highlighters; index cards; index card boxes; legal 71265  
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 71266  
notebook paper, copy paper, graph paper, tracing paper, manila 71267  
paper, colored paper, poster board, and construction paper; pencil 71268  
boxes and other school supply boxes; pencil sharpeners; pencils; 71269  
pens; protractors; rulers; scissors; and writing tablets. "School 71270  
supplies" does not include any item purchased for use in a trade 71271  
or business. 71272

(iii) "School instructional material" means written material 71273  
commonly used by a student in a course of study as a reference and 71274  
to learn the subject being taught. "School instructional material" 71275  
includes only the following items: reference books, reference maps 71276  
and globes, textbooks, and workbooks. "School instructional 71277  
material" does not include any material purchased for use in a 71278  
trade or business. 71279

~~(57) Sales of tangible personal property that is not required 71280  
to be registered or licensed under the laws of this state to a 71281  
citizen of a foreign nation that is not a citizen of the United 71282  
States, provided the property is delivered to a person in this 71283  
state that is not a related member of the purchaser, is physically 71284  
present in this state for the sole purpose of temporary storage 71285  
and package consolidation, and is subsequently delivered to the 71286  
purchaser at a delivery address in a foreign nation. As used in 71287  
division (B)(56) of this section, "related member" has the same 71288  
meaning as in section 5733.042 of the Revised Code, and "temporary 71289  
storage" means the storage of tangible personal property for a 71290  
period of not more than sixty days. 71291~~

(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The levy of this tax on retail sales of recreation and sports club service shall not prevent a municipal corporation from levying any tax on recreation and sports club dues or on any income generated by recreation and sports club dues.

(E) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

**Sec. 5739.021.** (A) For the purpose of providing additional general revenues for the county, supporting criminal and administrative justice services in the county, funding a regional transportation improvement project under section 5595.06 of the Revised Code, or any combination of the foregoing, and to pay the expenses of administering such levy, any county may levy a tax at the rate of not more than one per cent upon every retail sale made in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, and may increase the rate of an existing tax to not more than one per cent. The rate of any tax

levied pursuant to this section shall be a multiple of ~~one-fourth~~ 71323  
~~or one-tenth~~ one-twentieth of one per cent. 71324

The tax shall be levied and the rate increased pursuant to a 71325  
resolution of the board of county commissioners. The resolution 71326  
shall state the purpose for which the tax is to be levied and the 71327  
number of years for which the tax is to be levied, or that it is 71328  
for a continuing period of time. If the tax is to be levied for 71329  
the purpose of providing additional general revenues and for the 71330  
purpose of supporting criminal and administrative justice 71331  
services, the resolution shall state the rate or amount of the tax 71332  
to be apportioned to each such purpose. The rate or amount may be 71333  
different for each year the tax is to be levied, but the rates or 71334  
amounts actually apportioned each year shall not be different from 71335  
that stated in the resolution for that year. If the resolution is 71336  
adopted as an emergency measure necessary for the immediate 71337  
preservation of the public peace, health, or safety, it must 71338  
receive an affirmative vote of all of the members of the board of 71339  
county commissioners and shall state the reasons for such 71340  
necessity. The board shall deliver a certified copy of the 71341  
resolution to the tax commissioner, not later than the sixty-fifth 71342  
day prior to the date on which the tax is to become effective, 71343  
which shall be the first day of the calendar quarter. 71344

Prior to the adoption of any resolution under this section, 71345  
the board of county commissioners shall conduct two public 71346  
hearings on the resolution, the second hearing to be not less than 71347  
three nor more than ten days after the first. Notice of the date, 71348  
time, and place of the hearings shall be given by publication in a 71349  
newspaper of general circulation in the county, or as provided in 71350  
section 7.16 of the Revised Code, once a week on the same day of 71351  
the week for two consecutive weeks, the second publication being 71352  
not less than ten nor more than thirty days prior to the first 71353  
hearing. 71354

Except as provided in division (B)(3) of this section, the resolution shall be subject to a referendum as provided in sections 305.31 to 305.41 of the Revised Code.

If a petition for a referendum is filed, the county auditor with whom the petition was filed shall, within five days, notify the board of county commissioners and the tax commissioner of the filing of the petition by certified mail. If the board of elections with which the petition was filed declares the petition invalid, the board of elections, within five days, shall notify the board of county commissioners and the tax commissioner of that declaration by certified mail. If the petition is declared to be invalid, the effective date of the tax or increased rate of tax levied by this section shall be the first day of a calendar quarter following the expiration of sixty-five days from the date the commissioner receives notice from the board of elections that the petition is invalid.

(B)(1) A resolution that is not adopted as an emergency measure may direct the board of elections to submit the question of levying the tax or increasing the rate of tax to the electors of the county at a special election held on the date specified by the board of county commissioners in the resolution, provided that the election occurs not less than ninety days after a certified copy of such resolution is transmitted to the board of elections and the election is not held in February or August of any year. Upon transmission of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. No resolution adopted under this division shall go into effect unless approved by a majority of those voting upon it, and, except as provided in division (B)(3) of this section, shall become effective on the first day of a calendar quarter following the expiration of sixty-five days from the date the tax commissioner

receives notice from the board of elections of the affirmative 71387  
vote. 71388

(2) A resolution that is adopted as an emergency measure 71389  
shall go into effect as provided in division (A) of this section, 71390  
but may direct the board of elections to submit the question of 71391  
repealing the tax or increase in the rate of the tax to the 71392  
electors of the county at the next general election in the county 71393  
occurring not less than ninety days after a certified copy of the 71394  
resolution is transmitted to the board of elections. Upon 71395  
transmission of the resolution to the board of elections, the 71396  
board of county commissioners shall notify the tax commissioner in 71397  
writing of the levy question to be submitted to the electors. The 71398  
ballot question shall be the same as that prescribed in section 71399  
5739.022 of the Revised Code. The board of elections shall notify 71400  
the board of county commissioners and the tax commissioner of the 71401  
result of the election immediately after the result has been 71402  
declared. If a majority of the qualified electors voting on the 71403  
question of repealing the tax or increase in the rate of the tax 71404  
vote for repeal of the tax or repeal of the increase, the board of 71405  
county commissioners, on the first day of a calendar quarter 71406  
following the expiration of sixty-five days after the date the 71407  
board and tax commissioner receive notice of the result of the 71408  
election, shall, in the case of a repeal of the tax, cease to levy 71409  
the tax, or, in the case of a repeal of an increase in the rate of 71410  
the tax, cease to levy the increased rate and levy the tax at the 71411  
rate at which it was imposed immediately prior to the increase in 71412  
rate. 71413

(3) If a vendor makes a sale in this state by printed catalog 71414  
and the consumer computed the tax on the sale based on local rates 71415  
published in the catalog, any tax levied or repealed or rate 71416  
changed under this section shall not apply to such a sale until 71417  
the first day of a calendar quarter following the expiration of 71418

one hundred twenty days from the date of notice by the tax commissioner pursuant to division (H) of this section.

(C) If a resolution is rejected at a referendum or if a resolution adopted after January 1, 1982, as an emergency measure is repealed by the electors pursuant to division (B)(2) of this section or section 5739.022 of the Revised Code, then for one year after the date of the election at which the resolution was rejected or repealed the board of county commissioners may not adopt any resolution authorized by this section as an emergency measure.

(D) The board of county commissioners, at any time while a tax levied under this section is in effect, may by resolution reduce the rate at which the tax is levied to a lower rate authorized by this section. Any reduction in the rate at which the tax is levied shall be made effective on the first day of a calendar quarter next following the sixty-fifth day after a certified copy of the resolution is delivered to the tax commissioner.

(E) The tax on every retail sale subject to a tax levied pursuant to this section shall be in addition to the tax levied by section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.023 or 5739.026 of the Revised Code.

A county that levies a tax pursuant to this section shall levy a tax at the same rate pursuant to section 5741.021 of the Revised Code.

The additional tax levied by the county shall be collected pursuant to section 5739.025 of the Revised Code. If the additional tax or some portion thereof is levied for the purpose of criminal and administrative justice services, the revenue from the tax, or the amount or rate apportioned to that purpose, shall be credited to a special fund created in the county treasury for

receipt of that revenue. 71450

Any tax levied pursuant to this section is subject to the 71451  
exemptions provided in section 5739.02 of the Revised Code and in 71452  
addition shall not be applicable to sales not within the taxing 71453  
power of a county under the Constitution of the United States or 71454  
the Ohio Constitution. 71455

(F) For purposes of this section, a copy of a resolution is 71456  
"certified" when it contains a written statement attesting that 71457  
the copy is a true and exact reproduction of the original 71458  
resolution. 71459

(G) If a board of commissioners intends to adopt a resolution 71460  
to levy a tax in whole or in part for the purpose of criminal and 71461  
administrative justice services, the board shall prepare and make 71462  
available at the first public hearing at which the resolution is 71463  
considered a statement containing the following information: 71464

(1) For each of the two preceding fiscal years, the amount of 71465  
expenditures made by the county from the county general fund for 71466  
the purpose of criminal and administrative justice services; 71467

(2) For the fiscal year in which the resolution is adopted, 71468  
the board's estimate of the amount of expenditures to be made by 71469  
the county from the county general fund for the purpose of 71470  
criminal and administrative justice services; 71471

(3) For each of the two fiscal years after the fiscal year in 71472  
which the resolution is adopted, the board's preliminary plan for 71473  
expenditures to be made from the county general fund for the 71474  
purpose of criminal and administrative justice services, both 71475  
under the assumption that the tax will be imposed for that purpose 71476  
and under the assumption that the tax would not be imposed for 71477  
that purpose, and for expenditures to be made from the special 71478  
fund created under division (E) of this section under the 71479  
assumption that the tax will be imposed for that purpose. 71480

The board shall prepare the statement and the preliminary 71481  
plan using the best information available to the board at the time 71482  
the statement is prepared. Neither the statement nor the 71483  
preliminary plan shall be used as a basis to challenge the 71484  
validity of the tax in any court of competent jurisdiction, nor 71485  
shall the statement or preliminary plan limit the authority of the 71486  
board to appropriate, pursuant to section 5705.38 of the Revised 71487  
Code, an amount different from that specified in the preliminary 71488  
plan. 71489

(H) Upon receipt from a board of county commissioners of a 71490  
certified copy of a resolution required by division (A) or (D) of 71491  
this section, or from the board of elections of a notice of the 71492  
results of an election required by division (A) or (B)(1) or (2) 71493  
of this section, the tax commissioner shall provide notice of a 71494  
tax rate change in a manner that is reasonably accessible to all 71495  
affected vendors. The commissioner shall provide this notice at 71496  
least sixty days prior to the effective date of the rate change. 71497  
The commissioner, by rule, may establish the method by which 71498  
notice will be provided. 71499

(I) As used in this section, "criminal and administrative 71500  
justice services" means the exercise by the county sheriff of all 71501  
powers and duties vested in that office by law; the exercise by 71502  
the county prosecuting attorney of all powers and duties vested in 71503  
that office by law; the exercise by any court in the county of all 71504  
powers and duties vested in that court; the exercise by the clerk 71505  
of the court of common pleas, any clerk of a municipal court 71506  
having jurisdiction throughout the county, or the clerk of any 71507  
county court of all powers and duties vested in the clerk by law 71508  
except, in the case of the clerk of the court of common pleas, the 71509  
titling of motor vehicles or watercraft pursuant to Chapter 1548. 71510  
or 4505. of the Revised Code; the exercise by the county coroner 71511  
of all powers and duties vested in that office by law; making 71512

payments to any other public agency or a private, nonprofit 71513  
agency, the purposes of which in the county include the diversion, 71514  
adjudication, detention, or rehabilitation of criminals or 71515  
juvenile offenders; the operation and maintenance of any detention 71516  
facility, as defined in section 2921.01 of the Revised Code; and 71517  
the construction, acquisition, equipping, or repair of such a 71518  
detention facility, including the payment of any debt charges 71519  
incurred in the issuance of securities pursuant to Chapter 133. of 71520  
the Revised Code for the purpose of constructing, acquiring, 71521  
equipping, or repairing such a facility. 71522

**Sec. 5739.023.** (A)(1) For the purpose of providing additional 71523  
general revenues for a transit authority or funding a regional 71524  
transportation improvement project under section 5595.06 of the 71525  
Revised Code, or both, and to pay the expenses of administering 71526  
such levy, any transit authority as defined in division (U) of 71527  
section 5739.01 of the Revised Code may levy a tax upon every 71528  
retail sale made in the territory of the transit authority, except 71529  
sales of watercraft and outboard motors required to be titled 71530  
pursuant to Chapter 1548. of the Revised Code and sales of motor 71531  
vehicles, at a rate of not more than one and one-half per cent and 71532  
may increase the rate of an existing tax to not more than one and 71533  
one-half per cent. The rate of any tax levied pursuant to this 71534  
section shall be a multiple of ~~one-fourth or one-tenth~~ 71535  
one-twentieth of one per cent. The tax shall be levied and the 71536  
rate increased pursuant to a resolution of the legislative 71537  
authority of the transit authority and a certified copy of the 71538  
resolution shall be delivered by the fiscal officer to the board 71539  
of elections as provided in section 3505.071 of the Revised Code 71540  
and to the tax commissioner. The resolution shall specify the 71541  
number of years for which the tax is to be in effect or that the 71542  
tax is for a continuing period of time, and the date of the 71543  
election on the question of the tax pursuant to section 306.70 of 71544

the Revised Code. The board of elections shall certify the results of the election to the transit authority and tax commissioner.

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(2) Except as provided in division (C) of this section, the tax levied by the resolution shall become effective on the first day of a calendar quarter next following the sixty-fifth day following the date the tax commissioner receives from the board of elections the certification of the results of the election on the question of the tax.

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(B) The legislative authority may, at any time while the tax is in effect, by resolution fix the rate of the tax at any rate authorized by this section and not in excess of that approved by the voters pursuant to section 306.70 of the Revised Code. Except as provided in division (C) of this section, any change in the rate of the tax shall be made effective on the first day of a calendar quarter next following the sixty-fifth day following the date the tax commissioner receives the certification of the resolution; provided, that in any case where bonds, or notes in anticipation of bonds, of a regional transit authority have been issued under section 306.40 of the Revised Code without a vote of the electors while the tax proposed to be reduced was in effect, the board of trustees of the regional transit authority shall continue to levy and collect under authority of the original election authorizing the tax a rate of tax that the board of trustees reasonably estimates will produce an amount in that year equal to the amount of principal of and interest on those bonds as is payable in that year.

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(C) Upon receipt from the board of elections of the certification of the results of the election required by division (A) of this section, or from the legislative authority of the certification of a resolution under division (B) of this section,

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the tax commissioner shall provide notice of a tax rate change in 71576  
a manner that is reasonably accessible to all affected vendors. 71577  
The commissioner shall provide this notice at least sixty days 71578  
prior to the effective date of the rate change. The commissioner, 71579  
by rule, may establish the method by which notice will be 71580  
provided. 71581

(D) If a vendor makes a sale in this state by printed catalog 71582  
and the consumer computed the tax on the sale based on local rates 71583  
published in the catalog, any tax levied or rate changed under 71584  
this section shall not apply to such a sale until the first day of 71585  
a calendar quarter following the expiration of one hundred twenty 71586  
days from the date of notice by the tax commissioner pursuant to 71587  
division (C) of this section. 71588

(E) The tax on every retail sale subject to a tax levied 71589  
pursuant to this section is in addition to the tax levied by 71590  
section 5739.02 of the Revised Code and any tax levied pursuant to 71591  
section 5739.021 or 5739.026 of the Revised Code. 71592

(F) The additional tax levied by the transit authority shall 71593  
be collected pursuant to section 5739.025 of the Revised Code. 71594

(G) Any tax levied pursuant to this section is subject to the 71595  
exemptions provided in section 5739.02 of the Revised Code and in 71596  
addition shall not be applicable to sales not within the taxing 71597  
power of a transit authority under the constitution of the United 71598  
States or the constitution of this state. 71599

(H) The rate of a tax levied under this section is subject to 71600  
reduction under section 5739.028 of the Revised Code, if a ballot 71601  
question is approved by voters pursuant to that section. 71602

**Sec. 5739.025.** (A) A vendor shall compute the tax on each 71603  
sale by multiplying the price by the aggregate rate of taxes in 71604  
effect under sections 5739.02 and 5741.02, and sections 5739.021, 71605

5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code. The computation shall be carried out to three decimal places. If the result is a fractional amount of a cent, the calculated tax shall be rounded to a whole cent using a method that rounds up to the next cent whenever the third decimal place is greater than four. A vendor may elect to compute the tax due on a transaction on an item or an invoice basis.

(B) In auditing a vendor, the tax commissioner shall consider the method prescribed by this section that was used by the vendor in determining and collecting the tax due under this chapter on taxable transactions. If the vendor correctly collects and remits the tax due under this chapter in accordance with the computation prescribed in division (A) of this section, the commissioner shall not assess any additional tax on those transactions.

~~(C)(1) With respect to a sale of a fractional ownership program aircraft used primarily in a fractional aircraft ownership program, including all accessories attached to such aircraft, the tax shall be calculated pursuant to division (A) of this section, provided that the tax commissioner shall modify those calculations so that the maximum tax on each program aircraft is eight hundred dollars. In the case of a sale of a fractional interest that is less than one hundred per cent of the program aircraft, the tax charged on the transaction shall be eight hundred dollars multiplied by a fraction, the numerator of which is the percentage of ownership or possession in the aircraft being purchased in the transaction, and the denominator of which is one hundred per cent.~~

~~(2) Notwithstanding any other provision of law to the contrary, the tax calculated under division (C)(1) of this section and paid with respect to the sale of a fractional ownership program aircraft used primarily in a fractional aircraft ownership program shall be credited to the general revenue fund.~~

**Sec. 5739.026.** (A) A board of county commissioners may levy a tax on every retail sale in the county, except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548. of the Revised Code and sales of motor vehicles, at a rate of not more than one-half of one per cent and may increase the rate of an existing tax to not more than one-half of one per cent to pay the expenses of administering the tax and, except as provided in division (A)(6) of this section, for any one or more of the following purposes provided that the aggregate levy for all such purposes does not exceed one-half of one per cent:

(1) To provide additional revenues for the payment of bonds or notes issued in anticipation of bonds issued by a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code and to provide additional operating revenues for the convention facilities authority;

(2) To provide additional revenues for a transit authority operating in the county;

(3) To provide additional revenue for the county's general fund;

(4) To provide additional revenue for permanent improvements to be distributed by the community improvements board in accordance with section 307.283 and to pay principal, interest, and premium on bonds issued under section 307.284 of the Revised Code;

(5) To provide additional revenue for the acquisition, construction, equipping, or repair of any specific permanent improvement or any class or group of permanent improvements, which improvement or class or group of improvements shall be enumerated in the resolution required by division (D) of this section, and to pay principal, interest, premium, and other costs associated with

the issuance of bonds or notes in anticipation of bonds issued 71668  
pursuant to Chapter 133. of the Revised Code for the acquisition, 71669  
construction, equipping, or repair of the specific permanent 71670  
improvement or class or group of permanent improvements; 71671

(6) To provide revenue for the implementation and operation 71672  
of a 9-1-1 system in the county. If the tax is levied or the rate 71673  
increased exclusively for such purpose, the tax shall not be 71674  
levied or the rate increased for more than five years. At the end 71675  
of the last year the tax is levied or the rate increased, any 71676  
balance remaining in the special fund established for such purpose 71677  
shall remain in that fund and be used exclusively for such purpose 71678  
until the fund is completely expended, and, notwithstanding 71679  
section 5705.16 of the Revised Code, the board of county 71680  
commissioners shall not petition for the transfer of money from 71681  
such special fund, and the tax commissioner shall not approve such 71682  
a petition. 71683

If the tax is levied or the rate increased for such purpose 71684  
for more than five years, the board of county commissioners also 71685  
shall levy the tax or increase the rate of the tax for one or more 71686  
of the purposes described in divisions (A)(1) to (5) of this 71687  
section and shall prescribe the method for allocating the revenues 71688  
from the tax each year in the manner required by division (C) of 71689  
this section. 71690

(7) To provide additional revenue for the operation or 71691  
maintenance of a detention facility, as that term is defined under 71692  
division (F) of section 2921.01 of the Revised Code; 71693

(8) To provide revenue to finance the construction or 71694  
renovation of a sports facility, but only if the tax is levied for 71695  
that purpose in the manner prescribed by section 5739.028 of the 71696  
Revised Code. 71697

As used in division (A)(8) of this section: 71698

(a) "Sports facility" means a facility intended to house major league professional athletic teams. 71699  
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(b) "Constructing" or "construction" includes providing fixtures, furnishings, and equipment. 71701  
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(9) To provide additional revenue for the acquisition of agricultural easements, as defined in section 5301.67 of the Revised Code; to pay principal, interest, and premium on bonds issued under section 133.60 of the Revised Code; and for the supervision and enforcement of agricultural easements held by the county; 71703  
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(10) To provide revenue for the provision of ambulance, paramedic, or other emergency medical services; 71709  
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(11) To provide revenue for the operation of a lake facilities authority and the remediation of an impacted watershed by a lake facilities authority, as provided in Chapter 353. of the Revised Code; 71711  
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(12) To provide additional revenue for a regional transportation improvement project under section 5595.06 of the Revised Code. 71715  
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Pursuant to section 755.171 of the Revised Code, a board of county commissioners may pledge and contribute revenue from a tax levied for the purpose of division (A)(5) of this section to the payment of debt charges on bonds issued under section 755.17 of the Revised Code. 71718  
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The rate of tax shall be a multiple of ~~one-fourth or one-tenth~~ one-twentieth of one per cent, unless a portion of the rate of an existing tax levied under section 5739.023 of the Revised Code has been reduced, and the rate of tax levied under this section has been increased, pursuant to section 5739.028 of the Revised Code, in which case the aggregate of the rates of tax levied under this section and section 5739.023 of the Revised Code 71723  
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shall be a multiple of ~~one fourth or one tenth~~ one-twentieth of 71730  
one per cent. 71731

The tax shall be levied and the rate increased pursuant to a 71732  
resolution adopted by a majority of the members of the board. The 71733  
board shall deliver a certified copy of the resolution to the tax 71734  
commissioner, not later than the sixty-fifth day prior to the date 71735  
on which the tax is to become effective, which shall be the first 71736  
day of a calendar quarter. 71737

Prior to the adoption of any resolution to levy the tax or to 71738  
increase the rate of tax exclusively for the purpose set forth in 71739  
division (A)(3) of this section, the board of county commissioners 71740  
shall conduct two public hearings on the resolution, the second 71741  
hearing to be no fewer than three nor more than ten days after the 71742  
first. Notice of the date, time, and place of the hearings shall 71743  
be given by publication in a newspaper of general circulation in 71744  
the county, or as provided in section 7.16 of the Revised Code, 71745  
once a week on the same day of the week for two consecutive weeks. 71746  
The second publication shall be no fewer than ten nor more than 71747  
thirty days prior to the first hearing. Except as provided in 71748  
division (E) of this section, the resolution shall be subject to a 71749  
referendum as provided in sections 305.31 to 305.41 of the Revised 71750  
Code. If the resolution is adopted as an emergency measure 71751  
necessary for the immediate preservation of the public peace, 71752  
health, or safety, it must receive an affirmative vote of all of 71753  
the members of the board of county commissioners and shall state 71754  
the reasons for the necessity. 71755

If the tax is for more than one of the purposes set forth in 71756  
divisions (A)(1) to (7), (9), (10), and (12) of this section, or 71757  
is exclusively for one of the purposes set forth in division 71758  
(A)(1), (2), (4), (5), (6), (7), (9), (10), or (12) of this 71759  
section, the resolution shall not go into effect unless it is 71760  
approved by a majority of the electors voting on the question of 71761

the tax. 71762

(B) The board of county commissioners shall adopt a 71763  
resolution under section 351.02 of the Revised Code creating the 71764  
convention facilities authority, or under section 307.283 of the 71765  
Revised Code creating the community improvements board, before 71766  
adopting a resolution levying a tax for the purpose of a 71767  
convention facilities authority under division (A)(1) of this 71768  
section or for the purpose of a community improvements board under 71769  
division (A)(4) of this section. 71770

(C)(1) If the tax is to be used for more than one of the 71771  
purposes set forth in divisions (A)(1) to (7), (9), (10), and (12) 71772  
of this section, the board of county commissioners shall establish 71773  
the method that will be used to determine the amount or proportion 71774  
of the tax revenue received by the county during each year that 71775  
will be distributed for each of those purposes, including, if 71776  
applicable, provisions governing the reallocation of a convention 71777  
facilities authority's allocation if the authority is dissolved 71778  
while the tax is in effect. The allocation method may provide that 71779  
different proportions or amounts of the tax shall be distributed 71780  
among the purposes in different years, but it shall clearly 71781  
describe the method that will be used for each year. Except as 71782  
otherwise provided in division (C)(2) of this section, the 71783  
allocation method established by the board is not subject to 71784  
amendment during the life of the tax. 71785

(2) Subsequent to holding a public hearing on the proposed 71786  
amendment, the board of county commissioners may amend the 71787  
allocation method established under division (C)(1) of this 71788  
section for any year, if the amendment is approved by the 71789  
governing board of each entity whose allocation for the year would 71790  
be reduced by the proposed amendment. In the case of a tax that is 71791  
levied for a continuing period of time, the board may not so amend 71792  
the allocation method for any year before the sixth year that the 71793

tax is in effect. 71794

(a) If the additional revenues provided to the convention 71795  
facilities authority are pledged by the authority for the payment 71796  
of convention facilities authority revenue bonds for as long as 71797  
such bonds are outstanding, no reduction of the authority's 71798  
allocation of the tax shall be made for any year except to the 71799  
extent that the reduced authority allocation, when combined with 71800  
the authority's other revenues pledged for that purpose, is 71801  
sufficient to meet the debt service requirements for that year on 71802  
such bonds. 71803

(b) If the additional revenues provided to the county are 71804  
pledged by the county for the payment of bonds or notes described 71805  
in division (A)(4) or (5) of this section, for as long as such 71806  
bonds or notes are outstanding, no reduction of the county's or 71807  
the community improvements board's allocation of the tax shall be 71808  
made for any year, except to the extent that the reduced county or 71809  
community improvements board allocation is sufficient to meet the 71810  
debt service requirements for that year on such bonds or notes. 71811

(c) If the additional revenues provided to the transit 71812  
authority are pledged by the authority for the payment of revenue 71813  
bonds issued under section 306.37 of the Revised Code, for as long 71814  
as such bonds are outstanding, no reduction of the authority's 71815  
allocation of tax shall be made for any year, except to the extent 71816  
that the authority's reduced allocation, when combined with the 71817  
authority's other revenues pledged for that purpose, is sufficient 71818  
to meet the debt service requirements for that year on such bonds. 71819

(d) If the additional revenues provided to the county are 71820  
pledged by the county for the payment of bonds or notes issued 71821  
under section 133.60 of the Revised Code, for so long as the bonds 71822  
or notes are outstanding, no reduction of the county's allocation 71823  
of the tax shall be made for any year, except to the extent that 71824  
the reduced county allocation is sufficient to meet the debt 71825

service requirements for that year on the bonds or notes. 71826

(D)(1) The resolution levying the tax or increasing the rate 71827  
of tax shall state the rate of the tax or the rate of the 71828  
increase; the purpose or purposes for which it is to be levied; 71829  
the number of years for which it is to be levied or that it is for 71830  
a continuing period of time; the allocation method required by 71831  
division (C) of this section; and if required to be submitted to 71832  
the electors of the county under division (A) of this section, the 71833  
date of the election at which the proposal shall be submitted to 71834  
the electors of the county, which shall be not less than ninety 71835  
days after the certification of a copy of the resolution to the 71836  
board of elections and, if the tax is to be levied exclusively for 71837  
the purpose set forth in division (A)(3) of this section, shall 71838  
not occur in August of any year. Upon certification of the 71839  
resolution to the board of elections, the board of county 71840  
commissioners shall notify the tax commissioner in writing of the 71841  
levy question to be submitted to the electors. If approved by a 71842  
majority of the electors, the tax shall become effective on the 71843  
first day of a calendar quarter next following the sixty-fifth day 71844  
following the date the board of county commissioners and tax 71845  
commissioner receive from the board of elections the certification 71846  
of the results of the election, except as provided in division (E) 71847  
of this section. 71848

(2)(a) A resolution specifying that the tax is to be used 71849  
exclusively for the purpose set forth in division (A)(3) of this 71850  
section that is not adopted as an emergency measure may direct the 71851  
board of elections to submit the question of levying the tax or 71852  
increasing the rate of the tax to the electors of the county at a 71853  
special election held on the date specified by the board of county 71854  
commissioners in the resolution, provided that the election occurs 71855  
not less than ninety days after the resolution is certified to the 71856  
board of elections and the election is not held in August of any 71857

year. Upon certification of the resolution to the board of 71858  
elections, the board of county commissioners shall notify the tax 71859  
commissioner in writing of the levy question to be submitted to 71860  
the electors. No resolution adopted under division (D)(2)(a) of 71861  
this section shall go into effect unless approved by a majority of 71862  
those voting upon it and, except as provided in division (E) of 71863  
this section, not until the first day of a calendar quarter 71864  
following the expiration of sixty-five days from the date the tax 71865  
commissioner receives notice from the board of elections of the 71866  
affirmative vote. 71867

(b) A resolution specifying that the tax is to be used 71868  
exclusively for the purpose set forth in division (A)(3) of this 71869  
section that is adopted as an emergency measure shall become 71870  
effective as provided in division (A) of this section, but may 71871  
direct the board of elections to submit the question of repealing 71872  
the tax or increase in the rate of the tax to the electors of the 71873  
county at the next general election in the county occurring not 71874  
less than ninety days after the resolution is certified to the 71875  
board of elections. Upon certification of the resolution to the 71876  
board of elections, the board of county commissioners shall notify 71877  
the tax commissioner in writing of the levy question to be 71878  
submitted to the electors. The ballot question shall be the same 71879  
as that prescribed in section 5739.022 of the Revised Code. The 71880  
board of elections shall notify the board of county commissioners 71881  
and the tax commissioner of the result of the election immediately 71882  
after the result has been declared. If a majority of the qualified 71883  
electors voting on the question of repealing the tax or increase 71884  
in the rate of the tax vote for repeal of the tax or repeal of the 71885  
increase, the board of county commissioners, on the first day of a 71886  
calendar quarter following the expiration of sixty-five days after 71887  
the date the board and tax commissioner received notice of the 71888  
result of the election, shall, in the case of a repeal of the tax, 71889  
cease to levy the tax, or, in the case of a repeal of an increase 71890

in the rate of the tax, cease to levy the increased rate and levy 71891  
the tax at the rate at which it was imposed immediately prior to 71892  
the increase in rate. 71893

(c) A board of county commissioners, by resolution, may 71894  
reduce the rate of a tax levied exclusively for the purpose set 71895  
forth in division (A)(3) of this section to a lower rate 71896  
authorized by this section. Any such reduction shall be made 71897  
effective on the first day of the calendar quarter next following 71898  
the sixty-fifth day after the tax commissioner receives a 71899  
certified copy of the resolution from the board. 71900

(E) If a vendor makes a sale in this state by printed catalog 71901  
and the consumer computed the tax on the sale based on local rates 71902  
published in the catalog, any tax levied or repealed or rate 71903  
changed under this section shall not apply to such a sale until 71904  
the first day of a calendar quarter following the expiration of 71905  
one hundred twenty days from the date of notice by the tax 71906  
commissioner pursuant to division (G) of this section. 71907

(F) The tax levied pursuant to this section shall be in 71908  
addition to the tax levied by section 5739.02 of the Revised Code 71909  
and any tax levied pursuant to section 5739.021 or 5739.023 of the 71910  
Revised Code. 71911

A county that levies a tax pursuant to this section shall 71912  
levy a tax at the same rate pursuant to section 5741.023 of the 71913  
Revised Code. 71914

The additional tax levied by the county shall be collected 71915  
pursuant to section 5739.025 of the Revised Code. 71916

Any tax levied pursuant to this section is subject to the 71917  
exemptions provided in section 5739.02 of the Revised Code and in 71918  
addition shall not be applicable to sales not within the taxing 71919  
power of a county under the Constitution of the United States or 71920  
the Ohio Constitution. 71921

(G) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) of this section, or from the board of elections a notice of the results of an election required by division (D)(1), (2)(a), (b), or (c) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided.

**Sec. 5739.03.** (A) Except as provided in section 5739.05 or section 5739.051 of the Revised Code, the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code shall be paid by the consumer to the vendor, and each vendor shall collect from the consumer, as a trustee for the state of Ohio, the full and exact amount of the tax payable on each taxable sale, in the manner and at the times provided as follows:

(1) If the price is, at or prior to the provision of the service or the delivery of possession of the thing sold to the consumer, paid in currency passed from hand to hand by the consumer or the consumer's agent to the vendor or the vendor's agent, the vendor or the vendor's agent shall collect the tax with and at the same time as the price;

(2) If the price is otherwise paid or to be paid, the vendor or the vendor's agent shall, at or prior to the provision of the service or the delivery of possession of the thing sold to the consumer, charge the tax imposed by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to the account of the consumer, which amount shall be collected by the vendor from the consumer in addition to the price. Such sale

shall be reported on and the amount of the tax applicable thereto 71953  
shall be remitted with the return for the period in which the sale 71954  
is made, and the amount of the tax shall become a legal charge in 71955  
favor of the vendor and against the consumer. 71956

(B)(1)(a) If any sale is claimed to be exempt under division 71957  
(E) of section 5739.01 of the Revised Code or under section 71958  
5739.02 of the Revised Code, with the exception of divisions 71959  
(B)(1) to (11), (28), or ~~(56)~~(52) of section 5739.02 of the 71960  
Revised Code, or if the consumer claims the transaction is not a 71961  
taxable sale due to one or more of the exclusions provided under 71962  
divisions (JJ)(1) to (5) of section 5739.01 of the Revised Code, 71963  
the consumer must provide to the vendor, and the vendor must 71964  
obtain from the consumer, a certificate specifying the reason that 71965  
the sale is not legally subject to the tax. The certificate shall 71966  
be in such form, and shall be provided either in a hard copy form 71967  
or electronic form, as the tax commissioner prescribes. 71968

(b) A vendor that obtains a fully completed exemption 71969  
certificate from a consumer is relieved of liability for 71970  
collecting and remitting tax on any sale covered by that 71971  
certificate. If it is determined the exemption was improperly 71972  
claimed, the consumer shall be liable for any tax due on that sale 71973  
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 71974  
5741. of the Revised Code. Relief under this division from 71975  
liability does not apply to any of the following: 71976

(i) A vendor that fraudulently fails to collect tax; 71977

(ii) A vendor that solicits consumers to participate in the 71978  
unlawful claim of an exemption; 71979

(iii) A vendor that accepts an exemption certificate from a 71980  
consumer that claims an exemption based on who purchases or who 71981  
sells property or a service, when the subject of the transaction 71982  
sought to be covered by the exemption certificate is actually 71983

received by the consumer at a location operated by the vendor in 71984  
this state, and this state has posted to its web site an exemption 71985  
certificate form that clearly and affirmatively indicates that the 71986  
claimed exemption is not available in this state; 71987

(iv) A vendor that accepts an exemption certificate from a 71988  
consumer who claims a multiple points of use exemption under 71989  
division (D) of section 5739.033 of the Revised Code, if the item 71990  
purchased is tangible personal property, other than prewritten 71991  
computer software. 71992

(2) The vendor shall maintain records, including exemption 71993  
certificates, of all sales on which a consumer has claimed an 71994  
exemption, and provide them to the tax commissioner on request. 71995

(3) The tax commissioner may establish an identification 71996  
system whereby the commissioner issues an identification number to 71997  
a consumer that is exempt from payment of the tax. The consumer 71998  
must present the number to the vendor, if any sale is claimed to 71999  
be exempt as provided in this section. 72000

(4) If no certificate is provided or obtained within ninety 72001  
days after the date on which such sale is consummated, it shall be 72002  
presumed that the tax applies. Failure to have so provided or 72003  
obtained a certificate shall not preclude a vendor, within one 72004  
hundred twenty days after the tax commissioner gives written 72005  
notice of intent to levy an assessment, from either establishing 72006  
that the sale is not subject to the tax, or obtaining, in good 72007  
faith, a fully completed exemption certificate. 72008

(5) Certificates need not be obtained nor provided where the 72009  
identity of the consumer is such that the transaction is never 72010  
subject to the tax imposed or where the item of tangible personal 72011  
property sold or the service provided is never subject to the tax 72012  
imposed, regardless of use, or when the sale is in interstate 72013  
commerce. 72014

(6) If a transaction is claimed to be exempt under division 72015  
(B)(13) of section 5739.02 of the Revised Code, the contractor 72016  
shall obtain certification of the claimed exemption from the 72017  
contractee. This certification shall be in addition to an 72018  
exemption certificate provided by the contractor to the vendor. A 72019  
contractee that provides a certification under this division shall 72020  
be deemed to be the consumer of all items purchased by the 72021  
contractor under the claim of exemption, if it is subsequently 72022  
determined that the exemption is not properly claimed. The 72023  
certification shall be in such form as the tax commissioner 72024  
prescribes. 72025

(C) As used in this division, "contractee" means a person who 72026  
seeks to enter or enters into a contract or agreement with a 72027  
contractor or vendor for the construction of real property or for 72028  
the sale and installation onto real property of tangible personal 72029  
property. 72030

Any contractor or vendor may request from any contractee a 72031  
certification of what portion of the property to be transferred 72032  
under such contract or agreement is to be incorporated into the 72033  
realty and what portion will retain its status as tangible 72034  
personal property after installation is completed. The contractor 72035  
or vendor shall request the certification by certified mail 72036  
delivered to the contractee, return receipt requested. Upon 72037  
receipt of such request and prior to entering into the contract or 72038  
agreement, the contractee shall provide to the contractor or 72039  
vendor a certification sufficiently detailed to enable the 72040  
contractor or vendor to ascertain the resulting classification of 72041  
all materials purchased or fabricated by the contractor or vendor 72042  
and transferred to the contractee. This requirement applies to a 72043  
contractee regardless of whether the contractee holds a direct 72044  
payment permit under section 5739.031 of the Revised Code or 72045  
provides to the contractor or vendor an exemption certificate as 72046

provided under this section. 72047

For the purposes of the taxes levied by this chapter and 72048  
Chapter 5741. of the Revised Code, the contractor or vendor may in 72049  
good faith rely on the contractee's certification. Notwithstanding 72050  
division (B) of section 5739.01 of the Revised Code, if the tax 72051  
commissioner determines that certain property certified by the 72052  
contractee as tangible personal property pursuant to this division 72053  
is, in fact, real property, the contractee shall be considered to 72054  
be the consumer of all materials so incorporated into that real 72055  
property and shall be liable for the applicable tax, and the 72056  
contractor or vendor shall be excused from any liability on those 72057  
materials. 72058

If a contractee fails to provide such certification upon the 72059  
request of the contractor or vendor, the contractor or vendor 72060  
shall comply with the provisions of this chapter and Chapter 5741. 72061  
of the Revised Code without the certification. If the tax 72062  
commissioner determines that such compliance has been performed in 72063  
good faith and that certain property treated as tangible personal 72064  
property by the contractor or vendor is, in fact, real property, 72065  
the contractee shall be considered to be the consumer of all 72066  
materials so incorporated into that real property and shall be 72067  
liable for the applicable tax, and the construction contractor or 72068  
vendor shall be excused from any liability on those materials. 72069

This division does not apply to any contract or agreement 72070  
where the tax commissioner determines as a fact that a 72071  
certification under this division was made solely on the decision 72072  
or advice of the contractor or vendor. 72073

(D) Notwithstanding division (B) of section 5739.01 of the 72074  
Revised Code, whenever the total rate of tax imposed under this 72075  
chapter is increased after the date after a construction contract 72076  
is entered into, the contractee shall reimburse the construction 72077  
contractor for any additional tax paid on tangible property 72078

consumed or services received pursuant to the contract. 72079

(E) A vendor who files a petition for reassessment contesting 72080  
the assessment of tax on sales for which the vendor obtained no 72081  
valid exemption certificates and for which the vendor failed to 72082  
establish that the sales were properly not subject to the tax 72083  
during the one-hundred-twenty-day period allowed under division 72084  
(B) of this section, may present to the tax commissioner 72085  
additional evidence to prove that the sales were properly subject 72086  
to a claim of exception or exemption. The vendor shall file such 72087  
evidence within ninety days of the receipt by the vendor of the 72088  
notice of assessment, except that, upon application and for 72089  
reasonable cause, the period for submitting such evidence shall be 72090  
extended thirty days. 72091

The commissioner shall consider such additional evidence in 72092  
reaching the final determination on the assessment and petition 72093  
for reassessment. 72094

(F) Whenever a vendor refunds the price, minus any separately 72095  
stated delivery charge, of an item of tangible personal property 72096  
on which the tax imposed under this chapter has been paid, the 72097  
vendor shall also refund the amount of tax paid, minus the amount 72098  
of tax attributable to the delivery charge. 72099

**Sec. 5739.05.** (A)(1) The tax commissioner shall enforce and 72100  
administer sections 5739.01 to 5739.31 of the Revised Code, which 72101  
are hereby declared to be sections which the commissioner is 72102  
required to administer within the meaning of sections 5703.17 to 72103  
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 72104  
commissioner may adopt and promulgate, in accordance with sections 72105  
119.01 to 119.13 of the Revised Code, such rules as the 72106  
commissioner deems necessary to administer sections 5739.01 to 72107  
5739.31 of the Revised Code. 72108

(2) On or before the first day of May of each year, the 72109

commissioner shall make available to vendors a notice explaining 72110  
the three-day exemption period required under division (B)~~(56)~~(52) 72111  
of section 5739.02 of the Revised Code. 72112

(B) Upon application, the commissioner may authorize a vendor 72113  
to pay on a predetermined basis the tax levied by or pursuant to 72114  
section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised 72115  
Code upon sales of things produced or distributed or services 72116  
provided by such vendor, and the commissioner may waive the 72117  
collection of the tax from the consumer. The commissioner shall 72118  
not grant such authority unless the commissioner finds that the 72119  
granting of the authority would improve compliance and increase 72120  
the efficiency of the administration of the tax. The person to 72121  
whom such authority is granted shall post a notice, if required by 72122  
the commissioner, at the location where the product is offered for 72123  
sale that the tax is included in the selling price. The 72124  
commissioner may adopt rules to administer this division. 72125

(C) Upon application, the commissioner may authorize a vendor 72126  
to remit, on the basis of a prearranged agreement under this 72127  
division, the tax levied by section 5739.02 or pursuant to section 72128  
5739.021, 5739.023, or 5739.026 of the Revised Code. The 72129  
proportions and ratios in a prearranged agreement shall be 72130  
determined either by a test check conducted by the commissioner 72131  
under terms and conditions agreed to by the commissioner and the 72132  
vendor or by any other method agreed upon by the vendor and the 72133  
commissioner. If the parties are unable to agree to the terms and 72134  
conditions of the test check or other method, the application 72135  
shall be denied. 72136

If used, the test check shall determine the proportion that 72137  
taxable retail sales bear to all of the vendor's retail sales and 72138  
the ratio which the tax required to be collected under sections 72139  
5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code 72140  
bears to the receipts from the vendor's taxable retail sales. 72141

The vendor's liability for remitting the tax shall be based 72142  
solely upon the proportions and ratios established in the 72143  
agreement until such time that the vendor or the commissioner 72144  
believes that the nature of the vendor's business has so changed 72145  
as to make the agreement no longer representative. The 72146  
commissioner may give notice to the vendor at any time that the 72147  
authorization is revoked or the vendor may notify the commissioner 72148  
that the vendor no longer elects to report under the 72149  
authorization. Such notice shall be delivered to the other party 72150  
personally or by registered mail. The revocation or cancellation 72151  
is effective the last day of the month in which the vendor or the 72152  
commissioner receives the notice. 72153

Sec. 5739.082. A tax levied by a board of township trustees 72154  
or the legislative authority of a municipal corporation pursuant 72155  
to section 5739.08 of the Revised Code on transactions by which 72156  
lodging by a hotel is or is to be furnished to transient guests, 72157  
if the transaction is conducted through a hotel intermediary, 72158  
shall be levied on the basis of the lodging's fair market value. 72159  
The hotel intermediary shall collect the tax due from the 72160  
purchaser and remit it to the township or municipal corporation. 72161

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 72162  
resolution adopted by a majority of the members of the board, levy 72163  
an excise tax not to exceed three per cent on transactions by 72164  
which lodging by a hotel is or is to be furnished to transient 72165  
guests. The board shall establish all regulations necessary to 72166  
provide for the administration and allocation of the tax. The 72167  
regulations may prescribe the time for payment of the tax, and may 72168  
provide for the imposition of a penalty or interest, or both, for 72169  
late payments, provided that the penalty does not exceed ten per 72170  
cent of the amount of tax due, and the rate at which interest 72171  
accrues does not exceed the rate per annum prescribed pursuant to 72172

section 5703.47 of the Revised Code. Except as provided in 72173  
divisions (A)(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), 72174  
and (12) of this section, the regulations shall provide, after 72175  
deducting the real and actual costs of administering the tax, for 72176  
the return to each municipal corporation or township that does not 72177  
levy an excise tax on the transactions, a uniform percentage of 72178  
the tax collected in the municipal corporation or in the 72179  
unincorporated portion of the township from each transaction, not 72180  
to exceed thirty-three and one-third per cent. The remainder of 72181  
the revenue arising from the tax shall be deposited in a separate 72182  
fund and shall be spent solely to make contributions to the 72183  
convention and visitors' bureau operating within the county, 72184  
including a pledge and contribution of any portion of the 72185  
remainder pursuant to an agreement authorized by section 307.678 72186  
or 307.695 of the Revised Code, provided that if the board of 72187  
county commissioners of an eligible county as defined in section 72188  
307.678 or 307.695 of the Revised Code adopts a resolution 72189  
amending a resolution levying a tax under this division to provide 72190  
that revenue from the tax shall be used by the board as described 72191  
in either division (D) of section 307.678 or division (H) of 72192  
section 307.695 of the Revised Code, the remainder of the revenue 72193  
shall be used as described in the resolution making that 72194  
amendment. Except as provided in division (A)(2), (3), (4), (5), 72195  
(6), (7), (8), (9), (10), or (11) or (H) of this section, on and 72196  
after May 10, 1994, a board of county commissioners may not levy 72197  
an excise tax pursuant to this division in any municipal 72198  
corporation or township located wholly or partly within the county 72199  
that has in effect an ordinance or resolution levying an excise 72200  
tax pursuant to division (B) of this section. The board of a 72201  
county that has levied a tax under division (C) of this section 72202  
may, by resolution adopted within ninety days after July 15, 1985, 72203  
by a majority of the members of the board, amend the resolution 72204

levying a tax under this division to provide for a portion of that 72205  
tax to be pledged and contributed in accordance with an agreement 72206  
entered into under section 307.695 of the Revised Code. A tax, any 72207  
revenue from which is pledged pursuant to such an agreement, shall 72208  
remain in effect at the rate at which it is imposed for the 72209  
duration of the period for which the revenue from the tax has been 72210  
so pledged. 72211

The board of county commissioners of an eligible county as 72212  
defined in section 307.695 of the Revised Code may, by resolution 72213  
adopted by a majority of the members of the board, amend a 72214  
resolution levying a tax under this division to provide that the 72215  
revenue from the tax shall be used by the board as described in 72216  
division (H) of section 307.695 of the Revised Code, in which case 72217  
the tax shall remain in effect at the rate at which it was imposed 72218  
for the duration of any agreement entered into by the board under 72219  
section 307.695 of the Revised Code, the duration during which any 72220  
securities issued by the board under that section are outstanding, 72221  
or the duration of the period during which the board owns a 72222  
project as defined in section 307.695 of the Revised Code, 72223  
whichever duration is longest. 72224

The board of county commissioners of an eligible county as 72225  
defined in section 307.678 of the Revised Code may, by resolution, 72226  
amend a resolution levying a tax under this division to provide 72227  
that revenue from the tax, not to exceed five hundred thousand 72228  
dollars each year, may be used as described in division (E) of 72229  
section 307.678 of the Revised Code. 72230

Notwithstanding division (A)(1) of this section, the board of 72231  
county commissioners of a county described in division (A)(8)(a) 72232  
of this section may, by resolution, amend a resolution levying a 72233  
tax under this division to provide that all or a portion of the 72234  
revenue from the tax, including any revenue otherwise required to 72235

be returned to townships or municipal corporations under this 72236  
division, may be used or pledged for the payment of debt service 72237  
on securities issued to pay the costs of constructing, operating, 72238  
and maintaining sports facilities described in division (A)(8)(b) 72239  
of this section. 72240

The board of county commissioners of a county described in 72241  
division (A)(9) of this section may, by resolution, amend a 72242  
resolution levying a tax under this division to provide that all 72243  
or a portion of the revenue from the tax may be used for the 72244  
purposes described in section 307.679 of the Revised Code. 72245

(2) A board of county commissioners that levies an excise tax 72246  
under division (A)(1) of this section on June 30, 1997, at a rate 72247  
of three per cent, and that has pledged revenue from the tax to an 72248  
agreement entered into under section 307.695 of the Revised Code 72249  
or, in the case of the board of county commissioners of an 72250  
eligible county as defined in section 307.695 of the Revised Code, 72251  
has amended a resolution levying a tax under division (C) of this 72252  
section to provide that proceeds from the tax shall be used by the 72253  
board as described in division (H) of section 307.695 of the 72254  
Revised Code, may, at any time by a resolution adopted by a 72255  
majority of the members of the board, amend the resolution levying 72256  
a tax under division (A)(1) of this section to provide for an 72257  
increase in the rate of that tax up to seven per cent on each 72258  
transaction; to provide that revenue from the increase in the rate 72259  
shall be used as described in division (H) of section 307.695 of 72260  
the Revised Code or be spent solely to make contributions to the 72261  
convention and visitors' bureau operating within the county to be 72262  
used specifically for promotion, advertising, and marketing of the 72263  
region in which the county is located; and to provide that the 72264  
rate in excess of the three per cent levied under division (A)(1) 72265  
of this section shall remain in effect at the rate at which it is 72266  
imposed for the duration of the period during which any agreement 72267

is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A)(1) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(3) A board of county commissioners that levies a tax under division (A)(1) of this section on March 18, 1999, at a rate of three per cent may, by resolution adopted not later than forty-five days after March 18, 1999, amend the resolution levying the tax to provide for all of the following:

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction;

(b) That all of the revenue from the increase in the rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before November 15, 1998, and used to pay costs of constructing, maintaining, operating, and promoting a facility in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(c) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A)(1) of this section;

(d) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds,

or notes in anticipation of bonds, issued by the authority under 72299  
Chapter 351. of the Revised Code to which the revenue is pledged, 72300  
remain outstanding in accordance with their terms, unless 72301  
provision is made by law or by the board of county commissioners 72302  
for an adequate substitute therefor that is satisfactory to the 72303  
trustee if a trust agreement secures the bonds. 72304

Division (A)(3) of this section does not apply to the board 72305  
of county commissioners of any county in which a convention center 72306  
or facility exists or is being constructed on November 15, 1998, 72307  
or of any county in which a convention facilities authority levies 72308  
a tax pursuant to section 351.021 of the Revised Code on that 72309  
date. 72310

As used in division (A)(3) of this section, "cost" and 72311  
"facility" have the same meanings as in section 351.01 of the 72312  
Revised Code, and "convention center" has the same meaning as in 72313  
section 307.695 of the Revised Code. 72314

(4)(a) A board of county commissioners that levies a tax 72315  
under division (A)(1) of this section on June 30, 2002, at a rate 72316  
of three per cent may, by resolution adopted not later than 72317  
September 30, 2002, amend the resolution levying the tax to 72318  
provide for all of the following: 72319

(i) That the rate of the tax shall be increased by not more 72320  
than an additional three and one-half per cent on each 72321  
transaction; 72322

(ii) That all of the revenue from the increase in rate shall 72323  
be pledged and contributed to a convention facilities authority 72324  
established by the board of county commissioners under Chapter 72325  
351. of the Revised Code on or before May 15, 2002, and be used to 72326  
pay costs of constructing, expanding, maintaining, operating, or 72327  
promoting a convention center in the county, including paying 72328  
bonds, or notes issued in anticipation of bonds, as provided by 72329

that chapter; 72330

(iii) That no portion of the revenue arising from the 72331  
increase in rate need be returned to municipal corporations or 72332  
townships as otherwise required under division (A)(1) of this 72333  
section; 72334

(iv) That the increase in rate shall not be subject to 72335  
diminution by initiative or referendum or by law while any bonds, 72336  
or notes in anticipation of bonds, issued by the authority under 72337  
Chapter 351. of the Revised Code to which the revenue is pledged, 72338  
remain outstanding in accordance with their terms, unless 72339  
provision is made by law or by the board of county commissioners 72340  
for an adequate substitute therefor that is satisfactory to the 72341  
trustee if a trust agreement secures the bonds. 72342

(b) Any board of county commissioners that, pursuant to 72343  
division (A)(4)(a) of this section, has amended a resolution 72344  
levying the tax authorized by division (A)(1) of this section may 72345  
further amend the resolution to provide that the revenue referred 72346  
to in division (A)(4)(a)(ii) of this section shall be pledged and 72347  
contributed both to a convention facilities authority to pay the 72348  
costs of constructing, expanding, maintaining, or operating one or 72349  
more convention centers in the county, including paying bonds, or 72350  
notes issued in anticipation of bonds, as provided in Chapter 351. 72351  
of the Revised Code, and to a convention and visitors' bureau to 72352  
pay the costs of promoting one or more convention centers in the 72353  
county. 72354

As used in division (A)(4) of this section, "cost" has the 72355  
same meaning as in section 351.01 of the Revised Code, and 72356  
"convention center" has the same meaning as in section 307.695 of 72357  
the Revised Code. 72358

(5)(a) As used in division (A)(5) of this section: 72359

(i) "Port authority" means a port authority created under 72360

Chapter 4582. of the Revised Code. 72361

(ii) "Port authority military-use facility" means port 72362  
authority facilities on which or adjacent to which is located an 72363  
installation of the armed forces of the United States, a reserve 72364  
component thereof, or the national guard and at least part of 72365  
which is made available for use, for consideration, by the armed 72366  
forces of the United States, a reserve component thereof, or the 72367  
national guard. 72368

(b) For the purpose of contributing revenue to pay operating 72369  
expenses of a port authority that operates a port authority 72370  
military-use facility, the board of county commissioners of a 72371  
county that created, participated in the creation of, or has 72372  
joined such a port authority may do one or both of the following: 72373

(i) Amend a resolution previously adopted under division 72374  
(A)(1) of this section to designate some or all of the revenue 72375  
from the tax levied under the resolution to be used for that 72376  
purpose, notwithstanding that division; 72377

(ii) Amend a resolution previously adopted under division 72378  
(A)(1) of this section to increase the rate of the tax by not more 72379  
than an additional two per cent and use the revenue from the 72380  
increase exclusively for that purpose. 72381

(c) If a board of county commissioners amends a resolution to 72382  
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 72383  
of this section, the board also may amend the resolution to 72384  
specify that the increase in rate of the tax does not apply to 72385  
"hotels," as otherwise defined in section 5739.01 of the Revised 72386  
Code, having fewer rooms used for the accommodation of guests than 72387  
a number of rooms specified by the board. 72388

(6) A board of county commissioners of a county organized 72389  
under a county charter adopted pursuant to Article X, Section 3, 72390  
Ohio Constitution, and that levies an excise tax under division 72391

(A)(1) of this section at a rate of three per cent and levies an additional excise tax under division (E) of this section at a rate of one and one-half per cent may, by resolution adopted not later than January 1, 2008, by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax by not more than an additional one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding divisions (A)(1) and (E) of this section, the resolution shall provide that all of the revenue from the increase in rate, after deducting the real and actual costs of administering the tax, shall be used to pay the costs of improving, expanding, equipping, financing, or operating a convention center by a convention and visitors' bureau in the county. The increase in rate shall remain in effect for the period specified in the resolution, not to exceed ten years, and may be extended for an additional period of time not to exceed ten years thereafter by a resolution adopted by a majority of the members of the board. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under that division.

(7) Division (A)(7) of this section applies only to a county with a population greater than sixty-five thousand and less than seventy thousand according to the most recent federal decennial census and in which, on December 31, 2006, an excise tax is levied under division (A)(1) of this section at a rate not less than and not greater than three per cent, and in which the most recent increase in the rate of that tax was enacted or took effect in November 1984.

The board of county commissioners of a county to which this 72424  
division applies, by resolution adopted by a majority of the 72425  
members of the board, may increase the rate of the tax by not more 72426  
than one per cent on transactions by which lodging by a hotel is 72427  
or is to be furnished to transient guests. The increase in rate 72428  
shall be for the purpose of paying expenses deemed necessary by 72429  
the convention and visitors' bureau operating in the county to 72430  
promote travel and tourism. The increase in rate shall remain in 72431  
effect for the period specified in the resolution, not to exceed 72432  
twenty years, provided that the increase in rate may not continue 72433  
beyond the time when the purpose for which the increase is levied 72434  
ceases to exist. If revenue from the increase in rate is pledged 72435  
to the payment of debt charges on securities, the increase in rate 72436  
is not subject to diminution by initiative or referendum or by law 72437  
for so long as the securities are outstanding, unless provision is 72438  
made by law or by the board of county commissioners for an 72439  
adequate substitute for that revenue that is satisfactory to the 72440  
trustee if a trust agreement secures payment of the debt charges. 72441  
The increase in rate shall be subject to the regulations adopted 72442  
under division (A)(1) of this section, except that the resolution 72443  
may provide that no portion of the revenue from the increase in 72444  
the rate shall be returned to townships or municipal corporations 72445  
as would otherwise be required under division (A)(1) of this 72446  
section. A resolution adopted under division (A)(7) of this 72447  
section is subject to referendum under sections 305.31 to 305.99 72448  
of the Revised Code. 72449

(8)(a) Division (A)(8) of this section applies only to a 72450  
county satisfying all of the following: 72451

(i) The population of the county is greater than one hundred 72452  
seventy-five thousand and less than two hundred twenty-five 72453  
thousand according to the most recent federal decennial census. 72454

(ii) An amusement park with an average yearly attendance in 72455

excess of two million guests is located in the county. 72456

(iii) On December 31, 2014, an excise tax was levied in the 72457  
county under division (A)(1) of this section at a rate of three 72458  
per cent. 72459

(b) The board of county commissioners of a county to which 72460  
this division applies, by resolution adopted by a majority of the 72461  
members of the board, may increase the rate of the tax by not more 72462  
than one per cent on transactions by which lodging by a hotel is 72463  
or is to be furnished to transient guests. The increase in rate 72464  
shall be used to pay the costs of constructing and maintaining 72465  
facilities owned by the county or by a port authority created 72466  
under Chapter 4582. of the Revised Code, and designed to host 72467  
sporting events and expenses deemed necessary by the convention 72468  
and visitors' bureau operating in the county to promote travel and 72469  
tourism with reference to the sports facilities, and to pay or 72470  
pledge to the payment of debt service on securities issued to pay 72471  
the costs of constructing, operating, and maintaining the sports 72472  
facilities. The increase in rate shall remain in effect for the 72473  
period specified in the resolution. If revenue from the increase 72474  
in rate is pledged to the payment of debt charges on securities, 72475  
the increase in rate is not subject to diminution by initiative or 72476  
referendum or by law for so long as the securities are 72477  
outstanding, unless provision is made by law or by the board of 72478  
county commissioners for an adequate substitute for that revenue 72479  
that is satisfactory to the trustee if a trust agreement secures 72480  
payment of the debt charges. The increase in rate shall be subject 72481  
to the regulations adopted under division (A)(1) of this section, 72482  
except that the resolution may provide that no portion of the 72483  
revenue from the increase in the rate shall be returned to 72484  
townships or municipal corporations as would otherwise be required 72485  
under division (A)(1) of this section. 72486

(9) The board of county commissioners of a county with a 72487

population greater than seventy-five thousand and less than 72488  
seventy-eight thousand, by resolution adopted by a majority of the 72489  
members of the board not later than October 15, 2015, may increase 72490  
the rate of the tax by not more than one per cent on transactions 72491  
by which lodging by a hotel is or is to be furnished to transient 72492  
guests. The increase in rate shall be for the purposes described 72493  
in section 307.679 of the Revised Code or for the promotion of 72494  
travel and tourism in the county, including travel and tourism to 72495  
sports facilities. The increase in rate shall remain in effect for 72496  
the period specified in the resolution and as necessary to fulfill 72497  
the county's obligations under a cooperative agreement entered 72498  
into under section 307.679 of the Revised Code. If the resolution 72499  
is adopted by the board before September 29, 2015, but after that 72500  
enactment becomes law, the increase in rate shall become effective 72501  
beginning on September 29, 2015. If revenue from the increase in 72502  
rate is pledged to the payment of debt charges on securities, or 72503  
to substitute for other revenues pledged to the payment of such 72504  
debt, the increase in rate is not subject to diminution by 72505  
initiative or referendum or by law for so long as the securities 72506  
are outstanding, unless provision is made by law or by the board 72507  
of county commissioners for an adequate substitute for that 72508  
revenue that is satisfactory to the trustee if a trust agreement 72509  
secures payment of the debt charges. The increase in rate shall be 72510  
subject to the regulations adopted under division (A)(1) of this 72511  
section, except that no portion of the revenue from the increase 72512  
in the rate shall be returned to townships or municipal 72513  
corporations as would otherwise be required under division (A)(1) 72514  
of this section. 72515

(10) Division (A)(10) of this section applies only to 72516  
counties satisfying either of the following: 72517

(a) A county that, on July 1, 2015, does not levy an excise 72518  
tax under division (A)(1) of this section and that has a 72519

population of at least thirty-nine thousand but not more than 72520  
forty thousand according to the 2010 federal decennial census; 72521

(b) A county that, on July 1, 2015, levies an excise tax 72522  
under division (A)(1) of this section at a rate of three per cent 72523  
and that has a population of at least seventy-one thousand but not 72524  
more than seventy-five thousand according to 2010 federal 72525  
decennial census. 72526

The board of county commissioners of a county to which 72527  
division (A)(10) of this section applies, by resolution adopted by 72528  
a majority of the members of the board, may levy an excise tax at 72529  
a rate not to exceed three per cent on transactions by which 72530  
lodging by a hotel is or is to be furnished to transient guests 72531  
for the purpose of acquiring, constructing, equipping, or 72532  
repairing permanent improvements, as defined in section 133.01 of 72533  
the Revised Code. If the board does not levy a tax under division 72534  
(A)(1) of this section, the board shall establish regulations 72535  
necessary to provide for the administration of the tax, which may 72536  
prescribe the time for payment of the tax and the imposition of 72537  
penalty or interest subject to the limitations on penalty and 72538  
interest provided in division (A)(1) of this section. No portion 72539  
of the revenue shall be returned to townships or municipal 72540  
corporations in the county unless otherwise provided by resolution 72541  
of the board. The tax shall apply throughout the territory of the 72542  
county, including in any township or municipal corporation levying 72543  
an excise tax under division (B) of this section or division (A) 72544  
of section 5739.08 of the Revised Code. The levy of the tax is 72545  
subject to referendum as provided under section 305.31 of the 72546  
Revised Code. 72547

The tax shall remain in effect for the period specified in 72548  
the resolution. If revenue from the increase in rate is pledged to 72549  
the payment of debt charges on securities, the increase in rate is 72550  
not subject to diminution by initiative or referendum or by law 72551

for so long as the securities are outstanding unless provision is 72552  
made by law or by the board for an adequate substitute for that 72553  
revenue that is satisfactory to the trustee if a trust agreement 72554  
secures payment of the debt charges. 72555

(11) The board of county commissioners of an eligible county, 72556  
as defined in section 307.678 of the Revised Code, that levies an 72557  
excise tax under division (A)(1) of this section on July 1, 2017, 72558  
at a rate of three per cent may, by resolution adopted by a 72559  
majority of the members of the board, amend the resolution levying 72560  
the tax to increase the rate of the tax by not more than an 72561  
additional three per cent on each transaction. No portion of the 72562  
revenue shall be returned to townships or municipal corporations 72563  
in the county unless otherwise provided by resolution of the 72564  
board. Otherwise, the revenue from the increase in the rate shall 72565  
be distributed and used in the same manner described under 72566  
division (A)(1) of this section or distributed or used to provide 72567  
credit enhancement facilities as authorized under section 307.678 72568  
of the Revised Code. The increase in rate shall remain in effect 72569  
for the period specified in the resolution. If revenue from the 72570  
increase in rate is pledged to the payment of debt charges on 72571  
securities, the increase in rate is not subject to diminution by 72572  
initiative or referendum or by law for so long as the securities 72573  
are outstanding unless provision is made by law or by the board 72574  
for an adequate substitute for that revenue that is satisfactory 72575  
to the trustee if a trust agreement secures payment of the debt 72576  
charges. 72577

(12)(a) As used in this division: 72578

(i) "Eligible county" means a county that has a population 72579  
greater than one hundred ninety thousand and less than two hundred 72580  
thousand according to the 2010 federal decennial census and that 72581  
levies an excise tax under division (A)(1) of this section at a 72582  
rate of three per cent. 72583

(ii) "Professional sports facility" means a sports facility 72584  
that is intended to house major or minor league professional 72585  
athletic teams, including a stadium, together with all parking 72586  
facilities, walkways, and other auxiliary facilities, real and 72587  
personal property, property rights, easements, and interests that 72588  
may be appropriate for, or used in connection with, the operation 72589  
of the facility. 72590

(b) Subject to division (A)(12)(c) of this section, the board 72591  
of county commissioners of an eligible county, by resolution 72592  
adopted by a majority of the members of the board, may increase 72593  
the rate of the tax by not more than one per cent on transactions 72594  
by which lodging by a hotel is or is to be furnished to transient 72595  
guests. Revenue from the increase in rate shall be used for the 72596  
purposes of paying the costs of constructing, improving, and 72597  
maintaining a professional sports facility in the county and 72598  
paying expenses considered necessary by the convention and 72599  
visitors' bureau operating in the county to promote travel and 72600  
tourism with respect to that professional sports facility. The tax 72601  
shall take effect only after the convention and visitors' bureau 72602  
enters into a contract for the construction, improvement, or 72603  
maintenance of a professional sports facility that is or will be 72604  
located on property acquired, in whole or in part, with revenue 72605  
from the increased rate, and thereafter shall remain in effect for 72606  
the period specified in the resolution. If revenue from the 72607  
increase in rate is pledged to the payment of debt charges on 72608  
securities, the increase in rate is not subject to diminution by 72609  
initiative or referendum or by law for so long as the securities 72610  
are outstanding, unless a provision is made by law or by the board 72611  
of county commissioners for an adequate substitute for that 72612  
revenue that is satisfactory to the trustee if a trust agreement 72613  
secures payment of the debt charges. The increase in rate shall be 72614  
subject to the regulations adopted under division (A)(1) of this 72615  
section, except that the resolution may provide that no portion of 72616

the revenue from the increase in the rate shall be returned to 72617  
townships or municipal corporations as would otherwise be required 72618  
under division (A)(1) of this section. 72619

(c) If, on December 31, 2019, the convention and visitors' 72620  
bureau has not entered into a contract for the construction, 72621  
improvement, or maintenance of a professional sports facility that 72622  
is or will be located on property acquired, in whole or in part, 72623  
with revenue from the increased rate, the authority to levy the 72624  
tax under division (A)(12)(b) of this section is hereby repealed 72625  
on that date. 72626

(B)(1) The legislative authority of a municipal corporation 72627  
or the board of trustees of a township that is not wholly or 72628  
partly located in a county that has in effect a resolution levying 72629  
an excise tax pursuant to division (A)(1) of this section may, by 72630  
ordinance or resolution, levy an excise tax not to exceed three 72631  
per cent on transactions by which lodging by a hotel is or is to 72632  
be furnished to transient guests. The legislative authority of the 72633  
municipal corporation or the board of trustees of the township 72634  
shall deposit at least fifty per cent of the revenue from the tax 72635  
levied pursuant to this division into a separate fund, which shall 72636  
be spent solely to make contributions to convention and visitors' 72637  
bureaus operating within the county in which the municipal 72638  
corporation or township is wholly or partly located, and the 72639  
balance of that revenue shall be deposited in the general fund. 72640  
The municipal corporation or township shall establish all 72641  
regulations necessary to provide for the administration and 72642  
allocation of the tax. The regulations may prescribe the time for 72643  
payment of the tax, and may provide for the imposition of a 72644  
penalty or interest, or both, for late payments, provided that the 72645  
penalty does not exceed ten per cent of the amount of tax due, and 72646  
the rate at which interest accrues does not exceed the rate per 72647  
annum prescribed pursuant to section 5703.47 of the Revised Code. 72648

The levy of a tax under this division is in addition to any tax 72649  
imposed on the same transaction by a municipal corporation or a 72650  
township as authorized by division (A) of section 5739.08 of the 72651  
Revised Code. 72652

(2)(a) The legislative authority of the most populous 72653  
municipal corporation located wholly or partly in a county in 72654  
which the board of county commissioners has levied a tax under 72655  
division (A)(4) of this section may amend, on or before September 72656  
30, 2002, that municipal corporation's ordinance or resolution 72657  
that levies an excise tax on transactions by which lodging by a 72658  
hotel is or is to be furnished to transient guests, to provide for 72659  
all of the following: 72660

(i) That the rate of the tax shall be increased by not more 72661  
than an additional one per cent on each transaction; 72662

(ii) That all of the revenue from the increase in rate shall 72663  
be pledged and contributed to a convention facilities authority 72664  
established by the board of county commissioners under Chapter 72665  
351. of the Revised Code on or before May 15, 2002, and be used to 72666  
pay costs of constructing, expanding, maintaining, operating, or 72667  
promoting a convention center in the county, including paying 72668  
bonds, or notes issued in anticipation of bonds, as provided by 72669  
that chapter; 72670

(iii) That the increase in rate shall not be subject to 72671  
diminution by initiative or referendum or by law while any bonds, 72672  
or notes in anticipation of bonds, issued by the authority under 72673  
Chapter 351. of the Revised Code to which the revenue is pledged, 72674  
remain outstanding in accordance with their terms, unless 72675  
provision is made by law, by the board of county commissioners, or 72676  
by the legislative authority, for an adequate substitute therefor 72677  
that is satisfactory to the trustee if a trust agreement secures 72678  
the bonds. 72679

(b) The legislative authority of a municipal corporation 72680  
that, pursuant to division (B)(2)(a) of this section, has amended 72681  
its ordinance or resolution to increase the rate of the tax 72682  
authorized by division (B)(1) of this section may further amend 72683  
the ordinance or resolution to provide that the revenue referred 72684  
to in division (B)(2)(a)(ii) of this section shall be pledged and 72685  
contributed both to a convention facilities authority to pay the 72686  
costs of constructing, expanding, maintaining, or operating one or 72687  
more convention centers in the county, including paying bonds, or 72688  
notes issued in anticipation of bonds, as provided in Chapter 351. 72689  
of the Revised Code, and to a convention and visitors' bureau to 72690  
pay the costs of promoting one or more convention centers in the 72691  
county. 72692

As used in division (B)(2) of this section, "cost" has the 72693  
same meaning as in section 351.01 of the Revised Code, and 72694  
"convention center" has the same meaning as in section 307.695 of 72695  
the Revised Code. 72696

(3) The legislative authority of an eligible municipal 72697  
corporation may amend, on or before December 31, 2017, that 72698  
municipal corporation's ordinance or resolution that levies an 72699  
excise tax on transactions by which lodging by a hotel is or is to 72700  
be furnished to transient guests, to provide for the following: 72701

(a) That the rate of the tax shall be increased by not more 72702  
than an additional three per cent on each transaction; 72703

(b) That all of the revenue from the increase in rate shall 72704  
be used by the municipal corporation for economic development and 72705  
tourism-related purposes. 72706

As used in division (B)(3) of this section, "eligible 72707  
municipal corporation" means a municipal corporation that, on the 72708  
effective date of the amendment of this section by H.B. 49 of the 72709  
132nd general assembly, September 29, 2017, levied a tax under 72710

division (B)(1) of this section at a rate of three per cent and 72711  
that is located in a county that, on that date, levied a tax under 72712  
division (A) of this section at a rate of three per cent and that 72713  
has, according to the most recent federal decennial census, a 72714  
population exceeding three hundred thousand but not greater than 72715  
three hundred fifty thousand. 72716

(C) For the purposes described in section 307.695 of the 72717  
Revised Code and to cover the costs of administering the tax, a 72718  
board of county commissioners of a county where a tax imposed 72719  
under division (A)(1) of this section is in effect may, by 72720  
resolution adopted within ninety days after July 15, 1985, by a 72721  
majority of the members of the board, levy an additional excise 72722  
tax not to exceed three per cent on transactions by which lodging 72723  
by a hotel is or is to be furnished to transient guests. The tax 72724  
authorized by this division shall be in addition to any tax that 72725  
is levied pursuant to division (A) of this section, but it shall 72726  
not apply to transactions subject to a tax levied by a municipal 72727  
corporation or township pursuant to the authorization granted by 72728  
division (A) of section 5739.08 of the Revised Code. The board 72729  
shall establish all regulations necessary to provide for the 72730  
administration and allocation of the tax. The regulations may 72731  
prescribe the time for payment of the tax, and may provide for the 72732  
imposition of a penalty or interest, or both, for late payments, 72733  
provided that the penalty does not exceed ten per cent of the 72734  
amount of tax due, and the rate at which interest accrues does not 72735  
exceed the rate per annum prescribed pursuant to section 5703.47 72736  
of the Revised Code. All revenues arising from the tax shall be 72737  
expended in accordance with section 307.695 of the Revised Code. 72738  
The board of county commissioners of an eligible county as defined 72739  
in section 307.695 of the Revised Code may, by resolution adopted 72740  
by a majority of the members of the board, amend the resolution 72741  
levying a tax under this division to provide that the revenue from 72742  
the tax shall be used by the board as described in division (H) of 72743

section 307.695 of the Revised Code. A tax imposed under this 72744  
division shall remain in effect at the rate at which it is imposed 72745  
for the duration of the period during which any agreement entered 72746  
into by the board under section 307.695 of the Revised Code is in 72747  
effect, the duration of the period during which any securities 72748  
issued by the board under division (I) of section 307.695 of the 72749  
Revised Code are outstanding, or the duration of the period during 72750  
which the board owns a project as defined in section 307.695 of 72751  
the Revised Code, whichever duration is longest. 72752

(D) For the purpose of providing contributions under division 72753  
(B)(1) of section 307.671 of the Revised Code to enable the 72754  
acquisition, construction, and equipping of a port authority 72755  
educational and cultural facility in the county and, to the extent 72756  
provided for in the cooperative agreement authorized by that 72757  
section, for the purpose of paying debt service charges on bonds, 72758  
or notes in anticipation of bonds, described in division (B)(1)(b) 72759  
of that section, a board of county commissioners, by resolution 72760  
adopted within ninety days after December 22, 1992, by a majority 72761  
of the members of the board, may levy an additional excise tax not 72762  
to exceed one and one-half per cent on transactions by which 72763  
lodging by a hotel is or is to be furnished to transient guests. 72764  
The excise tax authorized by this division shall be in addition to 72765  
any tax that is levied pursuant to divisions (A), (B), and (C) of 72766  
this section, to any excise tax levied pursuant to section 5739.08 72767  
of the Revised Code, and to any excise tax levied pursuant to 72768  
section 351.021 of the Revised Code. The board of county 72769  
commissioners shall establish all regulations necessary to provide 72770  
for the administration and allocation of the tax that are not 72771  
inconsistent with this section or section 307.671 of the Revised 72772  
Code. The regulations may prescribe the time for payment of the 72773  
tax, and may provide for the imposition of a penalty or interest, 72774  
or both, for late payments, provided that the penalty does not 72775  
exceed ten per cent of the amount of tax due, and the rate at 72776

which interest accrues does not exceed the rate per annum 72777  
prescribed pursuant to section 5703.47 of the Revised Code. All 72778  
revenues arising from the tax shall be expended in accordance with 72779  
section 307.671 of the Revised Code and division (D) of this 72780  
section. The levy of a tax imposed under this division may not 72781  
commence prior to the first day of the month next following the 72782  
execution of the cooperative agreement authorized by section 72783  
307.671 of the Revised Code by all parties to that agreement. The 72784  
tax shall remain in effect at the rate at which it is imposed for 72785  
the period of time described in division (C) of section 307.671 of 72786  
the Revised Code for which the revenue from the tax has been 72787  
pledged by the county to the corporation pursuant to that section, 72788  
but, to any extent provided for in the cooperative agreement, for 72789  
no lesser period than the period of time required for payment of 72790  
the debt service charges on bonds, or notes in anticipation of 72791  
bonds, described in division (B)(1)(b) of that section. 72792

(E) For the purpose of paying the costs of acquiring, 72793  
constructing, equipping, and improving a municipal educational and 72794  
cultural facility, including debt service charges on bonds 72795  
provided for in division (B) of section 307.672 of the Revised 72796  
Code, and for any additional purposes determined by the county in 72797  
the resolution levying the tax or amendments to the resolution, 72798  
including subsequent amendments providing for paying costs of 72799  
acquiring, constructing, renovating, rehabilitating, equipping, 72800  
and improving a port authority educational and cultural performing 72801  
arts facility, as defined in section 307.674 of the Revised Code, 72802  
and including debt service charges on bonds provided for in 72803  
division (B) of section 307.674 of the Revised Code, the 72804  
legislative authority of a county, by resolution adopted within 72805  
ninety days after June 30, 1993, by a majority of the members of 72806  
the legislative authority, may levy an additional excise tax not 72807  
to exceed one and one-half per cent on transactions by which 72808  
lodging by a hotel is or is to be furnished to transient guests. 72809

The excise tax authorized by this division shall be in addition to 72810  
any tax that is levied pursuant to divisions (A), (B), (C), and 72811  
(D) of this section, to any excise tax levied pursuant to section 72812  
5739.08 of the Revised Code, and to any excise tax levied pursuant 72813  
to section 351.021 of the Revised Code. The legislative authority 72814  
of the county shall establish all regulations necessary to provide 72815  
for the administration and allocation of the tax. The regulations 72816  
may prescribe the time for payment of the tax, and may provide for 72817  
the imposition of a penalty or interest, or both, for late 72818  
payments, provided that the penalty does not exceed ten per cent 72819  
of the amount of tax due, and the rate at which interest accrues 72820  
does not exceed the rate per annum prescribed pursuant to section 72821  
5703.47 of the Revised Code. All revenues arising from the tax 72822  
shall be expended in accordance with section 307.672 of the 72823  
Revised Code and this division. The levy of a tax imposed under 72824  
this division shall not commence prior to the first day of the 72825  
month next following the execution of the cooperative agreement 72826  
authorized by section 307.672 of the Revised Code by all parties 72827  
to that agreement. The tax shall remain in effect at the rate at 72828  
which it is imposed for the period of time determined by the 72829  
legislative authority of the county. That period of time shall not 72830  
exceed fifteen years, except that the legislative authority of a 72831  
county with a population of less than two hundred fifty thousand 72832  
according to the most recent federal decennial census, by 72833  
resolution adopted by a majority of its members before the 72834  
original tax expires, may extend the duration of the tax for an 72835  
additional period of time. The additional period of time by which 72836  
a legislative authority extends a tax levied under this division 72837  
shall not exceed fifteen years. 72838

(F) The legislative authority of a county that has levied a 72839  
tax under division (E) of this section may, by resolution adopted 72840  
within one hundred eighty days after January 4, 2001, by a 72841  
majority of the members of the legislative authority, amend the 72842

resolution levying a tax under that division to provide for the 72843  
use of the proceeds of that tax, to the extent that it is no 72844  
longer needed for its original purpose as determined by the 72845  
parties to a cooperative agreement amendment pursuant to division 72846  
(D) of section 307.672 of the Revised Code, to pay costs of 72847  
acquiring, constructing, renovating, rehabilitating, equipping, 72848  
and improving a port authority educational and cultural performing 72849  
arts facility, including debt service charges on bonds provided 72850  
for in division (B) of section 307.674 of the Revised Code, and to 72851  
pay all obligations under any guaranty agreements, reimbursement 72852  
agreements, or other credit enhancement agreements described in 72853  
division (C) of section 307.674 of the Revised Code. The 72854  
resolution may also provide for the extension of the tax at the 72855  
same rate for the longer of the period of time determined by the 72856  
legislative authority of the county, but not to exceed an 72857  
additional twenty-five years, or the period of time required to 72858  
pay all debt service charges on bonds provided for in division (B) 72859  
of section 307.672 of the Revised Code and on port authority 72860  
revenue bonds provided for in division (B) of section 307.674 of 72861  
the Revised Code. All revenues arising from the amendment and 72862  
extension of the tax shall be expended in accordance with section 72863  
307.674 of the Revised Code, this division, and division (E) of 72864  
this section. 72865

(G) For purposes of a tax levied by a county, township, or 72866  
municipal corporation under this section or section 5739.08 of the 72867  
Revised Code, a board of county commissioners, board of township 72868  
trustees, or the legislative authority of a municipal corporation 72869  
may adopt a resolution or ordinance at any time specifying that 72870  
"hotel," as otherwise defined in section 5739.01 of the Revised 72871  
Code, includes the following: 72872

(1) Establishments in which fewer than five rooms are used 72873  
for the accommodation of guests. 72874

(2) Establishments at which rooms are used for the 72875  
accommodation of guests regardless of whether each room is 72876  
accessible through its own keyed entry or several rooms are 72877  
accessible through the same keyed entry; and, in determining the 72878  
number of rooms, all rooms are included regardless of the number 72879  
of structures in which the rooms are situated or the number of 72880  
parcels of land on which the structures are located if the 72881  
structures are under the same ownership and the structures are not 72882  
identified in advertisements of the accommodations as distinct 72883  
establishments. For the purposes of division (G)(2) of this 72884  
section, two or more structures are under the same ownership if 72885  
they are owned by the same person, or if they are owned by two or 72886  
more persons the majority of the ownership interests of which are 72887  
owned by the same person. 72888

The resolution or ordinance may apply to a tax imposed 72889  
pursuant to this section prior to the adoption of the resolution 72890  
or ordinance if the resolution or ordinance so states, but the tax 72891  
shall not apply to transactions by which lodging by such an 72892  
establishment is provided to transient guests prior to the 72893  
adoption of the resolution or ordinance. 72894

(H)(1) As used in this division: 72895

(a) "Convention facilities authority" has the same meaning as 72896  
in section 351.01 of the Revised Code. 72897

(b) "Convention center" has the same meaning as in section 72898  
307.695 of the Revised Code. 72899

(2) Notwithstanding any contrary provision of division (D) of 72900  
this section, the legislative authority of a county with a 72901  
population of one million or more according to the most recent 72902  
federal decennial census that has levied a tax under division (D) 72903  
of this section may, by resolution adopted by a majority of the 72904  
members of the legislative authority, provide for the extension of 72905

such levy and may provide that the proceeds of that tax, to the extent that they are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code, shall be deposited into the county general revenue fund. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (D) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million or more that has levied a tax under division (A)(1) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A)(1) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A)(1) of this section, the resolution may provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be deposited in the county general fund.

(4) The legislative authority of a county with a population of one million or more that has levied a tax under division (A)(1) of this section may, by resolution adopted on or before August 30, 2004, by a majority of the members of the legislative authority, provide that all or a portion of the proceeds of the tax levied under division (A)(1) of this section, after deducting the real and actual costs of administering the tax and the amounts required to be returned to townships and municipal corporations with respect to the first three per cent levied under division (A)(1) of this section, shall be deposited in the county general fund, provided that such proceeds shall be used to satisfy any pledges

made in connection with an agreement entered into under section 72938  
307.695 of the Revised Code. 72939

(5) No amount collected from a tax levied, extended, or 72940  
required to be deposited in the county general fund under division 72941  
(H) of this section shall be contributed to a convention 72942  
facilities authority, corporation, or other entity created after 72943  
July 1, 2003, for the principal purpose of constructing, 72944  
improving, expanding, equipping, financing, or operating a 72945  
convention center unless the mayor of the municipal corporation in 72946  
which the convention center is to be operated by that convention 72947  
facilities authority, corporation, or other entity has consented 72948  
to the creation of that convention facilities authority, 72949  
corporation, or entity. Notwithstanding any contrary provision of 72950  
section 351.04 of the Revised Code, if a tax is levied by a county 72951  
under division (H) of this section, the board of county 72952  
commissioners of that county may determine the manner of 72953  
selection, the qualifications, the number, and terms of office of 72954  
the members of the board of directors of any convention facilities 72955  
authority, corporation, or other entity described in division 72956  
(H)(5) of this section. 72957

(6)(a) No amount collected from a tax levied, extended, or 72958  
required to be deposited in the county general fund under division 72959  
(H) of this section may be used for any purpose other than paying 72960  
the direct and indirect costs of constructing, improving, 72961  
expanding, equipping, financing, or operating a convention center 72962  
and for the real and actual costs of administering the tax, 72963  
unless, prior to the adoption of the resolution of the legislative 72964  
authority of the county authorizing the levy, extension, increase, 72965  
or deposit, the county and the mayor of the most populous 72966  
municipal corporation in that county have entered into an 72967  
agreement as to the use of such amounts, provided that such 72968  
agreement has been approved by a majority of the mayors of the 72969

other municipal corporations in that county. The agreement shall 72970  
provide that the amounts to be used for purposes other than paying 72971  
the convention center or administrative costs described in 72972  
division (H)(6)(a) of this section be used only for the direct and 72973  
indirect costs of capital improvements, including the financing of 72974  
capital improvements. 72975

(b) If the county in which the tax is levied has an 72976  
association of mayors and city managers, the approval of that 72977  
association of an agreement described in division (H)(6)(a) of 72978  
this section shall be considered to be the approval of the 72979  
majority of the mayors of the other municipal corporations for 72980  
purposes of that division. 72981

(7) Each year, the auditor of state shall conduct an audit of 72982  
the uses of any amounts collected from taxes levied, extended, or 72983  
deposited under division (H) of this section and shall prepare a 72984  
report of the auditor of state's findings. The auditor of state 72985  
shall submit the report to the legislative authority of the county 72986  
that has levied, extended, or deposited the tax, the speaker of 72987  
the house of representatives, the president of the senate, and the 72988  
leaders of the minority parties of the house of representatives 72989  
and the senate. 72990

(I)(1) As used in this division: 72991

(a) "Convention facilities authority" has the same meaning as 72992  
in section 351.01 of the Revised Code. 72993

(b) "Convention center" has the same meaning as in section 72994  
307.695 of the Revised Code. 72995

(2) Notwithstanding any contrary provision of division (D) of 72996  
this section, the legislative authority of a county with a 72997  
population of one million two hundred thousand or more according 72998  
to the most recent federal decennial census or the most recent 72999  
annual population estimate published or released by the United 73000

States census bureau at the time the resolution is adopted placing 73001  
the levy on the ballot, that has levied a tax under division (D) 73002  
of this section may, by resolution adopted by a majority of the 73003  
members of the legislative authority, provide for the extension of 73004  
such levy and may provide that the proceeds of that tax, to the 73005  
extent that the proceeds are no longer needed for their original 73006  
purpose as defined by a cooperative agreement entered into under 73007  
section 307.671 of the Revised Code and after deducting the real 73008  
and actual costs of administering the tax, shall be used for 73009  
paying the direct and indirect costs of constructing, improving, 73010  
expanding, equipping, financing, or operating a convention center. 73011  
The resolution shall provide for the extension of the tax at a 73012  
rate not to exceed the rate specified in division (D) of this 73013  
section for a period of time determined by the legislative 73014  
authority of the county, but not to exceed an additional forty 73015  
years. 73016

(3) The legislative authority of a county with a population 73017  
of one million two hundred thousand or more that has levied a tax 73018  
under division (A)(1) of this section may, by resolution adopted 73019  
by a majority of the members of the legislative authority, 73020  
increase the rate of the tax levied by such county under division 73021  
(A)(1) of this section to a rate not to exceed five per cent on 73022  
transactions by which lodging by a hotel is or is to be furnished 73023  
to transient guests. Notwithstanding any contrary provision of 73024  
division (A)(1) of this section, the resolution shall provide that 73025  
all collections resulting from the rate levied in excess of three 73026  
per cent, after deducting the real and actual costs of 73027  
administering the tax, shall be used for paying the direct and 73028  
indirect costs of constructing, improving, expanding, equipping, 73029  
financing, or operating a convention center. 73030

(4) The legislative authority of a county with a population 73031  
of one million two hundred thousand or more that has levied a tax 73032

under division (A)(1) of this section may, by resolution adopted 73033  
on or before July 1, 2008, by a majority of the members of the 73034  
legislative authority, provide that all or a portion of the 73035  
proceeds of the tax levied under division (A)(1) of this section, 73036  
after deducting the real and actual costs of administering the tax 73037  
and the amounts required to be returned to townships and municipal 73038  
corporations with respect to the first three per cent levied under 73039  
division (A)(1) of this section, shall be used to satisfy any 73040  
pledges made in connection with an agreement entered into under 73041  
section 307.695 of the Revised Code or shall otherwise be used for 73042  
paying the direct and indirect costs of constructing, improving, 73043  
expanding, equipping, financing, or operating a convention center. 73044

(5) Any amount collected from a tax levied or extended under 73045  
division (I) of this section may be contributed to a convention 73046  
facilities authority created before July 1, 2005, but no amount 73047  
collected from a tax levied or extended under division (I) of this 73048  
section may be contributed to a convention facilities authority, 73049  
corporation, or other entity created after July 1, 2005, unless 73050  
the mayor of the municipal corporation in which the convention 73051  
center is to be operated by that convention facilities authority, 73052  
corporation, or other entity has consented to the creation of that 73053  
convention facilities authority, corporation, or entity. 73054

(J)(1) Except as provided in division (J)(2) of this section, 73055  
money collected by a county and distributed under this section to 73056  
a convention and visitors' bureau in existence as of June 30, 73057  
2013, the effective date of H.B. 59 of the 130th general assembly, 73058  
except for any such money pledged, as of that effective date, to 73059  
the payment of debt service charges on bonds, notes, securities, 73060  
or lease agreements, shall be used solely for tourism sales, 73061  
marketing and promotion, and their associated costs, including, 73062  
but not limited to, operational and administrative costs of the 73063  
bureau, sales and marketing, and maintenance of the physical 73064

bureau structure. 73065

(2) A convention and visitors' bureau that has entered into 73066  
an agreement under section 307.678 of the Revised Code may use 73067  
revenue it receives from a tax levied under division (A)(1) of 73068  
this section as described in division (E) of section 307.678 of 73069  
the Revised Code. 73070

(K) The board of county commissioners of a county with a 73071  
population between one hundred three thousand and one hundred 73072  
seven thousand according to the most recent federal decennial 73073  
census, by resolution adopted by a majority of the members of the 73074  
board within six months after September 15, 2014, the effective 73075  
date of H.B. 483 of the 130th general assembly, may levy a tax not 73076  
to exceed three per cent on transactions by which a hotel is or is 73077  
to be furnished to transient guests. The purpose of the tax shall 73078  
be to pay the costs of expanding, maintaining, or operating a 73079  
soldiers' memorial and the costs of administering the tax. All 73080  
revenue arising from the tax shall be credited to one or more 73081  
special funds in the county treasury and shall be spent solely for 73082  
the purposes of paying those costs. The board of county 73083  
commissioners shall adopt all rules necessary to provide for the 73084  
administration of the tax subject to the same limitations on 73085  
imposing penalty or interest under division (A)(1) of this 73086  
section. 73087

As used in this division "soldiers' memorial" means a 73088  
memorial constructed and funded under Chapter 345. of the Revised 73089  
Code. 73090

(L) A board of county commissioners of an eligible county, by 73091  
resolution adopted by a majority of the members of the board, may 73092  
levy an excise tax at the rate of up to three per cent on 73093  
transactions by which lodging by a hotel is or is to be furnished 73094  
to transient guests for the purpose of paying the costs of 73095  
permanent improvements at sites at which one or more agricultural 73096

societies conduct fairs or exhibits, paying the costs of 73097  
maintaining or operating such permanent improvements, and paying 73098  
the costs of administering the tax. A resolution adopted under 73099  
this division, other than a resolution that only extends the 73100  
period of time for which the tax is levied, shall direct the board 73101  
of elections to submit the question of the proposed lodging tax to 73102  
the electors of the county at a special election held on the date 73103  
specified by the board in the resolution, provided that the 73104  
election occurs not less than ninety days after a certified copy 73105  
of the resolution is transmitted to the board of elections. A 73106  
resolution submitted to the electors under this division shall not 73107  
go into effect unless it is approved by a majority of those voting 73108  
upon it. The resolution takes effect on the date the board of 73109  
county commissioners receives notification from the board of 73110  
elections of an affirmative vote. 73111

The tax shall remain in effect for the period specified in 73112  
the resolution, not to exceed five years, and may be extended for 73113  
an additional period of time not to exceed fifteen years 73114  
thereafter by a resolution adopted by a majority of the members of 73115  
the board. A resolution extending the period of time for which the 73116  
tax is in effect is not subject to approval of the electors of the 73117  
county, but is subject to referendum under sections 305.31 to 73118  
305.99 of the Revised Code. All revenue arising from the tax shall 73119  
be credited to one or more special funds in the county treasury 73120  
and shall be spent solely for the purposes of paying the costs of 73121  
such permanent improvements and maintaining or operating the 73122  
improvements. Revenue allocated for the use of a county 73123  
agricultural society may be credited to the county agricultural 73124  
society fund created in section 1711.16 of the Revised Code upon 73125  
appropriation by the board. If revenue is credited to that fund, 73126  
it shall be expended only as provided in that section. 73127

The board of county commissioners shall adopt all rules 73128

necessary to provide for the administration of the tax. The rules 73129  
may prescribe the time for payment of the tax, and may provide for 73130  
the imposition or penalty or interest, or both, for late payments, 73131  
provided that the penalty does not exceed ten per cent of the 73132  
amount of tax due, and the rate at which interest accrues does not 73133  
exceed the rate per annum prescribed in section 5703.47 of the 73134  
Revised Code. 73135

As used in this division, "eligible county" means a county in 73136  
which a county agricultural society or independent agricultural 73137  
society is organized under section 1711.01 or 1711.02 of the 73138  
Revised Code, provided the agricultural society owns a facility or 73139  
site in the county at which an annual harness horse race is 73140  
conducted where one-day attendance equals at least forty thousand 73141  
attendees. 73142

(M) As used in this division, "eligible county" means a 73143  
county in which a tax is levied under division (A) of this section 73144  
at a rate of three per cent and whose territory includes a part of 73145  
Lake Erie the shoreline of which represents at least fifty per 73146  
cent of the linear length of the county's border with other 73147  
counties of this state. 73148

The board of county commissioners of an eligible county that 73149  
has entered into an agreement with a port authority in the county 73150  
under section 4582.56 of the Revised Code may levy an additional 73151  
lodging tax on transactions by which lodging by a hotel is or is 73152  
to be furnished to transient guests for the purpose of financing 73153  
lakeshore improvement projects constructed or financed by the port 73154  
authority under that section. The resolution levying the tax shall 73155  
specify the purpose of the tax, the rate of the tax, which shall 73156  
not exceed two per cent, and the number of years the tax will be 73157  
levied or that it will be levied for a continuing period of time. 73158  
The tax shall be administered pursuant to the regulations adopted 73159  
by the board under division (A) of this section, except that all 73160

the proceeds of the tax levied under this division shall be 73161  
pledged to the payment of the costs, including debt charges, of 73162  
lakeshore improvements undertaken by a port authority pursuant to 73163  
the agreement under section 4582.56 of the Revised Code. No 73164  
revenue from the tax may be used to pay the current expenses of 73165  
the port authority. 73166

A resolution levying a tax under this division is subject to 73167  
referendum under sections 305.31 to 305.41 and 305.99 of the 73168  
Revised Code. 73169

(N)(1)(a) Notwithstanding division (A) of this section, the 73170  
board of county commissioners, board of township trustees, or 73171  
legislative authority of any county, township, or municipal 73172  
corporation that levies a lodging tax on September 29, 2017, and 73173  
in which any part of a tourism development district is located on 73174  
or after that date shall amend the ordinance or resolution levying 73175  
the tax to require either of the following: 73176

(i) In the case of a tax levied by a county, that all tourism 73177  
development district lodging tax proceeds from that tax be used 73178  
exclusively to foster and develop tourism in the tourism 73179  
development district; 73180

(ii) In the case of a tax levied by a township or municipal 73181  
corporation, that all tourism development district lodging tax 73182  
proceeds from that tax be used exclusively to foster and develop 73183  
tourism in the tourism development district. 73184

(b) Notwithstanding division (A) of this section, any 73185  
ordinance or resolution levying a lodging tax adopted on or after 73186  
September 29, 2017, by a county, township, or municipal 73187  
corporation in which any part of a tourism development district is 73188  
located on or after that date shall require that all tourism 73189  
development district lodging tax proceeds from that tax be used 73190  
exclusively to foster and develop tourism in the tourism 73191

development district. 73192

(c) A county shall not use any of the proceeds described in 73193  
division (N)(1)(a)(i) or (N)(1)(b) of this section unless the 73194  
convention and visitors' bureau operating within the county 73195  
approves the manner in which such proceeds are used to foster and 73196  
develop tourism in the tourism development district. Upon 73197  
obtaining such approval, the county may pay such proceeds to the 73198  
bureau to use for the agreed-upon purpose. 73199

A municipal corporation or township shall not use any of the 73200  
proceeds described in division (N)(1)(a)(ii) or (N)(1)(b) of this 73201  
section unless the convention and visitors' bureau operating 73202  
within the municipal corporation or township approves the manner 73203  
in which such proceeds are used to foster and develop tourism in 73204  
the tourism development district. Upon obtaining such approval, 73205  
the municipal corporation or township may pay such proceeds to the 73206  
bureau to use for the agreed-upon purpose. 73207

(2)(a) Notwithstanding division (A) of this section, the 73208  
board of county commissioners of an eligible county that levies a 73209  
lodging tax on March 23, 2018, may amend the resolution levying 73210  
that tax to require that all or a portion of the proceeds of that 73211  
tax otherwise required to be spent solely to make contributions to 73212  
the convention and visitors' bureau operating within the county 73213  
shall be used to foster and develop tourism in a tourism 73214  
development district. 73215

(b) Notwithstanding division (A) of this section, the board 73216  
of county commissioners of an eligible county that adopts a 73217  
resolution levying a lodging tax on or after March 23, 2018, may 73218  
require that all or a portion of the proceeds of that tax 73219  
otherwise required to be spent solely to make contributions to the 73220  
convention and visitors' bureau operating within the county 73221  
pursuant to division (A) of this section shall be used to foster 73222  
and develop tourism in a tourism development district. 73223

(c) A county shall not use any of the proceeds in the manner described in division (N)(2)(a) or (b) of this section unless the convention and visitors' bureau operating within the county approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the county may pay such proceeds to the bureau to use for the agreed upon purpose.

(3) As used in division (N) of this section:

(a) "Tourism development district" means a district designated by a municipal corporation under section 715.014 of the Revised Code or by a township under section 503.56 of the Revised Code.

(b) "Lodging tax" means a tax levied pursuant to this section or section 5739.08 of the Revised Code.

(c) "Tourism development district lodging tax proceeds" means all proceeds of a lodging tax derived from transactions by which lodging by a hotel located in a tourism development district is or is to be provided to transient guests.

(d) "Eligible county" has the same meaning as in section 307.678 of the Revised Code.

(O) A tax levied pursuant to this section on transactions by which lodging by a hotel is or is to be furnished to transient guests, if the transaction is conducted through a hotel intermediary, shall be levied on the basis of the lodging's fair market value. The hotel intermediary shall collect the tax due from the purchaser and remit it to the subdivision levying the tax.

**Sec. 5741.01.** As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships,

associations, joint-stock companies, joint ventures, clubs, 73254  
societies, corporations, business trusts, governments, and 73255  
combinations of individuals of any form. 73256

(B) "Storage" means and includes any keeping or retention in 73257  
this state for use or other consumption in this state. 73258

(C) "Use" means and includes the exercise of any right or 73259  
power incidental to the ownership of the thing used. A thing is 73260  
also "used" in this state if its consumer gives or otherwise 73261  
distributes it, without charge, to recipients in this state. 73262

(D) "Purchase" means acquired or received for a 73263  
consideration, whether such acquisition or receipt was effected by 73264  
a transfer of title, or of possession, or of both, or a license to 73265  
use or consume; whether such transfer was absolute or conditional, 73266  
and by whatever means the transfer was effected; and whether the 73267  
consideration was money, credit, barter, or exchange. Purchase 73268  
includes production, even though the article produced was used, 73269  
stored, or consumed by the producer. The transfer of copyrighted 73270  
motion picture films for exhibition purposes is not a purchase, 73271  
except such films as are used solely for advertising purposes. 73272

(E) "Seller" means the person from whom a purchase is made, 73273  
and includes every person engaged in this state or elsewhere in 73274  
the business of selling tangible personal property or providing a 73275  
service for storage, use, or other consumption or benefit in this 73276  
state; and when, in the opinion of the tax commissioner, it is 73277  
necessary for the efficient administration of this chapter, to 73278  
regard any salesperson, representative, peddler, or canvasser as 73279  
the agent of a dealer, distributor, supervisor, or employer under 73280  
whom the person operates, or from whom the person obtains tangible 73281  
personal property, sold by the person for storage, use, or other 73282  
consumption in this state, irrespective of whether or not the 73283  
person is making such sales on the person's own behalf, or on 73284  
behalf of such dealer, distributor, supervisor, or employer, the 73285

commissioner may regard the person as such agent, and may regard 73286  
such dealer, distributor, supervisor, or employer as the seller. 73287  
~~"Seller"~~ A marketplace facilitator shall be treated as the 73288  
"seller" with respect to all sales facilitated by the marketplace 73289  
facilitator on behalf of one or more marketplace sellers on and 73290  
after the first day of the first month that begins at least thirty 73291  
days after the marketplace facilitator first has substantial nexus 73292  
with this state. Otherwise, "seller" does not include any person 73293  
to the extent the person provides a communications medium, such 73294  
as, but not limited to, newspapers, magazines, radio, television, 73295  
or cable television, by means of which sellers solicit purchases 73296  
of their goods or services. 73297

(F) "Consumer" means any person who has purchased tangible 73298  
personal property or has been provided a service for storage, use, 73299  
or other consumption or benefit in this state. "Consumer" does not 73300  
include a person who receives, without charge, tangible personal 73301  
property or a service. 73302

A person who performs a facility management or similar 73303  
service contract for a contractee is a consumer of all tangible 73304  
personal property and services purchased for use in connection 73305  
with the performance of such contract, regardless of whether title 73306  
to any such property vests in the contractee. The purchase of such 73307  
property and services is not subject to the exception for resale 73308  
under division (E) of section 5739.01 of the Revised Code. 73309

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 73310  
of this section, has the same meaning as in division (H)(1) of 73311  
section 5739.01 of the Revised Code. 73312

(2) In the case of watercraft, outboard motors, or new motor 73313  
vehicles, "price" has the same meaning as in divisions (H)(2) and 73314  
(3) of section 5739.01 of the Revised Code. 73315

(3) In the case of a nonresident business consumer that 73316

purchases and uses tangible personal property outside this state 73317  
and subsequently temporarily stores, uses, or otherwise consumes 73318  
such tangible personal property in the conduct of business in this 73319  
state, the consumer or the tax commissioner may determine the 73320  
price based on the value of the temporary storage, use, or other 73321  
consumption, in lieu of determining the price pursuant to division 73322  
(G)(1) of this section. A price determination made by the consumer 73323  
is subject to review and redetermination by the commissioner. 73324

(4) In the case of tangible personal property held in this 73325  
state as inventory for sale or lease, and that is temporarily 73326  
stored, used, or otherwise consumed in a taxable manner, the price 73327  
is the value of the temporary use. A price determination made by 73328  
the consumer is subject to review and redetermination by the 73329  
commissioner. 73330

(5) In the case of tangible personal property originally 73331  
purchased and used by the consumer outside this state, and that 73332  
becomes permanently stored, used, or otherwise consumed in this 73333  
state more than six months after its acquisition by the consumer, 73334  
the consumer or the commissioner may determine the price based on 73335  
the current value of such tangible personal property, in lieu of 73336  
determining the price pursuant to division (G)(1) of this section. 73337  
A price determination made by the consumer is subject to review 73338  
and redetermination by the commissioner. 73339

(6) If a consumer produces tangible personal property for 73340  
sale and removes that property from inventory for the consumer's 73341  
own use, the price is the produced cost of that tangible personal 73342  
property. 73343

(H) "Nexus with this state" means that the seller engages in 73344  
continuous and widespread solicitation of purchases from residents 73345  
of this state or otherwise purposefully directs its business 73346  
activities at residents of this state. 73347

(I)(1) "Substantial nexus with this state" means that the seller has sufficient contact with this state, in accordance with Section 8 of Article I of the Constitution of the United States, to allow the state to require the seller to collect and remit use tax on sales of tangible personal property or services made to consumers in this state.

(2) "Substantial nexus with this state" is presumed to exist when the seller does any of the following:

(a) Uses an office, distribution facility, warehouse, storage facility, or similar place of business within this state, whether operated by the seller or any other person, other than a common carrier acting in its capacity as a common carrier.

(b) Regularly uses employees, agents, representatives, solicitors, installers, repairers, salespersons, or other persons in this state for the purpose of conducting the business of the seller or either to engage in a business with the same or a similar industry classification as the seller selling a similar product or line of products as the seller, or to use trademarks, service marks, or trade names in this state that are the same or substantially similar to those used by the seller.

(c) Uses any person, other than a common carrier acting in its capacity as a common carrier, in this state for any of the following purposes:

(i) Receiving or processing orders of the seller's goods or services;

(ii) Using that person's employees or facilities in this state to advertise, promote, or facilitate sales by the seller to customers;

(iii) Delivering, installing, assembling, or performing maintenance services for the seller's customers;

(iv) Facilitating the seller's delivery of tangible personal property to customers in this state by allowing the seller's customers to pick up property sold by the seller at an office, distribution facility, warehouse, storage facility, or similar place of business. 73378  
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(d) Makes regular deliveries of tangible personal property into this state by means other than common carrier. 73383  
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(e) Has an affiliated person that has substantial nexus with this state. 73385  
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(f) Owns tangible personal property that is rented or leased to a consumer in this state, or offers tangible personal property, on approval, to consumers in this state. 73387  
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~~(g) Enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers to the seller, whether by a link on a web site, an in person oral presentation, telemarketing, or otherwise, provided the cumulative gross receipts from sales to consumers referred to the seller by all such residents exceeded ten thousand dollars during the preceding twelve months.~~ 73390  
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~~(h) Uses in state software to sell or lease taxable tangible personal property or services to consumers, provided the seller has~~ Has gross receipts in excess of ~~five~~ one hundred thousand dollars in the current or preceding calendar year from the sale of tangible personal property for storage, use, or consumption in this state or from providing services the benefit of which is realized in this state. 73398  
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~~(i) Provides or enters into an agreement with another person to provide a content distribution network in this state to accelerate or enhance the delivery of the seller's web site to consumers, provided the seller has gross receipts in excess of~~ 73405  
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~~five hundred thousand dollars~~ (h) Engages, in the current or 73409  
preceding calendar year ~~from the sale of , in two hundred or more~~ 73410  
separate transactions selling tangible personal property for 73411  
storage, use, or consumption in this state or ~~from~~ providing 73412  
services the benefit of which is realized in this state. 73413

(3) A seller presumed to have substantial nexus with this 73414  
state under divisions (I)(2)(a) to (f), (g), and (h), ~~and (i)~~ of 73415  
this section may rebut that presumption by demonstrating that 73416  
activities described in any of those divisions that are conducted 73417  
by a person in this state on the seller's behalf are not 73418  
significantly associated with the seller's ability to establish or 73419  
maintain a market in this state for the seller's sales. 73420

~~(4) A seller presumed to have substantial nexus with this~~ 73421  
~~state under division (I)(2)(g) of this section may rebut that~~ 73422  
~~presumption by submitting proof that each resident engaged by the~~ 73423  
~~seller as described in that division did not engage in any~~ 73424  
~~activity within this state during the preceding twelve months that~~ 73425  
~~was significantly associated with the seller's ability to~~ 73426  
~~establish or maintain the seller's market in this state during the~~ 73427  
~~preceding twelve months. Such proof may consist of sworn written~~ 73428  
~~statements from all the residents with whom the seller has an~~ 73429  
~~agreement stating that the resident did not engage in any~~ 73430  
~~solicitation in this state on behalf of the seller during the~~ 73431  
~~preceding twelve months if such statements are provided and~~ 73432  
~~obtained in good faith. A marketplace facilitator is presumed to~~ 73433  
have substantial nexus with this state if either of the following 73434  
apply in the current or preceding calendar year: 73435

(a) The aggregate gross receipts derived from sales of 73436  
tangible personal property for storage, use, or consumption in 73437  
this state or services the benefit of which is realized in this 73438  
state, including sales made by the marketplace facilitator on its 73439  
own behalf and sales facilitated by the marketplace facilitator on 73440

behalf of one or more marketplace sellers, exceed one hundred thousand dollars; 73441  
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(b) The marketplace facilitator engages in on its own behalf, or facilitates on behalf of one or more marketplace sellers, two hundred or more separate transactions selling tangible personal property for storage, use, or consumption in this state or services the benefit of which is realized in this state. 73443  
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(5) A seller that does not have substantial nexus with this state, and any affiliated person of the seller, before selling or leasing tangible personal property or services to a state agency, shall register with the tax commissioner in the same manner as a seller described in division (A)(1) of section 5741.17 of the Revised Code. 73448  
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(6) As used in division (I) of this section: 73454

(a) "Affiliated person" means any person that is a member of the same controlled group of corporations as the seller or any other person that, notwithstanding the form of organization, bears the same ownership relationship to the seller as a corporation that is a member of the same controlled group of corporations. 73455  
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(b) "Controlled group of corporations" has the same meaning as in section 1563(a) of the Internal Revenue Code. 73460  
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(c) "State agency" has the same meaning as in section 1.60 of the Revised Code. 73462  
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~~(d) "In state software" means computer software, as that term is defined in section 5739.01 of the Revised Code, that is stored on property in this state or is distributed within this state for the purpose of facilitating a seller's sales.~~ 73464  
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~~(e) "Content delivery network" means a system of distributed servers that deliver web sites and other web content to a user based on the geographic location of the user, the origin of the~~ 73468  
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~~web site or web content, and a content delivery server.~~ 73471

(J) "Fiscal officer" means, with respect to a regional 73472  
transit authority, the secretary-treasurer thereof, and with 73473  
respect to a county which is a transit authority, the fiscal 73474  
officer of the county transit board appointed pursuant to section 73475  
306.03 of the Revised Code or, if the board of county 73476  
commissioners operates the county transit system, the county 73477  
auditor. 73478

(K) "Territory of the transit authority" means all of the 73479  
area included within the territorial boundaries of a transit 73480  
authority as they from time to time exist. Such territorial 73481  
boundaries must at all times include all the area of a single 73482  
county or all the area of the most populous county which is a part 73483  
of such transit authority. County population shall be measured by 73484  
the most recent census taken by the United States census bureau. 73485

(L) "Transit authority" means a regional transit authority 73486  
created pursuant to section 306.31 of the Revised Code or a county 73487  
in which a county transit system is created pursuant to section 73488  
306.01 of the Revised Code. For the purposes of this chapter, a 73489  
transit authority must extend to at least the entire area of a 73490  
single county. A transit authority which includes territory in 73491  
more than one county must include all the area of the most 73492  
populous county which is a part of such transit authority. County 73493  
population shall be measured by the most recent census taken by 73494  
the United States census bureau. 73495

(M) "Providing a service" has the same meaning as in section 73496  
5739.01 of the Revised Code. 73497

(N) "Other consumption" includes receiving the benefits of a 73498  
service. 73499

(O) "Lease" or "rental" has the same meaning as in section 73500  
5739.01 of the Revised Code. 73501

(P) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code. 73502  
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(Q) "Remote sale" means a sale for which the seller could not be legally required to pay, collect, or remit a tax imposed under this chapter or Chapter 5739. of the Revised Code, unless otherwise provided by the laws of the United States. 73504  
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(R) "Remote seller" means a seller that lacks substantial nexus with this state but is required to register with the tax commissioner under section 5741.17 of the Revised Code pursuant to federal law authorizing states to require such sellers to register, collect, and remit use tax. A seller that is not required to register with the commissioner under division (A) of section 5741.17 of the Revised Code but registers voluntarily under division (B) of that section is not a "remote seller." A seller that registers with the commissioner under section 5741.17 of the Revised Code after the effective date of any federal law that authorizes states to require sellers that lack substantial nexus with the state to register, collect, and remit use tax is presumed to be a "remote seller." The seller or the commissioner may rebut this presumption with evidence that the seller has substantial nexus with this state. 73508  
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(S) "Remote small seller" means a remote seller that has gross annual receipts from remote sales in the United States not exceeding one million dollars for the preceding calendar year. For the purposes of determining whether a person is a small remote seller, the sales of all persons related within the meaning of subsection (b) or (c) of section 267 or section 707(b)(1) of the Internal Revenue Code shall be aggregated, and persons with one or more ownership relationships shall be aggregated if those relationships were designed with the principal purpose to qualify as a remote small seller. 73523  
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(T) "Marketplace facilitator" means a person that owns, 73533

operates, or controls a physical or electronic marketplace through 73534  
which retail sales are facilitated on behalf of one or more 73535  
marketplace sellers, or an affiliate of such a person. 73536

(U) "Marketplace seller" means a person on behalf of which a 73537  
marketplace facilitator facilitates the sale of tangible personal 73538  
property for storage, use, or consumption in this state or 73539  
services the benefit of which are realized in this state, 73540  
regardless of whether or not the person has a substantial nexus 73541  
with this state. 73542

(V) "Electronic marketplace" includes digital distribution 73543  
services, digital distribution platforms, online portals, 73544  
application stores, computer software applications, in-app 73545  
purchase mechanisms, or other digital products. 73546

(W) A sale is "facilitated" by a marketplace facilitator on 73547  
behalf of a marketplace seller if it satisfies divisions (W)(1), 73548  
(2), and (3) of this section: 73549

(1) The marketplace facilitator, directly or indirectly, does 73550  
any of the following: 73551

(a) Lists, makes available, or advertises the tangible 73552  
personal property or services that are the subject of the sale in 73553  
a physical or electronic marketplace owned, operated, or 73554  
controlled by the marketplace facilitator; 73555

(b) Transmits or otherwise communicates an offer or 73556  
acceptance of the sale between the marketplace seller and the 73557  
purchaser in a shop, store, booth, catalog, internet site, or 73558  
other similar forum; 73559

(c) Owns, rents, licenses, makes available, or operates any 73560  
electronic or physical infrastructure or any property, process, 73561  
method, copyright, trademark, or patent that connects the 73562  
marketplace seller to the purchaser for the purpose of making 73563  
sales; 73564

(d) Provides the marketplace in which the sale was made or otherwise facilitates the sale regardless of ownership or control of the tangible personal property or services that are the subject of the sale; 73565  
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(e) Provides software development or research and development services directly related to a physical or electronic marketplace that is involved in one or more of the activities described in division (W)(1) of this section; 73569  
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(f) Provides fulfillment or storage services for the marketplace seller that are related to the tangible personal property or services that are the subject of the sale; 73573  
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(g) Sets the price of the sale on behalf of the marketplace seller; 73576  
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(h) Provides or offers customer service to the marketplace seller or the marketplace seller's customers, or accepts or assists with taking orders, returns, or exchanges of the tangible personal property or services that are the subject of the sale; 73578  
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(i) Brands or otherwise identifies the sale as a sale of the marketplace facilitator. 73582  
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(2) The marketplace facilitator, directly or indirectly, does any of the following: 73584  
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(a) Collects the price of the tangible personal property or services sold to the consumer; 73586  
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(b) Provides payment processing services for the sale; 73588

(c) Charges, collects, or otherwise receives selling fees, listing fees, referral fees, closing fees, fees for inserting or making available the tangible personal property or services on a marketplace, or other consideration from the facilitation of the sale regardless of ownership or control of the tangible personal property or services that are the subject of the sale; 73589  
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(d) Collects payment in connection with the sale from the consumer through terms and conditions, agreements, or arrangements with a third party, and transmits that payment to the marketplace seller, regardless of whether the person collecting and transmitting such payment receives compensation or other consideration in exchange for the service; 73595  
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(e) Provides virtual currency that consumers are allowed or required to use to purchase the tangible personal property or services that are the subject of the sale. 73601  
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(3) The subject of the sale is tangible personal property or services other than lodging by a hotel that is or is to be furnished to transient guests. 73604  
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**Sec. 5741.04.** Every seller required to register with the tax commissioner pursuant to section 5741.17 of the Revised Code who is engaged in the business of selling or facilitating the sale of tangible personal property in this state for storage, use, or other consumption in this state, to which section 5741.02 of the Revised Code applies, or which is subject to a tax levied pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code, shall, and any other seller who is authorized by rule of the tax commissioner to do so may, collect from the consumer the full and exact amount of the tax payable on each such storage, use, or consumption, in the manner and at the times provided as follows: 73607  
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(A) If the price is, at or prior to the delivery of possession of the thing sold to the consumer, paid in currency passed from hand to hand by the consumer or the consumer's agent, to the seller or the seller's agent, the seller or the seller's agent shall collect the tax with and at the same time as the price. 73618  
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(B) If the price is otherwise paid or to be paid, the seller or the seller's agent shall, at or prior to the delivery of 73624  
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possession of the thing sold to the consumer, charge the tax 73626  
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 73627  
5741.023 of the Revised Code to the account of the consumer, which 73628  
amount shall be collected by the seller from the consumer in 73629  
addition to the price. Such transaction shall be reported on the 73630  
return for the period in which the transaction occurred, and the 73631  
amount of tax applicable to the transaction shall be remitted with 73632  
the return or, if the consumer is subject to section 5741.121 of 73633  
the Revised Code, in the manner prescribed by that section. The 73634  
amount of the tax shall become a legal charge in favor of the 73635  
seller and against the consumer. 73636

(C) It shall be the obligation of each consumer, as required 73637  
by section 5741.12 of the Revised Code, to report and pay the 73638  
taxes levied by sections 5741.021, 5741.022, and 5741.023 of the 73639  
Revised Code, if applicable, on any storage, use, or other 73640  
consumption of tangible personal property purchased in this state 73641  
from a vendor required to be licensed pursuant to section 5739.17 73642  
of the Revised Code. 73643

**Sec. 5741.05.** As used in this section, "receive" means taking 73644  
possession of tangible personal property or making first use of a 73645  
service. "Receive" does not include possession by a shipping 73646  
company on behalf of a consumer. 73647

(A) ~~A~~ Except as otherwise provided in division (B) of this 73648  
section, a seller that collects the tax levied by sections 73649  
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code on 73650  
transactions, other than sales of titled motor vehicles, titled 73651  
watercraft, or titled outboard motors, shall determine under 73652  
section 5739.033 or 5739.034 of the Revised Code the jurisdiction 73653  
for which to collect the tax. ~~A~~ 73654

(B) A marketplace facilitator that collects the tax levied by 73655  
sections 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised 73656

Code on sales facilitated by the marketplace facilitator, other than sales of titled motor vehicles, titled watercraft, or titled outboard motors, shall determine the jurisdiction for which to collect the tax as follows: 73657  
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(1) The location known to the marketplace facilitator where the consumer or the donee designated by the consumer receives the tangible personal property or service, including the location indicated by instructions for delivery to the consumer or the consumer's donee; 73661  
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(2) If division (B)(1) of this section does not apply, the location indicated by an address for the consumer that is available from the marketplace facilitator's business records that are maintained in the ordinary course of the marketplace facilitator's business, when use of that address does not constitute bad faith; 73666  
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(3) If divisions (B)(1) and (2) of this section do not apply, the location indicated by an address for the consumer obtained during the consummation of the sale, including the address associated with the consumer's payment instrument, if no other address is available, when use of that address does not constitute bad faith. 73672  
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(4) If divisions (B)(1), (2), and (3) of this section do not apply, including in the circumstance where the marketplace facilitator is without sufficient information to apply any of those divisions, the address from which tangible personal property was shipped, or from which the service was provided, disregarding any location that merely provided the electronic transfer of the property sold or service provided. 73678  
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(C) A vendor or seller of motor vehicles, watercraft, or outboard motors required to be titled in this state shall collect the tax levied by section 5739.02 or 5741.02 of the Revised Code 73685  
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and the additional taxes levied by division (A)(1) of section 73688  
5741.021, division (A)(1) of section 5741.022, and division (A)(1) 73689  
of section 5741.023 of the Revised Code for the consumer's county 73690  
of residence as provided in section 1548.06 and division (B) of 73691  
section 4505.06 of the Revised Code. 73692

~~(B)~~(D) A vendor or seller is not responsible for collecting 73693  
or remitting additional tax if a consumer subsequently stores, 73694  
uses, or consumes the tangible personal property or service in 73695  
another jurisdiction with a rate of tax imposed by sections 73696  
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code that 73697  
is higher than the amount collected by the vendor or seller 73698  
pursuant to Chapter 5739. or 5741. of the Revised Code. 73699

Sec. 5741.07. Except as otherwise provided in section 5741.11 73700  
of the Revised Code, a marketplace facilitator that is treated as 73701  
a seller pursuant to division (E) of section 5741.01 of the 73702  
Revised Code has the same rights and obligations under this 73703  
chapter as other sellers. Such obligations include registering 73704  
with the tax commissioner under section 5741.17 of the Revised 73705  
Code and collecting and remitting the taxes levied under this 73706  
chapter on sales facilitated by the marketplace facilitator in 73707  
accordance with section 5741.04 of the Revised Code. A marketplace 73708  
facilitator's rights and obligations regarding a sale are not 73709  
affected by the amount of the price paid by the consumer that will 73710  
accrue to or benefit the marketplace facilitator as compared to 73711  
the marketplace seller for which the sale is facilitated, or by 73712  
whether or not such marketplace seller has substantial nexus with 73713  
this state, registers with the tax commissioner under section 73714  
5741.17 of the Revised Code, or collects and remits taxes on sales 73715  
not facilitated by a marketplace facilitator in accordance with 73716  
section 5741.04 of the Revised Code. 73717

A marketplace seller that is required to collect and remit 73718

the taxes levied under this chapter shall continue to do so for 73719  
all sales other than those facilitated by a marketplace 73720  
facilitator that is treated as a seller pursuant to division (E) 73721  
of section 5741.01 of the Revised Code, including sales 73722  
facilitated before the first day of the first month that begins at 73723  
least thirty days after the marketplace facilitator first has 73724  
substantial nexus with this state. 73725

**Sec. 5741.11.** ~~If~~ (A) Except as otherwise provided in 73726  
divisions (B) and (C) of this section, if any seller who is 73727  
required or authorized to collect the tax imposed by or pursuant 73728  
to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised 73729  
Code fails to do so, ~~he~~ the seller shall be liable personally for 73730  
such amount as ~~he~~ the seller failed to collect. If any seller 73731  
collects the tax imposed by or pursuant to any such section and 73732  
fails to remit the same to the state as prescribed, ~~he~~ the seller 73733  
shall be personally liable for any amount collected ~~which he~~ that 73734  
the seller failed to remit. The tax commissioner may make an 73735  
assessment against such seller, based upon any information within 73736  
~~his~~ the commissioner's possession. The commissioner shall give to 73737  
the seller written notice of such assessment. Such notice may be 73738  
served upon the seller personally or by certified mail. 73739

(B) A marketplace facilitator is relieved of all liability 73740  
under division (A) of this section for failure to collect the tax 73741  
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 73742  
5741.023 of the Revised Code on a sale facilitated by the 73743  
marketplace facilitator on behalf of an unaffiliated marketplace 73744  
seller if it is demonstrated to the satisfaction of the 73745  
commissioner that the marketplace facilitator made a reasonable 73746  
effort to obtain accurate information about the sale from the 73747  
marketplace seller and that the marketplace facilitator failed to 73748  
collect the correct amount of tax because of incorrect information 73749  
provided by the marketplace seller. 73750

If a marketplace facilitator is relieved of liability under this division, the marketplace seller for which the sale was facilitated and the purchaser are personally liable for any amount of tax that is not properly collected, paid, or remitted.

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(C) Division (B) of this section does not absolve a marketplace facilitator, marketplace seller, or any other person from personal liability for collecting but failing to remit the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code.

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(D) No class action may be brought against a marketplace facilitator in any court of this state on behalf of consumers arising from or in any way related to an overpayment of the tax imposed by or pursuant to sections 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code on sales facilitated by the marketplace facilitator, regardless of whether the claim is characterized as a tax refund claim.

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**Sec. 5741.13.** (A) Except as provided in division (B) of this section:

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(1) If any person required by section 5741.12 of the Revised Code to make a return to the tax commissioner fails to make such return at the time required by or under authority of such section, the commissioner may make an assessment against such person, based upon any information within the commissioner's possession. The commissioner shall give to such person written notice of the assessment as provided in section 5703.37 of the Revised Code.

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(2) If information in the possession of the commissioner indicates that the tax paid by any consumer is less than that due, the commissioner may audit a representative sample of that consumer's purchases and may issue an assessment based thereon. The commissioner shall make a good faith effort to reach agreement with the consumer on selecting a representative sample.

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(3) If information in the possession of the commissioner 73782  
indicates that the amount required to be collected or paid under 73783  
this chapter is greater than the amount remitted by the seller, 73784  
the commissioner may audit a representative sample of the seller's 73785  
sales to determine the per cent of exempt or taxable transactions 73786  
or the effective tax rate and may issue an assessment based on the 73787  
audit. The commissioner shall make a good faith effort to reach 73788  
agreement with the seller in selecting a representative sample. 73789

(B) The commissioner may audit only the marketplace 73790  
facilitator for sales with respect to which the marketplace 73791  
facilitator is treated as the seller pursuant to division (E) of 73792  
section 5741.01 of the Revised Code and may not audit the 73793  
marketplace seller on behalf of which the sale was facilitated. 73794  
This division does not absolve a marketplace seller or the 73795  
purchaser from personal liability under division (B) of section 73796  
5741.11 of the Revised Code for taxes that are not properly 73797  
collected, paid, or remitted due to the inability of the 73798  
marketplace facilitator to obtain accurate information about the 73799  
sale from the marketplace seller. 73800

**Sec. 5741.17.** (A)(1) Except as otherwise provided in 73801  
divisions (A)(2), (3), and (4) of this section, every seller of 73802  
tangible personal property or services who has substantial nexus 73803  
with this state shall register with the tax commissioner and 73804  
supply any information concerning the seller's contacts with this 73805  
state that may be required by the commissioner. 73806

(2) A seller who is licensed as a vendor pursuant to section 73807  
5739.17 of the Revised Code shall not be required to register with 73808  
the commissioner pursuant to this section if all sales to 73809  
consumers in this state are made under the authority of the 73810  
seller's vendor's license. 73811

~~(3) Unless the seller has substantial nexus with this state 73812~~

~~pursuant to division (I)(2)(g) of section 5741.01 of the Revised Code,~~ a A seller is not required to register under this section if the seller has no contact with this state other than an agency relationship with a person engaged in the business of telemarketing in this state and engaged by the seller exclusively for the purpose of solicitation of customers in other states.

(4) A seller is not required to register under this section if the seller has no contact with this state other than the ownership of property that is located at the facility of a printer with which the seller has contracted for printing and that consists of the final printed product, property that becomes a part of the final printed product, or copy from which the final printed product is produced.

(B) A seller who does not have substantial nexus with this state may voluntarily register with the commissioner. A seller who voluntarily registers with the commissioner under this section is entitled to the same benefits and is subject to the same duties and requirements as a seller required to be registered with the commissioner under this chapter.

The commissioner shall maintain an alphabetical index of all sellers registered under this chapter and records of the use tax reported and paid. Upon request, this information shall be made available to the treasurer of state.

(C) A remote small seller is not required to register under this section.

**Sec. 5743.62.** (A) To provide revenue for the general revenue fund of the state, an excise tax is hereby levied on the seller of tobacco products in this state at one of the following rates:

(1) For tobacco products other than little cigars or premium cigars, seventeen per cent of the wholesale price of the tobacco

product whenever the tobacco product is delivered to a consumer in 73843  
this state for the storage, use, or other consumption of such 73844  
tobacco products. 73845

(2) For little cigars, thirty-seven per cent of the wholesale 73846  
price of the little cigars whenever the little cigars are 73847  
delivered to a consumer in this state for the storage, use, or 73848  
other consumption of the little cigars. 73849

(3) For premium cigars, whenever the premium cigars are 73850  
delivered to a consumer in this state for the storage, use, or 73851  
other consumption of the premium cigars, the lesser of seventeen 73852  
per cent of the wholesale price of such premium cigars or the 73853  
maximum tax amount per each such premium cigar. 73854

The tax imposed by this section applies only to sellers 73855  
having substantial nexus ~~in~~ with this state, as defined in section 73856  
5741.01 of the Revised Code. 73857

(B) A seller of tobacco products who has substantial nexus ~~in~~ 73858  
with this state as defined in section 5741.01 of the Revised Code 73859  
shall register with the tax commissioner and supply any 73860  
information concerning the seller's contacts with this state as 73861  
may be required by the tax commissioner. A seller who does not 73862  
have substantial nexus ~~in~~ with this state may voluntarily register 73863  
with the tax commissioner. A seller who voluntarily registers with 73864  
the tax commissioner is entitled to the same benefits and is 73865  
subject to the same duties and requirements as a seller required 73866  
to be registered with the tax commissioner under this division. 73867

(C) Each seller of tobacco products subject to the tax levied 73868  
by this section, on or before the last day of each month, shall 73869  
file with the tax commissioner a return for the preceding month 73870  
showing any information the tax commissioner finds necessary for 73871  
the proper administration of sections 5743.51 to 5743.66 of the 73872  
Revised Code, together with remittance of the tax due, payable to 73873

the treasurer of state. The return and payment of the tax required 73874  
by this section shall be filed in such a manner that it is 73875  
received by the tax commissioner on or before the last day of the 73876  
month following the reporting period. If the return is filed and 73877  
the amount of the tax shown on the return to be due is paid on or 73878  
before the date the return is required to be filed, the seller is 73879  
entitled to a discount equal to two and five-tenths per cent of 73880  
the amount shown on the return to be due. 73881

(D) The tax commissioner shall immediately forward to the 73882  
treasurer of state all money received from the tax levied by this 73883  
section, and the treasurer shall credit the amount to the general 73884  
revenue fund. 73885

(E) Each seller of tobacco products subject to the tax levied 73886  
by this section shall mark on the invoices of tobacco products 73887  
sold that the tax levied by that section has been paid and shall 73888  
indicate the seller's account number as assigned by the tax 73889  
commissioner. 73890

**Sec. 5745.05.** (A) Prior to the first day of March, June, 73891  
September, and December, the tax commissioner shall certify to the 73892  
director of budget and management the amount to be paid to each 73893  
municipal corporation, as indicated on the declaration of 73894  
estimated tax reports and annual reports received under sections 73895  
5745.03 and 5745.04 of the Revised Code, less any amounts 73896  
previously distributed and net of any audit adjustments made by 73897  
the tax commissioner. Not later than the first day of March, June, 73898  
September, and December, the director of budget and management 73899  
shall provide for payment of the amount certified to each 73900  
municipal corporation from the municipal income tax fund, plus a 73901  
pro rata share of any investment earnings accruing to the fund 73902  
since the previous payment under this section apportioned among 73903  
municipal corporations entitled to such payments in proportion to 73904

the amount certified by the tax commissioner, and minus any 73905  
reduction required by the commissioner under division (D) of 73906  
section 718.83 of the Revised Code. All investment earnings on 73907  
money in the municipal income tax fund shall be credited to that 73908  
fund. 73909

(B) If the tax commissioner determines that the amount of tax 73910  
paid by a taxpayer and distributed to a municipal corporation 73911  
under this section for a taxable year exceeds the amount payable 73912  
to that municipal corporation under this chapter after accounting 73913  
for amounts remitted with the annual report and as estimated 73914  
taxes, the tax commissioner shall permit the taxpayer to credit 73915  
the excess against the taxpayer's payments to the municipal 73916  
corporation of estimated taxes remitted for an ensuing taxable 73917  
year under section 5745.04 of the Revised Code. If, upon the 73918  
written request of the taxpayer, the tax commissioner determines 73919  
that the excess to be so credited is likely to exceed the amount 73920  
of estimated taxes payable by the taxpayer to the municipal 73921  
corporation during the ensuing twelve months, the tax commissioner 73922  
shall so notify the municipal corporation and the municipal 73923  
corporation shall issue a refund of the excess to the taxpayer 73924  
within ninety days after receiving such a notice. Interest shall 73925  
accrue on the amount to be refunded and is payable to the taxpayer 73926  
at the rate per annum prescribed by section 5703.47 of the Revised 73927  
Code from the ninety-first day after the notice is received by the 73928  
municipal corporation until the day the refund is paid. 73929  
Immediately after notifying a municipal corporation under this 73930  
division of an excess to be refunded, the commissioner also shall 73931  
notify the director of budget and management of the amount of the 73932  
excess, and the director shall transfer from the municipal income 73933  
tax administrative fund to the municipal income tax fund one and 73934  
one-half per cent of the amount of the excess. The commissioner 73935  
shall include the transferred amount in the computation of the 73936  
amount due the municipal corporation in the next certification to 73937

the director under division (A) of this section. 73938

**Sec. 5747.01.** Except as otherwise expressly provided or 73939  
clearly appearing from the context, any term used in this chapter 73940  
that is not otherwise defined in this section has the same meaning 73941  
as when used in a comparable context in the laws of the United 73942  
States relating to federal income taxes or if not used in a 73943  
comparable context in those laws, has the same meaning as in 73944  
section 5733.40 of the Revised Code. Any reference in this chapter 73945  
to the Internal Revenue Code includes other laws of the United 73946  
States relating to federal income taxes. 73947

As used in this chapter: 73948

(A) "Adjusted gross income" or "Ohio adjusted gross income" 73949  
means federal adjusted gross income, as defined and used in the 73950  
Internal Revenue Code, adjusted as provided in this section: 73951

(1) Add interest or dividends on obligations or securities of 73952  
any state or of any political subdivision or authority of any 73953  
state, other than this state and its subdivisions and authorities. 73954

(2) Add interest or dividends on obligations of any 73955  
authority, commission, instrumentality, territory, or possession 73956  
of the United States to the extent that the interest or dividends 73957  
are exempt from federal income taxes but not from state income 73958  
taxes. 73959

(3) Deduct interest or dividends on obligations of the United 73960  
States and its territories and possessions or of any authority, 73961  
commission, or instrumentality of the United States to the extent 73962  
that the interest or dividends are included in federal adjusted 73963  
gross income but exempt from state income taxes under the laws of 73964  
the United States. 73965

(4) Deduct disability and survivor's benefits to the extent 73966  
included in federal adjusted gross income. 73967

(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code. 73968  
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(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter. 73972  
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"Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of this section, (ii) the amount of federal income taxes attributable to such income, and (iii) the amount of taxable income that has been included in the adjusted gross income of a beneficiary by reason of a prior accumulation distribution. Any undistributed net income included in the adjusted gross income of a beneficiary shall reduce the undistributed net income of the trust commencing with the earliest years of the accumulation period. 73981  
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(7) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal adjusted gross income for the taxable year, had the targeted jobs credit allowed and determined under sections 38, 51, and 52 of the Internal Revenue Code not been in effect. 73994  
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(8) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent that the interest or interest equivalent is included in federal adjusted gross income. 74000  
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(9) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of public obligations to the extent that the loss has been deducted or the gain has been included in computing federal adjusted gross income. 74004  
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(10) Deduct or add amounts, as provided under section 5747.70 of the Revised Code, related to contributions to variable college savings program accounts made or tuition units purchased pursuant to Chapter 3334. of the Revised Code. 74008  
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(11)(a) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer paid during the taxable year for medical care insurance and qualified long-term care insurance for the taxpayer, the taxpayer's spouse, and dependents. No deduction for medical care insurance under division (A)(11) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(11)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(11)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year. 74012  
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(b) Deduct, to the extent not otherwise deducted or excluded 74031

in computing federal or Ohio adjusted gross income during the 74032  
taxable year, the amount the taxpayer paid during the taxable 74033  
year, not compensated for by any insurance or otherwise, for 74034  
medical care of the taxpayer, the taxpayer's spouse, and 74035  
dependents, to the extent the expenses exceed seven and one-half 74036  
per cent of the taxpayer's federal adjusted gross income. 74037

(c) Deduct, to the extent not otherwise deducted or excluded 74038  
in computing federal or Ohio adjusted gross income, any amount 74039  
included in federal adjusted gross income under section 105 or not 74040  
excluded under section 106 of the Internal Revenue Code solely 74041  
because it relates to an accident and health plan for a person who 74042  
otherwise would be a "qualifying relative" and thus a "dependent" 74043  
under section 152 of the Internal Revenue Code but for the fact 74044  
that the person fails to meet the income and support limitations 74045  
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 74046

(d) For purposes of division (A)(11) of this section, 74047  
"medical care" has the meaning given in section 213 of the 74048  
Internal Revenue Code, subject to the special rules, limitations, 74049  
and exclusions set forth therein, and "qualified long-term care" 74050  
has the same meaning given in section 7702B(c) of the Internal 74051  
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 74052  
of this section, "dependent" includes a person who otherwise would 74053  
be a "qualifying relative" and thus a "dependent" under section 74054  
152 of the Internal Revenue Code but for the fact that the person 74055  
fails to meet the income and support limitations under section 74056  
152(d)(1)(B) and (C) of the Internal Revenue Code. 74057

(12)(a) Deduct any amount included in federal adjusted gross 74058  
income solely because the amount represents a reimbursement or 74059  
refund of expenses that in any year the taxpayer had deducted as 74060  
an itemized deduction pursuant to section 63 of the Internal 74061  
Revenue Code and applicable United States department of the 74062  
treasury regulations. The deduction otherwise allowed under 74063

division (A)(12)(a) of this section shall be reduced to the extent 74064  
the reimbursement is attributable to an amount the taxpayer 74065  
deducted under this section in any taxable year. 74066

(b) Add any amount not otherwise included in Ohio adjusted 74067  
gross income for any taxable year to the extent that the amount is 74068  
attributable to the recovery during the taxable year of any amount 74069  
deducted or excluded in computing federal or Ohio adjusted gross 74070  
income in any taxable year. 74071

(13) Deduct any portion of the deduction described in section 74072  
1341(a)(2) of the Internal Revenue Code, for repaying previously 74073  
reported income received under a claim of right, that meets both 74074  
of the following requirements: 74075

(a) It is allowable for repayment of an item that was 74076  
included in the taxpayer's adjusted gross income for a prior 74077  
taxable year and did not qualify for a credit under division (A) 74078  
or (B) of section 5747.05 of the Revised Code for that year; 74079

(b) It does not otherwise reduce the taxpayer's adjusted 74080  
gross income for the current or any other taxable year. 74081

(14) Deduct an amount equal to the deposits made to, and net 74082  
investment earnings of, a medical savings account during the 74083  
taxable year, in accordance with section 3924.66 of the Revised 74084  
Code. The deduction allowed by division (A)(14) of this section 74085  
does not apply to medical savings account deposits and earnings 74086  
otherwise deducted or excluded for the current or any other 74087  
taxable year from the taxpayer's federal adjusted gross income. 74088

(15)(a) Add an amount equal to the funds withdrawn from a 74089  
medical savings account during the taxable year, and the net 74090  
investment earnings on those funds, when the funds withdrawn were 74091  
used for any purpose other than to reimburse an account holder 74092  
for, or to pay, eligible medical expenses, in accordance with 74093  
section 3924.66 of the Revised Code; 74094

(b) Add the amounts distributed from a medical savings account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year. 74095  
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(16) Add any amount claimed as a credit under section 5747.059 or 5747.65 of the Revised Code to the extent that such amount satisfies either of the following: 74098  
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(a) The amount was deducted or excluded from the computation of the taxpayer's federal adjusted gross income as required to be reported for the taxpayer's taxable year under the Internal Revenue Code; 74101  
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(b) The amount resulted in a reduction of the taxpayer's federal adjusted gross income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code. 74105  
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(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section. 74108  
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(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of 74116  
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this state and is enrolled in or attending a program that 74126  
culminates in a degree or diploma at an eligible institution. The 74127  
deduction may be claimed only to the extent that qualified tuition 74128  
and fees are not otherwise deducted or excluded for any taxable 74129  
year from federal or Ohio adjusted gross income. The deduction may 74130  
not be claimed for educational expenses for which the taxpayer 74131  
claims a credit under section 5747.27 of the Revised Code. 74132

(19) Add any reimbursement received during the taxable year 74133  
of any amount the taxpayer deducted under division (A)(18) of this 74134  
section in any previous taxable year to the extent the amount is 74135  
not otherwise included in Ohio adjusted gross income. 74136

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and 74137  
(v) of this section, add five-sixths of the amount of depreciation 74138  
expense allowed by subsection (k) of section 168 of the Internal 74139  
Revenue Code, including the taxpayer's proportionate or 74140  
distributive share of the amount of depreciation expense allowed 74141  
by that subsection to a pass-through entity in which the taxpayer 74142  
has a direct or indirect ownership interest. 74143

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 74144  
this section, add five-sixths of the amount of qualifying section 74145  
179 depreciation expense, including the taxpayer's proportionate 74146  
or distributive share of the amount of qualifying section 179 74147  
depreciation expense allowed to any pass-through entity in which 74148  
the taxpayer has a direct or indirect ownership interest. 74149

(iii) Subject to division (A)(20)(a)(v) of this section, for 74150  
taxable years beginning in 2012 or thereafter, if the increase in 74151  
income taxes withheld by the taxpayer is equal to or greater than 74152  
ten per cent of income taxes withheld by the taxpayer during the 74153  
taxpayer's immediately preceding taxable year, "two-thirds" shall 74154  
be substituted for "five-sixths" for the purpose of divisions 74155  
(A)(20)(a)(i) and (ii) of this section. 74156

(iv) Subject to division (A)(20)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, a taxpayer is not required to add an amount under division (A)(20) of this section if the increase in income taxes withheld by the taxpayer and by any pass-through entity in which the taxpayer has a direct or indirect ownership interest is equal to or greater than the sum of (I) the amount of qualifying section 179 depreciation expense and (II) the amount of depreciation expense allowed to the taxpayer by subsection (k) of section 168 of the Internal Revenue Code, and including the taxpayer's proportionate or distributive shares of such amounts allowed to any such pass-through entities.

(v) If a taxpayer directly or indirectly incurs a net operating loss for the taxable year for federal income tax purposes, to the extent such loss resulted from depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code and by qualifying section 179 depreciation expense, "the entire" shall be substituted for "five-sixths of the" for the purpose of divisions (A)(20)(a)(i) and (ii) of this section.

The tax commissioner, under procedures established by the commissioner, may waive the add-backs related to a pass-through entity if the taxpayer owns, directly or indirectly, less than five per cent of the pass-through entity.

(b) Nothing in division (A)(20) of this section shall be construed to adjust or modify the adjusted basis of any asset.

(c) To the extent the add-back required under division (A)(20)(a) of this section is attributable to property generating nonbusiness income or loss allocated under section 5747.20 of the Revised Code, the add-back shall be situated to the same location as the nonbusiness income or loss generated by the property for the purpose of determining the credit under division (A) of section 5747.05 of the Revised Code. Otherwise, the add-back shall be apportioned, subject to one or more of the four alternative

methods of apportionment enumerated in section 5747.21 of the Revised Code. 74189  
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(d) For the purposes of division (A)(20)(a)(v) of this section, net operating loss carryback and carryforward shall not include the allowance of any net operating loss deduction carryback or carryforward to the taxable year to the extent such loss resulted from depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount. 74191  
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(e) For the purposes of divisions (A)(20) and (21) of this section: 74198  
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(i) "Income taxes withheld" means the total amount withheld and remitted under sections 5747.06 and 5747.07 of the Revised Code by an employer during the employer's taxable year. 74200  
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(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year. 74203  
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(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002. 74208  
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(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one of the following: 74215  
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(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of 74218  
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qualifying section 179 depreciation expense or depreciation 74220  
expense allowed by subsection (k) of section 168 of the Internal 74221  
Revenue Code; 74222

(ii) One-half of the amount so added for each of the two 74223  
succeeding taxable years if the amount so added was two-thirds of 74224  
such depreciation expense; 74225

(iii) One-sixth of the amount so added for each of the six 74226  
succeeding taxable years if the entire amount of such depreciation 74227  
expense was so added. 74228

(b) If the amount deducted under division (A)(21)(a) of this 74229  
section is attributable to an add-back allocated under division 74230  
(A)(20)(c) of this section, the amount deducted shall be sitused 74231  
to the same location. Otherwise, the add-back shall be apportioned 74232  
using the apportionment factors for the taxable year in which the 74233  
deduction is taken, subject to one or more of the four alternative 74234  
methods of apportionment enumerated in section 5747.21 of the 74235  
Revised Code. 74236

(c) No deduction is available under division (A)(21)(a) of 74237  
this section with regard to any depreciation allowed by section 74238  
168(k) of the Internal Revenue Code and by the qualifying section 74239  
179 depreciation expense amount to the extent that such 74240  
depreciation results in or increases a federal net operating loss 74241  
carryback or carryforward. If no such deduction is available for a 74242  
taxable year, the taxpayer may carry forward the amount not 74243  
deducted in such taxable year to the next taxable year and add 74244  
that amount to any deduction otherwise available under division 74245  
(A)(21)(a) of this section for that next taxable year. The 74246  
carryforward of amounts not so deducted shall continue until the 74247  
entire addition required by division (A)(20)(a) of this section 74248  
has been deducted. 74249

(d) No refund shall be allowed as a result of adjustments 74250

made by division (A)(21) of this section. 74251

(22) Deduct, to the extent not otherwise deducted or excluded 74252  
in computing federal or Ohio adjusted gross income for the taxable 74253  
year, the amount the taxpayer received during the taxable year as 74254  
reimbursement for life insurance premiums under section 5919.31 of 74255  
the Revised Code. 74256

(23) Deduct, to the extent not otherwise deducted or excluded 74257  
in computing federal or Ohio adjusted gross income for the taxable 74258  
year, the amount the taxpayer received during the taxable year as 74259  
a death benefit paid by the adjutant general under section 5919.33 74260  
of the Revised Code. 74261

(24) Deduct, to the extent included in federal adjusted gross 74262  
income and not otherwise allowable as a deduction or exclusion in 74263  
computing federal or Ohio adjusted gross income for the taxable 74264  
year, military pay and allowances received by the taxpayer during 74265  
the taxable year for active duty service in the United States 74266  
army, air force, navy, marine corps, or coast guard or reserve 74267  
components thereof or the national guard. The deduction may not be 74268  
claimed for military pay and allowances received by the taxpayer 74269  
while the taxpayer is stationed in this state. 74270

(25) Deduct, to the extent not otherwise allowable as a 74271  
deduction or exclusion in computing federal or Ohio adjusted gross 74272  
income for the taxable year and not otherwise compensated for by 74273  
any other source, the amount of qualified organ donation expenses 74274  
incurred by the taxpayer during the taxable year, not to exceed 74275  
ten thousand dollars. A taxpayer may deduct qualified organ 74276  
donation expenses only once for all taxable years beginning with 74277  
taxable years beginning in 2007. 74278

For the purposes of division (A)(25) of this section: 74279

(a) "Human organ" means all or any portion of a human liver, 74280  
pancreas, kidney, intestine, or lung, and any portion of human 74281

bone marrow. 74282

(b) "Qualified organ donation expenses" means travel 74283  
expenses, lodging expenses, and wages and salary forgone by a 74284  
taxpayer in connection with the taxpayer's donation, while living, 74285  
of one or more of the taxpayer's human organs to another human 74286  
being. 74287

(26) Deduct, to the extent not otherwise deducted or excluded 74288  
in computing federal or Ohio adjusted gross income for the taxable 74289  
year, amounts received by the taxpayer as retired personnel pay 74290  
for service in the uniformed services or reserve components 74291  
thereof, or the national guard, or received by the surviving 74292  
spouse or former spouse of such a taxpayer under the survivor 74293  
benefit plan on account of such a taxpayer's death. If the 74294  
taxpayer receives income on account of retirement paid under the 74295  
federal civil service retirement system or federal employees 74296  
retirement system, or under any successor retirement program 74297  
enacted by the congress of the United States that is established 74298  
and maintained for retired employees of the United States 74299  
government, and such retirement income is based, in whole or in 74300  
part, on credit for the taxpayer's uniformed service, the 74301  
deduction allowed under this division shall include only that 74302  
portion of such retirement income that is attributable to the 74303  
taxpayer's uniformed service, to the extent that portion of such 74304  
retirement income is otherwise included in federal adjusted gross 74305  
income and is not otherwise deducted under this section. Any 74306  
amount deducted under division (A)(26) of this section is not 74307  
included in a taxpayer's adjusted gross income for the purposes of 74308  
section 5747.055 of the Revised Code. No amount may be deducted 74309  
under division (A)(26) of this section on the basis of which a 74310  
credit was claimed under section 5747.055 of the Revised Code. 74311

(27) Deduct, to the extent not otherwise deducted or excluded 74312  
in computing federal or Ohio adjusted gross income for the taxable 74313

year, the amount the taxpayer received during the taxable year 74314  
from the military injury relief fund created in section 5902.05 of 74315  
the Revised Code. 74316

(28) Deduct, to the extent not otherwise deducted or excluded 74317  
in computing federal or Ohio adjusted gross income for the taxable 74318  
year, the amount the taxpayer received as a veterans bonus during 74319  
the taxable year from the Ohio department of veterans services as 74320  
authorized by Section 2r of Article VIII, Ohio Constitution. 74321

(29) Deduct, to the extent not otherwise deducted or excluded 74322  
in computing federal or Ohio adjusted gross income for the taxable 74323  
year, any income derived from a transfer agreement or from the 74324  
enterprise transferred under that agreement under section 4313.02 74325  
of the Revised Code. 74326

(30) Deduct, to the extent not otherwise deducted or excluded 74327  
in computing federal or Ohio adjusted gross income for the taxable 74328  
year, Ohio college opportunity or federal Pell grant amounts 74329  
received by the taxpayer or the taxpayer's spouse or dependent 74330  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 74331  
1070a, et seq., and used to pay room or board furnished by the 74332  
educational institution for which the grant was awarded at the 74333  
institution's facilities, including meal plans administered by the 74334  
institution. For the purposes of this division, receipt of a grant 74335  
includes the distribution of a grant directly to an educational 74336  
institution and the crediting of the grant to the enrollee's 74337  
account with the institution. 74338

~~(31)(a) For taxable years beginning in 2015, deduct from the 74339  
portion of an individual's adjusted gross income that is business 74340  
income, to the extent not otherwise deducted or excluded in 74341  
computing federal or Ohio adjusted gross income for the taxable 74342  
year, the lesser of the following amounts: 74343~~

~~(i) Seventy five per cent of the individual's business 74344~~

income; 74345

~~(ii) Ninety three thousand seven hundred fifty dollars for 74346  
each spouse if spouses file separate returns under section 5747.08 74347  
of the Revised Code or one hundred eighty seven thousand five 74348  
hundred dollars for all other individuals. 74349~~

~~(b) For taxable years beginning in 2016 or thereafter, deduct 74350  
Deduct from the portion of an individual's adjusted gross income 74351  
that is business income, to the extent not otherwise deducted or 74352  
excluded in computing federal adjusted gross income for the 74353  
taxable year, ~~one hundred twenty five~~ fifty thousand dollars for 74354  
each spouse if spouses file separate returns under section 5747.08 74355  
of the Revised Code or ~~two~~ one hundred ~~fifty~~ thousand dollars for 74356  
all other individuals. 74357~~

(32) Deduct, as provided under section 5747.78 of the Revised 74358  
Code, contributions to ABLE savings accounts made in accordance 74359  
with sections 113.50 to 113.56 of the Revised Code. 74360

(33)(a) Deduct, to the extent not otherwise deducted or 74361  
excluded in computing federal or Ohio adjusted gross income during 74362  
the taxable year, all of the following: 74363

(i) Compensation paid to a qualifying employee described in 74364  
division (A)(14)(a) of section 5703.94 of the Revised Code to the 74365  
extent such compensation is for disaster work conducted in this 74366  
state during a disaster response period pursuant to a qualifying 74367  
solicitation received by the employee's employer; 74368

(ii) Compensation paid to a qualifying employee described in 74369  
division (A)(14)(b) of section 5703.94 of the Revised Code to the 74370  
extent such compensation is for disaster work conducted in this 74371  
state by the employee during the disaster response period on 74372  
critical infrastructure owned or used by the employee's employer; 74373

(iii) Income received by an out-of-state disaster business 74374  
for disaster work conducted in this state during a disaster 74375

response period, or, if the out-of-state disaster business is a 74376  
pass-through entity, a taxpayer's distributive share of the 74377  
pass-through entity's income from the business conducting disaster 74378  
work in this state during a disaster response period, if, in 74379  
either case, the disaster work is conducted pursuant to a 74380  
qualifying solicitation received by the business. 74381

(b) All terms used in division (A)(33) of this section have 74382  
the same meanings as in section 5703.94 of the Revised Code. 74383

(B) "Business income" means income, including gain or loss, 74384  
arising from transactions, activities, and sources in the regular 74385  
course of a trade or business and includes income, gain, or loss 74386  
from real property, tangible property, and intangible property if 74387  
the acquisition, rental, management, and disposition of the 74388  
property constitute integral parts of the regular course of a 74389  
trade or business operation. "Business income" includes income, 74390  
including gain or loss, from a partial or complete liquidation of 74391  
a business, including, but not limited to, gain or loss from the 74392  
sale or other disposition of goodwill. 74393

(C) "Nonbusiness income" means all income other than business 74394  
income and may include, but is not limited to, compensation, rents 74395  
and royalties from real or tangible personal property, capital 74396  
gains, interest, dividends and distributions, patent or copyright 74397  
royalties, or lottery winnings, prizes, and awards. 74398

(D) "Compensation" means any form of remuneration paid to an 74399  
employee for personal services. 74400

(E) "Fiduciary" means a guardian, trustee, executor, 74401  
administrator, receiver, conservator, or any other person acting 74402  
in any fiduciary capacity for any individual, trust, or estate. 74403

(F) "Fiscal year" means an accounting period of twelve months 74404  
ending on the last day of any month other than December. 74405

(G) "Individual" means any natural person. 74406

(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 74407  
74408

(I) "Resident" means any of the following, provided that division (I)(3) of this section applies only to taxable years of a trust beginning in 2002 or thereafter: 74409  
74410  
74411

(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code; 74412  
74413

(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section. 74414  
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74416  
74417

(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part. 74418  
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74420

For the purposes of division (I)(3) of this section: 74421

(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following: 74422  
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(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section; 74428  
74429  
74430  
74431

(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion 74432  
74433  
74434  
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of the trust's current taxable year; 74437

(iii) A person who was domiciled in this state for the 74438  
purposes of this chapter when the trust document or instrument or 74439  
part of the trust document or instrument became irrevocable, but 74440  
only if at least one of the trust's qualifying beneficiaries is a 74441  
resident domiciled in this state for the purposes of this chapter 74442  
during all or some portion of the trust's current taxable year. If 74443  
a trust document or instrument became irrevocable upon the death 74444  
of a person who at the time of death was domiciled in this state 74445  
for purposes of this chapter, that person is a person described in 74446  
division (I)(3)(a)(iii) of this section. 74447

(b) A trust is irrevocable to the extent that the transferor 74448  
is not considered to be the owner of the net assets of the trust 74449  
under sections 671 to 678 of the Internal Revenue Code. 74450

(c) With respect to a trust other than a charitable lead 74451  
trust, "qualifying beneficiary" has the same meaning as "potential 74452  
current beneficiary" as defined in section 1361(e)(2) of the 74453  
Internal Revenue Code, and with respect to a charitable lead trust 74454  
"qualifying beneficiary" is any current, future, or contingent 74455  
beneficiary, but with respect to any trust "qualifying 74456  
beneficiary" excludes a person or a governmental entity or 74457  
instrumentality to any of which a contribution would qualify for 74458  
the charitable deduction under section 170 of the Internal Revenue 74459  
Code. 74460

(d) For the purposes of division (I)(3)(a) of this section, 74461  
the extent to which a trust consists directly or indirectly, in 74462  
whole or in part, of assets, net of any related liabilities, that 74463  
were transferred directly or indirectly, in whole or part, to the 74464  
trust by any of the sources enumerated in that division shall be 74465  
ascertained by multiplying the fair market value of the trust's 74466  
assets, net of related liabilities, by the qualifying ratio, which 74467  
shall be computed as follows: 74468

(i) The first time the trust receives assets, the numerator 74469  
of the qualifying ratio is the fair market value of those assets 74470  
at that time, net of any related liabilities, from sources 74471  
enumerated in division (I)(3)(a) of this section. The denominator 74472  
of the qualifying ratio is the fair market value of all the 74473  
trust's assets at that time, net of any related liabilities. 74474

(ii) Each subsequent time the trust receives assets, a 74475  
revised qualifying ratio shall be computed. The numerator of the 74476  
revised qualifying ratio is the sum of (1) the fair market value 74477  
of the trust's assets immediately prior to the subsequent 74478  
transfer, net of any related liabilities, multiplied by the 74479  
qualifying ratio last computed without regard to the subsequent 74480  
transfer, and (2) the fair market value of the subsequently 74481  
transferred assets at the time transferred, net of any related 74482  
liabilities, from sources enumerated in division (I)(3)(a) of this 74483  
section. The denominator of the revised qualifying ratio is the 74484  
fair market value of all the trust's assets immediately after the 74485  
subsequent transfer, net of any related liabilities. 74486

(iii) Whether a transfer to the trust is by or from any of 74487  
the sources enumerated in division (I)(3)(a) of this section shall 74488  
be ascertained without regard to the domicile of the trust's 74489  
beneficiaries. 74490

(e) For the purposes of division (I)(3)(a)(i) of this 74491  
section: 74492

(i) A trust is described in division (I)(3)(e)(i) of this 74493  
section if the trust is a testamentary trust and the testator of 74494  
that testamentary trust was domiciled in this state at the time of 74495  
the testator's death for purposes of the taxes levied under 74496  
Chapter 5731. of the Revised Code. 74497

(ii) A trust is described in division (I)(3)(e)(ii) of this 74498  
section if the transfer is a qualifying transfer described in any 74499

of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 74500  
irrevocable inter vivos trust, and at least one of the trust's 74501  
qualifying beneficiaries is domiciled in this state for purposes 74502  
of this chapter during all or some portion of the trust's current 74503  
taxable year. 74504

(f) For the purposes of division (I)(3)(e)(ii) of this 74505  
section, a "qualifying transfer" is a transfer of assets, net of 74506  
any related liabilities, directly or indirectly to a trust, if the 74507  
transfer is described in any of the following: 74508

(i) The transfer is made to a trust, created by the decedent 74509  
before the decedent's death and while the decedent was domiciled 74510  
in this state for the purposes of this chapter, and, prior to the 74511  
death of the decedent, the trust became irrevocable while the 74512  
decedent was domiciled in this state for the purposes of this 74513  
chapter. 74514

(ii) The transfer is made to a trust to which the decedent, 74515  
prior to the decedent's death, had directly or indirectly 74516  
transferred assets, net of any related liabilities, while the 74517  
decedent was domiciled in this state for the purposes of this 74518  
chapter, and prior to the death of the decedent the trust became 74519  
irrevocable while the decedent was domiciled in this state for the 74520  
purposes of this chapter. 74521

(iii) The transfer is made on account of a contractual 74522  
relationship existing directly or indirectly between the 74523  
transferor and either the decedent or the estate of the decedent 74524  
at any time prior to the date of the decedent's death, and the 74525  
decedent was domiciled in this state at the time of death for 74526  
purposes of the taxes levied under Chapter 5731. of the Revised 74527  
Code. 74528

(iv) The transfer is made to a trust on account of a 74529  
contractual relationship existing directly or indirectly between 74530

the transferor and another person who at the time of the 74531  
decedent's death was domiciled in this state for purposes of this 74532  
chapter. 74533

(v) The transfer is made to a trust on account of the will of 74534  
a testator who was domiciled in this state at the time of the 74535  
testator's death for purposes of the taxes levied under Chapter 74536  
5731. of the Revised Code. 74537

(vi) The transfer is made to a trust created by or caused to 74538  
be created by a court, and the trust was directly or indirectly 74539  
created in connection with or as a result of the death of an 74540  
individual who, for purposes of the taxes levied under Chapter 74541  
5731. of the Revised Code, was domiciled in this state at the time 74542  
of the individual's death. 74543

(g) The tax commissioner may adopt rules to ascertain the 74544  
part of a trust residing in this state. 74545

(J) "Nonresident" means an individual or estate that is not a 74546  
resident. An individual who is a resident for only part of a 74547  
taxable year is a nonresident for the remainder of that taxable 74548  
year. 74549

(K) "Pass-through entity" has the same meaning as in section 74550  
5733.04 of the Revised Code. 74551

(L) "Return" means the notifications and reports required to 74552  
be filed pursuant to this chapter for the purpose of reporting the 74553  
tax due and includes declarations of estimated tax when so 74554  
required. 74555

(M) "Taxable year" means the calendar year or the taxpayer's 74556  
fiscal year ending during the calendar year, or fractional part 74557  
thereof, upon which the adjusted gross income is calculated 74558  
pursuant to this chapter. 74559

(N) "Taxpayer" means any person subject to the tax imposed by 74560

section 5747.02 of the Revised Code or any pass-through entity 74561  
that makes the election under division (D) of section 5747.08 of 74562  
the Revised Code. 74563

(O) "Dependents" means dependents as defined in the Internal 74564  
Revenue Code and as claimed in the taxpayer's federal income tax 74565  
return for the taxable year or which the taxpayer would have been 74566  
permitted to claim had the taxpayer filed a federal income tax 74567  
return. 74568

(P) "Principal county of employment" means, in the case of a 74569  
nonresident, the county within the state in which a taxpayer 74570  
performs services for an employer or, if those services are 74571  
performed in more than one county, the county in which the major 74572  
portion of the services are performed. 74573

(Q) As used in sections 5747.50 to 5747.55 of the Revised 74574  
Code: 74575

(1) "Subdivision" means any county, municipal corporation, 74576  
park district, or township. 74577

(2) "Essential local government purposes" includes all 74578  
functions that any subdivision is required by general law to 74579  
exercise, including like functions that are exercised under a 74580  
charter adopted pursuant to the Ohio Constitution. 74581

(R) "Overpayment" means any amount already paid that exceeds 74582  
the figure determined to be the correct amount of the tax. 74583

(S) "Taxable income" or "Ohio taxable income" applies only to 74584  
estates and trusts, and means federal taxable income, as defined 74585  
and used in the Internal Revenue Code, adjusted as follows: 74586

(1) Add interest or dividends, net of ordinary, necessary, 74587  
and reasonable expenses not deducted in computing federal taxable 74588  
income, on obligations or securities of any state or of any 74589  
political subdivision or authority of any state, other than this 74590

state and its subdivisions and authorities, but only to the extent 74591  
that such net amount is not otherwise includible in Ohio taxable 74592  
income and is described in either division (S)(1)(a) or (b) of 74593  
this section: 74594

(a) The net amount is not attributable to the S portion of an 74595  
electing small business trust and has not been distributed to 74596  
beneficiaries for the taxable year; 74597

(b) The net amount is attributable to the S portion of an 74598  
electing small business trust for the taxable year. 74599

(2) Add interest or dividends, net of ordinary, necessary, 74600  
and reasonable expenses not deducted in computing federal taxable 74601  
income, on obligations of any authority, commission, 74602  
instrumentality, territory, or possession of the United States to 74603  
the extent that the interest or dividends are exempt from federal 74604  
income taxes but not from state income taxes, but only to the 74605  
extent that such net amount is not otherwise includible in Ohio 74606  
taxable income and is described in either division (S)(1)(a) or 74607  
(b) of this section; 74608

(3) Add the amount of personal exemption allowed to the 74609  
estate pursuant to section 642(b) of the Internal Revenue Code; 74610

(4) Deduct interest or dividends, net of related expenses 74611  
deducted in computing federal taxable income, on obligations of 74612  
the United States and its territories and possessions or of any 74613  
authority, commission, or instrumentality of the United States to 74614  
the extent that the interest or dividends are exempt from state 74615  
taxes under the laws of the United States, but only to the extent 74616  
that such amount is included in federal taxable income and is 74617  
described in either division (S)(1)(a) or (b) of this section; 74618

(5) Deduct the amount of wages and salaries, if any, not 74619  
otherwise allowable as a deduction but that would have been 74620  
allowable as a deduction in computing federal taxable income for 74621

the taxable year, had the targeted jobs credit allowed under 74622  
sections 38, 51, and 52 of the Internal Revenue Code not been in 74623  
effect, but only to the extent such amount relates either to 74624  
income included in federal taxable income for the taxable year or 74625  
to income of the S portion of an electing small business trust for 74626  
the taxable year; 74627

(6) Deduct any interest or interest equivalent, net of 74628  
related expenses deducted in computing federal taxable income, on 74629  
public obligations and purchase obligations, but only to the 74630  
extent that such net amount relates either to income included in 74631  
federal taxable income for the taxable year or to income of the S 74632  
portion of an electing small business trust for the taxable year; 74633

(7) Add any loss or deduct any gain resulting from sale, 74634  
exchange, or other disposition of public obligations to the extent 74635  
that such loss has been deducted or such gain has been included in 74636  
computing either federal taxable income or income of the S portion 74637  
of an electing small business trust for the taxable year; 74638

(8) Except in the case of the final return of an estate, add 74639  
any amount deducted by the taxpayer on both its Ohio estate tax 74640  
return pursuant to section 5731.14 of the Revised Code, and on its 74641  
federal income tax return in determining federal taxable income; 74642

(9)(a) Deduct any amount included in federal taxable income 74643  
solely because the amount represents a reimbursement or refund of 74644  
expenses that in a previous year the decedent had deducted as an 74645  
itemized deduction pursuant to section 63 of the Internal Revenue 74646  
Code and applicable treasury regulations. The deduction otherwise 74647  
allowed under division (S)(9)(a) of this section shall be reduced 74648  
to the extent the reimbursement is attributable to an amount the 74649  
taxpayer or decedent deducted under this section in any taxable 74650  
year. 74651

(b) Add any amount not otherwise included in Ohio taxable 74652

income for any taxable year to the extent that the amount is 74653  
attributable to the recovery during the taxable year of any amount 74654  
deducted or excluded in computing federal or Ohio taxable income 74655  
in any taxable year, but only to the extent such amount has not 74656  
been distributed to beneficiaries for the taxable year. 74657

(10) Deduct any portion of the deduction described in section 74658  
1341(a)(2) of the Internal Revenue Code, for repaying previously 74659  
reported income received under a claim of right, that meets both 74660  
of the following requirements: 74661

(a) It is allowable for repayment of an item that was 74662  
included in the taxpayer's taxable income or the decedent's 74663  
adjusted gross income for a prior taxable year and did not qualify 74664  
for a credit under division (A) or (B) of section 5747.05 of the 74665  
Revised Code for that year. 74666

(b) It does not otherwise reduce the taxpayer's taxable 74667  
income or the decedent's adjusted gross income for the current or 74668  
any other taxable year. 74669

(11) Add any amount claimed as a credit under section 74670  
5747.059 or 5747.65 of the Revised Code to the extent that the 74671  
amount satisfies either of the following: 74672

(a) The amount was deducted or excluded from the computation 74673  
of the taxpayer's federal taxable income as required to be 74674  
reported for the taxpayer's taxable year under the Internal 74675  
Revenue Code; 74676

(b) The amount resulted in a reduction in the taxpayer's 74677  
federal taxable income as required to be reported for any of the 74678  
taxpayer's taxable years under the Internal Revenue Code. 74679

(12) Deduct any amount, net of related expenses deducted in 74680  
computing federal taxable income, that a trust is required to 74681  
report as farm income on its federal income tax return, but only 74682  
if the assets of the trust include at least ten acres of land 74683

satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income.

Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income. Division (S)(12) of this section applies only to taxable years of a trust beginning in 2002 or thereafter.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(20) or (21) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section. In the case of a trust, division (S)(14) of this section applies only to any of the trust's taxable years beginning in 2002 or thereafter.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability

company formed under Chapter 1705. of the Revised Code or under 74715  
the laws of any other state. 74716

(W) "Pass-through entity investor" means any person who, 74717  
during any portion of a taxable year of a pass-through entity, is 74718  
a partner, member, shareholder, or equity investor in that 74719  
pass-through entity. 74720

(X) "Banking day" has the same meaning as in section 1304.01 74721  
of the Revised Code. 74722

(Y) "Month" means a calendar month. 74723

(Z) "Quarter" means the first three months, the second three 74724  
months, the third three months, or the last three months of the 74725  
taxpayer's taxable year. 74726

(AA)(1) "Eligible institution" means a state university or 74727  
state institution of higher education as defined in section 74728  
3345.011 of the Revised Code, or a private, nonprofit college, 74729  
university, or other post-secondary institution located in this 74730  
state that possesses a certificate of authorization issued by the 74731  
chancellor of higher education pursuant to Chapter 1713. of the 74732  
Revised Code or a certificate of registration issued by the state 74733  
board of career colleges and schools under Chapter 3332. of the 74734  
Revised Code. 74735

(2) "Qualified tuition and fees" means tuition and fees 74736  
imposed by an eligible institution as a condition of enrollment or 74737  
attendance, not exceeding two thousand five hundred dollars in 74738  
each of the individual's first two years of post-secondary 74739  
education. If the individual is a part-time student, "qualified 74740  
tuition and fees" includes tuition and fees paid for the academic 74741  
equivalent of the first two years of post-secondary education 74742  
during a maximum of five taxable years, not exceeding a total of 74743  
five thousand dollars. "Qualified tuition and fees" does not 74744  
include: 74745

(a) Expenses for any course or activity involving sports, 74746  
games, or hobbies unless the course or activity is part of the 74747  
individual's degree or diploma program; 74748

(b) The cost of books, room and board, student activity fees, 74749  
athletic fees, insurance expenses, or other expenses unrelated to 74750  
the individual's academic course of instruction; 74751

(c) Tuition, fees, or other expenses paid or reimbursed 74752  
through an employer, scholarship, grant in aid, or other 74753  
educational benefit program. 74754

(BB)(1) "Modified business income" means the business income 74755  
included in a trust's Ohio taxable income after such taxable 74756  
income is first reduced by the qualifying trust amount, if any. 74757

(2) "Qualifying trust amount" of a trust means capital gains 74758  
and losses from the sale, exchange, or other disposition of equity 74759  
or ownership interests in, or debt obligations of, a qualifying 74760  
investee to the extent included in the trust's Ohio taxable 74761  
income, but only if the following requirements are satisfied: 74762

(a) The book value of the qualifying investee's physical 74763  
assets in this state and everywhere, as of the last day of the 74764  
qualifying investee's fiscal or calendar year ending immediately 74765  
prior to the date on which the trust recognizes the gain or loss, 74766  
is available to the trust. 74767

(b) The requirements of section 5747.011 of the Revised Code 74768  
are satisfied for the trust's taxable year in which the trust 74769  
recognizes the gain or loss. 74770

Any gain or loss that is not a qualifying trust amount is 74771  
modified business income, qualifying investment income, or 74772  
modified nonbusiness income, as the case may be. 74773

(3) "Modified nonbusiness income" means a trust's Ohio 74774  
taxable income other than modified business income, other than the 74775

qualifying trust amount, and other than qualifying investment 74776  
income, as defined in section 5747.012 of the Revised Code, to the 74777  
extent such qualifying investment income is not otherwise part of 74778  
modified business income. 74779

(4) "Modified Ohio taxable income" applies only to trusts, 74780  
and means the sum of the amounts described in divisions (BB)(4)(a) 74781  
to (c) of this section: 74782

(a) The fraction, calculated under section 5747.013, and 74783  
applying section 5747.231 of the Revised Code, multiplied by the 74784  
sum of the following amounts: 74785

(i) The trust's modified business income; 74786

(ii) The trust's qualifying investment income, as defined in 74787  
section 5747.012 of the Revised Code, but only to the extent the 74788  
qualifying investment income does not otherwise constitute 74789  
modified business income and does not otherwise constitute a 74790  
qualifying trust amount. 74791

(b) The qualifying trust amount multiplied by a fraction, the 74792  
numerator of which is the sum of the book value of the qualifying 74793  
investee's physical assets in this state on the last day of the 74794  
qualifying investee's fiscal or calendar year ending immediately 74795  
prior to the day on which the trust recognizes the qualifying 74796  
trust amount, and the denominator of which is the sum of the book 74797  
value of the qualifying investee's total physical assets 74798  
everywhere on the last day of the qualifying investee's fiscal or 74799  
calendar year ending immediately prior to the day on which the 74800  
trust recognizes the qualifying trust amount. If, for a taxable 74801  
year, the trust recognizes a qualifying trust amount with respect 74802  
to more than one qualifying investee, the amount described in 74803  
division (BB)(4)(b) of this section shall equal the sum of the 74804  
products so computed for each such qualifying investee. 74805

(c)(i) With respect to a trust or portion of a trust that is 74806

a resident as ascertained in accordance with division (I)(3)(d) of 74807  
this section, its modified nonbusiness income. 74808

(ii) With respect to a trust or portion of a trust that is 74809  
not a resident as ascertained in accordance with division 74810  
(I)(3)(d) of this section, the amount of its modified nonbusiness 74811  
income satisfying the descriptions in divisions (B)(2) to (5) of 74812  
section 5747.20 of the Revised Code, except as otherwise provided 74813  
in division (BB)(4)(c)(ii) of this section. With respect to a 74814  
trust or portion of a trust that is not a resident as ascertained 74815  
in accordance with division (I)(3)(d) of this section, the trust's 74816  
portion of modified nonbusiness income recognized from the sale, 74817  
exchange, or other disposition of a debt interest in or equity 74818  
interest in a section 5747.212 entity, as defined in section 74819  
5747.212 of the Revised Code, without regard to division (A) of 74820  
that section, shall not be allocated to this state in accordance 74821  
with section 5747.20 of the Revised Code but shall be apportioned 74822  
to this state in accordance with division (B) of section 5747.212 74823  
of the Revised Code without regard to division (A) of that 74824  
section. 74825

If the allocation and apportionment of a trust's income under 74826  
divisions (BB)(4)(a) and (c) of this section do not fairly 74827  
represent the modified Ohio taxable income of the trust in this 74828  
state, the alternative methods described in division (C) of 74829  
section 5747.21 of the Revised Code may be applied in the manner 74830  
and to the same extent provided in that section. 74831

(5)(a) Except as set forth in division (BB)(5)(b) of this 74832  
section, "qualifying investee" means a person in which a trust has 74833  
an equity or ownership interest, or a person or unit of government 74834  
the debt obligations of either of which are owned by a trust. For 74835  
the purposes of division (BB)(2)(a) of this section and for the 74836  
purpose of computing the fraction described in division (BB)(4)(b) 74837  
of this section, all of the following apply: 74838

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount.

(iii) For the purposes of division (BB)(5)(a)(iii) of this section, "upper level pass-through entity" means a pass-through entity directly or indirectly owning any equity of another pass-through entity, and "lower level pass-through entity" means that other pass-through entity.

An upper level pass-through entity, whether or not it is also a qualifying investee, is deemed to own, on the last day of the upper level pass-through entity's calendar or fiscal year, the proportionate share of the lower level pass-through entity's

physical assets that the lower level pass-through entity directly 74871  
or indirectly owns on the last day of the lower level pass-through 74872  
entity's calendar or fiscal year ending within or with the last 74873  
day of the upper level pass-through entity's fiscal or calendar 74874  
year. If the upper level pass-through entity directly and 74875  
indirectly owns less than fifty per cent of the equity of the 74876  
lower level pass-through entity on each day of the upper level 74877  
pass-through entity's calendar or fiscal year in which or with 74878  
which ends the calendar or fiscal year of the lower level 74879  
pass-through entity and if, based upon clear and convincing 74880  
evidence, complete information about the location and cost of the 74881  
physical assets of the lower pass-through entity is not available 74882  
to the upper level pass-through entity, then solely for purposes 74883  
of ascertaining if a gain or loss constitutes a qualifying trust 74884  
amount, the upper level pass-through entity shall be deemed as 74885  
owning no equity of the lower level pass-through entity for each 74886  
day during the upper level pass-through entity's calendar or 74887  
fiscal year in which or with which ends the lower level 74888  
pass-through entity's calendar or fiscal year. Nothing in division 74889  
(BB)(5)(a)(iii) of this section shall be construed to provide for 74890  
any deduction or exclusion in computing any trust's Ohio taxable 74891  
income. 74892

(b) With respect to a trust that is not a resident for the 74893  
taxable year and with respect to a part of a trust that is not a 74894  
resident for the taxable year, "qualifying investee" for that 74895  
taxable year does not include a C corporation if both of the 74896  
following apply: 74897

(i) During the taxable year the trust or part of the trust 74898  
recognizes a gain or loss from the sale, exchange, or other 74899  
disposition of equity or ownership interests in, or debt 74900  
obligations of, the C corporation. 74901

(ii) Such gain or loss constitutes nonbusiness income. 74902

(6) "Available" means information is such that a person is 74903  
able to learn of the information by the due date plus extensions, 74904  
if any, for filing the return for the taxable year in which the 74905  
trust recognizes the gain or loss. 74906

(CC) "Qualifying controlled group" has the same meaning as in 74907  
section 5733.04 of the Revised Code. 74908

(DD) "Related member" has the same meaning as in section 74909  
5733.042 of the Revised Code. 74910

(EE)(1) For the purposes of division (EE) of this section: 74911

(a) "Qualifying person" means any person other than a 74912  
qualifying corporation. 74913

(b) "Qualifying corporation" means any person classified for 74914  
federal income tax purposes as an association taxable as a 74915  
corporation, except either of the following: 74916

(i) A corporation that has made an election under subchapter 74917  
S, chapter one, subtitle A, of the Internal Revenue Code for its 74918  
taxable year ending within, or on the last day of, the investor's 74919  
taxable year; 74920

(ii) A subsidiary that is wholly owned by any corporation 74921  
that has made an election under subchapter S, chapter one, 74922  
subtitle A of the Internal Revenue Code for its taxable year 74923  
ending within, or on the last day of, the investor's taxable year. 74924

(2) For the purposes of this chapter, unless expressly stated 74925  
otherwise, no qualifying person indirectly owns any asset directly 74926  
or indirectly owned by any qualifying corporation. 74927

(FF) For purposes of this chapter and Chapter 5751. of the 74928  
Revised Code: 74929

(1) "Trust" does not include a qualified pre-income tax 74930  
trust. 74931

(2) A "qualified pre-income tax trust" is any pre-income tax 74932

trust that makes a qualifying pre-income tax trust election as 74933  
described in division (FF)(3) of this section. 74934

(3) A "qualifying pre-income tax trust election" is an 74935  
election by a pre-income tax trust to subject to the tax imposed 74936  
by section 5751.02 of the Revised Code the pre-income tax trust 74937  
and all pass-through entities of which the trust owns or controls, 74938  
directly, indirectly, or constructively through related interests, 74939  
five per cent or more of the ownership or equity interests. The 74940  
trustee shall notify the tax commissioner in writing of the 74941  
election on or before April 15, 2006. The election, if timely 74942  
made, shall be effective on and after January 1, 2006, and shall 74943  
apply for all tax periods and tax years until revoked by the 74944  
trustee of the trust. 74945

(4) A "pre-income tax trust" is a trust that satisfies all of 74946  
the following requirements: 74947

(a) The document or instrument creating the trust was 74948  
executed by the grantor before January 1, 1972; 74949

(b) The trust became irrevocable upon the creation of the 74950  
trust; and 74951

(c) The grantor was domiciled in this state at the time the 74952  
trust was created. 74953

(GG) "Uniformed services" has the same meaning as in 10 74954  
U.S.C. 101. 74955

~~(HH) "Taxable business income" means the amount by which an 74956  
individual's business income that is included in federal adjusted 74957  
gross income exceeds the amount of business income the individual 74958  
is authorized to deduct under division (A)(31) of this section for 74959  
the taxable year. 74960~~

~~(II) "Employer" does not include a franchisor with respect to 74961  
the franchisor's relationship with a franchisee or an employee of 74962~~

a franchisee, unless the franchisor agrees to assume that role in 74963  
writing or a court of competent jurisdiction determines that the 74964  
franchisor exercises a type or degree of control over the 74965  
franchisee or the franchisee's employees that is not customarily 74966  
exercised by a franchisor for the purpose of protecting the 74967  
franchisor's trademark, brand, or both. For purposes of this 74968  
division, "franchisor" and "franchisee" have the same meanings as 74969  
in 16 C.F.R. 436.1. 74970

(II) "Modified adjusted gross income" means Ohio adjusted 74971  
gross income plus any amount deducted under division (A)(31) of 74972  
this section for the taxable year. 74973

**Sec. 5747.02.** (A) For the purpose of providing revenue for 74974  
the support of schools and local government functions, to provide 74975  
relief to property taxpayers, to provide revenue for the general 74976  
revenue fund, and to meet the expenses of administering the tax 74977  
levied by this chapter, there is hereby levied on every 74978  
individual, trust, and estate residing in or earning or receiving 74979  
income in this state, on every individual, trust, and estate 74980  
earning or receiving lottery winnings, prizes, or awards pursuant 74981  
to Chapter 3770. of the Revised Code, on every individual, trust, 74982  
and estate earning or receiving winnings on casino gaming, and on 74983  
every individual, trust, and estate otherwise having nexus with or 74984  
in this state under the Constitution of the United States, an 74985  
annual tax measured as prescribed in divisions (A)(1) to ~~(4)~~(3) of 74986  
this section. 74987

(1) In the case of trusts, the tax imposed by this section 74988  
shall be measured by modified Ohio taxable income under division 74989  
(D) of this section and levied in the same amount as the tax is 74990  
imposed on estates as prescribed in division (A)(2) of this 74991  
section. 74992

(2) In the case of estates, the tax imposed by this section 74993

shall be measured by Ohio taxable income and levied at the rate of 74994  
~~seven thousand four hundred twenty five ten~~ one and three hundred 74995  
~~seventy-four~~ thousandths per cent for the first ~~ten~~ twenty-two 74996  
 thousand ~~five~~ two hundred fifty dollars of such income and, for 74997  
 income in excess of that amount, at the same rates prescribed in 74998  
 division (A)(3) of this section for individuals. 74999

(3) In the case of individuals, ~~for taxable years beginning~~ 75000  
~~in 2017 or thereafter~~, the tax imposed by this section ~~on income~~ 75001  
~~other than taxable business income~~ shall be measured by Ohio 75002  
 adjusted gross income, ~~less taxable business income and~~ less an 75003  
 exemption for the taxpayer, the taxpayer's spouse, and each 75004  
 dependent as provided in section 5747.025 of the Revised Code. If 75005  
 the balance thus obtained is equal to or less than ~~ten~~ twenty-two 75006  
 thousand ~~five~~ two hundred fifty dollars, no tax shall be imposed 75007  
 on that balance. If the balance thus obtained is greater than ~~ten~~ 75008  
~~twenty-two~~ thousand ~~five~~ two hundred fifty dollars, the tax is 75009  
 hereby levied as follows: 75010

OHIO ADJUSTED GROSS INCOME LESS 75011

~~TAXABLE BUSINESS INCOME AND~~  
 EXEMPTIONS (INDIVIDUALS)

OR 75012

MODIFIED OHIO 75013

TAXABLE INCOME (TRUSTS) 75014

OR 75015

OHIO TAXABLE INCOME (ESTATES) TAX 75016

~~More than \$10,500 but not more~~ ~~\$77.96 plus 1.980%~~ ~~of the amount~~ 75019  
~~than \$15,800~~ ~~in excess of \$10,500~~

~~More than \$15,800 but not more~~ ~~\$182.90 plus 2.476%~~ ~~of the~~ 75020  
~~than \$21,100~~ ~~amount in excess of \$15,800~~

More than ~~\$21,100~~ 22,250 but not ~~\$314.13~~ 309.12 plus ~~2.969~~ 2.773% 75021

more than <del>\$42,100</del> <u>44,400</u>	of the amount in excess of <del>\$21,100</del> <u>22,250</u>	
More than <del>\$42,100</del> <u>44,400</u> but not more than <del>\$84,200</del> <u>88,800</u>	<del>\$937.62</del> <u>923.34</u> plus <del>3.46</del> <u>3.236</u> % of the amount in excess of <del>\$42,100</del> <u>44,400</u>	75022
More than <del>\$84,200</del> <u>88,800</u> but not more than <del>\$105,300</del> <u>111,100</u>	<del>\$2,396.39</del> <u>2,360.12</u> plus <del>3.96</del> <u>3.699</u> % of the amount in excess of <del>\$84,200</del> <u>88,800</u>	75023
More than <del>\$105,300</del> <u>111,100</u> but not more than <del>\$210,600</del> <u>222,200</u>	<del>\$3,231.95</del> <u>3,185.00</u> plus <del>4.59</del> <u>4.294</u> % of the amount in excess of <del>\$105,300</del> <u>111,100</u>	75024
More than <del>\$210,600</del> <u>222,200</u>	<del>\$8,072.59</del> <u>7,955.63</u> plus <del>4.99</del> <u>4.667</u> % of the amount in excess of <del>\$210,600</del> <u>222,200</u>	75025
<del>(4)(a) In the case of individuals, for taxable years beginning in 2016 or thereafter, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(b) of this section from the individual's taxable business income.</del>		<del>75026 75027 75028 75029 75030 75031</del>
<del>(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A)(4)(a) of this section.</del>		<del>75032 75033 75034 75035 75036</del>
<del>(5) Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in divisions (A)(2) and (3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding</del>		<del>75037 75038 75039 75040 75041 75042 75043</del>

year, adding the resulting product to the corresponding income 75044  
amount resulting from the adjustment in the preceding year, and 75045  
rounding the resulting sum to the nearest multiple of fifty 75046  
dollars. The tax commissioner also shall recompute each of the tax 75047  
dollar amounts to the extent necessary to reflect the new 75048  
adjustment of the income amounts. To recompute the tax dollar 75049  
amount corresponding to the lowest tax rate in division (A)(3) of 75050  
this section, the commissioner shall multiply the tax rate 75051  
prescribed in division (A)(2) of this section by the income amount 75052  
specified in that division and as adjusted according to this 75053  
paragraph. The rates of taxation shall not be adjusted. 75054

The adjusted amounts apply to taxable years beginning in the 75055  
calendar year in which the adjustments are made and to taxable 75056  
years beginning in each ensuing calendar year until a calendar 75057  
year in which a new adjustment is made pursuant to this division. 75058  
The tax commissioner shall not make a new adjustment in any year 75059  
in which the amount resulting from the adjustment would be less 75060  
than the amount resulting from the adjustment in the preceding 75061  
year. 75062

(B) If the director of budget and management makes a 75063  
certification to the tax commissioner under division (B) of 75064  
section 131.44 of the Revised Code, the amount of tax as 75065  
determined under divisions (A)(1) to (3) of this section shall be 75066  
reduced by the percentage prescribed in that certification for 75067  
taxable years beginning in the calendar year in which that 75068  
certification is made. 75069

(C) The levy of this tax on income does not prevent a 75070  
municipal corporation, a joint economic development zone created 75071  
under section 715.691, or a joint economic development district 75072  
created under section 715.70, 715.71, or 715.72 of the Revised 75073  
Code from levying a tax on income. 75074

(D) This division applies only to taxable years of a trust 75075

beginning in 2002 or thereafter. 75076

(1) The tax imposed by this section on a trust shall be 75077  
computed by multiplying the Ohio modified taxable income of the 75078  
trust by the rates prescribed by division (A) of this section. 75079

(2) A resident trust may claim a credit against the tax 75080  
computed under division (D) of this section equal to the lesser of 75081  
(a) the tax paid to another state or the District of Columbia on 75082  
the resident trust's modified nonbusiness income, other than the 75083  
portion of the resident trust's nonbusiness income that is 75084  
qualifying investment income as defined in section 5747.012 of the 75085  
Revised Code, or (b) the effective tax rate, based on modified 75086  
Ohio taxable income, multiplied by the resident trust's modified 75087  
nonbusiness income other than the portion of the resident trust's 75088  
nonbusiness income that is qualifying investment income. The 75089  
credit applies before any other applicable credits. 75090

(3) The credits ~~enumerated in divisions (A)(1) to (9) and~~ 75091  
~~(A)(18) to (20) of section 5747.98~~ authorized by the following 75092  
sections of the Revised Code do not apply to a trust subject to 75093  
division (D) of this section: section 5747.022, 5747.05, 5747.054, 75094  
5747.055, 5747.27, 5747.37, 5747.66, or 5747.71 of the Revised 75095  
Code. Any ~~credits enumerated in other divisions of credit~~ 75096  
authorized against the tax imposed by this section 5747.98 of the 75097  
~~Revised Code~~ apply applies to a trust subject to division (D) of 75098  
this section that otherwise qualifies for such a credit. To the 75099  
extent that the trust distributes income for the taxable year for 75100  
which a credit is available to the trust, the credit shall be 75101  
shared by the trust and its beneficiaries. The tax commissioner 75102  
and the trust shall be guided by applicable regulations of the 75103  
United States treasury regarding the sharing of credits. 75104

(E) For the purposes of this section, "trust" means any trust 75105  
described in Subchapter J of Chapter 1 of the Internal Revenue 75106  
Code, excluding trusts that are not irrevocable as defined in 75107

division (I)(3)(b) of section 5747.01 of the Revised Code and that 75108  
have no modified Ohio taxable income for the taxable year, 75109  
charitable remainder trusts, qualified funeral trusts and preneed 75110  
funeral contract trusts established pursuant to sections 4717.31 75111  
to 4717.38 of the Revised Code that are not qualified funeral 75112  
trusts, endowment and perpetual care trusts, qualified settlement 75113  
trusts and funds, designated settlement trusts and funds, and 75114  
trusts exempted from taxation under section 501(a) of the Internal 75115  
Revenue Code. 75116

(F) Nothing in division (A)(3) of this section shall prohibit 75117  
an individual with an Ohio adjusted gross income, less ~~taxable~~ 75118  
~~business income and~~ exemptions, of ~~ten~~ twenty-two thousand ~~five~~ 75119  
two hundred fifty dollars or less from filing a return under this 75120  
chapter to receive a refund of taxes withheld or to claim any 75121  
refundable credit allowed under this chapter. 75122

**Sec. 5747.022.** An individual subject to the tax imposed by 75123  
section 5747.02 of the Revised Code whose ~~Ohio~~ modified adjusted 75124  
gross income, less applicable exemptions under section 5747.025 of 75125  
the Revised Code, for the taxable year as shown on an individual 75126  
or joint annual return is less than thirty thousand dollars may 75127  
claim a credit equal to twenty dollars times the number of 75128  
exemptions allowed for the taxpayer, the taxpayer's spouse, and 75129  
each dependent under section 5747.02 of the Revised Code. The 75130  
credit shall be claimed in the order required under section 75131  
5747.98 of the Revised Code. The credit shall not be considered in 75132  
determining the taxes required to be withheld under section 75133  
5747.06 of the Revised Code or the estimated taxes required to be 75134  
paid under section 5747.09 of the Revised Code. In the case of an 75135  
individual with respect to whom an exemption under section 5747.02 75136  
of the Revised Code is allowable to another taxpayer for a taxable 75137  
year beginning in the calendar year in which the individual's 75138  
taxable year begins, the "number of exemptions allowed" for 75139

purposes of calculating the credit allowed under this section to 75140  
such individual for the individual's taxable year shall not 75141  
include an exemption for the individual. 75142

**Sec. 5747.025.** (A) For taxable years beginning in 2014 or 75143  
2015, the personal exemption for the taxpayer, the taxpayer's 75144  
spouse, and each dependent shall be one of the following amounts: 75145

(1) Two thousand two hundred dollars if the taxpayer's ~~Ohio~~ 75146  
modified adjusted gross income for the taxable year as shown on an 75147  
individual or joint annual return is less than or equal to forty 75148  
thousand dollars; 75149

(2) One thousand nine hundred fifty dollars if the taxpayer's 75150  
~~Ohio~~ modified adjusted gross income for the taxable year as shown 75151  
on an individual or joint annual return is greater than forty 75152  
thousand dollars but less than or equal to eighty thousand 75153  
dollars; 75154

(3) One thousand seven hundred dollars if the taxpayer's ~~Ohio~~ 75155  
modified adjusted gross income for the taxable year as shown on an 75156  
individual or joint annual return is greater than eighty thousand 75157  
dollars. 75158

(B) For taxable years beginning in 2016 and thereafter, the 75159  
personal exemption amounts prescribed in division (A) of this 75160  
section shall be adjusted each year in the manner prescribed in 75161  
division (C) of this section. In the case of an individual with 75162  
respect to whom an exemption under section 5747.02 of the Revised 75163  
Code is allowable to another taxpayer for a taxable year beginning 75164  
in the calendar year in which the individual's taxable year 75165  
begins, the exemption amount applicable to such individual for 75166  
such individual's taxable year shall be zero. 75167

(C) Except as otherwise provided in this division, in August 75168  
of each year, the tax commissioner shall determine the percentage 75169

increase in the gross domestic product deflator determined by the 75170  
bureau of economic analysis of the United States department of 75171  
commerce from the first day of January of the preceding calendar 75172  
year to the last day of December of the preceding year, and make a 75173  
new adjustment to the personal exemption amount for taxable years 75174  
beginning in the current calendar year by multiplying that amount 75175  
by the percentage increase in the gross domestic product deflator 75176  
for that period; adding the resulting product to the personal 75177  
exemption amount for taxable years beginning in the preceding 75178  
calendar year; and rounding the resulting sum upward to the 75179  
nearest multiple of fifty dollars. The adjusted amount applies to 75180  
taxable years beginning in the calendar year in which the 75181  
adjustment is made and to taxable years beginning in each ensuing 75182  
calendar year until a calendar year in which a new adjustment is 75183  
made pursuant to this division. The commissioner shall not make a 75184  
new adjustment in any calendar year in which the amount resulting 75185  
from the adjustment would be less than the amount resulting from 75186  
the adjustment in the preceding calendar year. 75187

**Sec. 5747.05.** As used in this section, "income tax" includes 75188  
both a tax on net income and a tax measured by net income. 75189

The following credits shall be allowed against the aggregate 75190  
income tax liability imposed by section 5747.02 of the Revised 75191  
Code on individuals and estates: 75192

(A)(1) The amount of tax otherwise due under section 5747.02 75193  
of the Revised Code on such portion of the combined adjusted gross 75194  
income and business income of any nonresident taxpayer that is not 75195  
allocable or apportionable to this state pursuant to sections 75196  
5747.20 to 5747.23 of the Revised Code. The credit provided under 75197  
this division shall not exceed the total tax due under section 75198  
5747.02 of the Revised Code. 75199

(2) The tax commissioner may enter into an agreement with the 75200

taxing authorities of any state or of the District of Columbia 75201  
that imposes an income tax to provide that compensation paid in 75202  
this state to a nonresident taxpayer shall not be subject to the 75203  
tax levied in section 5747.02 of the Revised Code so long as 75204  
compensation paid in such other state or in the District of 75205  
Columbia to a resident taxpayer shall likewise not be subject to 75206  
the income tax of such other state or of the District of Columbia. 75207

(B) The lesser of division (B)(1) or (2) of this section: 75208

(1) The aggregate amount of tax otherwise due under section 75209  
5747.02 of the Revised Code on such portion of the combined 75210  
adjusted gross income and business income of a resident taxpayer 75211  
that in another state or in the District of Columbia is subjected 75212  
to an income tax. The credit provided under division (B)(1) of 75213  
this section shall not exceed the total tax due under section 75214  
5747.02 of the Revised Code. 75215

(2) The amount of income tax liability to another state or 75216  
the District of Columbia on the portion of the combined adjusted 75217  
gross income and business income of a resident taxpayer that in 75218  
another state or in the District of Columbia is subjected to an 75219  
income tax. The credit provided under division (B)(2) of this 75220  
section shall not exceed the total amount of tax otherwise due 75221  
under section 5747.02 of the Revised Code. 75222

(3) If the credit provided under division (B) of this section 75223  
is affected by a change in either the portion of the combined 75224  
adjusted gross income and business income of a resident taxpayer 75225  
subjected to an income tax in another state or the District of 75226  
Columbia or the amount of income tax liability that has been paid 75227  
to another state or the District of Columbia, the taxpayer shall 75228  
report the change to the tax commissioner within sixty days of the 75229  
change in such form as the commissioner requires. 75230

(a) In the case of an underpayment, the report shall be 75231

accompanied by payment of any additional tax due as a result of 75232  
the reduction in credit together with interest on the additional 75233  
tax and is a return subject to assessment under section 5747.13 of 75234  
the Revised Code solely for the purpose of assessing any 75235  
additional tax due under this division, together with any 75236  
applicable penalty and interest. It shall not reopen the 75237  
computation of the taxpayer's tax liability under this chapter 75238  
from a previously filed return no longer subject to assessment 75239  
except to the extent that such liability is affected by an 75240  
adjustment to the credit allowed by division (B) of this section. 75241

(b) In the case of an overpayment, an application for refund 75242  
may be filed under this division within the sixty-day period 75243  
prescribed for filing the report even if it is beyond the period 75244  
prescribed in section 5747.11 of the Revised Code if it otherwise 75245  
conforms to the requirements of such section. An application filed 75246  
under this division shall only claim refund of overpayments 75247  
resulting from an adjustment to the credit allowed by division (B) 75248  
of this section unless it is also filed within the time prescribed 75249  
in section 5747.11 of the Revised Code. It shall not reopen the 75250  
computation of the taxpayer's tax liability except to the extent 75251  
that such liability is affected by an adjustment to the credit 75252  
allowed by division (B) of this section. 75253

(4) No credit shall be allowed under division (B) of this 75254  
section: 75255

(a) For income tax paid or accrued to another state or to the 75256  
District of Columbia if the taxpayer, when computing federal 75257  
adjusted gross income, has directly or indirectly deducted, or was 75258  
required to directly or indirectly deduct, the amount of that 75259  
income tax; 75260

(b) For compensation that is not subject to the income tax of 75261  
another state or the District of Columbia as the result of an 75262  
agreement entered into by the tax commissioner under division 75263

(A)(3) of this section; or 75264

(c) For income tax paid or accrued to another state or the District of Columbia if the taxpayer fails to furnish such proof as the tax commissioner shall require that such income tax liability has been paid. 75265  
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(C) An individual who is a resident for part of a taxable year and a nonresident for the remainder of the taxable year is allowed the credits under divisions (A) and (B) of this section in accordance with rules prescribed by the tax commissioner. In no event shall the same income be subject to both credits. 75269  
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(D) The credit allowed under division (A) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. The credit allowed under division (B) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. 75274  
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(E)(1) On a joint return filed by a husband and wife, each of whom had adjusted gross income of at least five hundred dollars, exclusive of interest, dividends and distributions, royalties, rent, and capital gains, a credit equal to the lesser of six hundred fifty dollars or the percentage shown in column B that corresponds with the taxpayer's modified adjusted gross income, less exemptions for the taxable year, of the total amount of tax due after allowing for any other credit that precedes this credit as required under section 5747.98 of the Revised Code: 75284  
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A.	B.	75293
IF THE <u>MODIFIED</u> ADJUSTED GROSS	THE CREDIT FOR THE TAXABLE	75294

INCOME, LESS EXEMPTIONS, FOR THE	YEAR IS:	
TAX YEAR IS:		
\$25,000 or less	20%	75295
More than \$25,000 but not more than \$50,000	15%	75296
More than \$50,000 but not more than \$75,000	10%	75297
More than \$75,000	5%	75298

(2) The credit shall be claimed in the order required under section 5747.98 of the Revised Code. 75299  
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(F) No claim for credit under this section shall be allowed unless the claimant furnishes such supporting information as the tax commissioner prescribes by rules. 75301  
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75303

**Sec. 5747.054.** In addition to all other credits allowed by this chapter, a credit shall be allowed against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for taxpayers with modified adjusted gross income of less than forty thousand dollars. The amount of the credit shall equal twenty-five per cent of the federal dependent care credit for which the taxpayer is eligible for the taxable year under section 21 of the Internal Revenue Code, 26 U.S.C.A. 21; except that the amount of the credit for a taxpayer with modified adjusted gross income of less than twenty thousand dollars shall equal the federal credit for which the taxpayer is eligible, in any case without regard to any limitation imposed by section 26 of the Internal Revenue Code, 26 U.S.C.A. 26. 75304  
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The credit allowed by this section shall be claimed in the order required under section 5747.98 of the Revised Code. 75317  
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**Sec. 5747.055.** (A) As used in this section "retirement income" means retirement benefits, annuities, or distributions 75319  
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that are made from or pursuant to a pension, retirement, or profit-sharing plan and that:

(1) In the case of an individual, are received by the individual on account of retirement and are included in the individual's adjusted gross income;

(2) In the case of an estate, are payable to the estate for the benefit of the surviving spouse of the decedent and are included in the estate's taxable income.

(B) A credit shall be allowed against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for taxpayers who received retirement income during the taxable year and whose modified adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars. Only one such credit shall be allowed for each return, and the amount of the credit shall be computed in accordance with the following schedule:

AMOUNT OF RETIREMENT INCOME RECEIVED DURING THE TAXABLE YEAR	CREDIT FOR THE TAXABLE YEAR
\$500 or less	\$ 0
Over \$500 but not more than \$1,500	\$ 25
Over \$1,500 but not more than \$3,000	\$ 50
Over \$3,000 but not more than \$5,000	\$ 80
Over \$5,000 but not more than \$8,000	\$130
Over \$8,000	\$200

(C) A taxpayer who received a lump-sum distribution from a pension, retirement, or profit-sharing plan in the taxable year and whose modified adjusted gross income for the taxable year, less applicable exemptions under section 5747.025 of the Revised Code, as shown on an individual or joint annual return is less than one hundred thousand dollars, may elect to receive a credit

under this division in lieu of the credit allowed under division 75352  
(B) of this section. A taxpayer making such an election is not 75353  
entitled to the credit authorized under this division or division 75354  
(B) of this section in subsequent taxable years. A taxpayer 75355  
electing the credit under this division shall receive a credit for 75356  
the taxable year against the taxpayer's aggregate tax liability 75357  
under section 5747.02 of the Revised Code computed as follows: 75358

(1) Divide the amount of retirement income received during 75359  
the taxable year by the taxpayer's expected remaining life on the 75360  
last day of the taxable year, as shown by annuity tables issued 75361  
under the provisions of the Internal Revenue Code and in effect 75362  
for the calendar year that includes the last day of the taxable 75363  
year; 75364

(2) Using the quotient thus obtained as the amount of 75365  
retirement income received during the taxable year, compute the 75366  
credit for the taxable year in accordance with division (B) of 75367  
this section; 75368

(3) Multiply the credit thus obtained by the taxpayer's 75369  
expected remaining life. The product thus obtained shall be the 75370  
credit under this division for the taxable year. 75371

(D) If the credit under division (C) or (E) of this section 75372  
exceeds the taxpayer's aggregate tax liability under section 75373  
5747.02 of the Revised Code for the taxable year after allowing 75374  
for any other credit that precedes that credit in the order 75375  
required under section 5747.98 of the Revised Code, the taxpayer 75376  
may elect to receive a credit for each subsequent taxable year. 75377  
The amount of the credit for each such year shall be computed as 75378  
follows: 75379

(1) Determine the amount by which the unused credit elected 75380  
under division (C) or (E) of this section exceeded the total tax 75381  
due for the taxable year after allowing for any preceding credit 75382

in the required order; 75383

(2) Divide the amount of such excess by one year less than 75384  
the taxpayer's expected remaining life on the last day of the 75385  
taxable year of the distribution for which the credit was allowed 75386  
under division (C) or (E) of this section. The quotient thus 75387  
obtained shall be the credit for each subsequent year. 75388

(E) If subsequent to the receipt of a lump-sum distribution 75389  
and an election under division (C) of this section an individual 75390  
receives another lump-sum distribution within one taxable year, 75391  
and the taxpayer's modified adjusted gross income for the taxable 75392  
year, less applicable exemptions under section 5747.025 of the 75393  
Revised Code, as shown on an individual or joint annual return is 75394  
less than one hundred thousand dollars, the taxpayer may elect to 75395  
receive a credit for that taxable year. The credit shall equal the 75396  
lesser of: 75397

(1) A credit computed in the manner prescribed in division 75398  
(C) of this section; 75399

(2) The amount of credit, if any, to which the taxpayer would 75400  
otherwise be entitled for the taxable year under division (D) of 75401  
this section times the taxpayer's expected remaining life on the 75402  
last day of the taxable year. A taxpayer who elects to receive a 75403  
credit under this division is not entitled to a credit under this 75404  
division or division (B) or (C) of this section for any subsequent 75405  
year except as provided in division (D) of this section. 75406

(F) A credit equal to fifty dollars for each return required 75407  
to be filed under section 5747.08 of the Revised Code shall be 75408  
allowed against a taxpayer's aggregate tax liability under section 75409  
5747.02 of the Revised Code for taxpayers sixty-five years of age 75410  
or older during the taxable year whose modified adjusted gross 75411  
income, less applicable exemptions under section 5747.025 of the 75412  
Revised Code, as shown on an individual or joint annual return is 75413

less than one hundred thousand dollars for that taxable year. 75414

(G) A taxpayer sixty-five years of age or older during the 75415  
taxable year who has received a lump-sum distribution from a 75416  
pension, retirement, or profit-sharing plan in the taxable year, 75417  
and whose modified adjusted gross income, less applicable 75418  
exemptions under section 5747.025 of the Revised Code, as shown on 75419  
an individual or joint annual return is less than one hundred 75420  
thousand dollars for that taxable year may elect to receive a 75421  
credit under this division in lieu of the credit to which the 75422  
taxpayer is entitled under division (F) of this section. A 75423  
taxpayer making such an election shall receive a credit for the 75424  
taxable year against the taxpayer's aggregate tax liability under 75425  
section 5747.02 of the Revised Code equal to fifty dollars times 75426  
the taxpayer's expected remaining life as shown by annuity tables 75427  
issued under the Internal Revenue Code and in effect for the 75428  
calendar year that includes the last day of the taxable year. A 75429  
taxpayer making an election under this division is not entitled to 75430  
the credit authorized under this division or division (F) of this 75431  
section in subsequent taxable years. 75432

(H) The credits allowed by this section shall be claimed in 75433  
the order required under section 5747.98 of the Revised Code. The 75434  
tax commissioner may require a taxpayer to furnish any information 75435  
necessary to support a claim for credit under this section, and no 75436  
credit shall be allowed unless such information is provided. 75437

**Sec. 5747.08.** An annual return with respect to the tax 75438  
imposed by section 5747.02 of the Revised Code and each tax 75439  
imposed under Chapter 5748. of the Revised Code shall be made by 75440  
every taxpayer for any taxable year for which the taxpayer is 75441  
liable for the tax imposed by that section or under that chapter, 75442  
unless the total credits allowed under division (E) of section 75443  
5747.05 and divisions (F) and (G) of section 5747.055 of the 75444

Revised Code for the year are equal to or exceed the tax imposed 75445  
by section 5747.02 of the Revised Code, in which case no return 75446  
shall be required unless the taxpayer is liable for a tax imposed 75447  
pursuant to Chapter 5748. of the Revised Code. 75448

(A) If an individual is deceased, any return or notice 75449  
required of that individual under this chapter shall be made and 75450  
filed by that decedent's executor, administrator, or other person 75451  
charged with the property of that decedent. 75452

(B) If an individual is unable to make a return or notice 75453  
required by this chapter, the return or notice required of that 75454  
individual shall be made and filed by the individual's duly 75455  
authorized agent, guardian, conservator, fiduciary, or other 75456  
person charged with the care of the person or property of that 75457  
individual. 75458

(C) Returns or notices required of an estate or a trust shall 75459  
be made and filed by the fiduciary of the estate or trust. 75460

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 75461  
of this section, any pass-through entity may file a single return 75462  
on behalf of one or more of the entity's investors other than an 75463  
investor that is a person subject to the tax imposed under section 75464  
5733.06 of the Revised Code. The single return shall set forth the 75465  
name, address, and social security number or other identifying 75466  
number of each of those pass-through entity investors and shall 75467  
indicate the distributive share of each of those pass-through 75468  
entity investor's income taxable in this state in accordance with 75469  
sections 5747.20 to 5747.231 of the Revised Code. Such 75470  
pass-through entity investors for whom the pass-through entity 75471  
elects to file a single return are not entitled to the exemption 75472  
or credit provided for by sections 5747.02 and 5747.022 of the 75473  
Revised Code; shall calculate the tax before business credits at 75474  
the highest rate of tax set forth in section 5747.02 of the 75475  
Revised Code for the taxable year for which the return is filed; 75476

and are entitled to only their distributive share of the business 75477  
credits as defined in division (D)(2) of this section. A single 75478  
check drawn by the pass-through entity shall accompany the return 75479  
in full payment of the tax due, as shown on the single return, for 75480  
such investors, other than investors who are persons subject to 75481  
the tax imposed under section 5733.06 of the Revised Code. 75482

(b)(i) A pass-through entity shall not include in such a 75483  
single return any investor that is a trust to the extent that any 75484  
direct or indirect current, future, or contingent beneficiary of 75485  
the trust is a person subject to the tax imposed under section 75486  
5733.06 of the Revised Code. 75487

(ii) A pass-through entity shall not include in such a single 75488  
return any investor that is itself a pass-through entity to the 75489  
extent that any direct or indirect investor in the second 75490  
pass-through entity is a person subject to the tax imposed under 75491  
section 5733.06 of the Revised Code. 75492

(c) Nothing in division (D) of this section precludes the tax 75493  
commissioner from requiring such investors to file the return and 75494  
make the payment of taxes and related interest, penalty, and 75495  
interest penalty required by this section or section 5747.02, 75496  
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 75497  
of this section precludes such an investor from filing the annual 75498  
return under this section, utilizing the refundable credit equal 75499  
to the investor's proportionate share of the tax paid by the 75500  
pass-through entity on behalf of the investor under division (I) 75501  
of this section, and making the payment of taxes imposed under 75502  
section 5747.02 of the Revised Code. Nothing in division (D) of 75503  
this section shall be construed to provide to such an investor or 75504  
pass-through entity any additional deduction or credit, other than 75505  
the credit provided by division (I) of this section, solely on 75506  
account of the entity's filing a return in accordance with this 75507  
section. Such a pass-through entity also shall make the filing and 75508

payment of estimated taxes on behalf of the pass-through entity 75509  
investors other than an investor that is a person subject to the 75510  
tax imposed under section 5733.06 of the Revised Code. 75511

(2) For the purposes of this section, "business credits" 75512  
means the credits listed in section 5747.98 of the Revised Code 75513  
excluding the following credits: 75514

(a) The retirement income credit under division (B) of 75515  
section 5747.055 of the Revised Code; 75516

(b) The senior citizen credit under division (F) of section 75517  
5747.055 of the Revised Code; 75518

(c) The lump sum distribution credit under division (G) of 75519  
section 5747.055 of the Revised Code; 75520

(d) The dependent care credit under section 5747.054 of the 75521  
Revised Code; 75522

(e) The lump sum retirement income credit under division (C) 75523  
of section 5747.055 of the Revised Code; 75524

(f) The lump sum retirement income credit under division (D) 75525  
of section 5747.055 of the Revised Code; 75526

(g) The lump sum retirement income credit under division (E) 75527  
of section 5747.055 of the Revised Code; 75528

(h) The credit for displaced workers who pay for job training 75529  
under section 5747.27 of the Revised Code; 75530

(i) The twenty-dollar personal exemption credit under section 75531  
5747.022 of the Revised Code; 75532

(j) The joint filing credit under division (E) of section 75533  
5747.05 of the Revised Code; 75534

(k) The nonresident credit under division (A) of section 75535  
5747.05 of the Revised Code; 75536

(l) The credit for a resident's out-of-state income under 75537

division (B) of section 5747.05 of the Revised Code; 75538

(m) The earned income tax credit under section 5747.71 of the 75539  
Revised Code; 75540

(n) The lead abatement credit under section 5747.26 of the 75541  
Revised Code. 75542

(3) The election provided for under division (D) of this 75543  
section applies only to the taxable year for which the election is 75544  
made by the pass-through entity. Unless the tax commissioner 75545  
provides otherwise, this election, once made, is binding and 75546  
irrevocable for the taxable year for which the election is made. 75547  
Nothing in this division shall be construed to provide for any 75548  
deduction or credit that would not be allowable if a nonresident 75549  
pass-through entity investor were to file an annual return. 75550

(4) If a pass-through entity makes the election provided for 75551  
under division (D) of this section, the pass-through entity shall 75552  
be liable for any additional taxes, interest, interest penalty, or 75553  
penalties imposed by this chapter if the tax commissioner finds 75554  
that the single return does not reflect the correct tax due by the 75555  
pass-through entity investors covered by that return. Nothing in 75556  
this division shall be construed to limit or alter the liability, 75557  
if any, imposed on pass-through entity investors for unpaid or 75558  
underpaid taxes, interest, interest penalty, or penalties as a 75559  
result of the pass-through entity's making the election provided 75560  
for under division (D) of this section. For the purposes of 75561  
division (D) of this section, "correct tax due" means the tax that 75562  
would have been paid by the pass-through entity had the single 75563  
return been filed in a manner reflecting the commissioner's 75564  
findings. Nothing in division (D) of this section shall be 75565  
construed to make or hold a pass-through entity liable for tax 75566  
attributable to a pass-through entity investor's income from a 75567  
source other than the pass-through entity electing to file the 75568  
single return. 75569

(E) If a husband and wife file a joint federal income tax return for a taxable year, they shall file a joint return under this section for that taxable year, and their liabilities are joint and several, but, if the federal income tax liability of either spouse is determined on a separate federal income tax return, they shall file separate returns under this section.

If either spouse is not required to file a federal income tax return and either or both are required to file a return pursuant to this chapter, they may elect to file separate or joint returns, and, pursuant to that election, their liabilities are separate or joint and several. If a husband and wife file separate returns pursuant to this chapter, each must claim the taxpayer's own exemption, but not both, as authorized under section 5747.02 of the Revised Code on the taxpayer's own return.

(F) Each return or notice required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's social security number. Each return shall be verified by a declaration under the penalties of perjury. The tax commissioner shall prescribe the form that the signature and declaration shall take.

(G) Each return or notice required to be filed under this section shall be made and filed as required by section 5747.04 of the Revised Code, on or before the fifteenth day of April of each year, on forms that the tax commissioner shall prescribe, together with remittance made payable to the treasurer of state in the combined amount of the state and all school district income taxes shown to be due on the form.

Upon good cause shown, the commissioner may extend the period for filing any notice or return required to be filed under this section and may adopt rules relating to extensions. If the

extension results in an extension of time for the payment of any 75602  
state or school district income tax liability with respect to 75603  
which the return is filed, the taxpayer shall pay at the time the 75604  
tax liability is paid an amount of interest computed at the rate 75605  
per annum prescribed by section 5703.47 of the Revised Code on 75606  
that liability from the time that payment is due without extension 75607  
to the time of actual payment. Except as provided in section 75608  
5747.132 of the Revised Code, in addition to all other interest 75609  
charges and penalties, all taxes imposed under this chapter or 75610  
Chapter 5748. of the Revised Code and remaining unpaid after they 75611  
become due, except combined amounts due of one dollar or less, 75612  
bear interest at the rate per annum prescribed by section 5703.47 75613  
of the Revised Code until paid or until the day an assessment is 75614  
issued under section 5747.13 of the Revised Code, whichever occurs 75615  
first. 75616

If the commissioner considers it necessary in order to ensure 75617  
the payment of the tax imposed by section 5747.02 of the Revised 75618  
Code or any tax imposed under Chapter 5748. of the Revised Code, 75619  
the commissioner may require returns and payments to be made 75620  
otherwise than as provided in this section. 75621

To the extent that any provision in this division conflicts 75622  
with any provision in section 5747.026 of the Revised Code, the 75623  
provision in that section prevails. 75624

(H) The amounts withheld by an employer pursuant to section 75625  
5747.06 of the Revised Code, a casino operator pursuant to section 75626  
5747.063 of the Revised Code, or a lottery sales agent pursuant to 75627  
section 5747.064 of the Revised Code shall be allowed to the 75628  
recipient of the compensation casino winnings, or lottery prize 75629  
award as credits against payment of the appropriate taxes imposed 75630  
on the recipient by section 5747.02 and under Chapter 5748. of the 75631  
Revised Code. 75632

(I) If a pass-through entity elects to file a single return 75633

under division (D) of this section and if any investor is required 75634  
to file the annual return and make the payment of taxes required 75635  
by this chapter on account of the investor's other income that is 75636  
not included in a single return filed by a pass-through entity or 75637  
any other investor elects to file the annual return, the investor 75638  
is entitled to a refundable credit equal to the investor's 75639  
proportionate share of the tax paid by the pass-through entity on 75640  
behalf of the investor. The investor shall claim the credit for 75641  
the investor's taxable year in which or with which ends the 75642  
taxable year of the pass-through entity. Nothing in this chapter 75643  
shall be construed to allow any credit provided in this chapter to 75644  
be claimed more than once. For the purpose of computing any 75645  
interest, penalty, or interest penalty, the investor shall be 75646  
deemed to have paid the refundable credit provided by this 75647  
division on the day that the pass-through entity paid the 75648  
estimated tax or the tax giving rise to the credit. 75649

(J) The tax commissioner shall ensure that each return 75650  
required to be filed under this section includes a box that the 75651  
taxpayer may check to authorize a paid tax preparer who prepared 75652  
the return to communicate with the department of taxation about 75653  
matters pertaining to the return. The return or instructions 75654  
accompanying the return shall indicate that by checking the box 75655  
the taxpayer authorizes the department of taxation to contact the 75656  
preparer concerning questions that arise during the processing of 75657  
the return and authorizes the preparer only to provide the 75658  
department with information that is missing from the return, to 75659  
contact the department for information about the processing of the 75660  
return or the status of the taxpayer's refund or payments, and to 75661  
respond to notices about mathematical errors, offsets, or return 75662  
preparation that the taxpayer has received from the department and 75663  
has shown to the preparer. 75664

(K) The tax commissioner shall permit individual taxpayers to 75665

instruct the department of taxation to cause any refund of 75666  
overpaid taxes to be deposited directly into a checking account, 75667  
savings account, or an individual retirement account or individual 75668  
retirement annuity, or preexisting college savings plan or program 75669  
account offered by the Ohio tuition trust authority under Chapter 75670  
3334. of the Revised Code, as designated by the taxpayer, when the 75671  
taxpayer files the annual return required by this section 75672  
electronically. 75673

(L) The tax commissioner may adopt rules to administer this 75674  
section. 75675

**Sec. 5747.10.** ~~¶~~ (A) As used in this section: 75676

(1) "Administrative adjustment request" means an 75677  
administrative adjustment request filed by a partnership under 75678  
section 6227 of the Internal Revenue Code. 75679

(2) "Audited partnership" means a partnership subject to a 75680  
partnership level audit resulting in a federal adjustment. 75681

(3) "Direct partner" means a partner that holds a direct 75682  
interest in a partnership or other pass-through entity. 75683

(4) "Exempt partner" means a partner that is not subject to 75684  
the tax levied by section 5747.02 of the Revised Code. 75685

(5) "Federal adjustment" means a change to an item or amount 75686  
required to be determined under the Internal Revenue Code that 75687  
affects a taxpayer's aggregate tax liability under section 5747.02 75688  
or Chapter 5748. of the Revised Code and that results from an 75689  
action by the internal revenue service, including a partnership 75690  
level audit, or from the filing of an amended federal tax return, 75691  
a claim for a federal tax refund, or an administrative adjustment 75692  
request. A federal adjustment is positive to the extent that it 75693  
increases a taxpayer's aggregate tax liability under section 75694  
5747.02 or Chapter 5748. of the Revised Code and is negative to 75695

the extent that it decreases a taxpayer's aggregate tax liability. 75696

(6) "Federal adjustments report" means the form or other 75697  
document prescribed by the tax commissioner for use by a taxpayer 75698  
in reporting final federal adjustments. 75699

(7) "Federal partnership representative" means the person 75700  
designated as the partnership's representative for federal income 75701  
tax purposes pursuant to section 6223(a) of the Internal Revenue 75702  
Code. 75703

(8) "Final determination date" means one of the following: 75704

(a) If the federal adjustment arises from an audit or other 75705  
action by the internal revenue service, the first day on which no 75706  
federal adjustments arising from that audit or action remain to be 75707  
finally determined, whether by decision of the internal revenue 75708  
service with respect to which all rights of appeal have been 75709  
waived or exhausted, by agreement, or, if appealed or contested, 75710  
by a final decision with respect to which all rights of appeal 75711  
have been waived or exhausted. For agreements required to be 75712  
signed by the internal revenue service and the taxpayer, the final 75713  
determination date is the date on which the last party signed the 75714  
agreement. 75715

(b) If the federal adjustment arises from the filing of an 75716  
amended federal return, a claim for a federal tax refund, an 75717  
administrative adjustment request, or a similar report filed 75718  
pursuant to section 6225(c) of the Internal Revenue Code, the date 75719  
on which the amended return, refund claim, administrative 75720  
adjustment request, or similar report was filed. 75721

(9) "Final federal adjustment" means a federal adjustment 75722  
after the final determination date for that federal adjustment has 75723  
passed. 75724

(10) "Indirect partner" means a partner in a partnership or 75725  
other pass-through entity that itself holds an interest directly, 75726

or through another indirect partner, in a partnership or other 75727  
pass-through entity. 75728

(11) "Nonresident partner" means a partner that is not a 75729  
resident partner. 75730

(12) "Partner" means a person that holds an interest directly 75731  
or indirectly in a partnership or other pass-through entity. 75732

(13) "Partnership" means an entity subject to taxation under 75733  
subchapter K of the Internal Revenue Code. 75734

(14) "Partnership level audit" means an examination by the 75735  
internal revenue service at the partnership level pursuant to 75736  
subchapter C, chapter 63, subtitle F of the Internal Revenue Code 75737  
that results in final federal adjustments. 75738

(15) "Resident partner" means a partner that is a resident 75739  
under this chapter. 75740

(16) "Reviewed year" means the taxable year of a partnership 75741  
that is subject to a partnership level audit that results in final 75742  
federal adjustments. 75743

(17) "Taxpayer" includes a partnership that is subject to a 75744  
partnership level audit or that has filed an administrative 75745  
adjustment request, and any tiered partner of such a partnership. 75746

(18) "Tiered partner" means a partner that is a partnership 75747  
or other pass-through entity. 75748

(B) Except in the case of final federal adjustments that are 75749  
required to be reported by a partnership and its partners under 75750  
division (C) of this section, if any of the facts, figures, 75751  
computations, or attachments required in a taxpayer's annual 75752  
return to determine the tax charged by this chapter or Chapter 75753  
5748. of the Revised Code must be altered as the result of ~~an a~~ 75754  
final federal adjustment ~~to the taxpayer's federal income tax~~ 75755  
~~return, whether initiated by the taxpayer or the internal revenue~~ 75756

~~service, and such alteration affects the taxpayer's tax liability under this chapter or Chapter 5748. of the Revised Code, the taxpayer shall file an amended return with the tax commissioner in such form as the commissioner requires. The amended return shall be filed not later than sixty one hundred eighty days after the ~~adjustment has been agreed to or finally determined for federal income tax purposes or any federal income tax deficiency or refund, or the abatement or credit resulting therefrom, has been assessed or paid, whichever occurs first~~ final determination date.~~

~~(A) In the case of an underpayment, the amended return shall be accompanied by payment of any combined additional tax due together with interest thereon. An amended return required by this section is a return subject to assessment under section 5747.13 of the Revised Code for the purpose of assessing any additional tax due under this section, together with any applicable penalty and interest. It shall not reopen those facts, figures, computations, or attachments from a previously filed return no longer subject to assessment that are not affected, either directly or indirectly, by the adjustment to the taxpayer's federal income tax return.~~

~~(B) In the case of an overpayment, an application for refund may be filed under this division within the sixty day period prescribed for filing the amended return even if it is filed beyond the period prescribed in section 5747.11 of the Revised Code if it otherwise conforms to the requirements of such section. An application filed under this division shall claim refund of overpayments resulting from alterations to only those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the adjustment to the taxpayer's federal income tax return unless it is also filed within the time prescribed in section 5747.11 of the Revised Code. It shall not reopen those facts, figures, computations, or attachments that are not affected, either~~

~~directly or indirectly, by the adjustment to the taxpayer's  
federal income tax return.~~

(C) Except for adjustments required to be reported for  
federal purposes pursuant to section 6225(a)(2) of the Internal  
Revenue Code and adjustments that are taken into account on a  
federal amended return or similar report filed pursuant to section  
6225(c)(2) of the Internal Revenue Code, partnerships and partners  
shall report final federal adjustments arising from a partnership  
level audit or an administrative adjustment request and make  
payments as required under division (C) of this section.

(1)(a) With respect to an action required or permitted to be  
taken by a partnership under this section, and any petition for  
reassessment or appeal to the board of tax appeals or any court  
with respect to such an action, the state partnership  
representative shall have the sole authority to act on behalf of  
the partnership, and the partnership's direct partners and  
indirect partners shall be bound by those actions.

(b) A partnership's state partnership representative for a  
reviewed year shall be the partnership's federal partnership  
representative for that year, unless the partnership designates,  
on the form prescribed by the tax commissioner, another person as  
the state partnership representative.

(c) The tax commissioner may establish reasonable  
qualifications and procedures for the designation of a person  
other than the federal partnership representative as a  
partnership's state partnership representative.

(2)(a) Unless an audited partnership makes the election under  
division (C)(3) of this section, the audited partnership shall do  
all of the following within ninety days after a final  
determination date:

(i) File a federal adjustments report with the tax

commissioner; 75820

(ii) Notify each of its direct partners of their distributive share of the final federal adjustments; 75821  
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(iii) File an amended tax return on behalf of its partners and pay any additional tax that would have been due under section 5747.41 of the Revised Code with respect to those partners had the final federal adjustments been reported properly. 75823  
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(b) Unless a partnership or tiered partner paid an amount on behalf of its partners under division (C)(3) of this section, each direct partner that is subject to the tax levied by section 5747.02 of the Revised Code shall do all of the following within one hundred eighty days after a final determination date: 75827  
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(i) File a federal adjustments report that reports the distributive share of the adjustments reported to the direct partner under division (C)(2)(a)(ii) of this section; 75832  
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(ii) Pay any additional tax that would have been due from the direct partner had the final federal adjustments been reported properly, less any amounts paid on the direct partner's behalf under division (C)(2)(a)(iii) of this section. 75835  
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(3) If an audited partnership or a tiered partner makes the election under division (C)(3) of this section, the partnership or tiered partner shall do all of the following: 75839  
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(a) Within ninety days after a final determination date, file a federal adjustments report and notify the tax commissioner that the partnership or tiered partner is making the election under division (C)(3) of this section; 75842  
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(b) Pay the amount described in division (C)(3)(b)(iv) of this section, calculated as follows: 75846  
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(i) Exclude from final federal adjustments each exempt partner's distributive share of such adjustments that are 75848  
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allocable or apportionable to this state; 75850

(ii) Determine each nonresident direct partner's and tiered partner's distributive share of the remaining final federal adjustments that are allocable or apportionable to this state. 75851  
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(iii) Determine each resident direct partner's distributive share of the remaining final federal adjustments; 75854  
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(iv) Add the amounts computed under division (C)(3)(b)(ii) and (iii) of this section, and multiply the resulting sum by the highest rate of tax set forth in section 5747.02 of the Revised Code. 75856  
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An audited partnership shall pay the amount within one hundred eighty days after the final determination date. A tiered partnership shall pay the amount within ninety days after the deadline for filing and furnishing statements to tiered partners and their partners under section 6226 of the Internal Revenue Code and regulations adopted pursuant thereto. 75860  
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(4) Upon application by an audited partnership or tiered partner, the tax commissioner may enter into an agreement with a partnership or tiered partner under which the partnership or tiered partner uses a reporting and payment method that is different than those specified in divisions (C)(2) and (3) of this section. The application must be submitted before the applicable deadline for payment under division (C)(3)(b) of this section. 75866  
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(5) An election made under division (C)(3) of this section is irrevocable, unless the tax commissioner determines otherwise. 75873  
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(6)(a) If properly reported and paid by the audited partnership or tiered partner, an amount paid pursuant to division (C)(3) or (4) of this section shall be treated as paid in lieu of the taxes due from such person's partners with respect to the reported final federal adjustments. No partner may take any deduction or credit for such amount paid, claim a refund of such 75875  
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amount, or include such amount on the partner's return in any 75881  
manner. 75882

(b) Nothing in division (C)(6) of this section shall preclude 75883  
a resident direct partner from claiming a credit against taxes 75884  
paid to this state for any amounts paid by the audited partnership 75885  
or tiered partner on such partner's behalf to another state as 75886  
otherwise authorized by this chapter. 75887

(7) Nothing in division (C) of this section precludes the tax 75888  
commissioner from issuing an assessment under this chapter against 75889  
any direct partner or indirect partner for taxes due from the 75890  
partner in the event that an audited partnership or tiered 75891  
partnership fails to timely make any report or payment required by 75892  
this section for any reason. 75893

(D) A federal adjustments report or amended return required 75894  
by this section is a return subject to assessment under section 75895  
5747.13 of the Revised Code for the purpose of assessing any 75896  
additional tax due under this section, together with any 75897  
applicable penalty and interest. It shall not reopen those facts, 75898  
figures, computations, or attachments from a previously filed 75899  
return no longer subject to assessment that are not affected, 75900  
either directly or indirectly, by the federal adjustments reported 75901  
on the federal adjustments report or amended return. 75902  
Notwithstanding section 5747.13 of the Revised Code, the tax 75903  
commissioner shall assess any additional tax, interest, and 75904  
penalties arising from final federal adjustments on or before the 75905  
later of the dates described in division (D)(1) or (2) of this 75906  
section if the taxpayer timely filed the federal adjustments 75907  
report or amended return, or the later of the dates described in 75908  
division (D)(1), (2), or (3) of this section if the taxpayer 75909  
failed to timely file a federal adjustments report or amended 75910  
return as required under this section, omits final federal 75911  
adjustments on a report, or understates the amount of tax due on a 75912

report. 75913

(1) The expiration of the period for issuing an assessment under section 5747.13 of the Revised Code; 75914  
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(2) The expiration of the one-year period after the date on which the taxpayer filed a federal adjustments report or amended return with the tax commissioner; 75916  
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(3) Absent fraud, the expiration of the six-year period after the final determination date. 75919  
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(E) The tax commissioner may accept estimated payments of the tax arising from federal adjustments expected to result from a pending partnership level audit before the date for filing a federal adjustments report. The commissioner may adopt rules for the payment of such estimated taxes. 75921  
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(F) Except for final federal adjustments described in section 6225(a)(2) of the Internal Revenue Code, a taxpayer may apply for a refund of any overpayment made under this chapter arising from federal adjustments made by the internal revenue service on or before the later of the following dates: 75926  
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(1) The deadline for filing a refund application under section 5747.11 of the Revised Code; 75931  
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(2) The expiration of the one-year period after the date the taxpayer was required to file a federal adjustments report or amended return under this section. 75933  
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An application filed under this division shall claim a refund of overpayments resulting from alterations to only those facts, figures, computations, or attachments required in the taxpayer's annual return that are affected, either directly or indirectly, by the federal adjustments unless it is also filed within the time prescribed in section 5747.11 of the Revised Code. It shall not reopen those facts, figures, computations, or attachments that are 75936  
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not affected, either directly or indirectly, by the federal 75943  
adjustments. 75944

(G)(1) Unless otherwise agreed in writing by the taxpayer and 75945  
the tax commissioner, or except as provided in division (G)(2) of 75946  
this section, any adjustments made by either party after the end 75947  
of the period for issuing an assessment under section 5747.13 of 75948  
the Revised Code are limited to changes to the taxpayer's 75949  
aggregate tax liability under section 5747.02 of the Revised Code 75950  
arising from federal adjustments. 75951

(2) The deadline specified in division (G)(1) of this section 75952  
shall be extended by sixty days if an audited partnership or 75953  
tiered partner with ten thousand or more direct partners submits a 75954  
request for extension before that deadline. 75955

(3) Any extension authorized under this section shall also 75956  
extend the period for issuing assessments or applying for a refund 75957  
by the same amount of time. 75958

**Sec. 5747.26.** (A) Terms used in this section have the same 75959  
meanings as in section 3742.50 of the Revised Code. 75960

(B) There is hereby allowed a nonrefundable credit against a 75961  
taxpayer's aggregate tax liability under section 5747.02 of the 75962  
Revised Code for a taxpayer to whom a lead abatement tax credit 75963  
certificate was issued under section 3742.50 of the Revised Code. 75964  
The credit equals the amount listed on the certificate and shall 75965  
be claimed for the taxable year in which the certificate was 75966  
issued. 75967

The credit shall be claimed in the order required under 75968  
section 5747.98 of the Revised Code. If the credit exceeds the 75969  
taxpayer's aggregate tax due under section 5747.02 of the Revised 75970  
Code for that taxable year after allowing for credits that precede 75971  
the credit under this section in that order, such excess shall be 75972

allowed as a credit in each of the ensuing seven taxable years, 75973  
but the amount of any excess credit allowed in any such taxable 75974  
year shall be deducted from the balance carried forward to the 75975  
ensuing taxable year. 75976

(C) The taxpayer shall provide, upon request of the tax 75977  
commissioner, any documentation necessary to verify the taxpayer 75978  
is entitled to the credit under this section. 75979

**Sec. 5747.41.** For the same purposes for which the tax is 75980  
levied under section 5747.02 of the Revised Code, there is hereby 75981  
levied a withholding tax on every qualifying pass-through entity 75982  
having at least one qualifying investor who is an individual and 75983  
on every qualifying trust having at least one qualifying 75984  
beneficiary who is an individual. The withholding tax imposed by 75985  
this section is imposed on the sum of the adjusted qualifying 75986  
amounts of a qualifying pass-through entity's qualifying investors 75987  
who are individuals and on the sum of the adjusted qualifying 75988  
amounts of a qualifying trust's qualifying beneficiaries, at the 75989  
rate of ~~five~~ three per cent of that sum. 75990

The tax imposed by this section applies only if the 75991  
qualifying entity has nexus with this state under the Constitution 75992  
of the United States for any portion of the qualifying entity's 75993  
qualifying taxable year, and the sum of the qualifying entity's 75994  
adjusted qualifying amounts exceeds one thousand dollars for the 75995  
qualifying entity's qualifying taxable year. 75996

The levy of the tax under this section does not prevent a 75997  
municipal corporation or a joint economic development district 75998  
created under section 715.70, 715.71, or 715.72 of the Revised 75999  
Code from levying a tax on income. 76000

**Sec. 5747.461.** There is hereby created in the state treasury 76001  
the local government audit support fund. The fund shall consist of 76002

revenue credited pursuant to section 131.511 of the Revised Code 76003  
and any other revenue as provided by law. The auditor of state 76004  
shall use the fund to support the cost of financial audits, 76005  
performance audits, and other audits of local public offices 76006  
performed pursuant to Chapter 117. of the Revised Code or as 76007  
otherwise provided by law. 76008

The fund shall be used in a manner to be determined by the 76009  
auditor of state to offset the audit costs that would otherwise be 76010  
charged to local public offices in the absence of the fund. 76011

**Sec. 5747.73.** There is hereby allowed a nonrefundable credit 76012  
against a taxpayer's aggregate tax liability under section 5747.02 76013  
of the Revised Code equal to thirty per cent of the amount of the 76014  
credit the taxpayer claims for the taxable year under section 51 76015  
of the Internal Revenue Code on the basis of service rendered by a 76016  
qualified ex-felon, as that term is defined under that section. 76017  
The credit shall be claimed in the order required under section 76018  
5747.98 of the Revised Code. Any credit amount in excess of the 76019  
tax due, after allowing for other credits preceding the credit in 76020  
that order, may be carried forward for seven taxable years, but 76021  
the amount of the excess credit allowed in any such year shall be 76022  
deducted from the balance carried forward to the next year. 76023

**Sec. 5747.98.** (A) To provide a uniform procedure for 76024  
calculating a taxpayer's aggregate tax liability under section 76025  
5747.02 of the Revised Code, a taxpayer shall claim any credits to 76026  
which the taxpayer is entitled in the following order: 76027

(1) Either the retirement income credit under division (B) of 76028  
section 5747.055 of the Revised Code or the lump sum retirement 76029  
income credits under divisions (C), (D), and (E) of that section; 76030

(2) Either the senior citizen credit under division (F) of 76031  
section 5747.055 of the Revised Code or the lump sum distribution 76032

credit under division (G) of that section;	76033
(3) The dependent care credit under section 5747.054 of the Revised Code;	76034 76035
(4) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	76036 76037
<del>(5) The campaign contribution credit under section 5747.29 of the Revised Code;</del>	76038 76039
<del>(6)</del> The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	76040 76041
<del>(7)</del> <u>(6)</u> The joint filing credit under division (G) of section 5747.05 of the Revised Code;	76042 76043
<del>(8)</del> <u>(7)</u> The earned income credit under section 5747.71 of the Revised Code;	76044 76045
<del>(9)</del> <u>(8)</u> The credit for adoption of a minor child under section 5747.37 of the Revised Code;	76046 76047
<del>(10)</del> <u>(9)</u> The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	76048 76049
<del>(11)</del> <u>(10)</u> The enterprise zone credit under section 5709.66 of the Revised Code;	76050 76051
<del>(12)</del> <u>(11)</u> The ethanol plant investment credit under section 5747.75 of the Revised Code;	76052 76053
<del>(13)</del> <u>(12)</u> The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	76054 76055
<del>(14)</del> <u>(13)</u> The small business investment credit under section 5747.81 of the Revised Code;	76056 76057
<del>(15)</del> <u>(14)</u> <u>The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;</u>	76058 76059
<u>(15) The opportunity zone investment credit under section 122.84 of the Revised Code;</u>	76060 76061

<u>(16)</u> The nonrefundable credit for employing ex-felons under section 5747.73 of the Revised Code;	76062 76063
<u>(17)</u> The enterprise zone credits under section 5709.65 of the Revised Code;	76064 76065
<del>(16)</del> <u>(18)</u> The research and development credit under section 5747.331 of the Revised Code;	76066 76067
<del>(17)</del> <u>(19)</u> The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	76068 76069
<del>(18)</del> <u>(20)</u> The nonresident credit under division (A) of section 5747.05 of the Revised Code;	76070 76071
<del>(19)</del> <u>(21)</u> The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	76072 76073
<del>(20)</del> <u>(22)</u> The refundable motion picture production credit under section 5747.66 of the Revised Code;	76074 76075
<del>(21)</del> <u>(23)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	76076 76077
<del>(22)</del> <u>(24)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	76078 76079
<del>(23)</del> <u>(25)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	76080 76081 76082
<del>(24)</del> <u>(26)</u> The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	76083 76084 76085
<del>(25)</del> <u>(27)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	76086 76087
<del>(26)</del> The refundable credit for financial institution taxes paid by a pass through entity granted under section 5747.65 of the Revised Code.	76088 76089 76090

(B) For any credit, except the refundable credits enumerated 76091  
in this section and the credit granted under division (H) of 76092  
section 5747.08 of the Revised Code, the amount of the credit for 76093  
a taxable year shall not exceed the taxpayer's aggregate amount of 76094  
tax due under section 5747.02 of the Revised Code, after allowing 76095  
for any other credit that precedes it in the order required under 76096  
this section. Any excess amount of a particular credit may be 76097  
carried forward if authorized under the section creating that 76098  
credit. Nothing in this chapter shall be construed to allow a 76099  
taxpayer to claim, directly or indirectly, a credit more than once 76100  
for a taxable year. 76101

**Sec. 5748.01.** As used in this chapter: 76102

(A) "School district income tax" means an income tax adopted 76103  
under one of the following: 76104

(1) Former section 5748.03 of the Revised Code as it existed 76105  
prior to its repeal by Amended Substitute House Bill No. 291 of 76106  
the 115th general assembly; 76107

(2) Section 5748.03 of the Revised Code as enacted in 76108  
Substitute Senate Bill No. 28 of the 118th general assembly; 76109

(3) Section 5748.08 of the Revised Code as enacted in Amended 76110  
Substitute Senate Bill No. 17 of the 122nd general assembly; 76111

(4) Section 5748.021 of the Revised Code; 76112

(5) Section 5748.081 of the Revised Code; 76113

(6) Section 5748.09 of the Revised Code. 76114

(B) "Individual" means an individual subject to the tax 76115  
levied by section 5747.02 of the Revised Code. 76116

(C) "Estate" means an estate subject to the tax levied by 76117  
section 5747.02 of the Revised Code. 76118

(D) "Taxable year" means a taxable year as defined in 76119

division (M) of section 5747.01 of the Revised Code. 76120

(E) "Taxable income" means: 76121

(1) In the case of an individual, one of the following, as 76122  
specified in the resolution imposing the tax: 76123

(a) ~~Ohio Modified~~ Modified adjusted gross income for the taxable year, 76124  
as defined in ~~division (A) of~~ section 5747.01 of the Revised Code, 76125  
less the exemptions provided by section 5747.02 of the Revised 76126  
Code, ~~plus any amount deducted under division (A)(31) of section~~ 76127  
~~5747.01 of the Revised Code for the taxable year;~~ 76128

(b) Wages, salaries, tips, and other employee compensation to 76129  
the extent included in ~~Ohio modified~~ modified adjusted gross income as 76130  
defined in section 5747.01 of the Revised Code, and net earnings 76131  
from self-employment, as defined in section 1402(a) of the 76132  
Internal Revenue Code, to the extent included in ~~Ohio modified~~ modified 76133  
adjusted gross income. 76134

(2) In the case of an estate, taxable income for the taxable 76135  
year as defined in division (S) of section 5747.01 of the Revised 76136  
Code. 76137

(F) "Resident" of the school district means: 76138

(1) An individual who is a resident of this state as defined 76139  
in division (I) of section 5747.01 of the Revised Code during all 76140  
or a portion of the taxable year and who, during all or a portion 76141  
of such period of state residency, is domiciled in the school 76142  
district or lives in and maintains a permanent place of abode in 76143  
the school district; 76144

(2) An estate of a decedent who, at the time of death, was 76145  
domiciled in the school district. 76146

(G) "School district income" means: 76147

(1) With respect to an individual, the portion of the taxable 76148  
income of an individual that is received by the individual during 76149

the portion of the taxable year that the individual is a resident 76150  
of the school district and the school district income tax is in 76151  
effect in that school district. An individual may have school 76152  
district income with respect to more than one school district. 76153

(2) With respect to an estate, the taxable income of the 76154  
estate for the portion of the taxable year that the school 76155  
district income tax is in effect in that school district. 76156

(H) "Taxpayer" means an individual or estate having school 76157  
district income upon which a school district income tax is 76158  
imposed. 76159

(I) "School district purposes" means any of the purposes for 76160  
which a tax may be levied pursuant to division (A) of section 76161  
5705.21 of the Revised Code, including the combined purposes 76162  
authorized by section 5705.217 of the Revised Code. 76163

**Sec. 5751.02.** (A) For the purpose of funding the needs of 76164  
this state and its local governments, there is hereby levied a 76165  
commercial activity tax on each person with taxable gross receipts 76166  
for the privilege of doing business in this state. For the 76167  
purposes of this chapter, "doing business" means engaging in any 76168  
activity, whether legal or illegal, that is conducted for, or 76169  
results in, gain, profit, or income, at any time during a calendar 76170  
year. Persons on which the commercial activity tax is levied 76171  
include, but are not limited to, persons with substantial nexus 76172  
with this state. The tax imposed under this section is not a 76173  
transactional tax and is not subject to Public Law No. 86-272, 73 76174  
Stat. 555. The tax imposed under this section is in addition to 76175  
any other taxes or fees imposed under the Revised Code. The tax 76176  
levied under this section is imposed on the person receiving the 76177  
gross receipts and is not a tax imposed directly on a purchaser. 76178  
The tax imposed by this section is an annual privilege tax for the 76179  
calendar year that, in the case of calendar year taxpayers, is the 76180

annual tax period and, in the case of calendar quarter taxpayers, 76181  
contains all quarterly tax periods in the calendar year. A 76182  
taxpayer is subject to the annual privilege tax for doing business 76183  
during any portion of such calendar year. 76184

(B) The tax imposed by this section is a tax on the taxpayer 76185  
and shall not be billed or invoiced to another person. Even if the 76186  
tax or any portion thereof is billed or invoiced and separately 76187  
stated, such amounts remain part of the price for purposes of the 76188  
sales and use taxes levied under Chapters 5739. and 5741. of the 76189  
Revised Code. Nothing in division (B) of this section prohibits: 76190

(1) A person from including in the price charged for a good 76191  
or service an amount sufficient to recover the tax imposed by this 76192  
section; or 76193

(2) A lessor from including an amount sufficient to recover 76194  
the tax imposed by this section in a lease payment charged, or 76195  
from including such an amount on a billing or invoice pursuant to 76196  
the terms of a written lease agreement providing for the recovery 76197  
of the lessor's tax costs. The recovery of such costs shall be 76198  
based on an estimate of the total tax cost of the lessor during 76199  
the tax period, as the tax liability of the lessor cannot be 76200  
calculated until the end of that period. 76201

(C)(1) The commercial activities tax receipts fund is hereby 76202  
created in the state treasury and shall consist of money arising 76203  
from the tax imposed under this chapter. ~~Seventy-five~~ Sixty-five 76204  
one-hundredths of one per cent of the money credited to that fund 76205  
shall be credited to the revenue enhancement fund and shall be 76206  
used to defray the costs incurred by the department of taxation in 76207  
administering the tax imposed by this chapter and in implementing 76208  
tax reform measures. The remainder of the money in the commercial 76209  
activities tax receipts fund shall first be credited to the 76210  
commercial activity tax motor fuel receipts fund, pursuant to 76211

division (C)(2) of this section, and the remainder shall be 76212  
 credited in the following percentages each fiscal year to the 76213  
 general revenue fund, to the school district tangible property tax 76214  
 replacement fund, which is hereby created in the state treasury 76215  
 for the purpose of making the payments described in section 76216  
 5709.92 of the Revised Code, and to the local government tangible 76217  
 property tax replacement fund, which is hereby created in the 76218  
 state treasury for the purpose of making the payments described in 76219  
 section 5709.93 of the Revised Code, in the following percentages: 76220

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	76222
2016 and 2017	75.0%	20.0%	5.0%	76223
2018 and thereafter	85.0%	13.0%	2.0%	76224

(2) Not later than the twentieth day of February, May, 76225  
 August, and November of each year, the commissioner shall provide 76226  
 for payment from the commercial activities tax receipts fund to 76227  
 the commercial activity tax motor fuel receipts fund an amount 76228  
 that bears the same ratio to the balance in the commercial 76229  
 activities tax receipts fund that (a) the taxable gross receipts 76230  
 attributed to motor fuel used for propelling vehicles on public 76231  
 highways as indicated by returns filed by the tenth day of that 76232  
 month for a liability that is due and payable on or after July 1, 76233  
 2013, for a tax period ending before July 1, 2014, bears to (b) 76234  
 all taxable gross receipts as indicated by those returns for such 76235  
 liabilities. 76236

(D)(1) If the total amount in the school district tangible 76237  
 property tax replacement fund is insufficient to make all payments 76238  
 under section 5709.92 of the Revised Code at the times the 76239

payments are to be made, the director of budget and management 76240  
shall transfer from the general revenue fund to the school 76241  
district tangible property tax replacement fund the difference 76242  
between the total amount to be paid and the amount in the school 76243  
district tangible property tax replacement fund. 76244

(2) If the total amount in the local government tangible 76245  
property tax replacement fund is insufficient to make all payments 76246  
under section 5709.93 of the Revised Code at the times the 76247  
payments are to be made, the director of budget and management 76248  
shall transfer from the general revenue fund to the local 76249  
government tangible property tax replacement fund the difference 76250  
between the total amount to be paid and the amount in the local 76251  
government tangible property tax replacement fund. 76252

(E)(1) On or after the first day of June of each year, the 76253  
director of budget and management may transfer any balance in the 76254  
school district tangible property tax replacement fund to the 76255  
general revenue fund. 76256

(2) On or after the first day of June of each year, the 76257  
director of budget and management may transfer any balance in the 76258  
local government tangible property tax replacement fund to the 76259  
general revenue fund. 76260

(F)(1) There is hereby created in the state treasury the 76261  
commercial activity tax motor fuel receipts fund. 76262

(2) On or before the fifteenth day of June of each fiscal 76263  
year beginning with fiscal year 2015, the director of the Ohio 76264  
public works commission shall certify to the director of budget 76265  
and management the amount of debt service paid from the general 76266  
revenue fund in the current fiscal year on bonds issued to finance 76267  
or assist in the financing of the cost of local subdivision public 76268  
infrastructure capital improvement projects, as provided for in 76269  
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 76270

that are attributable to costs for construction, reconstruction, 76271  
maintenance, or repair of public highways and bridges and other 76272  
statutory highway purposes. That certification shall allocate the 76273  
total amount of debt service paid from the general revenue fund 76274  
and attributable to those costs in the current fiscal year 76275  
according to the applicable section of the Ohio Constitution under 76276  
which the bonds were originally issued. 76277

(3) On or before the thirtieth day of June of each fiscal 76278  
year beginning with fiscal year 2015, the director of budget and 76279  
management shall determine an amount up to but not exceeding the 76280  
amount certified under division (F)(2) of this section and shall 76281  
reserve that amount from the cash balance in the petroleum 76282  
activity tax public highways fund or the commercial activity tax 76283  
motor fuel receipts fund for transfer to the general revenue fund 76284  
at times and in amounts to be determined by the director. The 76285  
director shall transfer the cash balance in the petroleum activity 76286  
tax public highways fund or the commercial activity tax motor fuel 76287  
receipts fund in excess of the amount so reserved to the highway 76288  
operating fund on or before the thirtieth day of June of the 76289  
current fiscal year. 76290

**Sec. 5903.12.** (A) As used in this section: 76291

"Continuing education" means continuing education required of 76292  
a licensee by law and includes, but is not limited to, the 76293  
continuing education required of licensees under sections 76294  
3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 76295  
4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 4734.25, 76296  
4735.141, 4736.11, 4741.16, 4741.19, ~~4751.07~~, 4751.24, 4751.25, 76297  
4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised 76298  
Code. 76299

"Reporting period" means the period of time during which a 76300  
licensee must complete the number of hours of continuing education 76301

required of the licensee by law. 76302

(B) A licensee may submit an application to a licensing 76303  
agency, stating that the licensee requires an extension of the 76304  
current reporting period because the licensee has served on active 76305  
duty during the current or a prior reporting period. The licensee 76306  
shall submit proper documentation certifying the active duty 76307  
service and the length of that active duty service. Upon receiving 76308  
the application and proper documentation, the licensing agency 76309  
shall extend the current reporting period by an amount of time 76310  
equal to the total number of months that the licensee spent on 76311  
active duty during the current reporting period. For purposes of 76312  
this division, any portion of a month served on active duty shall 76313  
be considered one full month. 76314

**Sec. 5910.01.** As used in this chapter and section 5919.34 of 76315  
the Revised Code: 76316

(A) "Child" includes natural and adopted children and 76317  
stepchildren who have not been legally adopted by the veteran 76318  
parent provided that the relationship between the stepchild and 76319  
the veteran parent meets the following criteria: 76320

(1) The veteran parent is married to the child's natural or 76321  
adoptive parent at the time application for a scholarship granted 76322  
under this chapter is made; or if the veteran parent is deceased, 76323  
the child's natural or adoptive parent was married to the veteran 76324  
parent at the time of the veteran parent's death; 76325

(2) The child resided with the veteran parent for a period of 76326  
not less than ten consecutive years immediately prior to making 76327  
application for the scholarship; or if the veteran parent is 76328  
deceased, the child resided with the veteran parent for a period 76329  
of not less than ten consecutive years immediately prior to the 76330  
veteran parent's death; 76331

(3) The child received financial support from the veteran parent for a period of not less than ten consecutive years immediately prior to making application for the scholarship; or if the veteran parent is deceased, the child received financial support from the veteran parent for a period of not less than ten consecutive years immediately prior to the veteran parent's death.

(B) "Veteran" includes any of the following:

(1) Any person who was a member of the armed services of the United States for a period of ninety days or more, or who was discharged from the armed services due to a disability incurred while a member with less than ninety days' service, or who died while a member of the armed services; provided that such service, disability, or death occurred during one of the following periods: April 6, 1917, to November 11, 1918; December 7, 1941, to December 31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to May 7, 1975; August 2, 1990, to the end of operations conducted as a result of the invasion of Kuwait by Iraq, including support for operation desert shield and operation desert storm, as declared by the president of the United States or the congress; October 7, 2001, to the end of operation enduring freedom as declared by the president of the United States or the congress; March 20, 2003, to the end of operation Iraqi freedom as declared by the president of the United States or the congress; or any other period of conflict established by the United States department of veterans affairs for pension purposes;

(2) Any person who was a member of the armed services of the United States and participated in an operation for which the armed forces expeditionary medal was awarded;

(3) Any person who served as a member of the United States merchant marine and to whom either of the following applies:

(a) The person has an honorable report of separation from the

active duty military service, form DD214 or DD215. 76363

(b) The person served in the United States merchant marine 76364  
between December 7, 1941, and December 31, 1946, and died on 76365  
active duty while serving in a war zone during that period of 76366  
service. 76367

(C) "Armed services of the United States" or "United States 76368  
armed forces" includes the army, air force, navy, marine corps, 76369  
coast guard, and such other military service branch as may be 76370  
designated by congress as a part of the armed forces of the United 76371  
States. 76372

(D) "Board" means the Ohio war orphans and severely disabled 76373  
veterans' children scholarship board created by section 5910.02 of 76374  
the Revised Code. 76375

(E) "Disabled" means having a sixty per cent or greater 76376  
service-connected disability or receiving benefits for permanent 76377  
and total nonservice-connected disability, as determined by the 76378  
United States department of veterans affairs. 76379

(F) "United States merchant marine" includes the United 76380  
States army transport service and the United States naval 76381  
transport service. 76382

**Sec. 5910.02.** There is hereby created an Ohio war orphans and 76383  
severely disabled veterans' children scholarship board as part of 76384  
the department of veterans services. The board consists of eight 76385  
members as follows: the chancellor of the Ohio board of regents or 76386  
the chancellor's designee; the director of veterans services or 76387  
the director's designee; one member of the house of 76388  
representatives, appointed by the speaker; one member of the 76389  
senate, appointed by the president of the senate; and four members 76390  
appointed by the governor, one of whom shall be a representative 76391  
of the American Legion, one of whom shall be a representative of 76392

the Veterans of Foreign Wars, one of whom shall be a 76393  
representative of the Disabled American Veterans, and one of whom 76394  
shall be a representative of the AMVETS. At least ninety days 76395  
prior to the expiration of the term of office of the 76396  
representative of a veterans organization appointed by the 76397  
governor, the governor shall notify the state headquarters of the 76398  
affected organization of the need for an appointment and request 76399  
the organization to make at least three nominations. Within sixty 76400  
days after making the request for nominations, the governor may 76401  
make the appointment from the nominations received, or may reject 76402  
all the nominations and request at least three new nominations, 76403  
from which the governor shall make an appointment within thirty 76404  
days after making the request for the new nominations. If the 76405  
governor receives no nominations during this thirty-day period, 76406  
the governor may appoint any veteran. 76407

Terms of office for the four members appointed by the 76408  
governor shall be for four years, commencing on the first day of 76409  
January and ending on the thirty-first day of December, except 76410  
that the term of the AMVETS representative shall expire December 76411  
31, 1998, and the new term that succeeds it shall commence on 76412  
January 1, 1999, and end on December 31, 2002. Each member shall 76413  
hold office from the date of the member's appointment until the 76414  
end of the term for which the member was appointed. The other 76415  
members shall serve during their terms of office. Any vacancy 76416  
shall be filled by appointment in the same manner as by original 76417  
appointment. Any member appointed to fill a vacancy occurring 76418  
prior to the expiration of the term for which the member's 76419  
predecessor was appointed shall hold office for the remainder of 76420  
such term. Any appointed member shall continue in office 76421  
subsequent to the expiration date of the member's term until the 76422  
member's successor takes office, or until a period of sixty days 76423  
has elapsed, whichever occurs first. The members of the board 76424  
shall serve without pay but shall be reimbursed for travel 76425

expenses and for other actual and necessary expenses incurred in 76426  
the performance of their duties, not to exceed ten dollars per day 76427  
for ten days in any one year to be appropriated out of any moneys 76428  
in the state treasury to the credit of the general revenue fund. 76429

The chancellor of the board of regents shall act as secretary 76430  
to the board and shall furnish such clerical and other assistance 76431  
as may be necessary to the performance of the duties of the board. 76432

The board shall determine the number of scholarships to be 76433  
made available, receive applications for scholarships, pass upon 76434  
the eligibility of applicants, decide which applicants are to 76435  
receive scholarships, and do all other things necessary for the 76436  
proper administration of this chapter. 76437

The board may apply for, and may receive and accept, grants, 76438  
and may receive and accept gifts, bequests, and contributions, 76439  
from public and private sources, including agencies and 76440  
instrumentalities of the United States and this state, and shall 76441  
deposit the grants, gifts, bequests, or contributions into the 76442  
Ohio war orphans and severely disabled veterans' children 76443  
scholarship donation fund. 76444

**Sec. 5910.031.** War orphans<sup>+</sup> and severely disabled veterans' 76445  
children scholarships provided in sections 5910.01 to 5910.06 of 76446  
the Revised Code, shall be granted to children of members of the 76447  
Ohio national guard and the reserve components of any of the armed 76448  
services of the United States who are killed or permanently and 76449  
totally disabled while on active duty pursuant to bona fide orders 76450  
of the governor or the president of the United States, or who are 76451  
killed or permanently and totally disabled while at a scheduled 76452  
training assembly, a field training period of any duration or 76453  
length, or active duty for training, pursuant to bona fide orders 76454  
issued by a competent authority. Such scholarships shall be 76455  
granted within the total number of scholarships provided under 76456

section 5910.05 of the Revised Code and are available only to 76457  
children who further qualify pursuant to divisions (A), (B), and 76458  
(C), ~~and (D)~~ of section 5910.03 of the Revised Code. 76459

As used in this section, "permanently and totally disabled" 76460  
means having a disability which renders the person incapable of 76461  
engaging in substantially gainful employment and which is presumed 76462  
to be permanent, as determined by a special board of three 76463  
officers of the Ohio national guard named by the governor, one of 76464  
whom shall be a medical officer licensed to practice in this 76465  
state. 76466

**Sec. 5910.032.** (A) A war orphans and severely disabled 76467  
veterans' children scholarship, as provided under sections 5910.01 76468  
to 5910.06 of the Revised Code, shall be granted to the child of 76469  
any person who, in the course of honorable service in the armed 76470  
services of the United States, was declared by the United States 76471  
department of defense to be a prisoner of war or missing in action 76472  
as a result of the United States' participation in armed conflict 76473  
on or after January 1, 1960, if either of the following apply: 76474

(1) The parent, at the time of entry into the armed services 76475  
of the United States, or at the time the parent was declared to be 76476  
a prisoner of war or missing in action, was a resident of Ohio; 76477

(2) If the parent did not enter the armed services as a 76478  
resident of Ohio and was not a resident of Ohio when declared a 76479  
prisoner of war or missing in action, the child has resided in 76480  
Ohio for the year immediately preceding the year in which the 76481  
application for the scholarship is made and any four of the last 76482  
ten years. 76483

The scholarships shall be in addition to the total number of 76484  
scholarships provided under section 5910.05 of the Revised Code. 76485  
Notwithstanding section 5910.03 of the Revised Code, scholarships 76486  
provided under this section shall be made to any such child who, 76487

at the time of application, has attained the sixteenth, but not 76488  
the twenty-first, birthday. The termination of a child's parent or 76489  
guardian's status as a prisoner of war or being missing in action 76490  
does not affect such child's eligibility for the benefit provided 76491  
by this section. 76492

(B) Scholarships provided under this section shall consist of 76493  
either of the following: 76494

(1) A scholarship of the type described in division (A) of 76495  
section 5910.04 of the Revised Code together with reasonable and 76496  
necessary expenses for room, board, books, and laboratory fees. 76497  
The additional amount for such expenses shall be paid from moneys 76498  
appropriated by the general assembly for such purpose. 76499

(2) A scholarship of the type described in division (B) of 76500  
section 5910.04 of the Revised Code together with an additional 76501  
grant equal to the average value of the reasonable and necessary 76502  
expenses granted under division (B)(1) of this section during the 76503  
preceding year for room, board, books, and laboratory fees. The 76504  
additional grant shall be paid from moneys appropriated by the 76505  
general assembly for such purpose, and shall be paid to the child 76506  
through the institution in which the child is enrolled. In no case 76507  
shall the additional grant exceed the amount actually expended by 76508  
the child for room, board, books, and laboratory fees. 76509

**Sec. 5910.04.** Scholarships granted under sections 5910.01 to 76510  
5910.06 of the Revised Code shall consist of either of the 76511  
following: 76512

(A) An exemption from the payment of one hundred per cent of 76513  
the general and instructional fees at colleges and universities 76514  
which receive support from the state of Ohio and are approved by 76515  
the chancellor of the board of regents, except that the percentage 76516  
may be reduced by the war orphans and severely disabled veterans' 76517  
children scholarship board in any year that insufficient funds are 76518

appropriated to fully fund scholarships for all eligible students; 76519

(B) A grant to an eligible child who is enrolled in an 76520  
institution that has received a certificate of authorization from 76521  
the board of regents under Chapter 1713. of the Revised Code, or a 76522  
private institution exempt from regulation under Chapter 3332. of 76523  
the Revised Code as prescribed in section 3333.046 of the Revised 76524  
Code, or an institution that has received a certificate of 76525  
registration from the state board of ~~proprietary school~~ 76526  
~~registration~~ career colleges and schools. Students who attend an 76527  
institution that holds a certificate of registration shall be 76528  
enrolled in either a program leading to an associate degree or a 76529  
program leading to a bachelor's degree for which associate or 76530  
bachelor's degree program the institution has received program 76531  
authorization issued under section 3332.05 of the Revised Code to 76532  
offer such degree program. The grant shall be paid to the child 76533  
through the institution in which the child is enrolled, and shall 76534  
equal one hundred per cent of the average value of all 76535  
scholarships granted under division (A) of this section during the 76536  
preceding year, except that the percentage may be reduced by the 76537  
war orphans and severely disabled veterans' children scholarship 76538  
board in any year that insufficient funds are appropriated to 76539  
fully fund scholarships for all eligible students. In no case 76540  
shall the grant exceed the total general and instructional charges 76541  
of the institution. 76542

The board shall not reduce the percentage to be paid for 76543  
scholarships awarded pursuant to section 5910.032 of the Revised 76544  
Code below one hundred per cent. 76545

**Sec. 5910.05.** The Ohio war orphans and severely disabled 76546  
veterans' children scholarship board shall determine how many 76547  
scholarships are to be granted based upon available funds provided 76548  
by the Ohio general assembly. If funds are available all eligible 76549

applicants shall be granted a scholarship. There shall be no 76550  
limitation on the number of scholarships granted under section 76551  
5910.032 of the Revised Code, nor any limitation on the number of 76552  
scholarships granted to any college or university under such 76553  
section. No person shall be granted a scholarship for more than 76554  
five academic years of education, which shall be at the 76555  
undergraduate level. The board shall provide minimum scholastic 76556  
requirements for recipients and shall withdraw the aid from any 76557  
person who fails to maintain such requirements. 76558

**Sec. 5910.06.** The Ohio war orphans and severely disabled 76559  
veterans' children scholarship board shall make a complete report 76560  
of its administration of this chapter, to each first regular 76561  
session of the general assembly. 76562

**Sec. 5910.07.** The Ohio war orphans and severely disabled 76563  
veterans' children scholarship donation fund is created in the 76564  
state treasury. The fund shall consist of gifts, bequests, grants, 76565  
and contributions made to the fund under section 5910.02 of the 76566  
Revised Code. Investment earnings of the fund shall be deposited 76567  
into the fund. The fund shall be used to operate the war orphans 76568  
and severely disabled veterans' children scholarship program and 76569  
to provide grants under sections 5910.01 to 5910.06 of the Revised 76570  
Code. 76571

**Sec. 5910.08.** There is hereby created in the state treasury 76572  
the war orphans and severely disabled veterans' children 76573  
scholarship reserve fund. As soon as possible following the end of 76574  
each fiscal year, the chancellor of higher education shall certify 76575  
to the director of budget and management the unencumbered balance 76576  
of the general revenue fund appropriations made in the immediately 76577  
preceding fiscal year for purposes of the war orphans and severely 76578  
disabled veterans' children scholarship program created in Chapter 76579

5910. of the Revised Code. Upon receipt of the certification, the 76580  
director of budget and management may transfer an amount not 76581  
exceeding the certified amount from the general revenue fund to 76582  
the war orphans and severely disabled veterans' children 76583  
scholarship reserve fund. Moneys in the war orphans and severely 76584  
disabled veterans' children scholarship reserve fund shall be used 76585  
to pay scholarship obligations in excess of the general revenue 76586  
fund appropriations made for that purpose. 76587

The director of budget and management may transfer any 76588  
unencumbered balance from the war orphans and severely disabled 76589  
veterans' children scholarship reserve fund to the general revenue 76590  
fund. 76591

If it is determined that general revenue fund appropriations 76592  
are insufficient to meet the obligations of the war orphans and 76593  
severely disabled veterans' children scholarship in a fiscal year, 76594  
the director of budget and management may transfer funds from the 76595  
war orphans and severely disabled veterans' children scholarship 76596  
reserve fund to the general revenue fund in order to meet those 76597  
obligations. The amount transferred is hereby appropriated. If the 76598  
funds transferred from the war orphans and severely disabled 76599  
veterans' children scholarship reserve fund are not needed, the 76600  
director of budget and management may transfer the unexpended 76601  
balance from the general revenue fund back to the war orphans and 76602  
severely disabled veterans' children scholarship reserve fund. 76603

**Section 101.02.** That existing sections 101.15, 101.38, 76604  
102.021, 103.41, 103.416, 103.50, 107.036, 109.572, 111.15, 76605  
111.28, 113.50, 113.51, 113.53, 113.55, 113.56, 117.13, 120.04, 76606  
120.06, 120.18, 120.28, 120.33, 120.34, 120.35, 120.52, 120.521, 76607  
120.53, 121.083, 121.22, 121.37, 122.075, 122.175, 122.85, 122.86, 76608  
123.21, 124.132, 124.82, 124.824, 125.01, 125.14, 125.18, 125.25, 76609  
125.66, 125.661, 126.48, 131.02, 131.35, 133.06, 141.04, 141.16, 76610

145.11, 145.591, 149.11, 149.43, 153.02, 166.01, 167.03, 169.06, 76611  
173.04, 173.27, 173.38, 173.391, 177.02, 183.18, 183.33, 307.622, 76612  
319.16, 319.302, 321.24, 323.151, 323.155, 341.34, 351.021, 76613  
353.06, 505.262, 505.37, 505.371, 701.10, 711.131, 718.83, 718.85, 76614  
718.90, 742.114, 753.21, 905.31, 1321.73, 1347.08, 1349.43, 76615  
1505.09, 1509.28, 1509.31, 1509.36, 1509.50, 1533.09, 1533.10, 76616  
1533.11, 1533.111, 1533.112, 1533.32, 1533.321, 1561.011, 1707.01, 76617  
1707.03, 1707.04, 1707.042, 1707.10, 1707.13, 1707.161, 1707.17, 76618  
1707.19, 1707.20, 1707.21, 1707.23, 1707.24, 1707.25, 1707.26, 76619  
1707.261, 1707.27, 1707.28, 1707.29, 1707.30, 1707.31, 1707.32, 76620  
1707.34, 1707.35, 1707.38, 1707.39, 1707.391, 1707.40, 1707.431, 76621  
1707.44, 1707.99, 1711.52, 1711.53, 1724.02, 1739.05, 1751.77, 76622  
1901.123, 1901.26, 1907.143, 1907.24, 2151.23, 2151.353, 2151.421, 76623  
2151.424, 2151.86, 2303.201, 2305.231, 2305.41, 2317.54, 2323.52, 76624  
2925.01, 2927.02, 2927.022, 2929.13, 2929.15, 2929.34, 2941.51, 76625  
2950.08, 3107.14, 3119.023, 3119.05, 3119.23, 3119.27, 3119.29, 76626  
3119.30, 3119.302, 3119.31, 3119.32, 3125.25, 3301.07, 3301.0710, 76627  
3301.0711, 3301.0714, 3301.52, 3301.53, 3302.01, 3302.021, 76628  
3302.03, 3302.036, 3302.042, 3302.061, 3302.16, 3302.17, 3302.18, 76629  
3307.152, 3309.157, 3310.03, 3311.29, 3312.01, 3313.411, 3313.413, 76630  
3313.5315, 3313.603, 3313.608, 3313.61, 3313.611, 3313.612, 76631  
3313.618, 3313.813, 3313.834, 3313.978, 3314.016, 3314.017, 76632  
3314.02, 3314.03, 3314.034, 3314.08, 3314.085, 3314.102, 3314.18, 76633  
3314.19, 3314.21, 3314.35, 3317.016, 3317.02, 3317.022, 3317.023, 76634  
3317.028, 3317.03, 3317.06, 3317.13, 3317.16, 3317.25, 3317.40, 76635  
3318.036, 3318.36, 3319.074, 3319.226, 3319.26, 3319.272, 3326.11, 76636  
3326.31, 3326.32, 3326.33, 3327.01, 3327.10, 3328.24, 3333.26, 76637  
3333.45, 3333.59, 3333.65, 3345.48, 3353.07, 3358.02, 3358.06, 76638  
3365.03, 3501.12, 3701.044, 3701.139, 3701.24, 3701.262, 3701.351, 76639  
3701.36, 3701.501, 3701.571, 3701.601, 3701.602, 3701.611, 76640  
3701.612, 3701.68, 3701.95, 3701.99, 3702.12, 3702.13, 3702.30, 76641  
3702.51, 3702.52, 3702.57, 3702.59, 3702.593, 3702.60, 3702.967, 76642

3704.01, 3704.111, 3704.14, 3705.07, 3705.09, 3705.10, 3706.25, 76643  
3706.29, 3710.01, 3710.04, 3710.05, 3710.051, 3710.06, 3710.07, 76644  
3710.08, 3710.12, 3711.02, 3713.022, 3713.99, 3721.03, 3734.01, 76645  
3734.57, 3734.901, 3735.31, 3735.33, 3735.40, 3735.41, 3735.661, 76646  
3742.03, 3742.04, 3742.18, 3742.32, 3742.40, 3745.11, 3769.07, 76647  
3770.06, 3772.19, 3781.03, 3781.06, 3781.061, 3781.10, 3798.01, 76648  
3798.07, 3798.10, 3901.381, 3901.3814, 3905.426, 3953.231, 76649  
3959.01, 3959.12, 4109.05, 4109.99, 4141.35, 4141.50, 4301.43, 76650  
4313.02, 4501.10, 4501.24, 4503.29, 4503.515, 4505.11, 4506.03, 76651  
4507.12, 4582.06, 4582.31, 4701.16, 4705.10, 4712.02, 4713.14, 76652  
4713.16, 4713.17, 4713.42, 4715.22, 4715.52, 4717.03, 4717.05, 76653  
4717.07, 4717.41, 4723.08, 4723.28, 4727.03, 4728.03, 4729.571, 76654  
4729.80, 4729.86, 4730.02, 4730.12, 4730.14, 4730.19, 4730.25, 76655  
4730.28, 4730.43, 4730.49, 4731.04, 4731.05, 4731.07, 4731.14, 76656  
4731.15, 4731.155, 4731.17, 4731.171, 4731.19, 4731.222, 4731.228, 76657  
4731.229, 4731.281, 4731.282, 4731.291, 4731.293, 4731.294, 76658  
4731.299, 4731.56, 4731.572, 4731.573, 4734.281, 4735.023, 76659  
4735.052, 4735.06, 4735.09, 4735.12, 4735.13, 4735.15, 4735.18, 76660  
4735.182, 4735.27, 4735.28, 4737.045, 4743.02, 4745.04, 4751.01, 76661  
4751.03, 4751.041, 4751.042, 4751.043, 4751.044, 4751.05, 4751.06, 76662  
4751.07, 4751.08, 4751.10, 4751.11, 4751.12, 4751.13, 4751.14, 76663  
4751.99, 4757.10, 4757.13, 4757.18, 4757.22, 4757.23, 4757.32, 76664  
4759.02, 4759.05, 4759.06, 4759.062, 4760.02, 4760.03, 4760.031, 76665  
4760.032, 4760.04, 4760.05, 4760.06, 4760.13, 4760.131, 4760.132, 76666  
4760.14, 4760.15, 4760.16, 4760.18, 4761.05, 4761.06, 4762.02, 76667  
4762.03, 4762.031, 4762.04, 4762.05, 4762.06, 4762.08, 4762.09, 76668  
4762.10, 4762.13, 4762.131, 4762.132, 4762.14, 4762.15, 4762.16, 76669  
4762.18, 4762.22, 4763.16, 4766.17, 4768.09, 4773.01, 4773.02, 76670  
4773.08, 4774.02, 4774.03, 4774.031, 4774.04, 4774.05, 4774.06, 76671  
4774.09, 4774.11, 4774.13, 4774.131, 4774.132, 4774.14, 4774.15, 76672  
4774.16, 4774.18, 4776.01, 4776.20, 4778.03, 4778.05, 4778.06, 76673  
4778.07, 4928.02, 4928.143, 4937.01, 4937.05, 5101.061, 5101.14, 76674

5101.141, 5101.1411, 5101.1412, 5101.1414, 5101.56, 5101.83, 76675  
5103.02, 5103.0328, 5103.13, 5103.30, 5104.01, 5104.013, 5104.015, 76676  
5104.016, 5104.02, 5104.021, 5104.03, 5104.04, 5104.042, 5104.09, 76677  
5104.12, 5104.21, 5104.22, 5104.29, 5104.30, 5104.31, 5104.32, 76678  
5104.34, 5104.38, 5104.41, 5104.99, 5119.185, 5119.19, 5119.44, 76679  
5120.10, 5120.112, 5122.43, 5123.01, 5123.023, 5123.044, 5123.046, 76680  
5123.0414, 5123.0419, 5123.081, 5123.092, 5123.166, 5126.01, 76681  
5126.042, 5126.046, 5126.054, 5126.055, 5126.056, 5126.15, 76682  
5139.87, 5145.162, 5149.38, 5160.01, 5160.48, 5162.01, 5162.12, 76683  
5162.364, 5162.52, 5164.01, 5164.05, 5164.342, 5164.36, 5164.38, 76684  
5164.7510, 5164.91, 5165.15, 5165.152, 5165.25, 5166.01, 5166.04, 76685  
5166.22, 5166.40, 5166.401, 5166.402, 5166.403, 5166.404, 76686  
5166.405, 5166.406, 5166.407, 5166.408, 5166.409, 5167.01, 76687  
5167.03, 5167.04, 5167.10, 5167.11, 5167.12, 5167.121, 5167.13, 76688  
5167.14, 5167.17, 5167.171, 5167.172, 5167.18, 5167.20, 5167.201, 76689  
5167.26, 5167.41, 5168.03, 5168.05, 5168.06, 5168.07, 5168.08, 76690  
5168.75, 5501.20, 5502.63, 5505.68, 5513.06, 5525.03, 5537.07, 76691  
5537.13, 5537.17, 5705.091, 5705.21, 5709.17, 5709.40, 5709.41, 76692  
5709.73, 5709.78, 5713.08, 5715.19, 5715.27, 5726.04, 5733.40, 76693  
5733.41, 5739.01, 5739.011, 5739.02, 5739.021, 5739.023, 5739.025, 76694  
5739.026, 5739.03, 5739.05, 5739.09, 5741.01, 5741.04, 5741.05, 76695  
5741.11, 5741.13, 5741.17, 5743.62, 5745.05, 5747.01, 5747.02, 76696  
5747.022, 5747.025, 5747.05, 5747.054, 5747.055, 5747.08, 5747.10, 76697  
5747.41, 5747.98, 5748.01, 5751.02, 5903.12, 5910.01, 5910.02, 76698  
5910.031, 5910.032, 5910.04, 5910.05, 5910.06, 5910.07, and 76699  
5910.08 of the Revised Code are hereby repealed. 76700

**Section 105.01.** That sections 166.30, 191.01, 191.02, 191.04, 76701  
191.06, 191.08, 191.09, 191.10, 1505.12, 1505.13, 1561.24, 76702  
2151.861, 3302.10, 3302.101, 3302.102, 3302.11, 3302.12, 3319.271, 76703  
3701.25, 3701.26, 3701.264, 3701.27, 3702.594, 3706.27, 3706.30, 76704  
3721.41, 3721.42, 3798.06, 3798.08, 3798.14, 3798.15, 3798.16, 76705

4501.16, 4731.292, 4731.296, 4751.02, 4751.04, 4751.09, 5104.035, 76706  
5104.036, 5104.20, 5104.37, 5120.135, 5162.58, 5162.60, 5162.62, 76707  
5162.64, 5164.37, 5167.16, 5167.25, 5747.031, 5747.29, and 5747.65 76708  
of the Revised Code are hereby repealed. 76709  
76710

**Section 125.10.** Section 103.416 of the Revised Code is hereby 76711  
repealed, effective July 1, 2020. The amendment by this act to 76712  
section 103.416 of the Revised Code does not affect this repeal. 76713

**Section 130.10.** That sections 921.06, 955.43, 3301.07, 76714  
3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 3301.52, 76715  
3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 3312.05, 76716  
3312.09, 3313.41, 3313.48, 3313.481, 3313.482, 3313.536, 3313.539, 76717  
3313.5311, 3313.603, 3313.62, 3313.716, 3313.717, 3313.718, 76718  
3313.719, 3313.7111, 3313.7112, 3313.7114, 3313.813, 3313.86, 76719  
3313.976, 3317.024, 3317.03, 3317.06, 3317.062, 3317.063, 3317.13, 76720  
3319.311, 3319.313, 3319.314, 3319.317, 3319.39, 3319.391, 76721  
3319.392, 3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 3326.032, 76722  
3326.04, 3326.09, 3327.07, 3327.10, 3365.01, 3365.02, 3701.133, 76723  
3781.106, 3781.11, 4729.513, 4729.541, 5104.01, 5104.02, and 76724  
5139.18 be amended and section 3301.165 of the Revised Code be 76725  
enacted to read as follows: 76726

**Sec. 921.06.** (A)(1) No individual shall do any of the 76727  
following without having a commercial applicator license issued by 76728  
the director of agriculture: 76729

(a) Apply pesticides for a pesticide business without direct 76730  
supervision; 76731

(b) Apply pesticides as part of the individual's duties while 76732  
acting as an employee of the United States government, a state, 76733  
county, township, or municipal corporation, or a park district, 76734

port authority, or sanitary district created under Chapter 1545., 76735  
4582., or 6115. of the Revised Code, respectively; 76736

(c) Apply restricted use pesticides. Division (A)(1)(c) of 76737  
this section does not apply to a private applicator or an 76738  
immediate family member or a subordinate employee of a private 76739  
applicator who is acting under the direct supervision of that 76740  
private applicator. 76741

(d) If the individual is the owner of a business other than a 76742  
pesticide business or an employee of such an owner, apply 76743  
pesticides at any of the following publicly accessible sites that 76744  
are located on the property: 76745

(i) Food service operations that are licensed under Chapter 76746  
3717. of the Revised Code; 76747

(ii) Retail food establishments that are licensed under 76748  
Chapter 3717. of the Revised Code; 76749

(iii) Golf courses; 76750

(iv) Rental properties of more than four apartment units at 76751  
one location; 76752

(v) Hospitals or medical facilities as defined in section 76753  
3701.01 of the Revised Code; 76754

(vi) Child day-care centers or school child day-care centers 76755  
as defined in section 5104.01 of the Revised Code; 76756

(vii) Facilities owned or operated by a school district 76757  
established under Chapter 3311. of the Revised Code, including an 76758  
educational service center, a community school established under 76759  
Chapter 3314. of the Revised Code, ~~or~~ a chartered or nonchartered 76760  
nonpublic school that meets minimum standards established by the 76761  
state board of education, or an accredited nonpublic school as 76762  
described in section 3301.165 of the Revised Code; 76763

(viii) State institutions of higher education as defined in 76764

section 3345.011 of the Revised Code, nonprofit institutions 76765  
holding a certificate of authorization pursuant to Chapter 1713. 76766  
of the Revised Code, institutions holding a certificate of 76767  
registration from the state board of career colleges and schools 76768  
and program authorization for an associate or bachelor's degree 76769  
program issued under section 3332.05 of the Revised Code, and 76770  
private institutions exempt from regulation under Chapter 3332. of 76771  
the Revised Code as prescribed in section 3333.046 of the Revised 76772  
Code; 76773

(ix) Food processing establishments as defined in section 76774  
3715.021 of the Revised Code; 76775

(x) Any other site designated by rule. 76776

(e) Conduct authorized diagnostic inspections. 76777

(2) Divisions (A)(1)(a) to (d) of this section do not apply 76778  
to an individual who is acting as a trained serviceperson under 76779  
the direct supervision of a commercial applicator. 76780

(3) Licenses shall be issued for a period of time established 76781  
by rule and shall be renewed in accordance with deadlines 76782  
established by rule. The fee for each such license shall be 76783  
established by rule. If a license is not issued or renewed, the 76784  
application fee shall be retained by the state as payment for the 76785  
reasonable expense of processing the application. The director 76786  
shall by rule classify by pesticide-use category licenses to be 76787  
issued under this section. A single license may include more than 76788  
one pesticide-use category. No individual shall be required to pay 76789  
an additional license fee if the individual is licensed for more 76790  
than one category. 76791

The fee for each license or renewal does not apply to an 76792  
applicant who is an employee of the department of agriculture 76793  
whose job duties require licensure as a commercial applicator as a 76794  
condition of employment. 76795

(B) Application for a commercial applicator license shall be 76796  
made on a form prescribed by the director. Each application for a 76797  
license shall state the pesticide-use category or categories of 76798  
license for which the applicant is applying and other information 76799  
that the director determines essential to the administration of 76800  
this chapter. 76801

(C) If the director finds that the applicant is competent to 76802  
apply pesticides and conduct diagnostic inspections and that the 76803  
applicant has passed both the general examination and each 76804  
applicable pesticide-use category examination as required under 76805  
division (A) of section 921.12 of the Revised Code, the director 76806  
shall issue a commercial applicator license limited to the 76807  
pesticide-use category or categories for which the applicant is 76808  
found to be competent. If the director rejects an application, the 76809  
director may explain why the application was rejected, describe 76810  
the additional requirements necessary for the applicant to obtain 76811  
a license, and return the application. The applicant may resubmit 76812  
the application without payment of any additional fee. 76813

(D)(1) A person who is a commercial applicator shall be 76814  
deemed to hold a private applicator's license for purposes of 76815  
applying pesticides on agricultural commodities that are produced 76816  
by the commercial applicator. 76817

(2) A commercial applicator shall apply pesticides only in 76818  
the pesticide-use category or categories in which the applicator 76819  
is licensed under this chapter. 76820

(E) All money collected under this section shall be credited 76821  
to the pesticide, fertilizer, and lime program fund created in 76822  
section 921.22 of the Revised Code. 76823

**Sec. 955.43.** (A) When either a blind, deaf or hearing 76824  
impaired, or mobility impaired person or a trainer of an 76825  
assistance dog is accompanied by an assistance dog, the person or 76826

the trainer, as applicable, is entitled to the full and equal 76827  
accommodations, advantages, facilities, and privileges of all 76828  
public conveyances, hotels, lodging places, all places of public 76829  
accommodation, amusement, or resort, all institutions of 76830  
education, and other places to which the general public is 76831  
invited, and may take the dog into such conveyances and places, 76832  
subject only to the conditions and limitations applicable to all 76833  
persons not so accompanied, except that: 76834

(1) The dog shall not occupy a seat in any public conveyance. 76835

(2) The dog shall be upon a leash while using the facilities 76836  
of a common carrier. 76837

(3) Any dog in training to become an assistance dog shall be 76838  
covered by a liability insurance policy provided by the nonprofit 76839  
special agency engaged in such work protecting members of the 76840  
public against personal injury or property damage caused by the 76841  
dog. 76842

(B) No person shall deprive a blind, deaf or hearing 76843  
impaired, or mobility impaired person or a trainer of an 76844  
assistance dog who is accompanied by an assistance dog of any of 76845  
the advantages, facilities, or privileges provided in division (A) 76846  
of this section, nor charge the person or trainer a fee or charge 76847  
for the dog. 76848

(C) As used in this section, "institutions of education" 76849  
means: 76850

(1) Any state university or college as defined in section 76851  
3345.32 of the Revised Code; 76852

(2) Any private college or university that holds a 76853  
certificate of authorization issued by the Ohio board of regents 76854  
pursuant to Chapter 1713. of the Revised Code; 76855

(3) Any elementary or secondary school operated by a board of 76856

education; 76857

(4) Any chartered, accredited, or nonchartered nonpublic 76858  
elementary or secondary school~~r~~. As used in this section, 76859  
"accredited nonpublic school" means an accredited nonpublic school 76860  
as described in section 3301.165 of the Revised Code. 76861

(5) Any school issued a certificate of registration by the 76862  
state board of career colleges and schools. 76863

**Sec. 3301.07.** The state board of education shall exercise 76864  
under the acts of the general assembly general supervision of the 76865  
system of public education in the state. In addition to the powers 76866  
otherwise imposed on the state board under the provisions of law, 76867  
the board shall have the powers described in this section. 76868

(A) The state board shall exercise policy forming, planning, 76869  
and evaluative functions for the public schools of the state 76870  
except as otherwise provided by law. 76871

(B)(1) The state board shall exercise leadership in the 76872  
improvement of public education in this state, and administer the 76873  
educational policies of this state relating to public schools, and 76874  
relating to instruction and instructional material, building and 76875  
equipment, transportation of pupils, administrative 76876  
responsibilities of school officials and personnel, and finance 76877  
and organization of school districts, educational service centers, 76878  
and territory. Consultative and advisory services in such matters 76879  
shall be provided by the board to school districts and educational 76880  
service centers of this state. 76881

(2) The state board also shall develop a standard of 76882  
financial reporting which shall be used by each school district 76883  
board of education and each governing board of an educational 76884  
service center, each governing authority of a community school 76885  
established under Chapter 3314., each governing body of a STEM 76886

school established under Chapter 3328., and each board of trustees 76887  
of a college-preparatory boarding school established under Chapter 76888  
3328. of the Revised Code to make its financial information and 76889  
annual budgets for each school building under its control 76890  
available to the public in a format understandable by the average 76891  
citizen. The format shall show, both at the district and at the 76892  
school building level, revenue by source; expenditures for 76893  
salaries, wages, and benefits of employees, showing such amounts 76894  
separately for classroom teachers, other employees required to 76895  
hold licenses issued pursuant to sections 3319.22 to 3319.31 of 76896  
the Revised Code, and all other employees; expenditures other than 76897  
for personnel, by category, including utilities, textbooks and 76898  
other educational materials, equipment, permanent improvements, 76899  
pupil transportation, extracurricular athletics, and other 76900  
extracurricular activities; and per pupil expenditures. The format 76901  
shall also include information on total revenue and expenditures, 76902  
per pupil revenue, and expenditures for both classroom and 76903  
nonclassroom purposes, as defined by the standards adopted under 76904  
section 3302.20 of the Revised Code in the aggregate and for each 76905  
subgroup of students, as defined by section 3317.40 of the Revised 76906  
Code, that receives services provided for by state or federal 76907  
funding. 76908

(3) Each school district board, governing authority, 76909  
governing body, or board of trustees, or its respective designee, 76910  
shall annually report, to the department of education, all 76911  
financial information required by the standards for financial 76912  
reporting, as prescribed by division (B)(2) of this section and 76913  
adopted by the state board. The department shall make all reports 76914  
submitted pursuant to this division available in such a way that 76915  
allows for comparison between financial information included in 76916  
these reports and financial information included in reports 76917  
produced prior to July 1, 2013. The department shall post these 76918  
reports in a prominent location on its web site and shall notify 76919

each school when reports are made available. 76920

(C) The state board shall administer and supervise the 76921  
allocation and distribution of all state and federal funds for 76922  
public school education under the provisions of law, and may 76923  
prescribe such systems of accounting as are necessary and proper 76924  
to this function. It may require county auditors and treasurers, 76925  
boards of education, educational service center governing boards, 76926  
treasurers of such boards, teachers, and other school officers and 76927  
employees, or other public officers or employees, to file with it 76928  
such reports as it may prescribe relating to such funds, or to the 76929  
management and condition of such funds. 76930

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 76931  
XLVII, and LI of the Revised Code a reference is made to standards 76932  
prescribed under this section or division (D) of this section, 76933  
that reference shall be construed to refer to the standards 76934  
prescribed under division (D)(2) of this section, unless the 76935  
context specifically indicates a different meaning or intent. 76936

(2) The state board shall formulate and prescribe minimum 76937  
standards to be applied to all elementary and secondary schools in 76938  
this state for the purpose of providing children access to a 76939  
general education of high quality according to the learning needs 76940  
of each individual, including students with disabilities, 76941  
economically disadvantaged students, limited English proficient 76942  
students, and students identified as gifted. Such standards shall 76943  
provide adequately for: the licensing of teachers, administrators, 76944  
and other professional personnel and their assignment according to 76945  
training and qualifications; efficient and effective instructional 76946  
materials and equipment, including library facilities; the proper 76947  
organization, administration, and supervision of each school, 76948  
including regulations for preparing all necessary records and 76949  
reports and the preparation of a statement of policies and 76950  
objectives for each school; the provision of safe buildings, 76951

grounds, health and sanitary facilities and services; admission of 76952  
pupils, and such requirements for their promotion from grade to 76953  
grade as will assure that they are capable and prepared for the 76954  
level of study to which they are certified; requirements for 76955  
graduation; and such other factors as the board finds necessary. 76956

The state board shall base any standards governing the 76957  
promotion of students or requirements for graduation on the 76958  
ability of students, at any grade level, to earn credits or 76959  
advance upon demonstration of mastery of knowledge and skills 76960  
through competency-based learning models. Credits of grade level 76961  
advancement shall not require a minimum number of days or hours in 76962  
a classroom. 76963

The state board shall base any standards governing the 76964  
assignment of staff on ensuring each school has a sufficient 76965  
number of teachers to ensure a student has an appropriate level of 76966  
interaction to meet each student's personal learning goals. 76967

In the formulation and administration of such standards for 76968  
nonpublic schools the board shall also consider the particular 76969  
needs, methods and objectives of those schools, provided they do 76970  
not conflict with the provision of a general education of a high 76971  
quality and provided that regular procedures shall be followed for 76972  
promotion from grade to grade of pupils who have met the 76973  
educational requirements prescribed. 76974

All chartered, nonchartered, and accredited nonpublic schools 76975  
shall comply with the minimum education standards adopted by the 76976  
state board under this division. However, the state board shall 76977  
not prescribe additional operating standards for nonchartered or 76978  
accredited nonpublic schools. As used in this section, "accredited 76979  
nonpublic school" means an accredited nonpublic school as 76980  
described in section 3301.165 of the Revised Code. 76981

(3) In addition to the minimum standards required by division 76982

(D)(2) of this section, the state board may formulate and 76983  
prescribe the following additional minimum operating standards for 76984  
school districts: 76985

(a) Standards for the effective and efficient organization, 76986  
administration, and supervision of each school district with a 76987  
commitment to high expectations for every student based on the 76988  
learning needs of each individual, including students with 76989  
disabilities, economically disadvantaged students, limited English 76990  
proficient students, and students identified as gifted, and 76991  
commitment to closing the achievement gap without suppressing the 76992  
achievement levels of higher achieving students so that all 76993  
students achieve core knowledge and skills in accordance with the 76994  
statewide academic standards adopted under section 3301.079 of the 76995  
Revised Code; 76996

(b) Standards for the establishment of business advisory 76997  
councils under section 3313.82 of the Revised Code; 76998

(c) Standards for school district buildings that may require 76999  
the effective and efficient organization, administration, and 77000  
supervision of each school district building with a commitment to 77001  
high expectations for every student based on the learning needs of 77002  
each individual, including students with disabilities, 77003  
economically disadvantaged students, limited English proficient 77004  
students, and students identified as gifted, and commitment to 77005  
closing the achievement gap without suppressing the achievement 77006  
levels of higher achieving students so that all students achieve 77007  
core knowledge and skills in accordance with the statewide 77008  
academic standards adopted under section 3301.079 of the Revised 77009  
Code. 77010

(E) The state board may require as part of the health 77011  
curriculum information developed under section 2108.34 of the 77012  
Revised Code promoting the donation of anatomical gifts pursuant 77013  
to Chapter 2108. of the Revised Code and may provide the 77014

information to high schools, educational service centers, and 77015  
joint vocational school district boards of education; 77016

(F) The state board shall prepare and submit annually to the 77017  
governor and the general assembly a report on the status, needs, 77018  
and major problems of the public schools of the state, with 77019  
recommendations for necessary legislative action and a ten-year 77020  
projection of the state's public and nonpublic school enrollment, 77021  
by year and by grade level. 77022

(G) The state board shall prepare and submit to the director 77023  
of budget and management the biennial budgetary requests of the 77024  
state board of education, for its agencies and for the public 77025  
schools of the state. 77026

(H) The state board shall cooperate with federal, state, and 77027  
local agencies concerned with the health and welfare of children 77028  
and youth of the state. 77029

(I) The state board shall require such reports from school 77030  
districts and educational service centers, school officers, and 77031  
employees as are necessary and desirable. The superintendents and 77032  
treasurers of school districts and educational service centers 77033  
shall certify as to the accuracy of all reports required by law or 77034  
state board or state department of education rules to be submitted 77035  
by the district or educational service center and which contain 77036  
information necessary for calculation of state funding. Any 77037  
superintendent who knowingly falsifies such report shall be 77038  
subject to license revocation pursuant to section 3319.31 of the 77039  
Revised Code. 77040

(J) In accordance with Chapter 119. of the Revised Code, the 77041  
state board shall adopt procedures, standards, and guidelines for 77042  
the education of children with disabilities pursuant to Chapter 77043  
3323. of the Revised Code, including procedures, standards, and 77044  
guidelines governing programs and services operated by county 77045

boards of developmental disabilities pursuant to section 3323.09 77046  
of the Revised Code. 77047

(K) For the purpose of encouraging the development of special 77048  
programs of education for academically gifted children, the state 77049  
board shall employ competent persons to analyze and publish data, 77050  
promote research, advise and counsel with boards of education, and 77051  
encourage the training of teachers in the special instruction of 77052  
gifted children. The board may provide financial assistance out of 77053  
any funds appropriated for this purpose to boards of education and 77054  
educational service center governing boards for developing and 77055  
conducting programs of education for academically gifted children. 77056

(L) The state board shall require that all public schools 77057  
emphasize and encourage, within existing units of study, the 77058  
teaching of energy and resource conservation as recommended to 77059  
each district board of education by leading business persons 77060  
involved in energy production and conservation, beginning in the 77061  
primary grades. 77062

(M) The state board shall formulate and prescribe minimum 77063  
standards requiring the use of phonics as a technique in the 77064  
teaching of reading in grades kindergarten through three. In 77065  
addition, the state board shall provide in-service training 77066  
programs for teachers on the use of phonics as a technique in the 77067  
teaching of reading in grades kindergarten through three. 77068

(N) The state board may adopt rules necessary for carrying 77069  
out any function imposed on it by law, and may provide rules as 77070  
are necessary for its government and the government of its 77071  
employees, and may delegate to the superintendent of public 77072  
instruction the management and administration of any function 77073  
imposed on it by law. It may provide for the appointment of board 77074  
members to serve on temporary committees established by the board 77075  
for such purposes as are necessary. Permanent or standing 77076  
committees shall not be created. 77077

(O) Upon application from the board of education of a school district, the superintendent of public instruction may issue a waiver exempting the district from compliance with the standards adopted under divisions (B)(2) and (D) of this section, as they relate to the operation of a school operated by the district. The state board shall adopt standards for the approval or disapproval of waivers under this division. The state superintendent shall consider every application for a waiver, and shall determine whether to grant or deny a waiver in accordance with the state board's standards. For each waiver granted, the state superintendent shall specify the period of time during which the waiver is in effect, which shall not exceed five years. A district board may apply to renew a waiver.

**Sec. 3301.071.** (A)(1) In the case of nontax-supported schools other than accredited nonpublic schools, as described in section 3301.165 of the Revised Code, standards for teacher certification prescribed under section 3301.07 of the Revised Code shall provide for certification, without further educational requirements, of any administrator, supervisor, or teacher who has attended and received a bachelor's degree from a college or university accredited by a national or regional association in the United States except that, at the discretion of the state board of education, this requirement may be met by having an equivalent degree from a foreign college or university of comparable standing. Standards for certification of any administrator, supervisor, or teacher of an accredited nonpublic school shall require compliance with the educational qualifications prescribed by the independent schools association of the central states. However, nothing in this section exempts an accredited nonpublic school from the requirement that each applicant undergo a criminal records check under section 3319.39 of the Revised Code.

(2) In the case of nonchartered, nontax-supported schools,

the standards for teacher certification prescribed under section 77110  
3301.07 of the Revised Code shall provide for certification, 77111  
without further educational requirements, of any administrator, 77112  
supervisor, or teacher who has attended and received a diploma 77113  
from a "bible college" or "bible institute" described in division 77114  
(E) of section 1713.02 of the Revised Code. 77115

(3) A certificate issued under division (A)(3) of this 77116  
section shall be valid only for teaching foreign language, music, 77117  
religion, computer technology, or fine arts. 77118

Notwithstanding division (A)(1) of this section, the 77119  
standards for teacher certification prescribed under section 77120  
3301.07 of the Revised Code shall provide for certification of a 77121  
person as a teacher upon receipt by the state board of an 77122  
affidavit signed by the chief administrative officer of a 77123  
chartered nonpublic school seeking to employ the person, stating 77124  
that the person meets one of the following conditions: 77125

(a) The person has specialized knowledge, skills, or 77126  
expertise that qualifies the person to provide instruction. 77127

(b) The person has provided to the chief administrative 77128  
officer evidence of at least three years of teaching experience in 77129  
a public or nonpublic school. 77130

(c) The person has provided to the chief administrative 77131  
officer evidence of completion of a teacher training program named 77132  
in the affidavit. 77133

(B) Each person applying for a certificate under this section 77134  
for purposes of serving in a nonpublic school chartered by the 77135  
state board under section 3301.16 of the Revised Code shall pay a 77136  
fee in the amount established under division (A) of section 77137  
3319.51 of the Revised Code. Any fees received under this division 77138  
shall be paid into the state treasury to the credit of the state 77139  
board of education certification fund established under division 77140

(B) of section 3319.51 of the Revised Code. 77141

(C) A person applying for or holding any certificate pursuant 77142  
to this section for purposes of serving in a nonpublic school 77143  
chartered by the state board is subject to sections 3123.41 to 77144  
3123.50 of the Revised Code and any applicable rules adopted under 77145  
section 3123.63 of the Revised Code and sections 3319.31 and 77146  
3319.311 of the Revised Code. 77147

(D) Divisions (B) and (C) of this section and sections 77148  
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 77149  
to any administrators, supervisors, or teachers in nonchartered, 77150  
nontax-supported schools. 77151

**Sec. 3301.0711.** (A) The department of education shall: 77152

(1) Annually furnish to, grade, and score all assessments 77153  
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 77154  
the Revised Code to be administered by city, local, exempted 77155  
village, and joint vocational school districts, except that each 77156  
district shall score any assessment administered pursuant to 77157  
division (B)(10) of this section. Each assessment so furnished 77158  
shall include the data verification code of the student to whom 77159  
the assessment will be administered, as assigned pursuant to 77160  
division (D)(2) of section 3301.0714 of the Revised Code. In 77161  
furnishing the practice versions of Ohio graduation tests 77162  
prescribed by division (D) of section 3301.0710 of the Revised 77163  
Code, the department shall make the tests available on its web 77164  
site for reproduction by districts. In awarding contracts for 77165  
grading assessments, the department shall give preference to 77166  
Ohio-based entities employing Ohio residents. 77167

(2) Adopt rules for the ethical use of assessments and 77168  
prescribing the manner in which the assessments prescribed by 77169  
section 3301.0710 of the Revised Code shall be administered to 77170  
students. 77171

(B) Except as provided in divisions (C) and (J) of this section, the board of education of each city, local, and exempted village school district shall, in accordance with rules adopted under division (A) of this section:

(1) Administer the English language arts assessments prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that assessment under division (A)(2)(c) of section 3301.0710 of the Revised Code.

(2) Administer the mathematics assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.

(3) Administer the assessments prescribed under division (A)(1)(b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.

(4) Administer the assessments prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.

(5) Administer the assessments prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.

(6) Administer the assessments prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.

(7) Administer the assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.

(8) Except as provided in division (B)(9) of this section, administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code as follows:

(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;

(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any time such assessment is administered in the district.

(9) In lieu of the board of education of any city, local, or exempted village school district in which the student is also enrolled, the board of a joint vocational school district shall administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code at least twice annually to any student enrolled in the joint vocational school district who has not yet attained the score on that assessment designated under that division. A board of a joint vocational school district may also administer such an assessment to any student described in division (B)(8)(b) of this section.

(10) If the district has a three-year average graduation rate of not more than seventy-five per cent, administer each assessment prescribed by division (D) of section 3301.0710 of the Revised Code in September to all ninth grade students who entered ninth grade prior to July 1, 2014.

Except as provided in section 3313.614 of the Revised Code for administration of an assessment to a person who has fulfilled the curriculum requirement for a high school diploma but has not passed one or more of the required assessments, the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code shall not be administered after the date specified in the rules adopted by the state board of education under division

(D)(1) of section 3301.0712 of the Revised Code. 77234

(11)(a) Except as provided in division (B)(11)(b) of this 77235  
section, administer the assessments prescribed by division (B)(2) 77236  
of section 3301.0710 and section 3301.0712 of the Revised Code in 77237  
accordance with the timeline and plan for implementation of those 77238  
assessments prescribed by rule of the state board adopted under 77239  
division (D)(1) of section 3301.0712 of the Revised Code; 77240

(b) A student who has presented evidence to the district or 77241  
school of having satisfied the condition prescribed by division 77242  
(A)(1) of section 3313.618 of the Revised Code to qualify for a 77243  
high school diploma prior to the date of the administration of the 77244  
assessment prescribed under division (B)(1) of section 3301.0712 77245  
of the Revised Code shall not be required to take that assessment. 77246  
However, no board shall prohibit a student who is not required to 77247  
take such assessment from taking the assessment. 77248

(C)(1)(a) In the case of a student receiving special 77249  
education services under Chapter 3323. of the Revised Code, the 77250  
individualized education program developed for the student under 77251  
that chapter shall specify the manner in which the student will 77252  
participate in the assessments administered under this section, 77253  
except that a student with significant cognitive disabilities to 77254  
whom an alternate assessment is administered in accordance with 77255  
division (C)(1) of this section and a student determined to have a 77256  
disability that includes an intellectual disability as outlined in 77257  
guidance issued by the department shall not be required to take 77258  
the assessment prescribed under division (B)(1) of section 77259  
3301.0712 of the Revised Code. The individualized education 77260  
program may excuse the student from taking any particular 77261  
assessment required to be administered under this section if it 77262  
instead specifies an alternate assessment method approved by the 77263  
department of education as conforming to requirements of federal 77264  
law for receipt of federal funds for disadvantaged pupils. To the 77265

extent possible, the individualized education program shall not 77266  
excuse the student from taking an assessment unless no reasonable 77267  
accommodation can be made to enable the student to take the 77268  
assessment. No board shall prohibit a student who is not required 77269  
to take an assessment under division (C)(1) of this section from 77270  
taking the assessment. 77271

(b) Any alternate assessment approved by the department for a 77272  
student under this division shall produce measurable results 77273  
comparable to those produced by the assessment it replaces in 77274  
order to allow for the student's results to be included in the 77275  
data compiled for a school district or building under section 77276  
3302.03 of the Revised Code. 77277

(c)(i) Any student enrolled in a chartered nonpublic school 77278  
or an accredited nonpublic school who has been identified, based 77279  
on an evaluation conducted in accordance with section 3323.03 of 77280  
the Revised Code or section 504 of the "Rehabilitation Act of 77281  
1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with 77282  
a disability shall be excused from taking any particular 77283  
assessment required to be administered under this section if a 77284  
plan developed for the student pursuant to rules adopted by the 77285  
state board excuses the student from taking that assessment. 77286

(ii) A student with significant cognitive disabilities to 77287  
whom an alternate assessment is administered in accordance with 77288  
division (C)(1) of this section and a student determined to have a 77289  
disability that includes an intellectual disability as outlined in 77290  
guidance issued by the department shall not be required to take 77291  
the assessment prescribed under division (B)(1) of section 77292  
3301.0712 of the Revised Code. 77293

(iii) In the case of any student who is enrolled in a 77294  
chartered nonpublic school and is so excused from taking an 77295  
assessment under division (C)(1)(c) of this section, the ~~chartered~~ 77296  
~~nonpublic~~ school shall not prohibit the student from taking the 77297

assessment. 77298

(2) A district board may, for medical reasons or other good 77299  
cause, excuse a student from taking an assessment administered 77300  
under this section on the date scheduled, but that assessment 77301  
shall be administered to the excused student not later than nine 77302  
days following the scheduled date. The district board shall 77303  
annually report the number of students who have not taken one or 77304  
more of the assessments required by this section to the state 77305  
board not later than the thirtieth day of June. 77306

(3) As used in this division, "limited English proficient 77307  
student" has the same meaning as in 20 U.S.C. 7801. 77308

No school district board shall excuse any limited English 77309  
proficient student from taking any particular assessment required 77310  
to be administered under this section, except as follows: 77311

(a) Any limited English proficient student who has been 77312  
enrolled in United States schools for less than two years and for 77313  
whom no appropriate accommodations are available based on guidance 77314  
issued by the department shall not be required to take the 77315  
assessment prescribed under division (B)(1) of section 3301.0712 77316  
of the Revised Code. 77317

(b) Any limited English proficient student who has been 77318  
enrolled in United States schools for less than one full school 77319  
year shall not be required to take any reading, writing, or 77320  
English language arts assessment. 77321

However, no board shall prohibit a limited English proficient 77322  
student who is not required to take an assessment under division 77323  
(C)(3) of this section from taking the assessment. A board may 77324  
permit any limited English proficient student to take an 77325  
assessment required to be administered under this section with 77326  
appropriate accommodations, as determined by the department. For 77327  
each limited English proficient student, each school district 77328

shall annually assess that student's progress in learning English, 77329  
in accordance with procedures approved by the department. 77330

(4)(a) The governing authority of a chartered nonpublic or an 77331  
accredited nonpublic school may excuse a limited English 77332  
proficient student from taking any assessment administered under 77333  
this section. 77334

(b) No governing authority of a chartered nonpublic school 77335  
shall require a limited English proficient student who has been 77336  
enrolled in United States schools for less than two years and for 77337  
whom no appropriate accommodations are available based on guidance 77338  
issued by the department to take the assessment prescribed under 77339  
division (B)(1) of section 3301.0712 of the Revised Code. 77340

(c) No governing authority of a chartered nonpublic school 77341  
shall prohibit a limited English proficient student from taking an 77342  
assessment from which the student was excused under division 77343  
(C)(4) of this section. 77344

(D)(1) In the school year next succeeding the school year in 77345  
which the assessments prescribed by division (A)(1) or (B)(1) of 77346  
section 3301.0710 of the Revised Code or former division (A)(1), 77347  
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 77348  
existed prior to September 11, 2001, are administered to any 77349  
student, the board of education of any school district in which 77350  
the student is enrolled in that year shall provide to the student 77351  
intervention services commensurate with the student's performance, 77352  
including any intensive intervention required under section 77353  
3313.608 of the Revised Code, in any skill in which the student 77354  
failed to demonstrate at least a score at the proficient level on 77355  
the assessment. 77356

(2) Following any administration of the assessments 77357  
prescribed by division (D) of section 3301.0710 of the Revised 77358  
Code to ninth grade students, each school district that has a 77359

three-year average graduation rate of not more than seventy-five 77360  
per cent shall determine for each high school in the district 77361  
whether the school shall be required to provide intervention 77362  
services to any students who took the assessments. In determining 77363  
which high schools shall provide intervention services based on 77364  
the resources available, the district shall consider each school's 77365  
graduation rate and scores on the practice assessments. The 77366  
district also shall consider the scores received by ninth grade 77367  
students on the English language arts and mathematics assessments 77368  
prescribed under division (A)(1)(f) of section 3301.0710 of the 77369  
Revised Code in the eighth grade in determining which high schools 77370  
shall provide intervention services. 77371

Each high school selected to provide intervention services 77372  
under this division shall provide intervention services to any 77373  
student whose results indicate that the student is failing to make 77374  
satisfactory progress toward being able to attain scores at the 77375  
proficient level on the Ohio graduation tests. Intervention 77376  
services shall be provided in any skill in which a student 77377  
demonstrates unsatisfactory progress and shall be commensurate 77378  
with the student's performance. Schools shall provide the 77379  
intervention services prior to the end of the school year, during 77380  
the summer following the ninth grade, in the next succeeding 77381  
school year, or at any combination of those times. 77382

(E) Except as provided in section 3313.608 of the Revised 77383  
Code and division (N) of this section, no school district board of 77384  
education shall utilize any student's failure to attain a 77385  
specified score on an assessment administered under this section 77386  
as a factor in any decision to deny the student promotion to a 77387  
higher grade level. However, a district board may choose not to 77388  
promote to the next grade level any student who does not take an 77389  
assessment administered under this section or make up an 77390  
assessment as provided by division (C)(2) of this section and who 77391

is not exempt from the requirement to take the assessment under 77392  
division (C)(3) of this section. 77393

(F) No person shall be charged a fee for taking any 77394  
assessment administered under this section. 77395

(G)(1) Each school district board shall designate one 77396  
location for the collection of assessments administered in the 77397  
spring under division (B)(1) of this section and those 77398  
administered under divisions (B)(2) to (7) of this section. Each 77399  
district board shall submit the assessments to the entity with 77400  
which the department contracts for the scoring of the assessments 77401  
as follows: 77402

(a) If the district's total enrollment in grades kindergarten 77403  
through twelve during the first full school week of October was 77404  
less than two thousand five hundred, not later than the Friday 77405  
after all of the assessments have been administered; 77406

(b) If the district's total enrollment in grades kindergarten 77407  
through twelve during the first full school week of October was 77408  
two thousand five hundred or more, but less than seven thousand, 77409  
not later than the Monday after all of the assessments have been 77410  
administered; 77411

(c) If the district's total enrollment in grades kindergarten 77412  
through twelve during the first full school week of October was 77413  
seven thousand or more, not later than the Tuesday after all of 77414  
the assessments have been administered. 77415

However, any assessment that a student takes during the 77416  
make-up period described in division (C)(2) of this section shall 77417  
be submitted not later than the Friday following the day the 77418  
student takes the assessment. 77419

(2) The department or an entity with which the department 77420  
contracts for the scoring of the assessment shall send to each 77421  
school district board a list of the individual scores of all 77422

persons taking a state achievement assessment as follows: 77423

(a) Except as provided in division (G)(2)(b) or (c) of this 77424  
section, within forty-five days after the administration of the 77425  
assessments prescribed by sections 3301.0710 and 3301.0712 of the 77426  
Revised Code, but in no case shall the scores be returned later 77427  
than the thirtieth day of June following the administration; 77428

(b) In the case of the third-grade English language arts 77429  
assessment, within forty-five days after the administration of 77430  
that assessment, but in no case shall the scores be returned later 77431  
than the fifteenth day of June following the administration; 77432

(c) In the case of the writing component of an assessment or 77433  
end-of-course examination in the area of English language arts, 77434  
except for the third-grade English language arts assessment, the 77435  
results may be sent after forty-five days of the administration of 77436  
the writing component, but in no case shall the scores be returned 77437  
later than the thirtieth day of June following the administration. 77438

(3) For assessments administered under this section by a 77439  
joint vocational school district, the department or entity shall 77440  
also send to each city, local, or exempted village school district 77441  
a list of the individual scores of any students of such city, 77442  
local, or exempted village school district who are attending 77443  
school in the joint vocational school district. 77444

(4) Beginning with the 2019-2020 school year, a school 77445  
district, other public school, ~~or~~ chartered nonpublic school, or 77446  
accredited nonpublic school may administer the third-grade English 77447  
language arts or mathematics assessment, or both, in a paper 77448  
format in any school year for which the district board of 77449  
education or school governing body adopts a resolution indicating 77450  
that the district or school chooses to administer the assessment 77451  
in a paper format. The board or governing body shall submit a copy 77452  
of the resolution to the department of education not later than 77453

the first day of May prior to the school year for which it will 77454  
apply. If the resolution is submitted, the district or school 77455  
shall administer the assessment in a paper format to all students 77456  
in the third grade, except that any student whose individualized 77457  
education program or plan developed under section 504 of the 77458  
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 77459  
amended, specifies that taking the assessment in an online format 77460  
is an appropriate accommodation for the student may take the 77461  
assessment in an online format. 77462

(H) Individual scores on any assessments administered under 77463  
this section shall be released by a district board only in 77464  
accordance with section 3319.321 of the Revised Code and the rules 77465  
adopted under division (A) of this section. No district board or 77466  
its employees shall utilize individual or aggregate results in any 77467  
manner that conflicts with rules for the ethical use of 77468  
assessments adopted pursuant to division (A) of this section. 77469

(I) Except as provided in division (G) of this section, the 77470  
department or an entity with which the department contracts for 77471  
the scoring of the assessment shall not release any individual 77472  
scores on any assessment administered under this section. The 77473  
state board shall adopt rules to ensure the protection of student 77474  
confidentiality at all times. The rules may require the use of the 77475  
data verification codes assigned to students pursuant to division 77476  
(D)(2) of section 3301.0714 of the Revised Code to protect the 77477  
confidentiality of student scores. 77478

(J) Notwithstanding division (D) of section 3311.52 of the 77479  
Revised Code, this section does not apply to the board of 77480  
education of any cooperative education school district except as 77481  
provided under rules adopted pursuant to this division. 77482

(1) In accordance with rules that the state board shall 77483  
adopt, the board of education of any city, exempted village, or 77484  
local school district with territory in a cooperative education 77485

school district established pursuant to divisions (A) to (C) of 77486  
section 3311.52 of the Revised Code may enter into an agreement 77487  
with the board of education of the cooperative education school 77488  
district for administering any assessment prescribed under this 77489  
section to students of the city, exempted village, or local school 77490  
district who are attending school in the cooperative education 77491  
school district. 77492

(2) In accordance with rules that the state board shall 77493  
adopt, the board of education of any city, exempted village, or 77494  
local school district with territory in a cooperative education 77495  
school district established pursuant to section 3311.521 of the 77496  
Revised Code shall enter into an agreement with the cooperative 77497  
district that provides for the administration of any assessment 77498  
prescribed under this section to both of the following: 77499

(a) Students who are attending school in the cooperative 77500  
district and who, if the cooperative district were not 77501  
established, would be entitled to attend school in the city, 77502  
local, or exempted village school district pursuant to section 77503  
3313.64 or 3313.65 of the Revised Code; 77504

(b) Persons described in division (B)(8)(b) of this section. 77505

Any assessment of students pursuant to such an agreement 77506  
shall be in lieu of any assessment of such students or persons 77507  
pursuant to this section. 77508

(K)(1) Except as otherwise provided in division (K)(1) or (2) 77509  
of this section, each chartered nonpublic school for which at 77510  
least sixty-five per cent of its total enrollment is made up of 77511  
students who are participating in state scholarship programs shall 77512  
administer the elementary assessments prescribed by section 77513  
3301.0710 of the Revised Code. In accordance with procedures and 77514  
deadlines prescribed by the department, the parent or guardian of 77515  
a student enrolled in the school who is not participating in a 77516

state scholarship program may submit notice to the chief 77517  
administrative officer of the school that the parent or guardian 77518  
does not wish to have the student take the elementary assessments 77519  
prescribed for the student's grade level under division (A) of 77520  
section 3301.0710 of the Revised Code. If a parent or guardian 77521  
submits an opt-out notice, the school shall not administer the 77522  
assessments to that student. This option does not apply to any 77523  
assessment required for a high school diploma under section 77524  
3313.612 of the Revised Code. 77525

(2) A chartered nonpublic school may submit to the 77526  
superintendent of public instruction a request for a waiver from 77527  
administering the elementary assessments prescribed by division 77528  
(A) of section 3301.0710 of the Revised Code. The state 77529  
superintendent shall approve or disapprove a request for a waiver 77530  
submitted under division (K)(2) of this section. No waiver shall 77531  
be approved for any school year prior to the 2015-2016 school 77532  
year. 77533

To be eligible to submit a request for a waiver, a chartered 77534  
nonpublic school shall meet the following conditions: 77535

(a) At least ninety-five per cent of the students enrolled in 77536  
the school are children with disabilities, as defined under 77537  
section 3323.01 of the Revised Code, or have received a diagnosis 77538  
by a school district or from a physician, including a 77539  
neuropsychiatrist or psychiatrist, or a psychologist who is 77540  
authorized to practice in this or another state as having a 77541  
condition that impairs academic performance, such as dyslexia, 77542  
dyscalculia, attention deficit hyperactivity disorder, or 77543  
Asperger's syndrome. 77544

(b) The school has solely served a student population 77545  
described in division (K)(1)(a) of this section for at least ten 77546  
years. 77547

(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills.

(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the superintendent of public instruction prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school will administer the specified assessments in the same manner as public schools are required to do under this section and rules adopted by the department.

(4) The department of education shall furnish the assessments prescribed by section 3301.0710 of the Revised Code to each chartered nonpublic school that is subject to division (K)(1) of this section or participates under division (K)(3) of this section.

(L) If a chartered or accredited nonpublic school is educating students in grades nine through twelve, the following shall apply:

(1) Except as provided in division (L)(4) of this section, for a student who is enrolled in a ~~chartered~~ an accredited nonpublic school ~~that is accredited through the independent schools association of the central states~~ and who is attending the school under a state scholarship program, the student shall either take all of the assessments prescribed by division (B) of section

3301.0712 of the Revised Code or take an alternative assessment 77580  
approved by the department under section 3313.619 of the Revised 77581  
Code. However, a student who is excused from taking an assessment 77582  
under division (C) of this section or has presented evidence to 77583  
the ~~chartered~~ accredited nonpublic school of having satisfied the 77584  
condition prescribed by division (A)(1) of section 3313.618 of the 77585  
Revised Code to qualify for a high school diploma prior to the 77586  
date of the administration of the assessment prescribed under 77587  
division (B)(1) of section 3301.0712 of the Revised Code shall not 77588  
be required to take that assessment. No governing authority of a 77589  
~~chartered~~ an accredited nonpublic school shall prohibit a student 77590  
who is not required to take such assessment from taking the 77591  
assessment. 77592

(2) For a student who is enrolled in a ~~chartered~~ an 77593  
accredited nonpublic school ~~that is accredited through the~~ 77594  
~~independent schools association of the central states~~, and who is 77595  
not attending the school under a state scholarship program, the 77596  
student shall not be required to take any assessment prescribed 77597  
under section 3301.0712 or 3313.619 of the Revised Code. 77598

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of 77599  
this section, for a student who is enrolled in a chartered 77600  
nonpublic school ~~that is not accredited through the independent~~ 77601  
~~schools association of the central states~~, regardless of whether 77602  
the student is attending or is not attending the school under a 77603  
state scholarship program, the student shall do one of the 77604  
following: 77605

(i) Take all of the assessments prescribed by division (B) of 77606  
section 3301.0712 of the Revised Code; 77607

(ii) Take only the assessment prescribed by division (B)(1) 77608  
of section 3301.0712 of the Revised Code, provided that the 77609  
student's school publishes the results of that assessment for each 77610  
graduating class. The published results of that assessment shall 77611

include the overall composite scores, mean scores, twenty-fifth 77612  
percentile scores, and seventy-fifth percentile scores for each 77613  
subject area of the assessment. 77614

(iii) Take an alternative assessment approved by the 77615  
department under section 3313.619 of the Revised Code. 77616

(b) A student who is excused from taking an assessment under 77617  
division (C) of this section or has presented evidence to the 77618  
chartered nonpublic school of having satisfied the condition 77619  
prescribed by division (A)(1) of section 3313.618 of the Revised 77620  
Code to qualify for a high school diploma prior to the date of the 77621  
administration of the assessment prescribed under division (B)(1) 77622  
of section 3301.0712 of the Revised Code shall not be required to 77623  
take that assessment. No governing authority of a chartered 77624  
nonpublic school shall prohibit a student who is not required to 77625  
take such assessment from taking the assessment. 77626

(4) The assessments prescribed by sections 3301.0712 and 77627  
3313.619 of the Revised Code shall not be administered to any 77628  
student attending the school, if the school meets all of the 77629  
following conditions: 77630

(a) At least ninety-five per cent of the students enrolled in 77631  
the school are children with disabilities, as defined under 77632  
section 3323.01 of the Revised Code, or have received a diagnosis 77633  
by a school district or from a physician, including a 77634  
neuropsychologist or psychiatrist, or a psychologist who is 77635  
authorized to practice in this or another state as having a 77636  
condition that impairs academic performance, such as dyslexia, 77637  
dyscalculia, attention deficit hyperactivity disorder, or 77638  
Asperger's syndrome. 77639

(b) The school has solely served a student population 77640  
described in division (L)(4)(a) of this section for at least ten 77641  
years. 77642

(c) The school makes available to the department at least 77643  
five years of records of internal testing conducted by the school 77644  
that affords the department data required for accountability 77645  
purposes, including growth in student achievement in reading or 77646  
mathematics, or both, as measured by nationally norm-referenced 77647  
assessments that have developed appropriate standards for 77648  
students. 77649

Division (L)(4) of this section applies to any student 77650  
attending such school regardless of whether the student receives 77651  
special education or related services and regardless of whether 77652  
the student is attending the school under a state scholarship 77653  
program. 77654

(M)(1) The superintendent of the state school for the blind 77655  
and the superintendent of the state school for the deaf shall 77656  
administer the assessments described by sections 3301.0710 and 77657  
3301.0712 of the Revised Code. Each superintendent shall 77658  
administer the assessments in the same manner as district boards 77659  
are required to do under this section and rules adopted by the 77660  
department of education and in conformity with division (C)(1)(a) 77661  
of this section. 77662

(2) The department of education shall furnish the assessments 77663  
described by sections 3301.0710 and 3301.0712 of the Revised Code 77664  
to each superintendent. 77665

(N) Notwithstanding division (E) of this section, a school 77666  
district may use a student's failure to attain a score in at least 77667  
the proficient range on the mathematics assessment described by 77668  
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 77669  
an assessment described by division (A)(1)(b), (c), (d), (e), or 77670  
(f) of section 3301.0710 of the Revised Code as a factor in 77671  
retaining that student in the current grade level. 77672

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 77673

and (7) of this section, the assessments required by division 77674  
(A)(1) of section 3301.0710 of the Revised Code shall become 77675  
public records pursuant to section 149.43 of the Revised Code on 77676  
the thirty-first day of July following the school year that the 77677  
assessments were administered. 77678

(2) The department may field test proposed questions with 77679  
samples of students to determine the validity, reliability, or 77680  
appropriateness of questions for possible inclusion in a future 77681  
year's assessment. The department also may use anchor questions on 77682  
assessments to ensure that different versions of the same 77683  
assessment are of comparable difficulty. 77684

Field test questions and anchor questions shall not be 77685  
considered in computing scores for individual students. Field test 77686  
questions and anchor questions may be included as part of the 77687  
administration of any assessment required by division (A)(1) or 77688  
(B) of section 3301.0710 and division (B) of section 3301.0712 of 77689  
the Revised Code. 77690

(3) Any field test question or anchor question administered 77691  
under division (O)(2) of this section shall not be a public 77692  
record. Such field test questions and anchor questions shall be 77693  
redacted from any assessments which are released as a public 77694  
record pursuant to division (O)(1) of this section. 77695

(4) This division applies to the assessments prescribed by 77696  
division (A) of section 3301.0710 of the Revised Code. 77697

(a) The first administration of each assessment, as specified 77698  
in former section 3301.0712 of the Revised Code, shall be a public 77699  
record. 77700

(b) For subsequent administrations of each assessment prior 77701  
to the 2011-2012 school year, not less than forty per cent of the 77702  
questions on the assessment that are used to compute a student's 77703  
score shall be a public record. The department shall determine 77704

which questions will be needed for reuse on a future assessment 77705  
and those questions shall not be public records and shall be 77706  
redacted from the assessment prior to its release as a public 77707  
record. However, for each redacted question, the department shall 77708  
inform each city, local, and exempted village school district of 77709  
the statewide academic standard adopted by the state board under 77710  
section 3301.079 of the Revised Code and the corresponding 77711  
benchmark to which the question relates. The preceding sentence 77712  
does not apply to field test questions that are redacted under 77713  
division (O)(3) of this section. 77714

(c) The administrations of each assessment in the 2011-2012, 77715  
2012-2013, and 2013-2014 school years shall not be a public 77716  
record. 77717

(5) Each assessment prescribed by division (B)(1) of section 77718  
3301.0710 of the Revised Code shall not be a public record. 77719

(6)(a) Except as provided in division (O)(6)(b) of this 77720  
section, for the administrations in the 2014-2015, 2015-2016, and 77721  
2016-2017 school years, questions on the assessments prescribed 77722  
under division (A) of section 3301.0710 and division (B)(2) of 77723  
section 3301.0712 of the Revised Code and the corresponding 77724  
preferred answers that are used to compute a student's score shall 77725  
become a public record as follows: 77726

(i) Forty per cent of the questions and preferred answers on 77727  
the assessments on the thirty-first day of July following the 77728  
administration of the assessment; 77729

(ii) Twenty per cent of the questions and preferred answers 77730  
on the assessment on the thirty-first day of July one year after 77731  
the administration of the assessment; 77732

(iii) The remaining forty per cent of the questions and 77733  
preferred answers on the assessment on the thirty-first day of 77734  
July two years after the administration of the assessment. 77735

The entire content of an assessment shall become a public record within three years of its administration. 77736  
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The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division. 77738  
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(b) No questions and corresponding preferred answers shall become a public record under division (O)(6) of this section after July 31, 2017. 77743  
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(7) Division (O)(7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code. 77746  
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Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O)(3) of this section. 77749  
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(P) As used in this section: 77764

(1) "Three-year average" means the average of the most recent consecutive three school years of data. 77765  
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(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board of education or an education program outside the state. "Dropout" does not include a student who has departed the country.

(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.

(4) "State scholarship programs" means the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program established under section 3310.41 of the Revised Code, the Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code, and the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code.

(5) "Other public school" means a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(6) "Accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.

**Sec. 3301.16.** Pursuant to standards prescribed by the state

board of education as provided in division (D) of section 3301.07 77798  
of the Revised Code, the state board shall classify and charter 77799  
school districts and individual schools within each district 77800  
except that no charter shall be granted to a nonpublic school 77801  
unless the school complies with divisions (K)(1) and (L) of 77802  
section 3301.0711, as applicable, and sections 3301.164 and 77803  
3313.612 of the Revised Code. 77804

In the course of considering the charter of a new school 77805  
district created under section 3311.26 or 3311.38 of the Revised 77806  
Code, the state board shall require the party proposing creation 77807  
of the district to submit to the board a map, certified by the 77808  
county auditor of the county in which the proposed new district is 77809  
located, showing the boundaries of the proposed new district. In 77810  
the case of a proposed new district located in more than one 77811  
county, the map shall be certified by the county auditor of each 77812  
county in which the proposed district is located. 77813

The state board shall revoke the charter of any school 77814  
district or school which fails to meet the standards for 77815  
elementary and high schools as prescribed by the board. The state 77816  
board shall also revoke the charter of any nonpublic school that 77817  
does not comply with divisions (K)(1) and (L) of section 77818  
3301.0711, if applicable, and sections 3301.164 and 3313.612 of 77819  
the Revised Code. 77820

In the issuance and revocation of school district or school 77821  
charters, the state board shall be governed by the provisions of 77822  
Chapter 119. of the Revised Code. 77823

No school district, or individual school operated by a school 77824  
district, shall operate without a charter issued by the state 77825  
board under this section. 77826

In case a school district charter is revoked pursuant to this 77827  
section, the state board may dissolve the school district and 77828

transfer its territory to one or more adjacent districts. An 77829  
equitable division of the funds, property, and indebtedness of the 77830  
school district shall be made by the state board among the 77831  
receiving districts. The board of education of a receiving 77832  
district shall accept such territory pursuant to the order of the 77833  
state board. Prior to dissolving the school district, the state 77834  
board shall notify the appropriate educational service center 77835  
governing board and all adjacent school district boards of 77836  
education of its intention to do so. Boards so notified may make 77837  
recommendations to the state board regarding the proposed 77838  
dissolution and subsequent transfer of territory. Except as 77839  
provided in section 3301.161 of the Revised Code, the transfer 77840  
ordered by the state board shall become effective on the date 77841  
specified by the state board, but the date shall be at least 77842  
thirty days following the date of issuance of the order. 77843

A high school is one of higher grade than an elementary 77844  
school, in which instruction and training are given in accordance 77845  
with sections 3301.07 and 3313.60 of the Revised Code and which 77846  
also offers other subjects of study more advanced than those 77847  
taught in the elementary schools and such other subjects as may be 77848  
approved by the state board of education. 77849

An elementary school is one in which instruction and training 77850  
are given in accordance with sections 3301.07 and 3313.60 of the 77851  
Revised Code and which offers such other subjects as may be 77852  
approved by the state board of education. In districts wherein a 77853  
junior high school is maintained, the elementary schools in that 77854  
district may be considered to include only the work of the first 77855  
six school years inclusive, plus the kindergarten year. This 77856  
section shall not apply to accredited nonpublic schools described 77857  
in section 3301.165 of the Revised Code. 77858

**Sec. 3301.162.** (A) If the governing authority of a chartered 77859

nonpublic school or an accredited nonpublic school described in 77860  
section 3301.165 of the Revised Code intends to close the school, 77861  
the governing authority shall notify all of the following of that 77862  
intent prior to closing the school: 77863

(1) The department of education; 77864

(2) The school district that receives auxiliary services 77865  
funding under division (E) of section 3317.024 of the Revised Code 77866  
on behalf of the students enrolled in the school; 77867

(3) The accrediting association that most recently accredited 77868  
the school for purposes of chartering the school in accordance 77869  
with the rules of the state board of education, if applicable; 77870

(4) If the school has been designated as a STEM school 77871  
equivalent under section 3326.032 of the Revised Code, the STEM 77872  
committee established under section 3326.02 of the Revised Code. 77873

The notice shall include the school year and, if possible, 77874  
the actual date the school will close. 77875

(B) The chief administrator of each chartered nonpublic 77876  
school and each accredited nonpublic school that closes shall 77877  
deposit the school's records with either: 77878

(1) The accrediting association that most recently accredited 77879  
the school for purposes of chartering the school in accordance 77880  
with the rules of the state board, if applicable; 77881

(2) The school district that received auxiliary services 77882  
funding under division (E) of section 3317.024 of the Revised Code 77883  
on behalf of the students enrolled in the school. 77884

The school district that receives the records may charge for 77885  
and receive a one-time reimbursement from auxiliary services 77886  
funding under division (E) of section 3317.024 of the Revised Code 77887  
for costs the district incurred to store the records. 77888

**Sec. 3301.164.** Each chartered nonpublic school shall publish 77889  
on the school's web site both of the following: 77890

(A) The number of students enrolled in the school by the last 77891  
day of October of the current school year; 77892

(B) The school's policy regarding background checks for 77893  
teaching and nonteaching employees and for volunteers who have 77894  
direct contact with students. 77895

This section shall not apply to accredited nonpublic schools 77896  
described in section 3301.165 of the Revised Code. 77897

**Sec. 3301.165.** (A) The state board of education shall revoke 77898  
the charter of any chartered nonpublic school that fails to do one 77899  
of the following: 77900

(1) Comply with the operating standards for a school 77901  
established under section 3301.07 of the Revised Code; 77902

(2) Maintain accreditation from an association, other than 77903  
the independent schools association of the central states, whose 77904  
standards have been approved by the state board; 77905

(3) Maintain accreditation from the independent schools 77906  
association of the central states. The department of education 77907  
shall designate a nonpublic school that maintains eligibility for 77908  
a charter under division (A)(3) of this section as an "accredited 77909  
nonpublic school." The department shall accept an affirmation of 77910  
accreditation only from either the independent schools association 77911  
of the central states or an organization recognized by the 77912  
department that represents the independent schools association of 77913  
the central states. 77914

(B) An accredited nonpublic school shall comply with the 77915  
minimum education standards adopted by the state board under 77916  
division (D)(2) of section 3301.07 of the Revised Code. However, 77917

the state board shall not prescribe additional operating standards 77918  
for accredited nonpublic schools. Unless otherwise specifically 77919  
required in the Revised Code, an accredited nonpublic school shall 77920  
be exempt from any requirement to which a chartered nonpublic 77921  
school is subject under Title XXXIII of the Revised Code. 77922

(C) To ensure that an accredited nonpublic school or a school 77923  
in the process of being accredited by the independent schools 77924  
association of the central states is providing an education of 77925  
high quality, the department may do both of the following: 77926

(1) Send a representative to accompany an accrediting team 77927  
from the independent schools association of the central states on 77928  
any site visit to observe the activities and the report of the 77929  
accrediting team; 77930

(2) Request a copy of the report by the independent schools 77931  
association of the central states that is issued as part of the 77932  
accreditation cycle of a school. 77933

(D) An accredited nonpublic school shall cooperate with the 77934  
department in the department's execution of division (C) of this 77935  
section. If an accredited nonpublic school fails to comply with 77936  
this division, the department shall revoke the school's 77937  
designation as an accredited nonpublic school, and the school 77938  
shall be considered a chartered nonpublic school as long as it 77939  
maintains eligibility for a charter under division (A)(1) or (2) 77940  
of this section. 77941

(E) Any accredited nonpublic school that fails to maintain a 77942  
full accreditation from the independent schools association of the 77943  
central states shall be considered a chartered nonpublic school, 77944  
as long as it maintains eligibility for a charter under division 77945  
(A)(1) or (2) of this section, and shall be required to comply 77946  
with all laws applicable to chartered nonpublic schools. 77947

(F) The department of education shall not create ratings or 77948

any type of report card for accredited nonpublic schools. 77949

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the Revised Code: 77950  
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(A) "Preschool program" means either of the following: 77952

(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school. 77953  
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(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school. 77956  
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(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age. 77959  
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(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code. 77961  
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(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school. 77964  
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(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program. 77967  
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(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children. 77970  
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(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children. 77973  
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(H) "Eligible nonpublic school" means an accredited nonpublic 77977

school described in section 3301.165 of the Revised Code, a 77978  
nonpublic school chartered as described in division (B)(8) of 77979  
section 5104.02 of the Revised Code, or a nonpublic school 77980  
chartered by the state board of education for any combination of 77981  
grades one through twelve, regardless of whether it also offers 77982  
kindergarten. 77983

(I) "School child program" means a child care program for 77984  
only school children that is operated by a school district board 77985  
of education, county board of developmental disabilities, 77986  
community school, or eligible nonpublic school. 77987

(J) "School child" means a child who is enrolled in or is 77988  
eligible to be enrolled in a grade of kindergarten or above but is 77989  
less than fifteen years old. 77990

(K) "School child program staff member" means an employee 77991  
whose primary responsibility is the care, teaching, or supervision 77992  
of children in a school child program. 77993

(L) "Child care" means administering to the needs of infants, 77994  
toddlers, preschool children, and school children outside of 77995  
school hours by persons other than their parents or guardians, 77996  
custodians, or relatives by blood, marriage, or adoption for any 77997  
part of the twenty-four-hour day in a place or residence other 77998  
than a child's own home. 77999

(M) "Child day-care center," "publicly funded child care," 78000  
and "school-age child care center" have the same meanings as in 78001  
section 5104.01 of the Revised Code. 78002

(N) "Community school" means either of the following: 78003

(1) A community school established under Chapter 3314. of the 78004  
Revised Code that is sponsored by an entity that is rated 78005  
"exemplary" under section 3314.016 of the Revised Code. 78006

(2) A community school established under Chapter 3314. of the 78007

Revised Code that has received, on its most recent report card, 78008  
either of the following: 78009

(a) If the school offers any of grade levels four through 78010  
twelve, a grade of "C" or better for the overall value-added 78011  
progress dimension under division (C)(1)(e) of section 3302.03 of 78012  
the Revised Code and for the performance index score under 78013  
division (C)(1)(b) of section 3302.03 of the Revised Code; 78014

(b) If the school does not offer a grade level higher than 78015  
three, a grade of "C" or better for making progress in improving 78016  
literacy in grades kindergarten through three under division 78017  
(C)(1)(g) of section 3302.03 of the Revised Code. 78018

**Sec. 3301.541.** (A)(1) The director, head teacher, elementary 78019  
principal, or site administrator of a preschool program shall 78020  
request the superintendent of the bureau of criminal 78021  
identification and investigation to conduct a criminal records 78022  
check with respect to any applicant who has applied to the 78023  
preschool program for employment as a person responsible for the 78024  
care, custody, or control of a child. If the applicant does not 78025  
present proof that the applicant has been a resident of this state 78026  
for the five-year period immediately prior to the date upon which 78027  
the criminal records check is requested or does not provide 78028  
evidence that within that five-year period the superintendent has 78029  
requested information about the applicant from the federal bureau 78030  
of investigation in a criminal records check, the director, head 78031  
teacher, or elementary principal shall request that the 78032  
superintendent obtain information from the federal bureau of 78033  
investigation as a part of the criminal records check for the 78034  
applicant. If the applicant presents proof that the applicant has 78035  
been a resident of this state for that five-year period, the 78036  
director, head teacher, or elementary principal may request that 78037  
the superintendent include information from the federal bureau of 78038

investigation in the criminal records check. 78039

(2) Any director, head teacher, elementary principal, or site administrator required by division (A)(1) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (A)(1) of this section. 78040  
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(3) Any applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the preschool program shall not employ that applicant for any position for which a criminal records check is required by division (A)(1) of this section. 78052  
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(B)(1) Except as provided in rules adopted by the department of education in accordance with division (E) of this section, no preschool program shall employ a person as a person responsible for the care, custody, or control of a child if the person previously has been convicted of or pleaded guilty to any of the 78066  
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following: 78071

(a) A violation of section 2903.01, 2903.02, 2903.03, 78072  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 78073  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 78074  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 78075  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 78076  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 78077  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 78078  
2925.06, or 3716.11 of the Revised Code, a violation of section 78079  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 78080  
violation of section 2919.23 of the Revised Code that would have 78081  
been a violation of section 2905.04 of the Revised Code as it 78082  
existed prior to July 1, 1996, had the violation occurred prior to 78083  
that date, a violation of section 2925.11 of the Revised Code that 78084  
is not a minor drug possession offense, or felonious sexual 78085  
penetration in violation of former section 2907.12 of the Revised 78086  
Code; 78087

(b) A violation of an existing or former law of this state, 78088  
any other state, or the United States that is substantially 78089  
equivalent to any of the offenses or violations described in 78090  
division (B)(1)(a) of this section. 78091

(2) A preschool program may employ an applicant conditionally 78092  
until the criminal records check required by this section is 78093  
completed and the preschool program receives the results of the 78094  
criminal records check. If the results of the criminal records 78095  
check indicate that, pursuant to division (B)(1) of this section, 78096  
the applicant does not qualify for employment, the preschool 78097  
program shall release the applicant from employment. 78098

(C)(1) Each preschool program shall pay to the bureau of 78099  
criminal identification and investigation the fee prescribed 78100  
pursuant to division (C)(3) of section 109.572 of the Revised Code 78101  
for each criminal records check conducted in accordance with that 78102

section upon the request pursuant to division (A)(1) of this 78103  
section of the director, head teacher, elementary principal, or 78104  
site administrator of the preschool program. 78105

(2) A preschool program may charge an applicant a fee for the 78106  
costs it incurs in obtaining a criminal records check under this 78107  
section. A fee charged under this division shall not exceed the 78108  
amount of fees the preschool program pays under division (C)(1) of 78109  
this section. If a fee is charged under this division, the 78110  
preschool program shall notify the applicant at the time of the 78111  
applicant's initial application for employment of the amount of 78112  
the fee and that, unless the fee is paid, the applicant will not 78113  
be considered for employment. 78114

(D) The report of any criminal records check conducted by the 78115  
bureau of criminal identification and investigation in accordance 78116  
with section 109.572 of the Revised Code and pursuant to a request 78117  
under division (A)(1) of this section is not a public record for 78118  
the purposes of section 149.43 of the Revised Code and shall not 78119  
be made available to any person other than the applicant who is 78120  
the subject of the criminal records check or the applicant's 78121  
representative, the preschool program requesting the criminal 78122  
records check or its representative, and any court, hearing 78123  
officer, or other necessary individual in a case dealing with the 78124  
denial of employment to the applicant. 78125

(E) The department of education shall adopt rules pursuant to 78126  
Chapter 119. of the Revised Code to implement this section, 78127  
including rules specifying circumstances under which a preschool 78128  
program may hire a person who has been convicted of an offense 78129  
listed in division (B)(1) of this section but who meets standards 78130  
in regard to rehabilitation set by the department. 78131

(F) Any person required by division (A)(1) of this section to 78132  
request a criminal records check shall inform each person, at the 78133  
time of the person's initial application for employment, that the 78134

person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a preschool program as a person responsible for the care, custody, or control of a child, except that "applicant" does not include a person already employed by a board of education, community school, ~~or~~ chartered nonpublic school, or accredited nonpublic school described in section 3301.165 of the Revised Code in a position of care, custody, or control of a child who is under consideration for a different position with such board or school.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

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

(H) If the board of education of a local school district adopts a resolution requesting the assistance of the educational service center in which the local district has territory in conducting criminal records checks of substitute teachers under this section, the appointing or hiring officer of such educational service center governing board shall serve for purposes of this section as the appointing or hiring officer of the local board in the case of hiring substitute teachers for employment in the local district.

**Sec. 3302.07.** (A) The board of education of any school

district, the governing board of any educational service center, 78165  
or the administrative authority of any chartered nonpublic school 78166  
or any accredited nonpublic school described in section 3301.165 78167  
of the Revised Code may submit to the state board of education an 78168  
application proposing an innovative education pilot program the 78169  
implementation of which requires exemptions from specific 78170  
statutory provisions or rules. If a district or service center 78171  
board employs teachers under a collective bargaining agreement 78172  
adopted pursuant to Chapter 4117. of the Revised Code, any 78173  
application submitted under this division shall include the 78174  
written consent of the teachers' employee representative 78175  
designated under division (B) of section 4117.04 of the Revised 78176  
Code. The exemptions requested in the application shall be limited 78177  
to any requirement of Title XXXIII of the Revised Code or of any 78178  
rule of the state board adopted pursuant to that title except that 78179  
the application may not propose an exemption from any requirement 78180  
of or rule adopted pursuant to Chapter 3307. or 3309., sections 78181  
3319.07 to 3319.21, or Chapter 3323. of the Revised Code. 78182  
Furthermore, an exemption from any operating standard adopted 78183  
under division (B)(2) or (D) of section 3301.07 of the Revised 78184  
Code shall be granted only pursuant to a waiver granted by the 78185  
superintendent of public instruction under division (O) of that 78186  
section. 78187

(B) The state board of education shall accept any application 78188  
submitted in accordance with division (A) of this section. The 78189  
superintendent of public instruction shall approve or disapprove 78190  
the application in accordance with standards for approval, which 78191  
shall be adopted by the state board. 78192

(C) The superintendent of public instruction shall exempt 78193  
each district or service center board or chartered or accredited 78194  
nonpublic school administrative authority with an application 78195  
approved under division (B) of this section for a specified period 78196

from the statutory provisions or rules specified in the approved 78197  
application. The period of exemption shall not exceed the period 78198  
during which the pilot program proposed in the application is 78199  
being implemented and a reasonable period to allow for evaluation 78200  
of the effectiveness of the program. 78201

**Sec. 3302.41.** As used in this section, "blended learning" has 78202  
the same meaning as in section 3301.079 of the Revised Code. 78203

(A) Any local, city, exempted village, or joint vocational 78204  
school district, community school established under Chapter 3314. 78205  
of the Revised Code, STEM school established under Chapter 3326. 78206  
of the Revised Code, college-preparatory boarding school 78207  
established under Chapter 3328. of the Revised Code, ~~or~~ chartered 78208  
nonpublic school, or accredited nonpublic school described in 78209  
section 3301.165 of the Revised Code may operate all or part of a 78210  
school using a blended learning model. If a school is operated 78211  
using a blended learning model or is to cease operating using a 78212  
blended learning model, the superintendent of the school or 78213  
district or director of the school shall notify the department of 78214  
education of that fact not later than the first day of July of the 78215  
school year for which the change is effective. If any school 78216  
district school, community school, or STEM school is already 78217  
operated using a blended learning model on ~~the effective date of~~ 78218  
~~this section~~ September 24, 2012, the superintendent of the school 78219  
or district may notify the department within ninety days after ~~the~~ 78220  
~~effective date of this section~~ by December 23, 2012, of that fact 78221  
and request that the school be classified as a blended learning 78222  
school. 78223

(B) The state board of education shall revise any operating 78224  
standards for school districts and chartered nonpublic schools 78225  
adopted under section 3301.07 of the Revised Code to include 78226  
standards for the operation of blended learning under this 78227

section. The blended learning operation standards shall provide 78228  
for all of the following: 78229

(1) Student-to-teacher ratios whereby no school or classroom 78230  
is required to have more than one teacher for every one hundred 78231  
twenty-five students in blended learning classrooms; 78232

(2) The extent to which the school is or is not obligated to 78233  
provide students with access to digital learning tools; 78234

(3) The ability of all students, at any grade level, to earn 78235  
credits or advance grade levels upon demonstrating mastery of 78236  
knowledge or skills through competency-based learning models. 78237  
Credits or grade level advancement shall not be based on a minimum 78238  
number of days or hours in a classroom. 78239

(4) An exemption from minimum school year or school day 78240  
requirements in sections 3313.48 and 3313.481 of the Revised Code; 78241

(5) Adequate provisions for: the licensing of teachers, 78242  
administrators, and other professional personnel and their 78243  
assignment according to training and qualifications; efficient and 78244  
effective instructional materials and equipment, including library 78245  
facilities; the proper organization, administration, and 78246  
supervision of each school, including regulations for preparing 78247  
all necessary records and reports and the preparation of a 78248  
statement of policies and objectives for each school; buildings, 78249  
grounds, and health and sanitary facilities and services; 78250  
admission of pupils, and such requirements for their promotion 78251  
from grade to grade as will ensure that they are capable and 78252  
prepared for the level of study to which they are certified; 78253  
requirements for graduation; and such other factors as the board 78254  
finds necessary. 78255

(C) An internet- or computer-based community school, as 78256  
defined in section 3314.02 of the Revised Code, is not a blended 78257  
learning school authorized under this section. Nor does this 78258

section affect any provisions for the operation of and payments to 78259  
an internet- or computer-based community school prescribed in 78260  
Chapter 3314. of the Revised Code. 78261

**Sec. 3310.01.** As used in sections 3310.01 to 3310.17 of the 78262  
Revised Code: 78263

(A) "Chartered nonpublic school" ~~means a~~ includes both of the 78264  
following: 78265

(1) A nonpublic school that holds a valid charter issued by 78266  
the state board of education under section 3301.16 of the Revised 78267  
Code and meets the standards established for such schools in rules 78268  
adopted by the state board; 78269

(2) An accredited nonpublic school as described in section 78270  
3301.165 of the Revised Code. 78271

(B) An "eligible student" is a student who satisfies the 78272  
conditions specified in section 3310.03 or 3310.032 of the Revised 78273  
Code. 78274

(C) "Parent" has the same meaning as in section 3313.98 of 78275  
the Revised Code. 78276

(D) "Resident district" means the school district in which a 78277  
student is entitled to attend school under section 3313.64 or 78278  
3313.65 of the Revised Code. 78279

(E) "School year" has the same meaning as in section 3313.62 78280  
of the Revised Code. 78281

**Sec. 3312.01.** (A) The educational regional service system is 78282  
hereby established. The system shall support state and regional 78283  
education initiatives and efforts to improve school effectiveness 78284  
and student achievement. Services, including special education and 78285  
related services, shall be provided under the system to school 78286  
districts, community schools established under Chapter 3314. of 78287

the Revised Code, ~~and~~ chartered nonpublic schools, and accredited 78288  
nonpublic schools described in section 3301.165 of the Revised 78289  
Code. 78290

It is the intent of the general assembly that the educational 78291  
regional service system reduce the unnecessary duplication of 78292  
programs and services and provide for a more streamlined and 78293  
efficient delivery of educational services without reducing the 78294  
availability of the services needed by school districts and 78295  
schools. 78296

(B) The educational regional service system shall consist of 78297  
the following: 78298

(1) The advisory councils and subcommittees established under 78299  
sections 3312.03 and 3312.05 of the Revised Code; 78300

(2) A fiscal agent for each of the regions as configured 78301  
under section 3312.02 of the Revised Code; 78302

(3) Educational service centers, information technology 78303  
centers established under section 3301.075 of the Revised Code, 78304  
and other regional education service providers. 78305

(C) Educational service centers shall provide the services 78306  
that they are specifically required to provide by the Revised Code 78307  
and may enter into agreements pursuant to section 3313.843, 78308  
3313.844, or 3313.845 of the Revised Code for the provision of 78309  
other services, which may include any of the following: 78310

(1) Assistance in improving student performance; 78311

(2) Services to enable a school district or school to operate 78312  
more efficiently or economically; 78313

(3) Professional development for teachers or administrators; 78314

(4) Assistance in the recruitment and retention of teachers 78315  
and administrators; 78316

(5) Any other educational, administrative, or operational services. 78317  
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In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education. 78319  
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Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory. 78325  
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(D) Information technology centers may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code. 78329  
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(E) No school district, community school, or chartered or accredited nonpublic school shall be required to purchase services from an educational service center or information technology center in the region in which the district or school is located, except that a local school district shall receive any services required by the Revised Code to be provided by an educational service center to the local school districts in its territory from the educational service center in whose territory the district is located. 78332  
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**Sec. 3312.04.** The advisory council of each region of the educational regional service system shall do all of the following: 78341  
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(A) Identify regional needs and priorities for educational services to inform the department of education in the development of the performance contracts entered into by the fiscal agent of the region under section 3312.08 of the Revised Code; 78343  
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(B) Develop policies to coordinate the delivery of services 78347  
to school districts, community schools, and chartered and 78348  
accredited nonpublic schools in a manner that responds to regional 78349  
needs and priorities. Such policies shall not supersede any 78350  
requirement of a performance contract entered into by the fiscal 78351  
agent of the region under section 3312.08 of the Revised Code. 78352

(C) Make recommendations to the fiscal agent for the region 78353  
regarding the expenditure of funds available to the region for 78354  
implementation of state and regional education initiatives and 78355  
school improvement efforts; 78356

(D) Monitor implementation of state and regional education 78357  
initiatives and school improvement efforts by educational service 78358  
centers, information technology centers, and other regional 78359  
service providers to ensure that the terms of the performance 78360  
contracts entered into by the fiscal agent for the region under 78361  
section 3312.08 of the Revised Code are being met; 78362

(E) Establish an accountability system to evaluate the 78363  
advisory council on its performance of the duties described in 78364  
divisions (A) to (D) of this section. 78365

**Sec. 3312.05.** (A) The advisory council of each region of the 78366  
educational regional service system shall establish the following 78367  
specialized subcommittees of the council: 78368

(1) A school improvement subcommittee, which shall include 78369  
one classroom teacher appointed jointly by the Ohio education 78370  
association and the Ohio federation of teachers and 78371  
representatives of community schools and education personnel with 78372  
expertise in the area of school improvement; 78373

(2) An education technology subcommittee, which shall include 78374  
classroom teachers or curriculum coordinators, parents, elementary 78375  
and secondary school principals, representatives of chartered or 78376

accredited nonpublic schools, representatives of information 78377  
technology centers, representatives of business, and 78378  
representatives of two-year and four-year institutions of higher 78379  
education; 78380

(3) A professional development subcommittee, which shall 78381  
include classroom teachers, principals, school district 78382  
superintendents, curriculum coordinators, representatives of 78383  
chartered or accredited nonpublic schools, and representatives of 78384  
two-year and four-year institutions of higher education; 78385

(4) A special education subcommittee, which shall consist of 78386  
one classroom teacher appointed jointly by the Ohio education 78387  
association and the Ohio federation of teachers and the members of 78388  
the governing board of the special education regional resource 78389  
center in the region; 78390

(5) An information technology center subcommittee, which 78391  
shall consist of one classroom teacher appointed jointly by the 78392  
Ohio education association and the Ohio federation of teachers; 78393  
the administrator, or the administrator's designee, of each 78394  
information technology center providing services in the region; 78395  
and two school district administrators appointed by each 78396  
information technology center providing services in the region. 78397

(B) The advisory council shall appoint persons who reside or 78398  
practice their occupations in the region to serve on the 78399  
subcommittees established under divisions (A)(1) to (3) of this 78400  
section. If the advisory council is unable to appoint such a 78401  
person to a subcommittee, the council shall appoint a similarly 78402  
situated person from an adjacent region. 78403

(C) An advisory council may establish additional 78404  
subcommittees as needed to address topics of interest to the 78405  
council. Members of any additional subcommittee shall be appointed 78406  
by the advisory council and shall include a diverse range of 78407

classroom teachers and other education personnel with expertise in 78408  
the topic addressed by the subcommittee and representatives of 78409  
individuals or groups with an interest in the topic. 78410

(D) Any member of an advisory council may participate in the 78411  
deliberations of any subcommittee established by the council. 78412

**Sec. 3312.09.** (A) Each performance contract entered into by 78413  
the department of education and the fiscal agent of a region for 78414  
implementation of a state or regional education initiative or 78415  
school improvement effort shall include the following: 78416

(1) An explanation of how the regional needs and priorities 78417  
for educational services have been identified by the advisory 78418  
council of the region, the advisory council's subcommittees, and 78419  
the department; 78420

(2) A definition of the services to be provided to school 78421  
districts, community schools, and chartered and accredited 78422  
nonpublic schools in the region, including any services provided 78423  
pursuant to division (A) of section 3302.04 of the Revised Code; 78424

(3) Expected outcomes from the provision of the services 78425  
defined in the contract; 78426

(4) The method the department will use to evaluate whether 78427  
the expected outcomes have been achieved; 78428

(5) A requirement that the fiscal agent develop and implement 78429  
a corrective action plan if the results of the evaluation are 78430  
unsatisfactory; 78431

(6) Data reporting requirements; 78432

(7) The aggregate fees to be charged by the fiscal agent and 78433  
any entity with which it subcontracts to cover personnel and 78434  
program costs associated with administering the contract, which 78435  
fees shall be subject to controlling board approval if in excess 78436  
of four per cent of the value of the contract. 78437

(B) Upon completion of each evaluation described in a performance contract, the department shall post the results of that evaluation on its web site.

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**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), and (F) of this section and in sections 3313.412 and 3313.413 of the Revised Code, when a board of education decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it shall sell the property at public auction, after giving at least thirty days' notice of the auction by publication in a newspaper of general circulation in the school district, by publication as provided in section 7.16 of the Revised Code, or by posting notices in five of the most public places in the school district in which the property, if it is real property, is situated, or, if it is personal property, in the school district of the board of education that owns the property. The board may offer real property for sale as an entire tract or in parcels.

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(B) When the board of education has offered real or personal property for sale at public auction at least once pursuant to division (A) of this section, and the property has not been sold, the board may sell it at a private sale. Regardless of how it was offered at public auction, at a private sale, the board shall, as it considers best, sell real property as an entire tract or in parcels, and personal property in a single lot or in several lots.

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(C) If a board of education decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it may sell the property to the adjutant general; to any subdivision or taxing authority as respectively defined in section 5705.01 of the Revised Code, township park district, board of park commissioners established under Chapter 755. of the Revised Code, or park district

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established under Chapter 1545. of the Revised Code; to a wholly 78469  
or partially tax-supported university, university branch, or 78470  
college; to a nonprofit institution of higher education that has a 78471  
certificate of authorization under Chapter 1713. of the Revised 78472  
Code; to the governing authority of a chartered nonpublic school 78473  
or an accredited nonpublic school described in section 3301.165 of 78474  
the Revised Code; or to the board of trustees of a school district 78475  
library, upon such terms as are agreed upon. The sale of real or 78476  
personal property to the board of trustees of a school district 78477  
library is limited, in the case of real property, to a school 78478  
district library within whose boundaries the real property is 78479  
situated, or, in the case of personal property, to a school 78480  
district library whose boundaries lie in whole or in part within 78481  
the school district of the selling board of education. 78482

(D) When a board of education decides to trade as a part or 78483  
an entire consideration, an item of personal property on the 78484  
purchase price of an item of similar personal property, it may 78485  
trade the same upon such terms as are agreed upon by the parties 78486  
to the trade. 78487

(E) The president and the treasurer of the board of education 78488  
shall execute and deliver deeds or other necessary instruments of 78489  
conveyance to complete any sale or trade under this section. 78490

(F) When a board of education has identified a parcel of real 78491  
property that it determines is needed for school purposes, the 78492  
board may, upon a majority vote of the members of the board, 78493  
acquire that property by exchanging real property that the board 78494  
owns in its corporate capacity for the identified real property or 78495  
by using real property that the board owns in its corporate 78496  
capacity as part or an entire consideration for the purchase price 78497  
of the identified real property. Any exchange or acquisition made 78498  
pursuant to this division shall be made by a conveyance executed 78499  
by the president and the treasurer of the board. 78500

(G) When a school district board of education has property 78501  
that the board, by resolution, finds is not needed for school 78502  
district use, is obsolete, or is unfit for the use for which it 78503  
was acquired, the board may donate that property in accordance 78504  
with this division if the fair market value of the property is, in 78505  
the opinion of the board, two thousand five hundred dollars or 78506  
less. 78507

The property may be donated to an eligible nonprofit 78508  
organization that is located in this state and is exempt from 78509  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 78510  
Before donating any property under this division, the board shall 78511  
adopt a resolution expressing its intent to make unneeded, 78512  
obsolete, or unfit-for-use school district property available to 78513  
these organizations. The resolution shall include guidelines and 78514  
procedures the board considers to be necessary to implement the 78515  
donation program and shall indicate whether the school district 78516  
will conduct the donation program or the board will contract with 78517  
a representative to conduct it. If a representative is known when 78518  
the resolution is adopted, the resolution shall provide contact 78519  
information such as the representative's name, address, and 78520  
telephone number. 78521

The resolution shall include within its procedures a 78522  
requirement that any nonprofit organization desiring to obtain 78523  
donated property under this division shall submit a written notice 78524  
to the board or its representative. The written notice shall 78525  
include evidence that the organization is a nonprofit organization 78526  
that is located in this state and is exempt from federal income 78527  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 78528  
the organization's primary purpose; a description of the type or 78529  
types of property the organization needs; and the name, address, 78530  
and telephone number of a person designated by the organization's 78531  
governing board to receive donated property and to serve as its 78532

agent. 78533

After adoption of the resolution, the board shall publish, in 78534  
a newspaper of general circulation in the school district or as 78535  
provided in section 7.16 of the Revised Code, notice of its intent 78536  
to donate unneeded, obsolete, or unfit-for-use school district 78537  
property to eligible nonprofit organizations. The notice shall 78538  
include a summary of the information provided in the resolution 78539  
and shall be published twice. The second notice shall be published 78540  
not less than ten nor more than twenty days after the previous 78541  
notice. A similar notice also shall be posted continually in the 78542  
board's office. If the school district maintains a web site on the 78543  
internet, the notice shall be posted continually at that web site. 78544

The board or its representatives shall maintain a list of all 78545  
nonprofit organizations that notify the board or its 78546  
representative of their desire to obtain donated property under 78547  
this division and that the board or its representative determines 78548  
to be eligible, in accordance with the requirements set forth in 78549  
this section and in the donation program's guidelines and 78550  
procedures, to receive donated property. 78551

The board or its representative also shall maintain a list of 78552  
all school district property the board finds to be unneeded, 78553  
obsolete, or unfit for use and to be available for donation under 78554  
this division. The list shall be posted continually in a 78555  
conspicuous location in the board's office, and, if the school 78556  
district maintains a web site on the internet, the list shall be 78557  
posted continually at that web site. An item of property on the 78558  
list shall be donated to the eligible nonprofit organization that 78559  
first declares to the board or its representative its desire to 78560  
obtain the item unless the board previously has established, by 78561  
resolution, a list of eligible nonprofit organizations that shall 78562  
be given priority with respect to the item's donation. Priority 78563  
may be given on the basis that the purposes of a nonprofit 78564

organization have a direct relationship to specific school 78565  
district purposes of programs provided or administered by the 78566  
board. A resolution giving priority to certain nonprofit 78567  
organizations with respect to the donation of an item of property 78568  
shall specify the reasons why the organizations are given that 78569  
priority. 78570

Members of the board shall consult with the Ohio ethics 78571  
commission, and comply with Chapters 102. and 2921. of the Revised 78572  
Code, with respect to any donation under this division to a 78573  
nonprofit organization of which a board member, any member of a 78574  
board member's family, or any business associate of a board member 78575  
is a trustee, officer, board member, or employee. 78576

**Sec. 3313.48.** (A) The board of education of each city, 78577  
exempted village, local, and joint vocational school district 78578  
shall provide for the free education of the youth of school age 78579  
within the district under its jurisdiction, at such places as will 78580  
be most convenient for the attendance of the largest number 78581  
thereof. Each school so provided ~~and~~, each chartered nonpublic 78582  
school, and each accredited nonpublic school described in section 78583  
3301.165 of the Revised Code shall be open for instruction with 78584  
pupils in attendance, including scheduled classes, supervised 78585  
activities, and approved education options but excluding lunch and 78586  
breakfast periods and extracurricular activities, for not less 78587  
than four hundred fifty-five hours in the case of pupils in 78588  
kindergarten unless such pupils are provided all-day kindergarten, 78589  
as defined in section 3321.05 of the Revised Code, in which case 78590  
the pupils shall be in attendance for nine hundred ten hours; nine 78591  
hundred ten hours in the case of pupils in grades one through six; 78592  
and one thousand one hours in the case of pupils in grades seven 78593  
through twelve in each school year, which may include all of the 78594  
following: 78595

(1) Up to the equivalent of two school days per year during 78596  
which pupils would otherwise be in attendance but are not required 78597  
to attend for the purpose of individualized parent-teacher 78598  
conferences and reporting periods; 78599

(2) Up to the equivalent of two school days per year during 78600  
which pupils would otherwise be in attendance but are not required 78601  
to attend for professional meetings of teachers; 78602

(3) Morning and afternoon recess periods of not more than 78603  
fifteen minutes duration per period for pupils in grades 78604  
kindergarten through six. 78605

(B) Not later than thirty days prior to adopting a school 78606  
calendar, the board of education of each city, exempted village, 78607  
and local school district shall hold a public hearing on the 78608  
school calendar, addressing topics that include, but are not 78609  
limited to, the total number of hours in a school year, length of 78610  
school day, and beginning and end dates of instruction. 78611

(C) No school operated by a city, exempted village, local, or 78612  
joint vocational school district shall reduce the number of hours 78613  
in each school year that the school is scheduled to be open for 78614  
instruction from the number of hours per year the school was open 78615  
for instruction during the previous school year unless the 78616  
reduction is approved by a resolution adopted by the district 78617  
board of education. Any reduction so approved shall not result in 78618  
fewer hours of instruction per school year than the applicable 78619  
number of hours required under division (A) of this section. 78620

(D) Prior to making any change in the hours or days in which 78621  
a high school under its jurisdiction is open for instruction, the 78622  
board of education of each city, exempted village, and local 78623  
school district shall consider the compatibility of the proposed 78624  
change with the scheduling needs of any joint vocational school 78625  
district in which any of the high school's students are also 78626

enrolled. The board shall consider the impact of the proposed 78627  
change on student access to the instructional programs offered by 78628  
the joint vocational school district, incentives for students to 78629  
participate in career-technical education, transportation, and the 78630  
timing of graduation. The board shall provide the joint vocational 78631  
school district board with advance notice of the proposed change 78632  
and the two boards shall enter into a written agreement 78633  
prescribing reasonable accommodations to meet the scheduling needs 78634  
of the joint vocational school district prior to implementation of 78635  
the change. 78636

(E) Prior to making any change in the hours or days in which 78637  
a school under its jurisdiction is open for instruction, the board 78638  
of education of each city, exempted village, and local school 78639  
district shall consider the compatibility of the proposed change 78640  
with the scheduling needs of any community school established 78641  
under Chapter 3314. of the Revised Code to which the district is 78642  
required to transport students under sections 3314.09 and 3327.01 78643  
of the Revised Code. The board shall consider the impact of the 78644  
proposed change on student access to the instructional programs 78645  
offered by the community school, transportation, and the timing of 78646  
graduation. The board shall provide the sponsor, governing 78647  
authority, and operator of the community school with advance 78648  
notice of the proposed change, and the board and the governing 78649  
authority, or operator if such authority is delegated to the 78650  
operator, shall enter into a written agreement prescribing 78651  
reasonable accommodations to meet the scheduling needs of the 78652  
community school prior to implementation of the change. 78653

(F) Prior to making any change in the hours or days in which 78654  
the schools under its jurisdiction are open for instruction, the 78655  
board of education of each city, exempted village, and local 78656  
school district shall consult with the chartered and accredited 78657  
nonpublic schools to which the district is required to transport 78658

students under section 3327.01 of the Revised Code and shall 78659  
consider the effect of the proposed change on the schedule for 78660  
transportation of those students to their nonpublic schools. The 78661  
governing authority of a chartered or an accredited nonpublic 78662  
school shall consult with each school district board of education 78663  
that transports students to the chartered nonpublic school under 78664  
section 3327.01 of the Revised Code prior to making any change in 78665  
the hours or days in which the nonpublic school is open for 78666  
instruction. 78667

(G) The state board of education shall not adopt or enforce 78668  
any rule or standard that imposes on chartered or accredited 78669  
nonpublic schools the procedural requirements imposed on school 78670  
districts by divisions (B), (C), (D), and (E) of this section. 78671

**Sec. 3313.481.** Wherever in Title XXXIII of the Revised Code 78672  
the term "school day" is used, unless otherwise specified, that 78673  
term shall be construed to mean the time during a calendar day 78674  
that a school is open for instruction pursuant to the schedule 78675  
adopted by the board of education of the school district or the 78676  
governing authority of the chartered or accredited nonpublic 78677  
school in accordance with section 3313.48 of the Revised Code. 78678

**Sec. 3313.482.** (A)(1) Prior to the first day of August of 78679  
each school year, the board of education of any school district 78680  
~~or~~, the governing authority of any chartered nonpublic school, or 78681  
the governing authority of an accredited nonpublic school 78682  
described in section 3301.165 of the Revised Code may adopt a plan 78683  
to require students to access and complete classroom lessons 78684  
posted on the district's or nonpublic school's web portal or web 78685  
site in order to make up hours in that school year on which it is 78686  
necessary to close schools for disease epidemic, hazardous weather 78687  
conditions, law enforcement emergencies, inoperability of school 78688  
buses or other equipment necessary to the school's operation, 78689

damage to a school building, or other temporary circumstances due 78690  
to utility failure rendering the school building unfit for school 78691  
use. 78692

Prior to the first day of August of each school year, the 78693  
governing authority of any community school established under 78694  
Chapter 3314. that is not an internet- or computer-based community 78695  
school, as defined in section 3314.02 of the Revised Code, may 78696  
adopt a plan to require students to access and complete classroom 78697  
lessons posted on the school's web portal or web site in order to 78698  
make up hours in that school year on which it is necessary to 78699  
close the school for any of the reasons specified in division 78700  
(H)(4) of section 3314.08 of the Revised Code so that the school 78701  
is in compliance with the minimum number of hours required under 78702  
Chapter 3314. of the Revised Code. 78703

A plan adopted by a school district board, chartered 78704  
nonpublic school governing authority, accredited nonpublic school 78705  
governing authority, or community school governing authority shall 78706  
provide for making up any number of hours, up to a maximum of the 78707  
number of hours that are the equivalent of three school days. 78708

(2) Each plan adopted under this section by a school district 78709  
board of education shall include the written consent of the 78710  
teachers' employee representative designated under division (B) of 78711  
section 4117.04 of the Revised Code. 78712

(3) Each plan adopted under this section shall provide for 78713  
the following: 78714

(a) Not later than the first day of November of the school 78715  
year, each classroom teacher shall develop a sufficient number of 78716  
lessons for each course taught by the teacher that school year to 78717  
cover the number of make-up hours specified in the plan. The 78718  
teacher shall designate the order in which the lessons are to be 78719  
posted on the district's, community school's, or nonpublic 78720

school's web portal or web site in the event of a school closure. 78721  
Teachers may be granted up to one professional development day to 78722  
create lesson plans for those lessons. 78723

(b) To the extent possible and necessary, a classroom teacher 78724  
shall update or replace, based on current instructional progress, 78725  
one or more of the lesson plans developed under division (A)(3)(a) 78726  
of this section before they are posted on the web portal or web 78727  
site under division (A)(3)(c) of this section or distributed under 78728  
division (B) of this section. 78729

(c) As soon as practicable after a school closure, a district 78730  
or school employee responsible for web portal or web site 78731  
operations shall make the designated lessons available to students 78732  
on the district's, community school's, or nonpublic school's 78733  
portal or site. A lesson shall be posted for each course that was 78734  
scheduled to meet on the day or hours of the closure. 78735

(d) Each student enrolled in a course for which a lesson is 78736  
posted on the portal or site shall be granted a two-week period 78737  
from the date of posting to complete the lesson. The student's 78738  
classroom teacher shall grade the lesson in the same manner as 78739  
other lessons. The student may receive an incomplete or failing 78740  
grade if the lesson is not completed on time. 78741

(e) If a student does not have access to a computer at the 78742  
student's residence and the plan does not include blizzard bags 78743  
under division (B) of this section, the student shall be permitted 78744  
to work on the posted lessons at school after the student's school 78745  
reopens. If the lessons were posted prior to the reopening, the 78746  
student shall be granted a two-week period from the date of the 78747  
reopening, rather than from the date of posting as otherwise 78748  
required under division (A)(3)(d) of this section, to complete the 78749  
lessons. The district board or community school or nonpublic 78750  
school governing authority may provide the student access to a 78751  
computer before, during, or after the regularly scheduled school 78752

day or may provide a substantially similar paper lesson in order 78753  
to complete the lessons. 78754

(B)(1) In addition to posting classroom lessons online under 78755  
division (A) of this section, the board of education of any school 78756  
district or governing authority of any community, accredited, or 78757  
chartered nonpublic school may include in the plan distribution of 78758  
"blizzard bags," which are paper copies of the lessons posted 78759  
online. 78760

(2) If a school opts to use blizzard bags, teachers shall 78761  
prepare paper copies in conjunction with the lessons to be posted 78762  
online and update the paper copies whenever the teacher updates 78763  
the online lesson plans. 78764

(3) The board of education of any school district or 78765  
governing authority of any community, accredited, or chartered 78766  
nonpublic school that opts to use blizzard bags shall specify in 78767  
the plan the method of distribution of blizzard bag lessons, which 78768  
may include, but not be limited to, requiring distribution by a 78769  
specific deadline or requiring distribution prior to anticipated 78770  
school closure as directed by the superintendent of a school 78771  
district or the principal, director, chief administrative officer, 78772  
or the equivalent, of a school. 78773

(4) Students shall turn in completed lessons in accordance 78774  
with division (A)(3)(d) of this section. 78775

(C)(1) No school district that implements a plan in 78776  
accordance with this section shall be considered to have failed to 78777  
comply with division (B) of section 3317.01 of the Revised Code 78778  
with respect to the number of make-up hours specified in the plan. 78779

(2) No community school that implements a plan in accordance 78780  
with this section shall be considered to have failed to comply 78781  
with the minimum number of hours required under Chapter 3314. of 78782  
the Revised Code with respect to the number of make-up hours 78783

specified in the plan. 78784

**Sec. 3313.536.** (A) As used in this section: 78785

(1) "Administrator" means the superintendent, principal, 78786  
chief administrative officer, or other person having supervisory 78787  
authority of any of the following: 78788

(a) A city, exempted village, local, or joint vocational 78789  
school district; 78790

(b) A community school established under Chapter 3314. of the 78791  
Revised Code, as required through reference in division (A)(11)(d) 78792  
of section 3314.03 of the Revised Code; 78793

(c) A STEM school established under Chapter 3326. of the 78794  
Revised Code, as required through reference in section 3326.11 of 78795  
the Revised Code; 78796

(d) A college-preparatory boarding school established under 78797  
Chapter 3328. of the Revised Code; 78798

(e) A district or school operating a career-technical 78799  
education program approved by the department of education under 78800  
section 3317.161 of the Revised Code; 78801

(f) A chartered nonpublic school; 78802

(g) An accredited nonpublic school described in section 78803  
3301.165 of the Revised Code; 78804

(h) An educational service center; 78805

~~(h)~~(i) A preschool program or school-age child care program 78806  
licensed by the department of education; 78807

~~(i)~~(j) Any other facility that primarily provides educational 78808  
services to children subject to regulation by the department of 78809  
education. 78810

(2) "Emergency management test" means a regularly scheduled 78811

drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section.

(3) "Building" means any school, school building, facility, program, or center.

(B)(1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted by the state board of education pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The administrator shall incorporate remediation strategies into the plan for any building where documented safety problems have occurred.

(2) Each administrator shall also incorporate into the emergency management plan adopted under division (B)(1) of this section all of the following:

(a) A protocol for addressing serious threats to the safety of property, students, employees, or administrators;

(b) A protocol for responding to any emergency events that occur and compromise the safety of property, students, employees, or administrators. This protocol shall include, but not be limited to, all of the following:

(i) A floor plan that is unique to each floor of the building;

(ii) A site plan that includes all building property and

surrounding property; 78843

(iii) An emergency contact information sheet. 78844

(3) Each protocol described in divisions (B)(2)(a) and (b) of 78845  
this section shall include procedures determined to be appropriate 78846  
by the administrator for responding to threats and emergency 78847  
events, respectively, including such things as notification of 78848  
appropriate law enforcement personnel, calling upon specified 78849  
emergency response personnel for assistance, and informing parents 78850  
of affected students. 78851

Prior to the opening day of each school year, the 78852  
administrator shall inform each student or child enrolled in the 78853  
school and the student's or child's parent of the parental 78854  
notification procedures included in the protocol. 78855

(4) Each administrator shall keep a copy of the emergency 78856  
management plan adopted pursuant to this section in a secure 78857  
place. 78858

(C)(1) The administrator shall submit to the department of 78859  
education, in accordance with rules adopted by the state board of 78860  
education pursuant to division (F) of this section, an electronic 78861  
copy of the emergency management plan prescribed by division (B) 78862  
of this section not less than once every three years, whenever a 78863  
major modification to the building requires changes in the 78864  
procedures outlined in the plan, and whenever information on the 78865  
emergency contact information sheet changes. 78866

(2) The administrator also shall file a copy of the plan with 78867  
each law enforcement agency that has jurisdiction over the school 78868  
building and, upon request, to any of the following: 78869

(a) The fire department that serves the political subdivision 78870  
in which the building is located; 78871

(b) The emergency medical service organization that serves 78872

the political subdivision in which the building is located; 78873

(c) The county emergency management agency for the county in 78874  
which the building is located. 78875

(3) Upon receipt of an emergency management plan, the 78876  
department of education shall submit the information in accordance 78877  
with rules adopted by the state board of education pursuant to 78878  
division (F) of this section, to both of the following: 78879

(a) The attorney general, who shall post that information on 78880  
the Ohio law enforcement gateway or its successor; 78881

(b) The director of public safety, who shall post the 78882  
information on the contact and information management system. 78883

(4) Any department or entity to which copies of an emergency 78884  
management plan are filed under this section shall keep the copies 78885  
in a secure place. 78886

(D)(1) Not later than the first day of July of each year, 78887  
each administrator shall review the emergency management plan and 78888  
certify to the department of education that the plan is current 78889  
and accurate. 78890

(2) Anytime that an administrator updates the emergency 78891  
management plan pursuant to division (C)(1) of this section, the 78892  
administrator shall file copies, not later than the tenth day 78893  
after the revision is adopted and in accordance with rules adopted 78894  
by the state board pursuant to division (F) of this section, to 78895  
the department of education and to any entity with which the 78896  
administrator filed a copy under division (C)(2) of this section. 78897

(E) Each administrator shall do both of the following: 78898

(1) Prepare and conduct at least one annual emergency 78899  
management test, as defined in division (A)(2) of this section, in 78900  
accordance with rules adopted by the state board pursuant to 78901  
division (F) of this section; 78902

(2) Grant access to each building under the control of the administrator to law enforcement personnel and to entities described in division (C)(2) of this section, to enable the personnel and entities to hold training sessions for responding to threats and emergency events affecting the building, provided that the access occurs outside of student instructional hours and the administrator, or the administrator's designee, is present in the building during the training sessions.

(F) The state board of education, in accordance with Chapter 119. of the Revised Code, shall adopt rules regarding emergency management plans under this section, including the content of the plans and procedures for filing the plans. The rules shall specify that plans and information required under division (B) of this section be submitted on standardized forms developed by the department of education for such purpose. The rules shall also specify the requirements and procedures for emergency management tests conducted pursuant to division (E)(1) of this section. Failure to comply with the rules may result in discipline pursuant to section 3319.31 of the Revised Code or any other action against the administrator as prescribed by rule.

(G) Division (B) of section 3319.31 of the Revised Code applies to any administrator who is subject to the requirements of this section and is not exempt under division (H) of this section and who is an applicant for a license or holds a license from the state board pursuant to section 3319.22 of the Revised Code.

(H) The superintendent of public instruction may exempt any administrator from the requirements of this section, if the superintendent determines that the requirements do not otherwise apply to a building or buildings under the control of that administrator.

(I) Copies of the emergency management plan and information required under division (B) of this section are security records

and are not public records pursuant to section 149.433 of the Revised Code. In addition, the information posted to the contact and information management system, pursuant to division (C)(3)(b) of this section, is exempt from public disclosure or release in accordance with sections 149.43, 149.433, and 5502.03 of the Revised Code.

Notwithstanding section 149.433 of the Revised Code, a floor plan filed with the attorney general pursuant to this section is not a public record to the extent it is a record kept by the attorney general.

**Sec. 3313.539.** (A) As used in this section:

(1) "Licensing agency" has the same meaning as in section 4745.01 of the Revised Code.

(2) "Licensed health care professional" means an individual, other than a physician, who is authorized under Title XLVII of the Revised Code to practice a health care profession.

(3) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(B) No school district board of education or governing authority of a chartered nonpublic, accredited nonpublic school described in section 3301.165 of the Revised Code, or nonchartered nonpublic school shall permit a student to practice for or compete in interscholastic athletics until the student has submitted, to a school official designated by the board or governing authority, a form signed by the parent, guardian, or other person having care or charge of the student stating that the student and the parent, guardian, or other person having care or charge of the student have received the concussion and head injury information sheet required by section 3707.52 of the Revised Code. A completed form

shall be submitted each school year, as defined in section 3313.62 78965  
of the Revised Code, for each sport or other category of 78966  
interscholastic athletics for or in which the student practices or 78967  
competes. 78968

(C)(1) No school district board of education or governing 78969  
authority of a chartered, accredited, or nonchartered nonpublic 78970  
school shall permit an individual to coach interscholastic 78971  
athletics unless the individual holds a pupil-activity program 78972  
permit issued under section 3319.303 of the Revised Code for 78973  
coaching interscholastic athletics. 78974

(2) No school district board of education or governing 78975  
authority of a chartered, accredited, or nonchartered nonpublic 78976  
school shall permit an individual to referee interscholastic 78977  
athletics unless the individual holds a pupil-activity program 78978  
permit issued under section 3319.303 of the Revised Code for 78979  
coaching interscholastic athletics or presents evidence that the 78980  
individual has successfully completed, within the previous three 78981  
years, a training program in recognizing the symptoms of 78982  
concussions and head injuries to which the department of health 78983  
has provided a link on its internet web site under section 3707.52 78984  
of the Revised Code or a training program authorized and required 78985  
by an organization that regulates interscholastic athletic 78986  
competition and conducts interscholastic athletic events. 78987

(D) If a student practicing for or competing in an 78988  
interscholastic athletic event exhibits signs, symptoms, or 78989  
behaviors consistent with having sustained a concussion or head 78990  
injury while participating in the practice or competition, the 78991  
student shall be removed from the practice or competition by 78992  
either of the following: 78993

(1) The individual who is serving as the student's coach 78994  
during that practice or competition; 78995

(2) An individual who is serving as a referee during that practice or competition. 78996  
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(E)(1) If a student is removed from practice or competition under division (D) of this section, the coach or referee who removed the student shall not allow the student, on the same day the student is removed, to return to that practice or competition or to participate in any other practice or competition for which the coach or referee is responsible. Thereafter, the coach or referee shall not allow the student to return to that practice or competition or to participate in any other practice or competition for which the coach or referee is responsible until both of the following conditions are satisfied: 78998  
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(a) The student's condition is assessed by any of the following who has complied with the requirements in division (E)(4) of this section: 79008  
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(i) A physician; 79011

(ii) A licensed health care professional the school district board of education or governing authority of the chartered, accredited, or nonchartered nonpublic school, pursuant to division (E)(2) of this section, authorizes to assess a student who has been removed from practice or competition under division (D) of this section; 79012  
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(iii) A licensed health care professional who meets the minimum education requirements established by rules adopted under section 3707.521 of the Revised Code by the professional's licensing agency. 79018  
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(b) The student receives written clearance that it is safe for the student to return to practice or competition from the physician or licensed health care professional who assessed the student's condition. 79022  
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(2) A school district board of education or governing 79026

authority of a chartered, accredited, or nonchartered nonpublic 79027  
school may authorize a licensed health care professional to make 79028  
an assessment or grant a clearance for purposes of division (E)(1) 79029  
of this section only if the professional is acting in accordance 79030  
with one of the following, as applicable to the professional's 79031  
authority to practice in this state: 79032

(a) In consultation with a physician; 79033

(b) Pursuant to the referral of a physician; 79034

(c) In collaboration with a physician; 79035

(d) Under the supervision of a physician. 79036

(3) A physician or licensed health care professional who 79037  
makes an assessment or grants a clearance for purposes of division 79038  
(E)(1) of this section may be a volunteer. 79039

(4) Beginning one year after ~~the effective date of this~~ 79040  
~~amendment~~ September 17, 2015, all physicians and licensed health 79041  
care professionals who conduct assessments and clearances under 79042  
division (E)(1) of this section must meet the minimum education 79043  
requirements established by rules adopted under section 3707.521 79044  
of the Revised Code by their respective licensing agencies. 79045

(F) A school district board of education or governing 79046  
authority of a chartered, accredited, or nonchartered nonpublic 79047  
school that is subject to the rules of an interscholastic 79048  
conference or an organization that regulates interscholastic 79049  
athletic competition and conducts interscholastic athletic events 79050  
shall be considered to be in compliance with divisions (B), (D), 79051  
and (E) of this section, as long as the requirements of those 79052  
rules are substantially similar to the requirements of divisions 79053  
(B), (D), and (E) of this section. 79054

(G)(1) A school district, member of a school district board 79055  
of education, or school district employee or volunteer, including 79056

a coach or referee, is not liable in damages in a civil action for 79057  
injury, death, or loss to person or property allegedly arising 79058  
from providing services or performing duties under this section, 79059  
unless the act or omission constitutes willful or wanton 79060  
misconduct. 79061

This section does not eliminate, limit, or reduce any other 79062  
immunity or defense that a school district, member of a school 79063  
district board of education, or school district employee or 79064  
volunteer, including a coach or referee, may be entitled to under 79065  
Chapter 2744. or any other provision of the Revised Code or under 79066  
the common law of this state. 79067

(2) A chartered, accredited, or nonchartered nonpublic school 79068  
or any officer, director, employee, or volunteer of the school, 79069  
including a coach or referee, is not liable in damages in a civil 79070  
action for injury, death, or loss to person or property allegedly 79071  
arising from providing services or performing duties under this 79072  
section, unless the act or omission constitutes willful or wanton 79073  
misconduct. 79074

**Sec. 3313.5311.** (A) As used in this section and in section 79075  
3313.5312 of the Revised Code, "extracurricular activity" has the 79076  
same meaning as in section 3313.537 of the Revised Code. 79077

(B) If the nonpublic school in which the student is enrolled 79078  
does not offer the extracurricular activity, a student enrolled in 79079  
a chartered nonpublic school, accredited nonpublic school 79080  
described in section 3301.165 of the Revised Code, or nonchartered 79081  
nonpublic school shall be afforded, by the superintendent of the 79082  
school district in which the student is entitled to attend school 79083  
under section 3313.64 or 3313.65 of the Revised Code, the 79084  
opportunity to participate in that extracurricular activity at the 79085  
district school to which the student otherwise would be assigned 79086  
during that school year. If more than one school operated by the 79087

school district serves the student's grade level, as determined by 79088  
the district superintendent based on the student's age and 79089  
academic performance, the student shall be afforded the 79090  
opportunity to participate in that extracurricular activity at the 79091  
school to which the student would be assigned by the 79092  
superintendent under section 3319.01 of the Revised Code. 79093

(C) The superintendent of any school district may afford any 79094  
student enrolled in a nonpublic school, and who is not entitled to 79095  
attend school in the district under section 3313.64 or 3313.65 of 79096  
the Revised Code, the opportunity to participate in an 79097  
extracurricular activity offered by a school of the district, if 79098  
the nonpublic school in which the student is enrolled does not 79099  
offer the extracurricular activity and either of the following 79100  
apply: 79101

(1) The extracurricular activity is not interscholastic 79102  
athletics or interscholastic contests or competition in music, 79103  
drama, or forensics. 79104

(2) The extracurricular activity is in an interscholastic 79105  
athletic or interscholastic contest or competition in music, 79106  
drama, or forensics. In order to participate under division (C)(2) 79107  
of this section, the student shall seek to participate at either 79108  
the school district in which the student's nonpublic school is 79109  
located or the school district in which the student is entitled to 79110  
attend school under section 3313.64 or 3313.65 of the Revised 79111  
Code, so long as the chosen district offers the extracurricular 79112  
activity. 79113

If the student seeks to participate under division (C)(2) of 79114  
this section at the school district in which the student's 79115  
nonpublic school is located, both of the following shall apply: 79116

(a) The superintendent of the school district in which the 79117  
student is entitled to attend school shall certify that the 79118

student has not participated in any extracurricular activity that 79119  
is in an interscholastic athletic or interscholastic contest or 79120  
competition in music, drama, or forensics at that school district 79121  
during that school year. If the student has participated in such 79122  
an extracurricular activity at that school district during the 79123  
school year, the student shall be ineligible to participate at the 79124  
school district in which the student's nonpublic school is located 79125  
for that school year. 79126

(b) The superintendent of the school district in which the 79127  
student is entitled to attend school and the superintendent of the 79128  
school district in which the student is seeking to participate 79129  
shall mutually agree, in writing, to allow the student to 79130  
participate in the extracurricular activity at the school district 79131  
in which the student's nonpublic school is located. 79132

(D) In order to participate in an extracurricular activity 79133  
under this section, the student shall be of the appropriate age 79134  
and grade level, as determined by the superintendent of the 79135  
district, for the school that offers the extracurricular activity, 79136  
and shall fulfill the same academic, nonacademic, and financial 79137  
requirements as any other participant. 79138

(E) No school district shall impose additional rules on a 79139  
student to participate under this section that do not apply to 79140  
other students participating in the same extracurricular activity. 79141  
No district shall impose additional fees for a student to 79142  
participate under this section that exceed any fees charged to 79143  
other students participating in the same extracurricular activity. 79144

(F) No school district, interscholastic conference, or 79145  
organization that regulates interscholastic conferences or events 79146  
shall require a student who is eligible to participate in 79147  
interscholastic extracurricular activities under this section to 79148  
meet eligibility requirements that conflict with this section. 79149

Sec. 3313.603. (A) As used in this section:	79150
(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction.	79151 79152 79153 79154
(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction.	79155 79156 79157 79158
(B) Beginning September 15, 2001, except as required in division (C) of this section and division (C) of section 3313.614 of the Revised Code, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows:	79159 79160 79161 79162 79163
(1) English language arts, four units;	79164
(2) Health, one-half unit;	79165
(3) Mathematics, three units;	79166
(4) Physical education, one-half unit;	79167
(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:	79168 79169 79170
(a) Biological sciences, one unit;	79171
(b) Physical sciences, one unit.	79172
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	79173 79174 79175
(a) American history, one-half unit;	79176
(b) American government, one-half unit.	79177

(7) Social studies, two units.	79178
Beginning with students who enter ninth grade for the first	79179
time on or after July 1, 2017, the two units of instruction	79180
prescribed by division (B)(7) of this section shall include at	79181
least one-half unit of instruction in the study of world history	79182
and civilizations.	79183
(8) Elective units, seven units until September 15, 2003, and	79184
six units thereafter.	79185
Each student's electives shall include at least one unit, or	79186
two half units, chosen from among the areas of	79187
business/technology, fine arts, and/or foreign language.	79188
(C) Beginning with students who enter ninth grade for the	79189
first time on or after July 1, 2010, except as provided in	79190
divisions (D) to (F) of this section, the requirements for	79191
graduation from every public and chartered nonpublic high school	79192
shall include twenty units that are designed to prepare students	79193
for the workforce and college. The units shall be distributed as	79194
follows:	79195
(1) English language arts, four units;	79196
(2) Health, one-half unit, which shall include instruction in	79197
nutrition and the benefits of nutritious foods and physical	79198
activity for overall health;	79199
(3) Mathematics, four units, which shall include one unit of	79200
algebra II or the equivalent of algebra II, or one unit of	79201
advanced computer science as described in the standards adopted	79202
pursuant to division (A)(4) of section 3301.079 of the Revised	79203
Code. However, students who enter ninth grade for the first time	79204
on or after July 1, 2015, and who are pursuing a career-technical	79205
instructional track shall not be required to take algebra II or	79206
advanced computer science, and instead may complete a career-based	79207
pathway mathematics course approved by the department of education	79208

as an alternative. 79209

For students who choose to take advanced computer science in 79210  
lieu of algebra II under division (C)(3) of this section, the 79211  
school shall communicate to those students that some institutions 79212  
of higher education may require algebra II for the purpose of 79213  
college admission. Also, the parent, guardian, or legal custodian 79214  
of each student who chooses to take advanced computer science in 79215  
lieu of algebra II shall sign and submit to the school a document 79216  
containing a statement acknowledging that not taking algebra II 79217  
may have an adverse effect on college admission decisions. 79218

(4) Physical education, one-half unit; 79219

(5) Science, three units with inquiry-based laboratory 79220  
experience that engages students in asking valid scientific 79221  
questions and gathering and analyzing information, which shall 79222  
include the following, or their equivalent: 79223

(a) Physical sciences, one unit; 79224

(b) Life sciences, one unit; 79225

(c) Advanced study in one or more of the following sciences, 79226  
one unit: 79227

(i) Chemistry, physics, or other physical science; 79228

(ii) Advanced biology or other life science; 79229

(iii) Astronomy, physical geology, or other earth or space 79230  
science; 79231

(iv) Computer science. 79232

No student shall substitute a computer science course for a 79233  
life sciences or biology course under division (C)(5) of this 79234  
section. 79235

(6) History and government, one unit, which shall comply with 79236  
division (M) of this section and shall include both of the 79237

following: 79238

(a) American history, one-half unit; 79239

(b) American government, one-half unit. 79240

(7) Social studies, two units. 79241

Each school shall integrate the study of economics and 79242  
financial literacy, as expressed in the social studies academic 79243  
content standards adopted by the state board of education under 79244  
division (A)(1) of section 3301.079 of the Revised Code and the 79245  
academic content standards for financial literacy and 79246  
entrepreneurship adopted under division (A)(2) of that section, 79247  
into one or more existing social studies credits required under 79248  
division (C)(7) of this section, or into the content of another 79249  
class, so that every high school student receives instruction in 79250  
those concepts. In developing the curriculum required by this 79251  
paragraph, schools shall use available public-private partnerships 79252  
and resources and materials that exist in business, industry, and 79253  
through the centers for economics education at institutions of 79254  
higher education in the state. 79255

Beginning with students who enter ninth grade for the first 79256  
time on or after July 1, 2017, the two units of instruction 79257  
prescribed by division (C)(7) of this section shall include at 79258  
least one-half unit of instruction in the study of world history 79259  
and civilizations. 79260

(8) Five units consisting of one or any combination of 79261  
foreign language, fine arts, business, career-technical education, 79262  
family and consumer sciences, technology which may include 79263  
computer science, agricultural education, a junior reserve officer 79264  
training corps (JROTC) program approved by the congress of the 79265  
United States under title 10 of the United States Code, or English 79266  
language arts, mathematics, science, or social studies courses not 79267  
otherwise required under division (C) of this section. 79268

Ohioans must be prepared to apply increased knowledge and 79269  
skills in the workplace and to adapt their knowledge and skills 79270  
quickly to meet the rapidly changing conditions of the 79271  
twenty-first century. National studies indicate that all high 79272  
school graduates need the same academic foundation, regardless of 79273  
the opportunities they pursue after graduation. The goal of Ohio's 79274  
system of elementary and secondary education is to prepare all 79275  
students for and seamlessly connect all students to success in 79276  
life beyond high school graduation, regardless of whether the next 79277  
step is entering the workforce, beginning an apprenticeship, 79278  
engaging in post-secondary training, serving in the military, or 79279  
pursuing a college degree. 79280

The requirements for graduation prescribed in division (C) of 79281  
this section are the standard expectation for all students 79282  
entering ninth grade for the first time at a public or chartered 79283  
nonpublic high school on or after July 1, 2010. A student may 79284  
satisfy this expectation through a variety of methods, including, 79285  
but not limited to, integrated, applied, career-technical, and 79286  
traditional coursework. 79287

Stronger coordination between high schools and institutions 79288  
of higher education is necessary to prepare students for more 79289  
challenging academic endeavors and to lessen the need for academic 79290  
remediation in college, thereby reducing the costs of higher 79291  
education for Ohio's students, families, and the state. The state 79292  
board and the chancellor of higher education shall develop 79293  
policies to ensure that only in rare instances will students who 79294  
complete the requirements for graduation prescribed in division 79295  
(C) of this section require academic remediation after high 79296  
school. 79297

School districts, community schools, and chartered nonpublic 79298  
schools shall integrate technology into learning experiences 79299  
across the curriculum in order to maximize efficiency, enhance 79300

learning, and prepare students for success in the 79301  
technology-driven twenty-first century. Districts and schools 79302  
shall use distance and web-based course delivery as a method of 79303  
providing or augmenting all instruction required under this 79304  
division, including laboratory experience in science. Districts 79305  
and schools shall utilize technology access and electronic 79306  
learning opportunities provided by the broadcast educational media 79307  
commission, chancellor, the Ohio learning network, education 79308  
technology centers, public television stations, and other public 79309  
and private providers. 79310

(D) Except as provided in division (E) of this section, a 79311  
student who enters ninth grade on or after July 1, 2010, and 79312  
before July 1, 2016, may qualify for graduation from a public or 79313  
chartered nonpublic high school even though the student has not 79314  
completed the requirements for graduation prescribed in division 79315  
(C) of this section if all of the following conditions are 79316  
satisfied: 79317

(1) During the student's third year of attending high school, 79318  
as determined by the school, the student and the student's parent, 79319  
guardian, or custodian sign and file with the school a written 79320  
statement asserting the parent's, guardian's, or custodian's 79321  
consent to the student's graduating without completing the 79322  
requirements for graduation prescribed in division (C) of this 79323  
section and acknowledging that one consequence of not completing 79324  
those requirements is ineligibility to enroll in most state 79325  
universities in Ohio without further coursework. 79326

(2) The student and parent, guardian, or custodian fulfill 79327  
any procedural requirements the school stipulates to ensure the 79328  
student's and parent's, guardian's, or custodian's informed 79329  
consent and to facilitate orderly filing of statements under 79330  
division (D)(1) of this section. Annually, each district or school 79331  
shall notify the department of the number of students who choose 79332

to qualify for graduation under division (D) of this section and 79333  
the number of students who complete the student's success plan and 79334  
graduate from high school. 79335

(3) The student and the student's parent, guardian, or 79336  
custodian and a representative of the student's high school 79337  
jointly develop a student success plan for the student in the 79338  
manner described in division (C)(1) of section 3313.6020 of the 79339  
Revised Code that specifies the student matriculating to a 79340  
two-year degree program, acquiring a business and 79341  
industry-recognized credential, or entering an apprenticeship. 79342

(4) The student's high school provides counseling and support 79343  
for the student related to the plan developed under division 79344  
(D)(3) of this section during the remainder of the student's high 79345  
school experience. 79346

(5)(a) Except as provided in division (D)(5)(b) of this 79347  
section, the student successfully completes, at a minimum, the 79348  
curriculum prescribed in division (B) of this section. 79349

(b) Beginning with students who enter ninth grade for the 79350  
first time on or after July 1, 2014, a student shall be required 79351  
to complete successfully, at the minimum, the curriculum 79352  
prescribed in division (B) of this section, except as follows: 79353

(i) Mathematics, four units, one unit which shall be one of 79354  
the following: 79355

(I) Probability and statistics; 79356

(II) Computer science; 79357

(III) Applied mathematics or quantitative reasoning; 79358

(IV) Any other course approved by the department using 79359  
standards established by the superintendent not later than October 79360  
1, 2014. 79361

(ii) Elective units, five units; 79362

(iii) Science, three units as prescribed by division (B) of 79363  
this section which shall include inquiry-based laboratory 79364  
experience that engages students in asking valid scientific 79365  
questions and gathering and analyzing information. 79366

The department, in collaboration with the chancellor, shall 79367  
analyze student performance data to determine if there are 79368  
mitigating factors that warrant extending the exception permitted 79369  
by division (D) of this section to high school classes beyond 79370  
those entering ninth grade before July 1, 2016. The department 79371  
shall submit its findings and any recommendations not later than 79372  
December 1, 2015, to the speaker and minority leader of the house 79373  
of representatives, the president and minority leader of the 79374  
senate, the chairpersons and ranking minority members of the 79375  
standing committees of the house of representatives and the senate 79376  
that consider education legislation, the state board of education, 79377  
and the superintendent of public instruction. 79378

(E) Each school district and chartered nonpublic school 79379  
retains the authority to require an even more challenging minimum 79380  
curriculum for high school graduation than specified in division 79381  
(B) or (C) of this section. A school district board of education, 79382  
through the adoption of a resolution, or the governing authority 79383  
of a chartered nonpublic school may stipulate any of the 79384  
following: 79385

(1) A minimum high school curriculum that requires more than 79386  
twenty units of academic credit to graduate; 79387

(2) An exception to the district's or school's minimum high 79388  
school curriculum that is comparable to the exception provided in 79389  
division (D) of this section but with additional requirements, 79390  
which may include a requirement that the student successfully 79391  
complete more than the minimum curriculum prescribed in division 79392  
(B) of this section; 79393

(3) That no exception comparable to that provided in division 79394  
(D) of this section is available. 79395

(F) A student enrolled in a dropout prevention and recovery 79396  
program, which program has received a waiver from the department, 79397  
may qualify for graduation from high school by successfully 79398  
completing a competency-based instructional program administered 79399  
by the dropout prevention and recovery program in lieu of 79400  
completing the requirements for graduation prescribed in division 79401  
(C) of this section. The department shall grant a waiver to a 79402  
dropout prevention and recovery program, within sixty days after 79403  
the program applies for the waiver, if the program meets all of 79404  
the following conditions: 79405

(1) The program serves only students not younger than sixteen 79406  
years of age and not older than twenty-one years of age. 79407

(2) The program enrolls students who, at the time of their 79408  
initial enrollment, either, or both, are at least one grade level 79409  
behind their cohort age groups or experience crises that 79410  
significantly interfere with their academic progress such that 79411  
they are prevented from continuing their traditional programs. 79412

(3) The program requires students to attain at least the 79413  
applicable score designated for each of the assessments prescribed 79414  
under division (B)(1) of section 3301.0710 of the Revised Code or, 79415  
to the extent prescribed by rule of the state board under division 79416  
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 79417  
of that section. 79418

(4) The program develops a student success plan for the 79419  
student in the manner described in division (C)(1) of section 79420  
3313.6020 of the Revised Code that specifies the student's 79421  
matriculating to a two-year degree program, acquiring a business 79422  
and industry-recognized credential, or entering an apprenticeship. 79423

(5) The program provides counseling and support for the 79424

student related to the plan developed under division (F)(4) of 79425  
this section during the remainder of the student's high school 79426  
experience. 79427

(6) The program requires the student and the student's 79428  
parent, guardian, or custodian to sign and file, in accordance 79429  
with procedural requirements stipulated by the program, a written 79430  
statement asserting the parent's, guardian's, or custodian's 79431  
consent to the student's graduating without completing the 79432  
requirements for graduation prescribed in division (C) of this 79433  
section and acknowledging that one consequence of not completing 79434  
those requirements is ineligibility to enroll in most state 79435  
universities in Ohio without further coursework. 79436

(7) Prior to receiving the waiver, the program has submitted 79437  
to the department an instructional plan that demonstrates how the 79438  
academic content standards adopted by the state board under 79439  
section 3301.079 of the Revised Code will be taught and assessed. 79440

(8) Prior to receiving the waiver, the program has submitted 79441  
to the department a policy on career advising that satisfies the 79442  
requirements of section 3313.6020 of the Revised Code, with an 79443  
emphasis on how every student will receive career advising. 79444

(9) Prior to receiving the waiver, the program has submitted 79445  
to the department a written agreement outlining the future 79446  
cooperation between the program and any combination of local job 79447  
training, postsecondary education, nonprofit, and health and 79448  
social service organizations to provide services for students in 79449  
the program and their families. 79450

Divisions (F)(8) and (9) of this section apply only to 79451  
waivers granted on or after July 1, 2015. 79452

If the department does not act either to grant the waiver or 79453  
to reject the program application for the waiver within sixty days 79454  
as required under this section, the waiver shall be considered to 79455

be granted. 79456

(G) Every high school may permit students below the ninth 79457  
grade to take advanced work. If a high school so permits, it shall 79458  
award high school credit for successful completion of the advanced 79459  
work and shall count such advanced work toward the graduation 79460  
requirements of division (B) or (C) of this section if the 79461  
advanced work was both: 79462

(1) Taught by a person who possesses a license or certificate 79463  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 79464  
Code that is valid for teaching high school; 79465

(2) Designated by the board of education of the city, local, 79466  
or exempted village school district, the board of the cooperative 79467  
education school district, or the governing authority of the 79468  
chartered nonpublic school as meeting the high school curriculum 79469  
requirements. 79470

Each high school shall record on the student's high school 79471  
transcript all high school credit awarded under division (G) of 79472  
this section. In addition, if the student completed a seventh- or 79473  
eighth-grade fine arts course described in division (K) of this 79474  
section and the course qualified for high school credit under that 79475  
division, the high school shall record that course on the 79476  
student's high school transcript. 79477

(H) The department shall make its individual academic career 79478  
plan available through its Ohio career information system web site 79479  
for districts and schools to use as a tool for communicating with 79480  
and providing guidance to students and families in selecting high 79481  
school courses. 79482

(I) A school district or chartered nonpublic school may 79483  
integrate academic content in a subject area for which the state 79484  
board has adopted standards under section 3301.079 of the Revised 79485  
Code into a course in a different subject area, including a 79486

career-technical education course, in accordance with guidance for 79487  
integrated coursework developed by the department. Upon successful 79488  
completion of an integrated course, a student may receive credit 79489  
for both subject areas that were integrated into the course. Units 79490  
earned for subject area content delivered through integrated 79491  
academic and career-technical instruction are eligible to meet the 79492  
graduation requirements of division (B) or (C) of this section. 79493

For purposes of meeting graduation requirements, if an 79494  
end-of-course examination has been prescribed under section 79495  
3301.0712 of the Revised Code for the subject area delivered 79496  
through integrated instruction, the school district or school may 79497  
administer the related subject area examinations upon the 79498  
student's completion of the integrated course. 79499

Nothing in division (I) of this section shall be construed to 79500  
excuse any school district, chartered nonpublic school, or student 79501  
from any requirement in the Revised Code related to curriculum, 79502  
assessments, or the awarding of a high school diploma. 79503

(J)(1) The state board, in consultation with the chancellor, 79504  
shall adopt a statewide plan implementing methods for students to 79505  
earn units of high school credit based on a demonstration of 79506  
subject area competency, instead of or in combination with 79507  
completing hours of classroom instruction. The state board shall 79508  
adopt the plan not later than March 31, 2009, and commence phasing 79509  
in the plan during the 2009-2010 school year. The plan shall 79510  
include a standard method for recording demonstrated proficiency 79511  
on high school transcripts. Each school district and community 79512  
school shall comply with the state board's plan adopted under this 79513  
division and award units of high school credit in accordance with 79514  
the plan. The state board may adopt existing methods for earning 79515  
high school credit based on a demonstration of subject area 79516  
competency as necessary prior to the 2009-2010 school year. 79517

(2) Not later than December 31, 2015, the state board shall 79518

update the statewide plan adopted pursuant to division (J)(1) of 79519  
this section to also include methods for students enrolled in 79520  
seventh and eighth grade to meet curriculum requirements based on 79521  
a demonstration of subject area competency, instead of or in 79522  
combination with completing hours of classroom instruction. 79523  
Beginning with the 2017-2018 school year, each school district and 79524  
community school also shall comply with the updated plan adopted 79525  
pursuant to this division and permit students enrolled in seventh 79526  
and eighth grade to meet curriculum requirements based on subject 79527  
area competency in accordance with the plan. 79528

(3) Not later than December 31, 2017, the department shall 79529  
develop a framework for school districts and community schools to 79530  
use in granting units of high school credit to students who 79531  
demonstrate subject area competency through work-based learning 79532  
experiences, internships, or cooperative education. Beginning with 79533  
the 2018-2019 school year, each district and community school 79534  
shall comply with the framework. Each district and community 79535  
school also shall review any policy it has adopted regarding the 79536  
demonstration of subject area competency to identify ways to 79537  
incorporate work-based learning experiences, internships, and 79538  
cooperative education into the policy in order to increase student 79539  
engagement and opportunities to earn units of high school credit. 79540

(K) This division does not apply to students who qualify for 79541  
graduation from high school under division (D) or (F) of this 79542  
section, or to students pursuing a career-technical instructional 79543  
track as determined by the school district board of education or 79544  
the chartered nonpublic school's governing authority. 79545  
Nevertheless, the general assembly encourages such students to 79546  
consider enrolling in a fine arts course as an elective. 79547

Beginning with students who enter ninth grade for the first 79548  
time on or after July 1, 2010, each student enrolled in a public 79549  
or chartered nonpublic high school shall complete two semesters or 79550

the equivalent of fine arts to graduate from high school. The 79551  
coursework may be completed in any of grades seven to twelve. Each 79552  
student who completes a fine arts course in grade seven or eight 79553  
may elect to count that course toward the five units of electives 79554  
required for graduation under division (C)(8) of this section, if 79555  
the course satisfied the requirements of division (G) of this 79556  
section. In that case, the high school shall award the student 79557  
high school credit for the course and count the course toward the 79558  
five units required under division (C)(8) of this section. If the 79559  
course in grade seven or eight did not satisfy the requirements of 79560  
division (G) of this section, the high school shall not award the 79561  
student high school credit for the course but shall count the 79562  
course toward the two semesters or the equivalent of fine arts 79563  
required by this division. 79564

(L) Notwithstanding anything to the contrary in this section, 79565  
the board of education of each school district and the governing 79566  
authority of each chartered nonpublic school may adopt a policy to 79567  
excuse from the high school physical education requirement each 79568  
student who, during high school, has participated in 79569  
interscholastic athletics, marching band, or cheerleading for at 79570  
least two full seasons or in the junior reserve officer training 79571  
corps for at least two full school years. If the board or 79572  
authority adopts such a policy, the board or authority shall not 79573  
require the student to complete any physical education course as a 79574  
condition to graduate. However, the student shall be required to 79575  
complete one-half unit, consisting of at least sixty hours of 79576  
instruction, in another course of study. In the case of a student 79577  
who has participated in the junior reserve officer training corps 79578  
for at least two full school years, credit received for that 79579  
participation may be used to satisfy the requirement to complete 79580  
one-half unit in another course of study. 79581

(M) It is important that high school students learn and 79582

understand United States history and the governments of both the United States and the state of Ohio. Therefore, beginning with students who enter ninth grade for the first time on or after July 1, 2012, the study of American history and American government required by divisions (B)(6) and (C)(6) of this section shall include the study of all of the following documents:

(1) The Declaration of Independence;

(2) The Northwest Ordinance;

(3) The Constitution of the United States with emphasis on the Bill of Rights;

(4) The Ohio Constitution.

The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.

The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.

(N) A student may apply one unit of instruction in computer science to satisfy one unit of mathematics or one unit of science under division (C) of this section as the student chooses, regardless of the field of certification of the teacher who teaches the course, so long as that teacher meets the licensure requirements prescribed by section 3319.236 of the Revised Code and, prior to teaching the course, completes a professional development program determined to be appropriate by the district board.

If a student applies more than one computer science course to

satisfy curriculum requirements under that division, the courses 79613  
shall be sequential and progressively more difficult or cover 79614  
different subject areas within computer science. 79615

(O) This section shall not apply to accredited nonpublic 79616  
schools described in section 3301.165 of the Revised Code. 79617

**Sec. 3313.62.** The school year shall begin on the first day of 79618  
July of each calendar year and close on the thirtieth day of June 79619  
of the succeeding calendar year. A school week shall consist of 79620  
five days. A chartered nonpublic school or an accredited nonpublic 79621  
school described in section 3301.165 of the Revised Code may be 79622  
open for instruction with pupils in attendance on any day of the 79623  
week, including Saturday or Sunday. 79624

**Sec. 3313.716.** (A) Notwithstanding section 3313.713 of the 79625  
Revised Code or any policy adopted under that section, a student 79626  
of a school operated by a city, local, exempted village, or joint 79627  
vocational school district ~~or~~, a student of a chartered nonpublic 79628  
school, or a student of an accredited nonpublic school described 79629  
in section 3301.165 of the Revised Code may possess and use a 79630  
metered dose inhaler or a dry powder inhaler to alleviate 79631  
asthmatic symptoms, or before exercise to prevent the onset of 79632  
asthmatic symptoms, if both of the following conditions are 79633  
satisfied: 79634

(1) The student has the written approval of the student's 79635  
physician and, if the student is a minor, the written approval of 79636  
the parent, guardian, or other person having care or charge of the 79637  
student. The physician's written approval shall include at least 79638  
all of the following information: 79639

(a) The student's name and address; 79640

(b) The names and dose of the medication contained in the 79641  
inhaler; 79642

(c) The date the administration of the medication is to begin;	79643 79644
(d) The date, if known, that the administration of the medication is to cease;	79645 79646
(e) Written instructions that outline procedures school personnel should follow in the event that the asthma medication does not produce the expected relief from the student's asthma attack;	79647 79648 79649 79650
(f) Any severe adverse reactions that may occur to the child using the inhaler and that should be reported to the physician;	79651 79652
(g) Any severe adverse reactions that may occur to another child, for whom the inhaler is not prescribed, should such a child receive a dose of the medication;	79653 79654 79655
(h) At least one emergency telephone number for contacting the physician in an emergency;	79656 79657
(i) At least one emergency telephone number for contacting the parent, guardian, or other person having care or charge of the student in an emergency;	79658 79659 79660
(j) Any other special instructions from the physician.	79661
(2) The school principal and, if a school nurse is assigned to the student's school building, the school nurse has received copies of the written approvals required by division (A)(1) of this section.	79662 79663 79664 79665
If these conditions are satisfied, the student may possess and use the inhaler at school or at any activity, event, or program sponsored by or in which the student's school is a participant.	79666 79667 79668 79669
(B)(1) A school district, member of a school district board of education, or school district employee is not liable in damages in a civil action for injury, death, or loss to person or property	79670 79671 79672

allegedly arising from a district employee's prohibiting a student 79673  
from using an inhaler because of the employee's good faith belief 79674  
that the conditions of divisions (A)(1) and (2) of this section 79675  
had not been satisfied. A school district, member of a school 79676  
district board of education, or school district employee is not 79677  
liable in damages in a civil action for injury, death, or loss to 79678  
person or property allegedly arising from a district employee's 79679  
permitting a student to use an inhaler because of the employee's 79680  
good faith belief that the conditions of divisions (A)(1) and (2) 79681  
of this section had been satisfied. Furthermore, when a school 79682  
district is required by this section to permit a student to 79683  
possess and use an inhaler because the conditions of divisions 79684  
(A)(1) and (2) of this section have been satisfied, the school 79685  
district, any member of the school district board of education, or 79686  
any school district employee is not liable in damages in a civil 79687  
action for injury, death, or loss to person or property allegedly 79688  
arising from the use of the inhaler by a student for whom it was 79689  
not prescribed. 79690

This section does not eliminate, limit, or reduce any other 79691  
immunity or defense that a school district, member of a school 79692  
district board of education, or school district employee may be 79693  
entitled to under Chapter 2744. or any other provision of the 79694  
Revised Code or under the common law of this state. 79695

(2) A chartered or an accredited nonpublic school or any 79696  
officer, director, or employee of the school is not liable in 79697  
damages in a civil action for injury, death, or loss to person or 79698  
property allegedly arising from a school employee's prohibiting a 79699  
student from using an inhaler because of the employee's good faith 79700  
belief that the conditions of divisions (A)(1) and (2) of this 79701  
section had not been satisfied. A chartered or an accredited 79702  
nonpublic school or any officer, director, or employee of the 79703  
school is not liable in damages in a civil action for injury, 79704

death, or loss to person or property allegedly arising from a 79705  
school employee's permitting a student to use an inhaler because 79706  
of the employee's good faith belief that the conditions of 79707  
divisions (A)(1) and (2) of this section had been satisfied. 79708  
Furthermore, when a chartered or an accredited nonpublic school is 79709  
required by this section to permit a student to possess and use an 79710  
inhaler because the conditions of divisions (A)(1) and (2) of this 79711  
section have been satisfied, the chartered or accredited nonpublic 79712  
school or any officer, director, or employee of the school is not 79713  
liable in damages in a civil action for injury, death, or loss to 79714  
person or property allegedly arising from the use of the inhaler 79715  
by a student for whom it was not prescribed. 79716

**Sec. 3313.717.** (A) As used in this section, "automated 79717  
external defibrillator" means a specialized defibrillator that is 79718  
approved for use as a medical device by the United States food and 79719  
drug administration for performing automated external 79720  
defibrillation, as defined in section 2305.235 of the Revised 79721  
Code. 79722

(B)(1) The board of education of each school district may 79723  
require the placement of an automated external defibrillator in 79724  
each school under the control of the board. Not later than July 1, 79725  
2018, pursuant to section 3313.6023 of the Revised Code, all 79726  
persons employed by a school district shall receive training in 79727  
the use of an automated external defibrillator in accordance with 79728  
that section, except for substitutes, adult education instructors 79729  
who are scheduled to work the full-time equivalent of less than 79730  
one hundred twenty days per school year, or persons who are 79731  
employed on an as-needed, seasonal, or intermittent basis, so long 79732  
as the persons are not employed to coach or supervise 79733  
interscholastic athletics. 79734

(2) The administrative authority of each chartered nonpublic 79735

school and the administrative authority of each accredited 79736  
nonpublic school described in section 3301.165 of the Revised Code 79737  
may require the placement of an automated external defibrillator 79738  
in each school under the control of the authority. If an authority 79739  
requires the placement of an automated external defibrillator as 79740  
provided in this section, the authority also shall require that a 79741  
sufficient number of the staff persons assigned to each school 79742  
under the control of the authority successfully complete an 79743  
appropriate training course in the use of an automated external 79744  
defibrillator as described in section 3701.85 of the Revised Code. 79745

(C) In regard to the use of an automated external 79746  
defibrillator that is placed in a school as specified in this 79747  
section, and except in the case of willful or wanton misconduct or 79748  
when there is no good faith attempt to activate an emergency 79749  
medical services system in accordance with section 3701.85 of the 79750  
Revised Code, no person shall be held liable in civil damages for 79751  
injury, death, or loss to person or property, or held criminally 79752  
liable, for performing automated external defibrillation in good 79753  
faith, regardless of whether the person has obtained appropriate 79754  
training on how to perform automated external defibrillation or 79755  
successfully completed a course in cardiopulmonary resuscitation. 79756

**Sec. 3313.718.** (A) As used in this section, "prescriber" has 79757  
the same meaning as in section 4729.01 of the Revised Code. 79758

(B) Notwithstanding section 3313.713 of the Revised Code or 79759  
any policy adopted under that section, a student of a school 79760  
operated by a city, local, exempted village, or joint vocational 79761  
school district ~~or~~, a student of a chartered nonpublic school, or 79762  
a student of an accredited nonpublic school described in section 79763  
3301.165 of the Revised Code may possess and use an epinephrine 79764  
autoinjector to treat anaphylaxis, if all of the following 79765  
conditions are satisfied: 79766

(1) The student has the written approval of the prescriber of the autoinjector and, if the student is a minor, the written approval of the parent, guardian, or other person having care or charge of the student. The prescriber's written approval shall include at least all of the following information:

(a) The student's name and address;

(b) The names and dose of the medication contained in the autoinjector;

(c) The date the administration of the medication is to begin;

(d) The date, if known, that the administration of the medication is to cease;

(e) Acknowledgment that the prescriber has determined that the student is capable of possessing and using the autoinjector appropriately and has provided the student with training in the proper use of the autoinjector;

(f) Circumstances in which the autoinjector should be used;

(g) Written instructions that outline procedures school employees should follow in the event that the student is unable to administer the anaphylaxis medication or the medication does not produce the expected relief from the student's anaphylaxis;

(h) Any severe adverse reactions that may occur to the child using the autoinjector that should be reported to the prescriber;

(i) Any severe adverse reactions that may occur to another child, for whom the autoinjector is not prescribed, should such a child receive a dose of the medication;

(j) At least one emergency telephone number for contacting the prescriber in an emergency;

(k) At least one emergency telephone number for contacting the parent, guardian, or other person having care or charge of the

student in an emergency; 79797

(1) Any other special instructions from the prescriber. 79798

(2) The school principal and, if a school nurse is assigned 79799  
to the student's school building, the school nurse has received 79800  
copies of the written approvals required by division (B)(1) of 79801  
this section. 79802

(3) The school principal or, if a school nurse is assigned to 79803  
the student's school building, the school nurse has received a 79804  
backup dose of the anaphylaxis medication from the parent, 79805  
guardian, or other person having care or charge of the student or, 79806  
if the student is not a minor, from the student. 79807

If these conditions are satisfied, the student may possess 79808  
and use the autoinjector at school or at any activity, event, or 79809  
program sponsored by or in which the student's school is a 79810  
participant. 79811

(C) Whenever a student uses an autoinjector at school or at 79812  
any activity, event, or program sponsored by or in which the 79813  
student's school is a participant or whenever a school employee 79814  
administers anaphylaxis medication to a student that was possessed 79815  
by the student pursuant to the written approvals described in 79816  
division (B)(1) of this section, a school employee shall 79817  
immediately request assistance from an emergency medical service 79818  
provider. 79819

(D)(1) A school district, member of a school district board 79820  
of education, or school district employee is not liable in damages 79821  
in a civil action for injury, death, or loss to person or property 79822  
allegedly arising from a district employee's prohibiting a student 79823  
from using an autoinjector because of the employee's good faith 79824  
belief that the conditions of division (B) of this section had not 79825  
been satisfied. A school district, member of a school district 79826  
board of education, or school district employee is not liable in 79827

damages in a civil action for injury, death, or loss to person or 79828  
property allegedly arising from a district employee's permitting a 79829  
student to use an autoinjector because of the employee's good 79830  
faith belief that the conditions of division (B) of this section 79831  
had been satisfied. Furthermore, when a school district is 79832  
required by this section to permit a student to possess and use an 79833  
autoinjector because the conditions of division (B) of this 79834  
section have been satisfied, the school district, any member of 79835  
the school district board of education, or any school district 79836  
employee is not liable in damages in a civil action for injury, 79837  
death, or loss to person or property allegedly arising from the 79838  
use of the autoinjector by a student for whom it was not 79839  
prescribed. 79840

This section does not eliminate, limit, or reduce any other 79841  
immunity or defense that a school district, member of a school 79842  
district board of education, or school district employee may be 79843  
entitled to under Chapter 2744. or any other provision of the 79844  
Revised Code or under the common law of this state. 79845

(2) A chartered or an accredited nonpublic school or any 79846  
officer, director, or employee of the school is not liable in 79847  
damages in a civil action for injury, death, or loss to person or 79848  
property allegedly arising from a school employee's prohibiting a 79849  
student from using an autoinjector because of the employee's good 79850  
faith belief that the conditions of division (B) of this section 79851  
had not been satisfied. A chartered or an accredited nonpublic 79852  
school or any officer, director, or employee of the school is not 79853  
liable in damages in a civil action for injury, death, or loss to 79854  
person or property allegedly arising from a school employee's 79855  
permitting a student to use an autoinjector because of the 79856  
employee's good faith belief that the conditions of division (B) 79857  
of this section had been satisfied. Furthermore, when a chartered 79858  
or an accredited nonpublic school is required by this section to 79859

permit a student to possess and use an autoinjector because the 79860  
conditions of division (B) of this section have been satisfied, 79861  
the chartered or accredited nonpublic school or any officer, 79862  
director, or employee of the school is not liable in damages in a 79863  
civil action for injury, death, or loss to person or property 79864  
allegedly arising from the use of the autoinjector by a student 79865  
for whom it was not prescribed. 79866

**Sec. 3313.719.** The board of education of each city, local, 79867  
exempted village, and joint vocational school district ~~and~~, the 79868  
governing authority of each chartered nonpublic school, and the 79869  
governing authority of each accredited nonpublic school described 79870  
in section 3301.165 of the Revised Code shall establish a written 79871  
policy with respect to protecting students with peanut or other 79872  
food allergies. The policy shall be developed in consultation with 79873  
parents, school nurses and other school employees, school 79874  
volunteers, students, and community members. 79875

**Sec. 3313.7111.** (A) With the approval of its governing 79876  
authority, a chartered nonpublic school, accredited nonpublic 79877  
school described in section 3301.165 of the Revised Code, or 79878  
nonchartered nonpublic school may procure epinephrine 79879  
autoinjectors in the manner prescribed by section 3313.7110 of the 79880  
Revised Code. A chartered, accredited, or nonchartered nonpublic 79881  
school that elects to do so shall comply with all provisions of 79882  
that section as if it were a school district. 79883

(B)(1) The following are not liable in damages in a civil 79884  
action for injury, death, or loss to person or property that 79885  
allegedly arises from an act or omission associated with 79886  
procuring, maintaining, accessing, or using an epinephrine 79887  
autoinjector under this section, unless the act or omission 79888  
constitutes willful or wanton misconduct: 79889

(a) A chartered, <u>accredited</u> , or nonchartered nonpublic school;	79890 79891
(b) A member of a chartered, <u>accredited</u> , or nonchartered nonpublic school governing authority;	79892 79893
(c) An employee or contractor of the school;	79894
(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, provides a consultation, or issues a protocol pursuant to this section.	79895 79896 79897 79898
(2) This division does not eliminate, limit, or reduce any other immunity or defense that a chartered, <u>accredited</u> , or nonchartered nonpublic school or governing authority, member of a chartered, <u>accredited</u> , or nonchartered nonpublic school governing authority, chartered, <u>accredited</u> , or nonchartered nonpublic school employee or contractor, or licensed health professional may be entitled to under any other provision of the Revised Code or the common law of this state.	79899 79900 79901 79902 79903 79904 79905 79906
(C) A chartered, <u>accredited</u> , or nonchartered nonpublic school may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.	79907 79908 79909 79910 79911 79912
(D) A chartered, <u>accredited</u> , or nonchartered nonpublic school that elects to procure epinephrine autoinjectors under this section shall report to the department of education each procurement and occurrence in which an epinephrine autoinjector is used from the school's supply of epinephrine autoinjectors.	79913 79914 79915 79916 79917
<b>Sec. 3313.7112.</b> (A) As used in this section:	79918
(1) "Board of education" means a board of education of a	79919

city, local, exempted village, or joint vocational school 79920  
district. 79921

(2) "Governing authority" means a governing authority of a 79922  
chartered nonpublic school or an accredited nonpublic school 79923  
operating under section 3301.165 of the Revised Code. 79924

(3) "Licensed health care professional" means any of the 79925  
following: 79926

(a) A physician authorized under Chapter 4731. of the Revised 79927  
Code to practice medicine and surgery or osteopathic medicine and 79928  
surgery; 79929

(b) A registered nurse, advanced practice registered nurse, 79930  
or licensed practical nurse licensed under Chapter 4723. of the 79931  
Revised Code; 79932

(c) A physician assistant licensed under Chapter 4730. of the 79933  
Revised Code. 79934

(4) "Local health department" means a department operated by 79935  
a board of health of a city or general health district or the 79936  
authority having the duties of a board of health as described in 79937  
section 3709.05 of the Revised Code. 79938

(5) "School employee" or "employee" means either of the 79939  
following: 79940

(a) A person employed by a board of education or governing 79941  
authority; 79942

(b) A licensed health care professional employed by or under 79943  
contract with a local health department who is assigned to a 79944  
school in a city, local, exempted village, or joint vocational 79945  
school district ~~or~~, a chartered nonpublic school, or an accredited 79946  
nonpublic school described in section 3301.165 of the Revised 79947  
Code. 79948

(6) "Treating practitioner" means any of the following who 79949

has primary responsibility for treating a student's diabetes and 79950  
has been identified as such by the student's parent, guardian, or 79951  
other person having care or charge of the student or, if the 79952  
student is at least eighteen years of age, by the student: 79953

(a) A physician authorized under Chapter 4731. of the Revised 79954  
Code to practice medicine and surgery or osteopathic medicine and 79955  
surgery; 79956

(b) An advanced practice registered nurse who holds a 79957  
current, valid license to practice nursing as an advanced practice 79958  
registered nurse issued under Chapter 4723. of the Revised Code 79959  
and is designated as a clinical nurse specialist or certified 79960  
nurse practitioner in accordance with section 4723.42 of the 79961  
Revised Code; 79962

(c) A physician assistant who holds a license issued under 79963  
Chapter 4730. of the Revised Code, holds a valid prescriber number 79964  
issued by the state medical board, and has been granted 79965  
physician-delegated prescriptive authority. 79966

(7) "504 plan" means a plan based on an evaluation conducted 79967  
in accordance with section 504 of the "Rehabilitation Act of 79968  
1973," 29 U.S.C. 794, as amended. 79969

(B)(1) Each board of education or governing authority shall 79970  
ensure that each student enrolled in the school district or 79971  
chartered nonpublic school who has diabetes receives appropriate 79972  
and needed diabetes care in accordance with an order signed by the 79973  
student's treating practitioner. The diabetes care to be provided 79974  
includes any of the following: 79975

(a) Checking and recording blood glucose levels and ketone 79976  
levels or assisting the student with checking and recording these 79977  
levels; 79978

(b) Responding to blood glucose levels that are outside of 79979  
the student's target range; 79980

(c) In the case of severe hypoglycemia, administering glucagon and other emergency treatments as prescribed;	79981 79982
(d) Administering insulin or assisting the student in self-administering insulin through the insulin delivery system the student uses;	79983 79984 79985
(e) Providing oral diabetes medications;	79986
(f) Understanding recommended schedules and food intake for meals and snacks in order to calculate medication dosages pursuant to the order of the student's treating practitioner;	79987 79988 79989
(g) Following the treating practitioner's instructions regarding meals, snacks, and physical activity;	79990 79991
(h) Administering diabetes medication, as long as the conditions prescribed in division (C) of this section are satisfied.	79992 79993 79994
(2) Not later than fourteen days after receipt of an order signed by the treating practitioner of a student with diabetes, the board of education or governing authority shall inform the student's parent, guardian, or other person having care or charge of the student that the student may be entitled to a 504 plan regarding the student's diabetes. The department of education shall develop a 504 plan information sheet for use by a board of education or governing authority when informing a student's parent, guardian, or other person having care or charge of the student that the student may be entitled to a 504 plan regarding the student's diabetes.	79995 79996 79997 79998 79999 80000 80001 80002 80003 80004 80005
(C) Notwithstanding division (B) of section 3313.713 of the Revised Code or any other provision of the Revised Code, diabetes medication may be administered under this section by a school nurse or, in the absence of a school nurse, a school employee who is trained in diabetes care under division (E) of this section. Medication administration may be provided under this section only	80006 80007 80008 80009 80010 80011

when the conditions prescribed in division (C) of section 3313.713 80012  
of the Revised Code are satisfied. 80013

Notwithstanding division (D) of section 3313.713 of the 80014  
Revised Code, medication that is to be administered under this 80015  
section may be kept in an easily accessible location. 80016

(D)(1) The department of education shall adopt nationally 80017  
recognized guidelines, as determined by the department, for the 80018  
training of school employees in diabetes care for students. In 80019  
doing so, the department shall consult with the department of 80020  
health, the American diabetes association, and the Ohio school 80021  
nurses association. The department may consult with any other 80022  
organizations as determined appropriate by the department. 80023

(2) The guidelines shall address all of the following issues: 80024

(a) Recognizing the symptoms of hypoglycemia and 80025  
hyperglycemia; 80026

(b) The appropriate treatment for a student who exhibits the 80027  
symptoms of hypoglycemia or hyperglycemia; 80028

(c) Recognizing situations that require the provision of 80029  
emergency medical assistance to a student; 80030

(d) Understanding the appropriate treatment for a student, 80031  
based on an order issued by the student's treating practitioner, 80032  
if the student's blood glucose level is not within the target 80033  
range indicated by the order; 80034

(e) Understanding the instructions in an order issued by a 80035  
student's treating practitioner concerning necessary medications; 80036

(f) Performing blood glucose and ketone tests for a student 80037  
in accordance with an order issued by the student's treating 80038  
practitioner and recording the results of those tests; 80039

(g) Administering insulin, glucagon, or other medication to a 80040  
student in accordance with an order issued by the student's 80041

treating practitioner and recording the results of the 80042  
administration; 80043

(h) Understanding the relationship between the diet 80044  
recommended in an order issued by a student's treating 80045  
practitioner and actions that may be taken if the recommended diet 80046  
is not followed. 80047

(E)(1) To ensure that a student with diabetes receives the 80048  
diabetes care specified in division (B) of this section, a board 80049  
of education or governing authority may provide training that 80050  
complies with the guidelines developed under division (D) of this 80051  
section to a school employee at each school attended by a student 80052  
with diabetes. With respect to any training provided, all of the 80053  
following apply: 80054

(a) The training shall be coordinated by a school nurse or, 80055  
if the school does not employ a school nurse, a licensed health 80056  
care professional with expertise in diabetes who is approved by 80057  
the school to provide the training. 80058

(b) The training shall take place prior to the beginning of 80059  
each school year or, as needed, not later than fourteen days after 80060  
receipt by the board of education or governing authority of an 80061  
order signed by the treating practitioner of a student with 80062  
diabetes. 80063

(c) On completion of the training, the board of education or 80064  
governing authority, in a manner it determines, shall determine 80065  
whether each employee trained is competent to provide diabetes 80066  
care. 80067

(d) The school nurse or approved licensed health care 80068  
professional with expertise in diabetes care shall promptly 80069  
provide all necessary follow-up training and supervision to an 80070  
employee who receives training. 80071

(2) The principal of a school attended by a student with 80072

diabetes or another school official authorized to act on behalf of 80073  
the principal may distribute a written notice to each employee 80074  
containing all of the following: 80075

(a) A statement that the school is required to provide 80076  
diabetes care to a student with diabetes and is seeking employees 80077  
who are willing to be trained to provide that care; 80078

(b) A description of the tasks to be performed; 80079

(c) A statement that participation is voluntary and that the 80080  
school district or governing authority will not take action 80081  
against an employee who does not agree to provide diabetes care; 80082

(d) A statement that training will be provided by a licensed 80083  
health care professional to an employee who agrees to provide 80084  
care; 80085

(e) A statement that a trained employee is immune from 80086  
liability under division (J) of this section; 80087

(f) The name of the individual who should be contacted if an 80088  
employee is interested in providing diabetes care. 80089

(3) No employee of a board of education or governing 80090  
authority shall be subject to a penalty or disciplinary action 80091  
under school or district policies for refusing to volunteer to be 80092  
trained in diabetes care. 80093

(4) No board or governing authority shall discourage 80094  
employees from agreeing to provide diabetes care under this 80095  
section. 80096

(F) A board of education or governing authority may provide 80097  
training in the recognition of hypoglycemia and hyperglycemia and 80098  
actions to take in response to emergency situations involving 80099  
these conditions to both of the following: 80100

(1) A school employee who has primary responsibility for 80101  
supervising a student with diabetes during some portion of the 80102

school day; 80103

(2) A bus driver employed by a school district ~~or~~, chartered 80104  
nonpublic school, or accredited nonpublic school described in 80105  
section 3301.165 of the Revised Code, who is responsible for the 80106  
transportation of a student with diabetes. 80107

(G) A student with diabetes shall be permitted to attend the 80108  
school the student would otherwise attend if the student did not 80109  
have diabetes and the diabetes care specified in division (B) of 80110  
this section shall be provided at the school. A board of education 80111  
or governing authority shall not restrict a student who has 80112  
diabetes from attending the school on the basis that the student 80113  
has diabetes, that the school does not have a full-time school 80114  
nurse, or that the school does not have an employee trained in 80115  
diabetes care. The school shall not require or pressure a parent, 80116  
guardian, or other person having care or charge of a student to 80117  
provide diabetes care for the student with diabetes at school or 80118  
school-related activities. 80119

(H)(1) Notwithstanding section 3313.713 of the Revised Code 80120  
or any policy adopted under that section and except as provided in 80121  
division (H)(2) of this section, on written request of the parent, 80122  
guardian, or other person having care or charge of a student and 80123  
authorization by the student's treating practitioner, a student 80124  
with diabetes shall be permitted during regular school hours and 80125  
school-sponsored activities to attend to the care and management 80126  
of the student's diabetes in accordance with the order issued by 80127  
the student's treating practitioner if the student's treating 80128  
practitioner determines that the student is capable of performing 80129  
diabetes care tasks. The student shall be permitted to perform 80130  
diabetes care tasks in a classroom, in any area of the school or 80131  
school grounds, and at any school-related activity, and to possess 80132  
on the student's self at all times all necessary supplies and 80133  
equipment to perform these tasks. If the student or the parent, 80134

guardian, or other person having care or charge of the student so 80135  
requests, the student shall have access to a private area for 80136  
performing diabetes care tasks. 80137

(2) If the student performs any diabetes care tasks or uses 80138  
medical equipment for purposes other than the student's own care, 80139  
the board of education or governing authority may revoke the 80140  
student's permission to attend to the care and management of the 80141  
student's diabetes. 80142

(I)(1) Notwithstanding any other provision of the Revised 80143  
Code to the contrary, a licensed health care professional shall be 80144  
permitted to provide training to a school employee under division 80145  
(E) of this section or to supervise the employee in performing 80146  
diabetes care tasks. 80147

(2) Nothing in this section diminishes the rights of eligible 80148  
students or the obligations of school districts or governing 80149  
authorities under the "Individuals with Disabilities Education 80150  
Act," 20 U.S.C. 1400 et seq., section 504 of the "Rehabilitation 80151  
Act," 29 U.S.C. 794, or the "Americans with Disabilities Act," 42 80152  
U.S.C. 12101 et seq. 80153

(J)(1) A school or school district, a member of a board or 80154  
governing authority, or a district or school employee is not 80155  
liable in damages in a civil action for injury, death, or loss to 80156  
person or property allegedly arising from providing care or 80157  
performing duties under this section unless the act or omission 80158  
constitutes willful or wanton misconduct. 80159

This section does not eliminate, limit, or reduce any other 80160  
immunity or defense that a school or school district, member of a 80161  
board of education or governing authority, or district or school 80162  
employee may be entitled to under Chapter 2744. or any other 80163  
provision of the Revised Code or under the common law of this 80164  
state. 80165

(2) A school employee shall not be subject to disciplinary action under school or district policies for providing care or performing duties under this section. 80166  
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(3) A school nurse or other licensed health care professional shall be immune from disciplinary action by the board of nursing or any other regulatory board for providing care or performing duties under this section if the care provided or duties performed are consistent with applicable professional standards. 80169  
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(K)(1) Not later than the last day of December of each year, a board of education or governing authority shall report to the department of education both of the following: 80174  
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(a) The number of students with diabetes enrolled in the school district ~~or~~, chartered nonpublic school, or accredited nonpublic school during the previous school year; 80177  
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(b) The number of errors associated with the administration of diabetes medication to students with diabetes during the previous school year. 80180  
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(2) Not later than the last day of March of each year, the department shall issue a report summarizing the information received by the department under division (K)(1) of this section for the previous school year. The department shall make the report available on its internet web site. 80183  
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**Sec. 3313.7114.** (A) As used in this section, "inhaler" has the same meaning as in section 3313.7113 of the Revised Code. 80188  
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(B) With the approval of its governing authority, a chartered nonpublic school, accredited nonpublic school described in section 3301.165 of the Revised Code, or nonchartered nonpublic school may procure inhalers in the manner prescribed by section 3313.7113 of the Revised Code. A chartered, accredited, or nonchartered nonpublic school that elects to do so shall comply with all 80190  
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provisions of that section as if it were a school district. 80196

(C) A chartered, accredited, or nonchartered nonpublic 80197  
school, a member of a chartered, accredited, or nonchartered 80198  
nonpublic school governing authority, or an employee or contractor 80199  
of the school is not liable in damages in a civil action for 80200  
injury, death, or loss to person or property that allegedly arises 80201  
from an act or omission associated with procuring, maintaining, 80202  
accessing, or using an inhaler under this section, unless the act 80203  
or omission constitutes willful or wanton misconduct. 80204

(D) A chartered, accredited, or nonchartered nonpublic school 80205  
may accept donations of inhalers from a wholesale distributor of 80206  
dangerous drugs or a manufacturer of dangerous drugs, as defined 80207  
in section 4729.01 of the Revised Code, and may accept donations 80208  
of money from any person to purchase inhalers. 80209

(E) A chartered, accredited, or nonchartered nonpublic school 80210  
that elects to procure inhalers under this section shall report to 80211  
the department of education each procurement and occurrence in 80212  
which an inhaler is used from the school's supply of inhalers. 80213

**Sec. 3313.813.** (A) As used in this section: 80214

(1) "Outdoor education center" means a public or nonprofit 80215  
private entity that provides to pupils enrolled in any public or 80216  
accredited or chartered nonpublic elementary or secondary school 80217  
an outdoor educational curriculum that the school considers to be 80218  
part of its educational program. 80219

(2) "Outside-school-hours care center" has the meaning 80220  
established in 7 C.F.R. 226.2. 80221

(3) "Accredited nonpublic school" means an accredited 80222  
nonpublic school as described in section 3301.165 of the Revised 80223  
Code. 80224

(B) The state board of education shall establish standards 80225

for a school lunch program, school breakfast program, child and 80226  
adult care food program, special food service program for 80227  
children, summer food service program for children, special milk 80228  
program for children, food service equipment assistance program, 80229  
and commodity distribution program established under the "National 80230  
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 80231  
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 80232  
U.S.C. 1771, as amended. Any board of education of a school 80233  
district, nonprofit private school, outdoor education center, 80234  
child care institution, outside-school-hours care center, or 80235  
summer camp desiring to participate in such a program or required 80236  
to participate under this section shall, if eligible to 80237  
participate under the "National School Lunch Act," as amended, or 80238  
the "Child Nutrition Act of 1966," as amended, make application to 80239  
the state board of education for assistance. The board shall 80240  
administer the allocation and distribution of all state and 80241  
federal funds for these programs. 80242

(C) The state board of education shall require the board of 80243  
education of each school district to establish and maintain a 80244  
school breakfast, lunch, and summer food service program pursuant 80245  
to the "National School Lunch Act" and the "Child Nutrition Act of 80246  
1966," as described in divisions (C)(1) to (4) of this section. 80247

(1) The state board shall require the board of education in 80248  
each school district to establish a breakfast program in every 80249  
school where at least one-fifth of the pupils in the school are 80250  
eligible under federal requirements for free breakfasts and to 80251  
establish a lunch program in every school where at least one-fifth 80252  
of the pupils are eligible for free lunches. The board of 80253  
education required to establish a breakfast program under this 80254  
division may make a charge in accordance with federal requirements 80255  
for each reduced price breakfast or paid breakfast to cover the 80256  
cost incurred in providing that meal. 80257

(2) The state board shall require the board of education in each school district to establish a breakfast program in every school in which the parents of at least one-half of the children enrolled in the school have requested that the breakfast program be established. The board of education required to establish a program under this division may make a charge in accordance with federal requirements for each meal to cover all or part of the costs incurred in establishing such a program.

(3) The state board shall require the board of education in each school district to establish one of the following for summer intervention services described in division (D) of section 3301.0711 or provided under section 3313.608 of the Revised Code, and any other summer intervention program required by law:

(a) An extension of the school breakfast program pursuant to the "National School Lunch Act" and the "Child Nutrition Act of 1966";

(b) An extension of the school lunch program pursuant to those acts;

(c) A summer food service program pursuant to those acts.

(4)(a) If the board of education of a school district determines that, for financial reasons, it cannot comply with division (C)(1) or (3) of this section, the district board may choose not to comply with either or both divisions, except as provided in divisions (C)(4)(b) and (c) of this section. The district board publicly shall communicate to the residents of the district, in the manner it determines appropriate, its decision not to comply.

(b) If a district board chooses not to comply with division (C)(1) of this section, the state board nevertheless shall require the district board to establish a breakfast program in every school where at least one-third of the pupils in the school are

eligible under federal requirements for free breakfasts and to 80289  
establish a lunch program in every school where at least one-third 80290  
of the pupils are eligible for free lunches. The district board 80291  
may make a charge in accordance with federal requirements for each 80292  
reduced price breakfast or paid breakfast to cover the cost 80293  
incurred in providing that meal. 80294

(c) If the board of education of a school district chooses 80295  
not to comply with division (C)(3) of this section, the state 80296  
board nevertheless shall require the district board to permit an 80297  
approved summer food service program sponsor to use school 80298  
facilities located in a school building attendance area where at 80299  
least one-half of the pupils are eligible for free lunches. 80300

The department of education shall post in a prominent 80301  
location on the department's web site a list of approved summer 80302  
food service program sponsors that may use school facilities under 80303  
this division. 80304

Subject to the provisions of sections 3313.75 and 3313.77 of 80305  
the Revised Code, a school district may charge the summer food 80306  
service program sponsor a reasonable fee for the use of school 80307  
facilities that may include the actual cost of custodial services, 80308  
charges for the use of school equipment, and a prorated share of 80309  
the utility costs as determined by the district board. A school 80310  
district shall require the summer food service program sponsor to 80311  
indemnify and hold harmless the district from any potential 80312  
liability resulting from the operation of the summer food service 80313  
program under this division. For this purpose, the district shall 80314  
either add the summer food service program sponsor, as an 80315  
additional insured party, to the district's existing liability 80316  
insurance policy or require the summer food service program 80317  
sponsor to submit evidence of a separate liability insurance 80318  
policy, for an amount approved by the district board. The summer 80319  
food service program sponsor shall be responsible for any costs 80320

incurred in obtaining coverage under either option. 80321

(d) If a school district cannot for good cause comply with 80322  
the requirements of division (C)(2) or (4)(b) or (c) of this 80323  
section at the time the state board determines that a district is 80324  
subject to these requirements, the state board shall grant a 80325  
reasonable extension of time. Good cause for an extension of time 80326  
shall include, but need not be limited to, economic impossibility 80327  
of compliance with the requirements at the time the state board 80328  
determines that a district is subject to them. 80329

(D)(1) The state board shall accept the application of any 80330  
outdoor education center in the state making application for 80331  
participation in a program pursuant to division (B) of this 80332  
section. 80333

(2) For purposes of participation in any program pursuant to 80334  
this section, the board shall certify any outdoor education center 80335  
making application as an educational unit that is part of the 80336  
educational system of the state, if the center: 80337

(a) Meets the definition of an outdoor education center; 80338

(b) Provides its outdoor education curriculum to pupils on an 80339  
overnight basis so that pupils are in residence at the center for 80340  
more than twenty-four consecutive hours; 80341

(c) Operates under public or nonprofit private ownership in a 80342  
single building or complex of buildings. 80343

(3) The board shall approve any outdoor education center 80344  
certified under this division for participation in the program for 80345  
which the center is making application on the same basis as any 80346  
other applicant for that program. 80347

(E) Any school district board of education or chartered or 80348  
accredited nonpublic school that participates in a breakfast 80349  
program pursuant to this section may offer breakfast to pupils in 80350

their classrooms during the school day. 80351

(F) Notwithstanding anything in this section to the contrary, 80352  
in each fiscal year in which the general assembly appropriates 80353  
funds for purposes of this division, the board of education of 80354  
each school district and each chartered and accredited nonpublic 80355  
school that participates in a breakfast program pursuant to this 80356  
section shall provide a breakfast free of charge to each pupil who 80357  
is eligible under federal requirements for a reduced price 80358  
breakfast. 80359

**Sec. 3313.86.** The board of education of each city, exempted 80360  
village, local, and joint vocational school district and, the 80361  
governing authority of each chartered nonpublic school, and the 80362  
governing authority of each accredited nonpublic school described 80363  
in section 3301.165 of the Revised Code periodically shall review 80364  
its policies and procedures to ensure the safety of students, 80365  
employees, and other persons using a school building from any 80366  
known hazards in the building or on building grounds that, in the 80367  
judgment of the board or governing authority, pose an immediate 80368  
risk to health or safety. The board or governing authority shall 80369  
further ensure that its policies and procedures comply with all 80370  
federal laws and regulations regarding health and safety 80371  
applicable to school buildings. 80372

**Sec. 3313.976.** (A) No private school may receive scholarship 80373  
payments from parents pursuant to section 3313.979 of the Revised 80374  
Code until the chief administrator of the private school registers 80375  
the school with the superintendent of public instruction. The 80376  
state superintendent shall register any school that meets the 80377  
following requirements: 80378

(1) The school either: 80379

(a) Offers any of grades kindergarten through twelve and is 80380

located within the boundaries of the pilot project school 80381  
district; 80382

(b) Offers any of grades nine through twelve and is located 80383  
within the boundaries of a city, local, or exempted village school 80384  
district that is both: 80385

(i) Located in a municipal corporation with a population of 80386  
fifteen thousand or more; 80387

(ii) Located within five miles of the border of the pilot 80388  
project school district. 80389

(2) The school indicates in writing its commitment to follow 80390  
all requirements for a state-sponsored scholarship program 80391  
specified under sections 3313.974 to 3313.979 of the Revised Code, 80392  
including, but not limited to, the requirements for admitting 80393  
students pursuant to section 3313.977 of the Revised Code; 80394

(3) The school ~~meets~~ either: 80395

(a) Meets all state minimum standards for chartered nonpublic 80396  
schools in effect on July 1, 1992, except that the state 80397  
superintendent at the superintendent's discretion may register 80398  
nonchartered nonpublic schools meeting the other requirements of 80399  
this division; or 80400

(b) Is an accredited nonpublic school described in section 80401  
3301.165 of the Revised Code. 80402

(4) The school does not discriminate on the basis of race, 80403  
religion, or ethnic background; 80404

(5) The school enrolls a minimum of ten students per class or 80405  
a sum of at least twenty-five students in all the classes offered; 80406

(6) The school does not advocate or foster unlawful behavior 80407  
or teach hatred of any person or group on the basis of race, 80408  
ethnicity, national origin, or religion; 80409

(7) The school does not provide false or misleading 80410

information about the school to parents, students, or the general public; 80411  
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(8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5104.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. 80413  
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(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. The school shall permit such tuition, at the discretion of the parent, to be satisfied by the family's provision of in-kind contributions or services. 80420  
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(10) The school agrees not to charge any tuition to families of students in grades nine through twelve receiving a scholarship in excess of the actual tuition charge of the school less the scholarship amount established pursuant to division (C)(1) of section 3313.978 of the Revised Code, excluding any increase described in division (C)(2) of that section. 80431  
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(11) Except as provided in divisions (K)(1) and (L) of section 3301.0711 of the Revised Code, it annually administers the applicable assessments prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 or 3301.0712 of the Revised Code and reports to the department of 80437  
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education the results of each such assessment administered to each 80443  
scholarship student. 80444

(B) The state superintendent shall revoke the registration of 80445  
any school if, after a hearing, the superintendent determines that 80446  
the school is in violation of any of the provisions of division 80447  
(A) of this section. 80448

(C) Any public school located in a school district adjacent 80449  
to the pilot project district may receive scholarship payments on 80450  
behalf of parents pursuant to section 3313.979 of the Revised Code 80451  
if the superintendent of the district in which such public school 80452  
is located notifies the state superintendent prior to the first 80453  
day of March that the district intends to admit students from the 80454  
pilot project district for the ensuing school year pursuant to 80455  
section 3327.06 of the Revised Code. 80456

(D) Any parent wishing to purchase tutorial assistance from 80457  
any person or governmental entity pursuant to the pilot project 80458  
program under sections 3313.974 to 3313.979 of the Revised Code 80459  
shall apply to the state superintendent. The state superintendent 80460  
shall approve providers who appear to possess the capability of 80461  
furnishing the instructional services they are offering to 80462  
provide. 80463

**Sec. 3317.024.** The following shall be distributed monthly, 80464  
quarterly, or annually as may be determined by the state board of 80465  
education: 80466

(A) An amount for each island school district and each joint 80467  
state school district for the operation of each high school and 80468  
each elementary school maintained within such district and for 80469  
capital improvements for such schools. Such amounts shall be 80470  
determined on the basis of standards adopted by the state board of 80471  
education. However, for fiscal years 2012 and 2013, an island 80472  
district shall receive the lesser of its actual cost of operation, 80473

as certified to the department of education, or ninety-three per 80474  
cent of the amount the district received in state operating 80475  
funding for fiscal year 2011. If an island district received no 80476  
funding for fiscal year 2011, it shall receive no funding for 80477  
either of fiscal year 2012 or 2013. 80478

(B) An amount for each school district required to pay 80479  
tuition for a child in an institution maintained by the department 80480  
of youth services pursuant to section 3317.082 of the Revised 80481  
Code, provided the child was not included in the calculation of 80482  
the district's formula ADM, as that term is defined in section 80483  
3317.02 of the Revised Code, for the preceding school year. 80484

(C) An amount for the approved cost of transporting eligible 80485  
pupils with disabilities attending a special education program 80486  
approved by the department of education whom it is impossible or 80487  
impractical to transport by regular school bus in the course of 80488  
regular route transportation provided by the school district or 80489  
educational service center. No district or service center is 80490  
eligible to receive a payment under this division for the cost of 80491  
transporting any pupil whom it transports by regular school bus 80492  
and who is included in the district's transportation ADM. The 80493  
state board of education shall establish standards and guidelines 80494  
for use by the department of education in determining the approved 80495  
cost of such transportation for each district or service center. 80496

(D) An amount to each school district, including each 80497  
cooperative education school district, pursuant to section 3313.81 80498  
of the Revised Code to assist in providing free lunches to needy 80499  
children. The amounts shall be determined on the basis of rules 80500  
adopted by the state board of education. 80501

(E)(1) An amount for auxiliary services to each school 80502  
district, for each pupil attending a chartered or an accredited 80503  
nonpublic elementary or high school within the district that is 80504  
either of the following: 80505

(a) A school affiliated with a religious order, sect, church, 80506  
or denomination or has a curriculum or mission that contains 80507  
religious content, religious courses, devotional exercises, 80508  
religious training, or any other religious activity; 80509

(b) A school not described in division (E)(1)(a) of this 80510  
section that has not elected to receive funds under division 80511  
(E)(2) of this section. 80512

(2) An amount for auxiliary services paid directly to each 80513  
chartered or an accredited nonpublic school that has elected to 80514  
receive funds under division (E)(2) of this section for each pupil 80515  
attending the school. To elect to receive funds under division 80516  
(E)(2) of this section, a school, by the first day of April of 80517  
each odd-numbered year, shall notify the department and the school 80518  
district in which the school is located of the election and shall 80519  
submit to the department an affidavit certifying that the school 80520  
is not affiliated with a religious order, sect, church, or 80521  
denomination and does not have a curriculum or mission that 80522  
contains religious content, religious courses, devotional 80523  
exercises, religious training, or any other religious activity. 80524  
The election shall take effect the following first day of July, 80525  
unless the department determines that the school meets the 80526  
criteria in division (E)(1)(a) of this section. The school 80527  
subsequently may rescind its election, but it may do so only in an 80528  
odd-numbered year by notifying the department and the school 80529  
district in which the school is located of the rescission not 80530  
later than the first day of April of that year. Beginning the 80531  
following first day of July after the rescission, the school shall 80532  
receive funds under division (E)(1) of this section. 80533

The amount paid under divisions (E)(1) and (2) of this 80534  
section shall equal the total amount appropriated for the 80535  
implementation of sections 3317.06 and 3317.062 of the Revised 80536  
Code divided by the average daily membership in grades 80537

kindergarten through twelve in chartered or accredited nonpublic 80538  
elementary and high schools within the state as determined as of 80539  
the last day of October of each school year. 80540

For purposes of this section, "accredited nonpublic school" 80541  
means an accredited nonpublic school as described in section 80542  
3301.165 of the Revised Code. 80543

(F) An amount for each county board of developmental 80544  
disabilities, distributed on the basis of standards adopted by the 80545  
state board of education, for the approved cost of transportation 80546  
required for children attending special education programs 80547  
operated by the county board under section 3323.09 of the Revised 80548  
Code; 80549

(G) An amount to each institution defined under section 80550  
3317.082 of the Revised Code providing elementary or secondary 80551  
education to children other than children receiving special 80552  
education under section 3323.091 of the Revised Code. This amount 80553  
for any institution in any fiscal year shall equal the total of 80554  
all tuition amounts required to be paid to the institution under 80555  
division (A)(1) of section 3317.082 of the Revised Code. 80556

The state board of education or any other board of education 80557  
or governing board may provide for any resident of a district or 80558  
educational service center territory any educational service for 80559  
which funds are made available to the board by the United States 80560  
under the authority of public law, whether such funds come 80561  
directly or indirectly from the United States or any agency or 80562  
department thereof or through the state or any agency, department, 80563  
or political subdivision thereof. 80564

**Sec. 3317.03.** (A) The superintendent of each city, local, and 80565  
exempted village school district shall report to the state board 80566  
of education as of the last day of October, March, and June of 80567  
each year the enrollment of students receiving services from 80568

schools under the superintendent's supervision, and the numbers of 80569  
other students entitled to attend school in the district under 80570  
section 3313.64 or 3313.65 of the Revised Code the superintendent 80571  
is required to report under this section, so that the department 80572  
of education can calculate the district's formula ADM, total ADM, 80573  
category one through five career-technical education ADM, category 80574  
one through three limited English proficient ADM, category one 80575  
through six special education ADM, preschool scholarship ADM, 80576  
transportation ADM, and, for purposes of provisions of law outside 80577  
of Chapter 3317. of the Revised Code, average daily membership. 80578

(1) The enrollment reported by the superintendent during the 80579  
reporting period shall consist of the number of students in grades 80580  
kindergarten through twelve receiving any educational services 80581  
from the district, except that the following categories of 80582  
students shall not be included in the determination: 80583

(a) Students enrolled in adult education classes; 80584

(b) Adjacent or other district students enrolled in the 80585  
district under an open enrollment policy pursuant to section 80586  
3313.98 of the Revised Code; 80587

(c) Students receiving services in the district pursuant to a 80588  
compact, cooperative education agreement, or a contract, but who 80589  
are entitled to attend school in another district pursuant to 80590  
section 3313.64 or 3313.65 of the Revised Code; 80591

(d) Students for whom tuition is payable pursuant to sections 80592  
3317.081 and 3323.141 of the Revised Code; 80593

(e) Students receiving services in the district through a 80594  
scholarship awarded under either section 3310.41 or sections 80595  
3310.51 to 3310.64 of the Revised Code. 80596

When reporting students under division (A)(1) of this 80597  
section, the superintendent also shall report the district where 80598

each student is entitled to attend school pursuant to sections 80599  
3313.64 and 3313.65 of the Revised Code. 80600

(2) The department of education shall compile a list of all 80601  
students reported to be enrolled in a district under division 80602  
(A)(1) of this section and of the students entitled to attend 80603  
school in the district pursuant to section 3313.64 or 3313.65 of 80604  
the Revised Code on an FTE basis but receiving educational 80605  
services in grades kindergarten through twelve from one or more of 80606  
the following entities: 80607

(a) A community school pursuant to Chapter 3314. of the 80608  
Revised Code, including any participation in a college pursuant to 80609  
Chapter 3365. of the Revised Code while enrolled in such community 80610  
school; 80611

(b) An alternative school pursuant to sections 3313.974 to 80612  
3313.979 of the Revised Code as described in division (I)(2)(a) or 80613  
(b) of this section; 80614

(c) A college pursuant to Chapter 3365. of the Revised Code, 80615  
except when the student is enrolled in the college while also 80616  
enrolled in a community school pursuant to Chapter 3314., a 80617  
science, technology, engineering, and mathematics school 80618  
established under Chapter 3326., or a college-preparatory boarding 80619  
school established under Chapter 3328. of the Revised Code; 80620

(d) An adjacent or other school district under an open 80621  
enrollment policy adopted pursuant to section 3313.98 of the 80622  
Revised Code; 80623

(e) An educational service center or cooperative education 80624  
district; 80625

(f) Another school district under a cooperative education 80626  
agreement, compact, or contract; 80627

(g) A chartered or an accredited nonpublic school with a 80628

scholarship paid under section 3310.08 of the Revised Code, if the 80629  
students qualified for the scholarship under section 3310.03 of 80630  
the Revised Code. 80631

As used in this division and in division (B)(3)(f) of this 80632  
section, "accredited nonpublic school" means an accredited 80633  
nonpublic school as described in section 3301.165 of the Revised 80634  
Code. 80635

(h) An alternative public provider or a registered private 80636  
provider with a scholarship awarded under either section 3310.41 80637  
or sections 3310.51 to 3310.64 of the Revised Code. 80638

As used in this section, "alternative public provider" and 80639  
"registered private provider" have the same meanings as in section 80640  
3310.41 or 3310.51 of the Revised Code, as applicable. 80641

(i) A science, technology, engineering, and mathematics 80642  
school established under Chapter 3326. of the Revised Code, 80643  
including any participation in a college pursuant to Chapter 3365. 80644  
of the Revised Code while enrolled in the school; 80645

(j) A college-preparatory boarding school established under 80646  
Chapter 3328. of the Revised Code, including any participation in 80647  
a college pursuant to Chapter 3365. of the Revised Code while 80648  
enrolled in the school. 80649

(3) The department also shall compile a list of the students 80650  
entitled to attend school in the district under section 3313.64 or 80651  
3313.65 of the Revised Code who are enrolled in a joint vocational 80652  
school district or under a career-technical education compact, 80653  
excluding any students so entitled to attend school in the 80654  
district who are enrolled in another school district through an 80655  
open enrollment policy as reported under division (A)(2)(d) of 80656  
this section and then enroll in a joint vocational school district 80657  
or under a career-technical education compact. 80658

The department shall provide each city, local, and exempted 80659

village school district with an opportunity to review the list of 80660  
students compiled under divisions (A)(2) and (3) of this section 80661  
to ensure that the students reported accurately reflect the 80662  
enrollment of students in the district. 80663

(B) To enable the department of education to obtain the data 80664  
needed to complete the calculation of payments pursuant to this 80665  
chapter, each superintendent shall certify from the reports 80666  
provided by the department under division (A) of this section all 80667  
of the following: 80668

(1) The total student enrollment in regular learning day 80669  
classes included in the report under division (A)(1) or (2) of 80670  
this section for each of the individual grades kindergarten 80671  
through twelve in schools under the superintendent's supervision; 80672

(2) The unduplicated count of the number of preschool 80673  
children with disabilities enrolled in the district for whom the 80674  
district is eligible to receive funding under section 3317.0213 of 80675  
the Revised Code adjusted for the portion of the year each child 80676  
is so enrolled, in accordance with the disability categories 80677  
prescribed in section 3317.013 of the Revised Code; 80678

(3) The number of children entitled to attend school in the 80679  
district pursuant to section 3313.64 or 3313.65 of the Revised 80680  
Code who are: 80681

(a) Participating in a pilot project scholarship program 80682  
established under sections 3313.974 to 3313.979 of the Revised 80683  
Code as described in division (I)(2)(a) or (b) of this section; 80684

(b) Enrolled in a college under Chapter 3365. of the Revised 80685  
Code, except when the student is enrolled in the college while 80686  
also enrolled in a community school pursuant to Chapter 3314. of 80687  
the Revised Code, a science, technology, engineering, and 80688  
mathematics school established under Chapter 3326., or a 80689  
college-preparatory boarding school established under Chapter 80690

3328. of the Revised Code;	80691
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	80692 80693
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	80694 80695 80696 80697 80698 80699
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	80700 80701 80702 80703
(f) Enrolled in a chartered <u>or an accredited</u> nonpublic school with a scholarship paid under section 3310.08 of the Revised Code and who qualified for the scholarship under section 3310.03 of the Revised Code;	80704 80705 80706 80707
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	80708 80709 80710
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	80711 80712 80713
(i) Participating in a program operated by a county board of developmental disabilities or a state institution;	80714 80715
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	80716 80717 80718 80719
(k) Enrolled in a college-preparatory boarding school	80720

established under Chapter 3328. of the Revised Code, including any 80721  
participation in a college pursuant to Chapter 3365. of the 80722  
Revised Code while enrolled in the school; 80723

(1) Enrolled in an alternative public provider or a 80724  
registered private provider with a scholarship awarded under 80725  
sections 3310.51 to 3310.64 of the Revised Code. 80726

(4) The total enrollment of pupils in joint vocational 80727  
schools; 80728

(5) The combined enrollment of children with disabilities 80729  
reported under division (A)(1) or (2) of this section receiving 80730  
special education services for the category one disability 80731  
described in division (A) of section 3317.013 of the Revised Code, 80732  
including children attending a special education program operated 80733  
by an alternative public provider or a registered private provider 80734  
with a scholarship awarded under sections 3310.51 to 3310.64 of 80735  
the Revised Code; 80736

(6) The combined enrollment of children with disabilities 80737  
reported under division (A)(1) or (2) of this section receiving 80738  
special education services for category two disabilities described 80739  
in division (B) of section 3317.013 of the Revised Code, including 80740  
children attending a special education program operated by an 80741  
alternative public provider or a registered private provider with 80742  
a scholarship awarded under sections 3310.51 to 3310.64 of the 80743  
Revised Code; 80744

(7) The combined enrollment of children with disabilities 80745  
reported under division (A)(1) or (2) of this section receiving 80746  
special education services for category three disabilities 80747  
described in division (C) of section 3317.013 of the Revised Code, 80748  
including children attending a special education program operated 80749  
by an alternative public provider or a registered private provider 80750  
with a scholarship awarded under sections 3310.51 to 3310.64 of 80751

the Revised Code; 80752

(8) The combined enrollment of children with disabilities 80753  
reported under division (A)(1) or (2) of this section receiving 80754  
special education services for category four disabilities 80755  
described in division (D) of section 3317.013 of the Revised Code, 80756  
including children attending a special education program operated 80757  
by an alternative public provider or a registered private provider 80758  
with a scholarship awarded under sections 3310.51 to 3310.64 of 80759  
the Revised Code; 80760

(9) The combined enrollment of children with disabilities 80761  
reported under division (A)(1) or (2) of this section receiving 80762  
special education services for the category five disabilities 80763  
described in division (E) of section 3317.013 of the Revised Code, 80764  
including children attending a special education program operated 80765  
by an alternative public provider or a registered private provider 80766  
with a scholarship awarded under sections 3310.51 to 3310.64 of 80767  
the Revised Code; 80768

(10) The combined enrollment of children with disabilities 80769  
reported under division (A)(1) or (2) and under division (B)(3)(h) 80770  
of this section receiving special education services for category 80771  
six disabilities described in division (F) of section 3317.013 of 80772  
the Revised Code, including children attending a special education 80773  
program operated by an alternative public provider or a registered 80774  
private provider with a scholarship awarded under either section 80775  
3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 80776

(11) The enrollment of pupils reported under division (A)(1) 80777  
or (2) of this section on a full-time equivalency basis in 80778  
category one career-technical education programs or classes, 80779  
described in division (A) of section 3317.014 of the Revised Code, 80780  
operated by the school district or by another district that is a 80781  
member of the district's career-technical planning district, other 80782  
than a joint vocational school district, or by an educational 80783

service center, notwithstanding division (G) of section 3317.02 of 80784  
the Revised Code and division (C)(3) of this section; 80785

(12) The enrollment of pupils reported under division (A)(1) 80786  
or (2) of this section on a full-time equivalency basis in 80787  
category two career-technical education programs or services, 80788  
described in division (B) of section 3317.014 of the Revised Code, 80789  
operated by the school district or another school district that is 80790  
a member of the district's career-technical planning district, 80791  
other than a joint vocational school district, or by an 80792  
educational service center, notwithstanding division (G) of 80793  
section 3317.02 of the Revised Code and division (C)(3) of this 80794  
section; 80795

(13) The enrollment of pupils reported under division (A)(1) 80796  
or (2) of this section on a full-time equivalency basis in 80797  
category three career-technical education programs or services, 80798  
described in division (C) of section 3317.014 of the Revised Code, 80799  
operated by the school district or another school district that is 80800  
a member of the district's career-technical planning district, 80801  
other than a joint vocational school district, or by an 80802  
educational service center, notwithstanding division (G) of 80803  
section 3317.02 of the Revised Code and division (C)(3) of this 80804  
section; 80805

(14) The enrollment of pupils reported under division (A)(1) 80806  
or (2) of this section on a full-time equivalency basis in 80807  
category four career-technical education programs or services, 80808  
described in division (D) of section 3317.014 of the Revised Code, 80809  
operated by the school district or another school district that is 80810  
a member of the district's career-technical planning district, 80811  
other than a joint vocational school district, or by an 80812  
educational service center, notwithstanding division (G) of 80813  
section 3317.02 of the Revised Code and division (C)(3) of this 80814  
section; 80815

(15) The enrollment of pupils reported under division (A)(1) 80816  
or (2) of this section on a full-time equivalency basis in 80817  
category five career-technical education programs or services, 80818  
described in division (E) of section 3317.014 of the Revised Code, 80819  
operated by the school district or another school district that is 80820  
a member of the district's career-technical planning district, 80821  
other than a joint vocational school district, or by an 80822  
educational service center, notwithstanding division (G) of 80823  
section 3317.02 of the Revised Code and division (C)(3) of this 80824  
section; 80825

(16) The enrollment of pupils reported under division (A)(1) 80826  
or (2) of this section who are limited English proficient students 80827  
described in division (A) of section 3317.016 of the Revised Code, 80828  
excluding any student reported under division (B)(3)(e) of this 80829  
section as enrolled in an internet- or computer-based community 80830  
school; 80831

(17) The enrollment of pupils reported under division (A)(1) 80832  
or (2) of this section who are limited English proficient students 80833  
described in division (B) of section 3317.016 of the Revised Code, 80834  
excluding any student reported under division (B)(3)(e) of this 80835  
section as enrolled in an internet- or computer-based community 80836  
school; 80837

(18) The enrollment of pupils reported under division (A)(1) 80838  
or (2) of this section who are limited English proficient students 80839  
described in division (C) of section 3317.016 of the Revised Code, 80840  
excluding any student reported under division (B)(3)(e) of this 80841  
section as enrolled in an internet- or computer-based community 80842  
school; 80843

(19) The average number of children transported during the 80844  
reporting period by the school district on board-owned or 80845  
contractor-owned and -operated buses, reported in accordance with 80846  
rules adopted by the department of education; 80847

(20)(a) The number of children, other than preschool children with disabilities, the district placed with a county board of developmental disabilities in fiscal year 1998. Division (B)(20)(a) of this section does not apply after fiscal year 2013.

(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;

(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code;

(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;

(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;

(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;

(g) The number of children with disabilities, other than

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preschool children with disabilities, placed with a county board 80879  
of developmental disabilities in the current fiscal year to 80880  
receive special education services for category six disabilities 80881  
described in division (F) of section 3317.013 of the Revised Code. 80882

(21) The enrollment of students who are economically 80883  
disadvantaged, as defined by the department, excluding any student 80884  
reported under division (B)(3)(e) of this section as enrolled in 80885  
an internet- or computer-based community school. A student shall 80886  
not be categorically excluded from the number reported under 80887  
division (B)(21) of this section based on anything other than 80888  
family income. 80889

(C)(1) The state board of education shall adopt rules 80890  
necessary for implementing divisions (A), (B), and (D) of this 80891  
section. 80892

(2) A student enrolled in a community school established 80893  
under Chapter 3314., a science, technology, engineering, and 80894  
mathematics school established under Chapter 3326., or a 80895  
college-preparatory boarding school established under Chapter 80896  
3328. of the Revised Code shall be counted in the formula ADM and, 80897  
if applicable, the category one, two, three, four, five, or six 80898  
special education ADM of the school district in which the student 80899  
is entitled to attend school under section 3313.64 or 3313.65 of 80900  
the Revised Code for the same proportion of the school year that 80901  
the student is counted in the enrollment of the community school, 80902  
the science, technology, engineering, and mathematics school, or 80903  
the college-preparatory boarding school for purposes of section 80904  
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 80905  
the enrollment of students certified pursuant to division 80906  
(B)(3)(d), (e), (j), or (k) of this section, the department may 80907  
adjust the formula ADM of a school district to account for 80908  
students entitled to attend school in the district under section 80909  
3313.64 or 3313.65 of the Revised Code who are enrolled in a 80910

community school, a science, technology, engineering, and 80911  
mathematics school, or a college-preparatory boarding school for 80912  
only a portion of the school year. 80913

(3) No child shall be counted as more than a total of one 80914  
child in the sum of the enrollment of students of a school 80915  
district under division (A), divisions (B)(1) to (22), or division 80916  
(D) of this section, except as follows: 80917

(a) A child with a disability described in section 3317.013 80918  
of the Revised Code may be counted both in formula ADM and in 80919  
category one, two, three, four, five, or six special education ADM 80920  
and, if applicable, in category one, two, three, four, or five 80921  
career-technical education ADM. As provided in division (G) of 80922  
section 3317.02 of the Revised Code, such a child shall be counted 80923  
in category one, two, three, four, five, or six special education 80924  
ADM in the same proportion that the child is counted in formula 80925  
ADM. 80926

(b) A child enrolled in career-technical education programs 80927  
or classes described in section 3317.014 of the Revised Code may 80928  
be counted both in formula ADM and category one, two, three, four, 80929  
or five career-technical education ADM and, if applicable, in 80930  
category one, two, three, four, five, or six special education 80931  
ADM. Such a child shall be counted in category one, two, three, 80932  
four, or five career-technical education ADM in the same 80933  
proportion as the percentage of time that the child spends in the 80934  
career-technical education programs or classes. 80935

(4) Based on the information reported under this section, the 80936  
department of education shall determine the total student count, 80937  
as defined in section 3301.011 of the Revised Code, for each 80938  
school district. 80939

(D)(1) The superintendent of each joint vocational school 80940  
district shall report and certify to the superintendent of public 80941

instruction as of the last day of October, March, and June of each 80942  
year the enrollment of students receiving services from schools 80943  
under the superintendent's supervision so that the department can 80944  
calculate the district's formula ADM, total ADM, category one 80945  
through five career-technical education ADM, category one through 80946  
three limited English proficient ADM, category one through six 80947  
special education ADM, and for purposes of provisions of law 80948  
outside of Chapter 3317. of the Revised Code, average daily 80949  
membership. 80950

The enrollment reported and certified by the superintendent, 80951  
except as otherwise provided in this division, shall consist of 80952  
the ~~the~~ number of students in grades six through twelve receiving 80953  
any educational services from the district, except that the 80954  
following categories of students shall not be included in the 80955  
determination: 80956

(a) Students enrolled in adult education classes; 80957

(b) Adjacent or other district joint vocational students 80958  
enrolled in the district under an open enrollment policy pursuant 80959  
to section 3313.98 of the Revised Code; 80960

(c) Students receiving services in the district pursuant to a 80961  
compact, cooperative education agreement, or a contract, but who 80962  
are entitled to attend school in a city, local, or exempted 80963  
village school district whose territory is not part of the 80964  
territory of the joint vocational district; 80965

(d) Students for whom tuition is payable pursuant to sections 80966  
3317.081 and 3323.141 of the Revised Code. 80967

(2) To enable the department of education to obtain the data 80968  
needed to complete the calculation of payments pursuant to this 80969  
chapter, each superintendent shall certify from the report 80970  
provided under division (D)(1) of this section the enrollment for 80971  
each of the following categories of students: 80972

(a) Students enrolled in each individual grade included in the joint vocational district schools;	80973 80974
(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	80975 80976 80977
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	80978 80979 80980
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	80981 80982 80983
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	80984 80985 80986
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	80987 80988 80989
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	80990 80991 80992
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	80993 80994 80995
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	80996 80997 80998
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	80999 81000 81001
(k) Students receiving category four career-technical	81002

education services, described in division (D) of section 3317.014 81003  
of the Revised Code; 81004

(l) Students receiving category five career-technical 81005  
education services, described in division (E) of section 3317.014 81006  
of the Revised Code; 81007

(m) Limited English proficient students described in division 81008  
(A) of section 3317.016 of the Revised Code; 81009

(n) Limited English proficient students described in division 81010  
(B) of section 3317.016 of the Revised Code; 81011

(o) Limited English proficient students described in division 81012  
(C) of section 3317.016 of the Revised Code; 81013

(p) Students who are economically disadvantaged, as defined 81014  
by the department. A student shall not be categorically excluded 81015  
from the number reported under division (D)(2)(p) of this section 81016  
based on anything other than family income. 81017

The superintendent of each joint vocational school district 81018  
shall also indicate the city, local, or exempted village school 81019  
district in which each joint vocational district pupil is entitled 81020  
to attend school pursuant to section 3313.64 or 3313.65 of the 81021  
Revised Code. 81022

(E) In each school of each city, local, exempted village, 81023  
joint vocational, and cooperative education school district there 81024  
shall be maintained a record of school enrollment, which record 81025  
shall accurately show, for each day the school is in session, the 81026  
actual enrollment in regular day classes. For the purpose of 81027  
determining the enrollment of students, the enrollment figure of 81028  
any school shall not include any pupils except those pupils 81029  
described by division (A) of this section. The record of 81030  
enrollment for each school shall be maintained in such manner that 81031  
no pupil shall be counted as enrolled prior to the actual date of 81032  
entry in the school and also in such manner that where for any 81033

cause a pupil permanently withdraws from the school that pupil 81034  
shall not be counted as enrolled from and after the date of such 81035  
withdrawal. There shall not be included in the enrollment of any 81036  
school any of the following: 81037

(1) Any pupil who has graduated from the twelfth grade of a 81038  
public or nonpublic high school; 81039

(2) Any pupil who is not a resident of the state; 81040

(3) Any pupil who was enrolled in the schools of the district 81041  
during the previous school year when assessments were administered 81042  
under section 3301.0711 of the Revised Code but did not take one 81043  
or more of the assessments required by that section and was not 81044  
excused pursuant to division (C)(1) or (3) of that section; 81045

(4) Any pupil who has attained the age of twenty-two years, 81046  
except for veterans of the armed services whose attendance was 81047  
interrupted before completing the recognized twelve-year course of 81048  
the public schools by reason of induction or enlistment in the 81049  
armed forces and who apply for reenrollment in the public school 81050  
system of their residence not later than four years after 81051  
termination of war or their honorable discharge; 81052

(5) Any pupil who has a certificate of high school 81053  
equivalence as defined in section 5107.40 of the Revised Code. 81054

If, however, any veteran described by division (E)(4) of this 81055  
section elects to enroll in special courses organized for veterans 81056  
for whom tuition is paid under the provisions of federal laws, or 81057  
otherwise, that veteran shall not be included in the enrollment of 81058  
students determined under this section. 81059

Notwithstanding division (E)(3) of this section, the 81060  
enrollment of any school may include a pupil who did not take an 81061  
assessment required by section 3301.0711 of the Revised Code if 81062  
the superintendent of public instruction grants a waiver from the 81063  
requirement to take the assessment to the specific pupil and a 81064

parent is not paying tuition for the pupil pursuant to section 81065  
3313.6410 of the Revised Code. The superintendent may grant such a 81066  
waiver only for good cause in accordance with rules adopted by the 81067  
state board of education. 81068

The formula ADM, total ADM, category one through five 81069  
career-technical education ADM, category one through three limited 81070  
English proficient ADM, category one through six special education 81071  
ADM, preschool scholarship ADM, transportation ADM, and, for 81072  
purposes of provisions of law outside of Chapter 3317. of the 81073  
Revised Code, average daily membership of any school district 81074  
shall be determined in accordance with rules adopted by the state 81075  
board of education. 81076

(F)(1) If a student attending a community school under 81077  
Chapter 3314., a science, technology, engineering, and mathematics 81078  
school established under Chapter 3326., or a college-preparatory 81079  
boarding school established under Chapter 3328. of the Revised 81080  
Code is not included in the formula ADM calculated for the school 81081  
district in which the student is entitled to attend school under 81082  
section 3313.64 or 3313.65 of the Revised Code, the department of 81083  
education shall adjust the formula ADM of that school district to 81084  
include the student in accordance with division (C)(2) of this 81085  
section, and shall recalculate the school district's payments 81086  
under this chapter for the entire fiscal year on the basis of that 81087  
adjusted formula ADM. 81088

(2) If a student awarded an educational choice scholarship is 81089  
not included in the formula ADM of the school district from which 81090  
the department deducts funds for the scholarship under section 81091  
3310.08 of the Revised Code, the department shall adjust the 81092  
formula ADM of that school district to include the student to the 81093  
extent necessary to account for the deduction, and shall 81094  
recalculate the school district's payments under this chapter for 81095  
the entire fiscal year on the basis of that adjusted formula ADM. 81096

(3) If a student awarded a scholarship under the Jon Peterson special needs scholarship program is not included in the formula ADM of the school district from which the department deducts funds for the scholarship under section 3310.55 of the Revised Code, the department shall adjust the formula ADM of that school district to include the student to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following:

(i) The unduplicated count of the number of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code adjusted for the portion of the year each child is so enrolled;

(ii) The unduplicated count of the number of all preschool children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code.

(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the enrollment in those units, in the manner prescribed by the

superintendent of public instruction. 81129

(2) The superintendent of each county board of developmental 81130  
disabilities that maintains special education classes under 81131  
section 3317.20 of the Revised Code or provides services to 81132  
preschool children with disabilities pursuant to an agreement 81133  
between the county board and the appropriate school district shall 81134  
do both of the following: 81135

(a) Certify to the state board, in the manner prescribed by 81136  
the board, the enrollment in classes under section 3317.20 of the 81137  
Revised Code for each school district that has placed children in 81138  
the classes; 81139

(b) Certify to the state board, in the manner prescribed by 81140  
the board, the unduplicated count of the number of all preschool 81141  
children with disabilities enrolled in classes for which the ~~DD~~ 81142  
board is eligible to receive funding under section 3317.0213 of 81143  
the Revised Code adjusted for the portion of the year each child 81144  
is so enrolled, reported according to the categories prescribed in 81145  
section 3317.013 of the Revised Code, and the number of those 81146  
classes. 81147

(H) Except as provided in division (I) of this section, when 81148  
any city, local, or exempted village school district provides 81149  
instruction for a nonresident pupil whose attendance is 81150  
unauthorized attendance as defined in section 3327.06 of the 81151  
Revised Code, that pupil's enrollment shall not be included in 81152  
that district's enrollment figure used in calculating the 81153  
district's payments under this chapter. The reporting official 81154  
shall report separately the enrollment of all pupils whose 81155  
attendance in the district is unauthorized attendance, and the 81156  
enrollment of each such pupil shall be credited to the school 81157  
district in which the pupil is entitled to attend school under 81158  
division (B) of section 3313.64 or section 3313.65 of the Revised 81159  
Code as determined by the department of education. 81160

(I)(1) A city, local, exempted village, or joint vocational school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its enrollment.

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in its enrollment:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend an alternative school.

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable enrollments for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the superintendent of public instruction determines that a component of the enrollment certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXVIII of the Revised Code be adjusted in the amount of the error.

**Sec. 3317.06.** Moneys paid to school districts under division 81191  
(E)(1) of section 3317.024 of the Revised Code shall be used for 81192  
the following independent and fully severable purposes on behalf 81193  
of students enrolled in chartered and accredited nonpublic 81194  
schools: 81195

(A) To purchase such secular textbooks or digital texts as 81196  
have been approved by the superintendent of public instruction for 81197  
use in public schools in the state and to loan such textbooks or 81198  
digital texts to pupils attending nonpublic schools within the 81199  
district described in division (E)(1) of section 3317.024 of the 81200  
Revised Code or to their parents and to hire clerical personnel to 81201  
administer such lending program. Such loans shall be based upon 81202  
individual requests submitted by such nonpublic school pupils or 81203  
parents. Such requests shall be submitted to the school district 81204  
in which the nonpublic school is located. Such individual requests 81205  
for the loan of textbooks or digital texts shall, for 81206  
administrative convenience, be submitted by the nonpublic school 81207  
pupil or the pupil's parent to the nonpublic school, which shall 81208  
prepare and submit collective summaries of the individual requests 81209  
to the school district. As used in this section: 81210

(1) "Textbook" means any book or book substitute that a pupil 81211  
uses as a consumable or nonconsumable text, text substitute, or 81212  
text supplement in a particular class or program in the school the 81213  
pupil regularly attends. 81214

(2) "Digital text" means a consumable book or book substitute 81215  
that a student accesses through the use of a computer or other 81216  
electronic medium or that is available through an internet-based 81217  
provider of course content, or any other material that contributes 81218  
to the learning process through electronic means. 81219

(B) To provide speech and hearing diagnostic services to 81220  
pupils attending nonpublic schools within the district described 81221

in division (E)(1) of section 3317.024 of the Revised Code. Such 81222  
service shall be provided in the nonpublic school attended by the 81223  
pupil receiving the service. 81224

(C) To provide physician, nursing, dental, and optometric 81225  
services to pupils attending nonpublic schools within the district 81226  
described in division (E)(1) of section 3317.024 of the Revised 81227  
Code. Such services shall be provided in the school attended by 81228  
the nonpublic school pupil receiving the service. 81229

(D) To provide diagnostic psychological services to pupils 81230  
attending nonpublic schools within the district described in 81231  
division (E)(1) of section 3317.024 of the Revised Code. Such 81232  
services shall be provided in the school attended by the pupil 81233  
receiving the service. 81234

(E) To provide therapeutic psychological and speech and 81235  
hearing services to pupils attending nonpublic schools within the 81236  
district described in division (E)(1) of section 3317.024 of the 81237  
Revised Code. Such services shall be provided in the public 81238  
school, in nonpublic schools, in public centers, or in mobile 81239  
units located on or off of the nonpublic premises. If such 81240  
services are provided in the public school or in public centers, 81241  
transportation to and from such facilities shall be provided by 81242  
the school district in which the nonpublic school is located. 81243

(F) To provide guidance, counseling, and social work services 81244  
to pupils attending nonpublic schools within the district 81245  
described in division (E)(1) of section 3317.024 of the Revised 81246  
Code. Such services shall be provided in the public school, in 81247  
nonpublic schools, in public centers, or in mobile units located 81248  
on or off of the nonpublic premises. If such services are provided 81249  
in the public school or in public centers, transportation to and 81250  
from such facilities shall be provided by the school district in 81251  
which the nonpublic school is located. 81252

(G) To provide remedial services to pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(H) To supply for use by pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code such standardized tests and scoring services as are in use in the public schools of the state;

(I) To provide programs for children who attend nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code and are children with disabilities as defined in section 3323.01 of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such programs are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(J) To hire clerical personnel to assist in the administration of programs pursuant to divisions (B), (C), (D), (E), (F), (G), and (I) of this section and to hire supervisory personnel to supervise the providing of services and textbooks pursuant to this section.

(K) To purchase or lease any secular, neutral, and nonideological computer application software designed to assist students in performing a single task or multiple related tasks, device management software, learning management software,

site-licensing, digital video on demand (DVD), wide area 81285  
connectivity and related technology as it relates to internet 81286  
access, mathematics or science equipment and materials, 81287  
instructional materials, and school library materials that are in 81288  
general use in the public schools of the state and loan such items 81289  
to pupils attending nonpublic schools within the district 81290  
described in division (E)(1) of section 3317.024 of the Revised 81291  
Code or to their parents, and to hire clerical personnel to 81292  
administer the lending program. Only such items that are incapable 81293  
of diversion to religious use and that are susceptible of loan to 81294  
individual pupils and are furnished for the use of individual 81295  
pupils shall be purchased and loaned under this division. As used 81296  
in this section, "instructional materials" means prepared learning 81297  
materials that are secular, neutral, and nonideological in 81298  
character and are of benefit to the instruction of school 81299  
children. "Instructional materials" includes media content that a 81300  
student may access through the use of a computer or electronic 81301  
device. 81302

Mobile applications that are secular, neutral, and 81303  
nonideological in character and that are purchased for less than 81304  
twenty dollars for instructional use shall be considered to be 81305  
consumable and shall be distributed to students without the 81306  
expectation that the applications must be returned. 81307

(L) To purchase or lease instructional equipment, including 81308  
computer hardware and related equipment in general use in the 81309  
public schools of the state, for use by pupils attending nonpublic 81310  
schools within the district described in division (E)(1) of 81311  
section 3317.024 of the Revised Code and to loan such items to 81312  
pupils attending such nonpublic schools within the district or to 81313  
their parents, and to hire clerical personnel to administer the 81314  
lending program. "Computer hardware and related equipment" 81315  
includes desktop computers and workstations; laptop computers, 81316

computer tablets, and other mobile handheld devices; their 81317  
operating systems and accessories; and any equipment designed to 81318  
make accessible the environment of a classroom to a student, who 81319  
is physically unable to attend classroom activities due to 81320  
hospitalization or other circumstances, by allowing real-time 81321  
interaction with other students both one-on-one and in group 81322  
discussion. 81323

(M) To purchase mobile units to be used for the provision of 81324  
services pursuant to divisions (E), (F), (G), and (I) of this 81325  
section and to pay for necessary repairs and operating costs 81326  
associated with these units. 81327

(N) To reimburse costs the district incurred to store the 81328  
records of a chartered or accredited nonpublic school that closes. 81329  
Reimbursements under this division shall be made one time only for 81330  
each chartered or accredited nonpublic school described in 81331  
division (E)(1) of section 3317.024 of the Revised Code that 81332  
closes. 81333

(O) To purchase life-saving medical or other emergency 81334  
equipment for placement in nonpublic schools within the district 81335  
described in division (E)(1) of section 3317.024 of the Revised 81336  
Code or to maintain such equipment. 81337

(P) To procure and pay for security services from a county 81338  
sheriff or a township or municipal police force or from a person 81339  
certified through the Ohio peace officer training commission, in 81340  
accordance with section 109.78 of the Revised Code, as a special 81341  
police, security guard, or as a privately employed person serving 81342  
in a police capacity for nonpublic schools in the district 81343  
described in division (E)(1) of section 3317.024 of the Revised 81344  
Code. 81345

(Q) To provide language and academic support services and 81346  
other accommodations for English language learners attending 81347

nonpublic schools within the district described in division (E)(1) 81348  
of section 3317.024 of the Revised Code. 81349

Clerical and supervisory personnel hired pursuant to division 81350  
(J) of this section shall perform their services in the public 81351  
schools, in nonpublic schools, public centers, or mobile units 81352  
where the services are provided to the nonpublic school pupil, 81353  
except that such personnel may accompany pupils to and from the 81354  
service sites when necessary to ensure the safety of the children 81355  
receiving the services. 81356

All services provided pursuant to this section may be 81357  
provided under contract with educational service centers, the 81358  
department of health, city or general health districts, or private 81359  
agencies whose personnel are properly licensed by an appropriate 81360  
state board or agency. 81361

Transportation of pupils provided pursuant to divisions (E), 81362  
(F), (G), and (I) of this section shall be provided by the school 81363  
district from its general funds and not from moneys paid to it 81364  
under division (E)(1) of section 3317.024 of the Revised Code 81365  
unless a special transportation request is submitted by the parent 81366  
of the child receiving service pursuant to such divisions. If such 81367  
an application is presented to the school district, it may pay for 81368  
the transportation from moneys paid to it under division (E)(1) of 81369  
section 3317.024 of the Revised Code. 81370

No school district shall provide health or remedial services 81371  
to nonpublic school pupils as authorized by this section unless 81372  
such services are available to pupils attending the public schools 81373  
within the district. 81374

Materials, equipment, computer hardware or software, 81375  
textbooks, digital texts, and health and remedial services 81376  
provided for the benefit of nonpublic school pupils pursuant to 81377  
this section and the admission of pupils to such nonpublic schools 81378

shall be provided without distinction as to race, creed, color, or 81379  
national origin of such pupils or of their teachers. 81380

No school district shall provide services, materials, or 81381  
equipment that contain religious content for use in religious 81382  
courses, devotional exercises, religious training, or any other 81383  
religious activity. 81384

As used in this section, "parent" includes a person standing 81385  
in loco parentis to a child. 81386

As used in this section, "accredited nonpublic school" means 81387  
an accredited nonpublic school as described in section 3301.165 of 81388  
the Revised Code. 81389

Notwithstanding section 3317.01 of the Revised Code, payments 81390  
shall be made under this section to any city, local, or exempted 81391  
village school district within which is located one or more 81392  
nonpublic elementary or high schools described in division (E)(1) 81393  
of section 3317.024 of the Revised Code and any payments made to 81394  
school districts under division (E)(1) of section 3317.024 of the 81395  
Revised Code for purposes of this section may be disbursed without 81396  
submission to and approval of the controlling board. 81397

The allocation of payments for materials, equipment, 81398  
textbooks, digital texts, health services, and remedial services 81399  
to city, local, and exempted village school districts shall be on 81400  
the basis of the state board of education's estimated annual 81401  
average daily membership in nonpublic elementary and high schools 81402  
located in the district described in division (E)(1) of section 81403  
3317.024 of the Revised Code. 81404

Payments made to city, local, and exempted village school 81405  
districts under this section shall be equal to specific 81406  
appropriations made for the purpose. All interest earned by a 81407  
school district on such payments shall be used by the district for 81408  
the same purposes and in the same manner as the payments may be 81409

used. 81410

The department of education shall adopt guidelines and 81411  
procedures under which such programs and services shall be 81412  
provided, under which districts shall be reimbursed for 81413  
administrative costs incurred in providing such programs and 81414  
services, and under which any unexpended balance of the amounts 81415  
appropriated by the general assembly to implement this section may 81416  
be transferred to the auxiliary services personnel unemployment 81417  
compensation fund established pursuant to section 4141.47 of the 81418  
Revised Code. The department shall also adopt guidelines and 81419  
procedures limiting the purchase and loan of the items described 81420  
in division (K) of this section to items that are in general use 81421  
in the public schools of the state, that are incapable of 81422  
diversion to religious use, and that are susceptible to individual 81423  
use rather than classroom use. Within thirty days after the end of 81424  
each biennium, each board of education shall remit to the 81425  
department all moneys paid to it under division (E)(1) of section 81426  
3317.024 of the Revised Code and any interest earned on those 81427  
moneys that are not required to pay expenses incurred under this 81428  
section during the biennium for which the money was appropriated 81429  
and during which the interest was earned. If a board of education 81430  
subsequently determines that the remittal of moneys leaves the 81431  
board with insufficient money to pay all valid expenses incurred 81432  
under this section during the biennium for which the remitted 81433  
money was appropriated, the board may apply to the department of 81434  
education for a refund of money, not to exceed the amount of the 81435  
insufficiency. If the department determines the expenses were 81436  
lawfully incurred and would have been lawful expenditures of the 81437  
refunded money, it shall certify its determination and the amount 81438  
of the refund to be made to the director of job and family 81439  
services who shall make a refund as provided in section 4141.47 of 81440  
the Revised Code. 81441

Each school district shall label materials, equipment, 81442  
computer hardware or software, textbooks, and digital texts 81443  
purchased or leased for loan to a nonpublic school under this 81444  
section, acknowledging that they were purchased or leased with 81445  
state funds under this section. However, a district need not label 81446  
materials, equipment, computer hardware or software, textbooks, or 81447  
digital texts that the district determines are consumable in 81448  
nature or have a value of less than two hundred dollars. 81449

**Sec. 3317.062.** (A) Moneys paid to chartered and accredited 81450  
nonpublic schools under division (E)(2) of section 3317.024 of the 81451  
Revised Code shall be used for one or more of the following 81452  
purposes: 81453

(1) To purchase secular textbooks or digital texts, as 81454  
defined in divisions (A)(1) and (2) of section 3317.06 of the 81455  
Revised Code, as have been approved by the superintendent of 81456  
public instruction for use in public schools in the state; 81457

(2) To provide the services described in divisions (B), (C), 81458  
(D), and (Q) of section 3317.06 of the Revised Code; 81459

(3) To provide the services described in divisions (E), (F), 81460  
(G), and (I) of section 3317.06 of the Revised Code. If such 81461  
services are provided in public schools or in public centers, 81462  
transportation to and from such facilities shall be provided by 81463  
the nonpublic school. 81464

(4) To supply for use by pupils attending the school such 81465  
standardized tests and scoring services as are in use in the 81466  
public schools of the state; 81467

(5) To hire clerical personnel to assist in the 81468  
administration of divisions (A)(2), (3), and (4) of this section 81469  
and to hire supervisory personnel to supervise the providing of 81470  
services and textbooks pursuant to this section. These personnel 81471

shall perform their services in the public schools, in nonpublic 81472  
schools, public centers, or mobile units where the services are 81473  
provided to the nonpublic school pupil, except that such personnel 81474  
may accompany pupils to and from the service sites when necessary 81475  
to ensure the safety of the children receiving the services. All 81476  
services provided pursuant to this section may be provided under 81477  
contract with school districts, educational service centers, the 81478  
department of health, city or general health districts, or private 81479  
agencies whose personnel are properly licensed by an appropriate 81480  
state board or agency. 81481

(6) To purchase any of the materials described in division 81482  
(K) of section 3317.06 of the Revised Code; 81483

(7) To purchase any of the equipment described in division 81484  
(L) of section 3317.06 of the Revised Code; 81485

(8) To purchase mobile units to be used for the provision of 81486  
services pursuant to division (A)(3) of this section and to pay 81487  
for necessary repairs and operating costs associated with these 81488  
units; 81489

(9) To purchase the equipment described in division (O) of 81490  
section 3317.06 of the Revised Code; 81491

(10) To procure and pay for security services described in 81492  
division (P) of section 3317.06 of the Revised Code. 81493

(B) Materials, equipment, computer hardware and software, 81494  
textbooks, digital texts, and health and remedial services 81495  
provided pursuant to this section and the admission of pupils to 81496  
nonpublic schools shall be provided without distinction as to 81497  
race, creed, color, or national origin of such pupils or of their 81498  
teachers. 81499

(C) Any interest earned by a chartered nonpublic school on 81500  
moneys paid to it under division (E)(2) of section 3317.024 of the 81501  
Revised Code shall be used by the school for the same purposes and 81502

in the same manner as the payments may be used under this section. 81503

(D) The department of education shall adopt guidelines and 81504  
procedures regarding both of the following: 81505

(1) The expenditure of moneys under this section; 81506

(2) The audit of nonpublic schools receiving funds under this 81507  
section to ensure the appropriate use of funds. 81508

(E) The department shall adopt a rule specifying the party 81509  
that owns any property purchased by a chartered nonpublic school 81510  
with moneys paid under division (E)(2) of section 3317.024 of the 81511  
Revised Code. The rule shall include procedures for disposal of 81512  
the property by the designated owner when appropriate. 81513

(F) Within thirty days after the end of each biennium, each 81514  
chartered nonpublic school shall remit to the department all 81515  
moneys paid to it under division (E)(2) of section 3317.024 of the 81516  
Revised Code and any interest earned on those moneys that are not 81517  
required to pay expenses incurred under this section during the 81518  
biennium for which the moneys were appropriated and during which 81519  
the interest was earned. If a school subsequently determines that 81520  
the remittal of moneys leaves the school with insufficient money 81521  
to pay all valid expenses incurred under this section during the 81522  
biennium for which the remitted moneys were appropriated, the 81523  
school may apply to the department for a refund of money, not to 81524  
exceed the amount of the insufficiency. If the department 81525  
determines the expenses were lawfully incurred and would have been 81526  
lawful expenditures of the refunded money, the department shall 81527  
make a refund in the necessary amount. 81528

(G) As used in this section, "accredited nonpublic school" 81529  
means an accredited nonpublic school as described in section 81530  
3301.165 of the Revised Code. 81531

**Sec. 3317.063.** The superintendent of public instruction, in 81532

accordance with rules adopted by the department of education, 81533  
shall annually reimburse each chartered nonpublic school and each 81534  
accredited nonpublic school as described in section 3301.165 of 81535  
the Revised Code for the actual mandated service administrative 81536  
and clerical costs incurred by such school during the preceding 81537  
school year in preparing, maintaining, and filing reports, forms, 81538  
and records, and in providing such other administrative and 81539  
clerical services that are not an integral part of the teaching 81540  
process as may be required by state law or rule or by requirements 81541  
duly promulgated by city, exempted village, or local school 81542  
districts. The mandated service costs reimbursed pursuant to this 81543  
section shall include, but are not limited to, the preparation, 81544  
filing and maintenance of forms, reports, or records and other 81545  
clerical and administrative services relating to state chartering 81546  
or approval of the nonpublic school, pupil attendance, pupil 81547  
health and health testing, transportation of pupils, federally 81548  
funded education programs, pupil appraisal, pupil progress, 81549  
educator licensure, unemployment and workers' compensation, 81550  
transfer of pupils, and such other education related data which 81551  
are now or hereafter shall be required of such nonpublic school by 81552  
state law or rule, or by requirements of the state department of 81553  
education, other state agencies, or city, exempted village, or 81554  
local school districts. 81555

The reimbursement required by this section shall be for 81556  
school years beginning on or after July 1, 1981. 81557

Each nonpublic school which seeks reimbursement pursuant to 81558  
this section shall submit to the superintendent of public 81559  
instruction an application together with such additional reports 81560  
and documents as the department of education may require. Such 81561  
application, reports, and documents shall contain such information 81562  
as the department of education may prescribe in order to carry out 81563  
the purposes of this section. No payment shall be made until the 81564

superintendent of public instruction has approved such 81565  
application. 81566

Each nonpublic school which applies for reimbursement 81567  
pursuant to this section shall maintain a separate account or 81568  
system of accounts for the expenses incurred in rendering the 81569  
required services for which reimbursement is sought. Such accounts 81570  
shall contain such information as is required by the department of 81571  
education and shall be maintained in accordance with rules adopted 81572  
by the department of education. 81573

Reimbursement payments to a nonpublic school pursuant to this 81574  
section shall not exceed an amount for each school year equal to 81575  
three hundred sixty dollars per pupil enrolled in that nonpublic 81576  
school. 81577

The superintendent of public instruction may, from time to 81578  
time, examine any and all accounts and records of a nonpublic 81579  
school which have been maintained pursuant to this section in 81580  
support of an application for reimbursement, for the purpose of 81581  
determining the costs to such school of rendering the services for 81582  
which reimbursement is sought. If after such audit it is 81583  
determined that any school has received funds in excess of the 81584  
actual cost of providing such services, said school shall 81585  
immediately reimburse the state in such excess amount. 81586

Any payments made to chartered or accredited nonpublic 81587  
schools under this section may be disbursed without submission to 81588  
and approval of the controlling board. 81589

**Sec. 3317.13.** (A) As used in this section and section 3317.14 81590  
of the Revised Code: 81591

(1) "Years of service" includes the following: 81592

(a) All years of teaching service in the same school district 81593  
or educational service center, regardless of training level, with 81594

each year consisting of at least one hundred twenty days under a teacher's contract; 81595  
81596

(b) All years of teaching service in a chartered, ~~or an~~ accredited nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract. For purposes of this division, "accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code. 81597  
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(c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; and 81605  
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(d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year. 81613  
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(2) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board. 81619  
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(B) No teacher shall be paid a salary less than that provided in the schedule set forth in division (C) of this section. In calculating the minimum salary any teacher shall be paid pursuant 81623  
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to this section, years of service shall include the sum of all 81626  
years of the teacher's teaching service included in divisions 81627  
(A)(1)(a), (b), (c), and (d) of this section; except that any 81628  
school district or educational service center employing a teacher 81629  
new to the district or educational service center shall grant such 81630  
teacher a total of not more than ten years of service pursuant to 81631  
divisions (A)(1)(b), (c), and (d) of this section. 81632

Upon written complaint to the superintendent of public 81633  
instruction that the board of education of a district or the 81634  
governing board of an educational service center governing board 81635  
has failed or refused to annually adopt a salary schedule or to 81636  
pay salaries in accordance with the salary schedule set forth in 81637  
division (C) of this section, the superintendent of public 81638  
instruction shall cause to be made an immediate investigation of 81639  
such complaint. If the superintendent finds that the conditions 81640  
complained of exist, the superintendent shall order the board to 81641  
correct such conditions within ten days from the date of the 81642  
finding. No moneys shall be distributed to the district or 81643  
educational service center under this chapter until the 81644  
superintendent has satisfactory evidence of the board of 81645  
education's full compliance with such order. 81646

Each teacher shall be fully credited with placement in the 81647  
appropriate academic training level column in the district's or 81648  
educational service center's salary schedule with years of service 81649  
properly credited pursuant to this section or section 3317.14 of 81650  
the Revised Code. No rule shall be adopted or exercised by any 81651  
board of education or educational service center governing board 81652  
which restricts the placement or the crediting of annual salary 81653  
increments for any teacher according to the appropriate academic 81654  
training level column. 81655

(C) Minimum salaries exclusive of retirement and sick leave 81656  
for teachers shall be as follows: 81657

	Teachers		Teachers with		Teachers				
Years of Service	with Less than Bachelor's Degree	Teachers with a Bachelor's Degree	Five Years of Training, but no Master's Degree	Five Years of Training, but no Master's Degree	with a Master's Degree or Higher				
	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*	Per Dollar Cent*			
0	86.5	\$17,300	100.0	\$20,000	103.8	\$20,760	109.5	\$21,900	81658
1	90.0	18,000	103.8	20,760	108.1	21,620	114.3	22,860	81659
2	93.5	18,700	107.6	21,520	112.4	22,480	119.1	23,820	81660
3	97.0	19,400	111.4	22,280	116.7	23,340	123.9	24,780	81661
4	100.5	20,100	115.2	23,040	121.0	24,200	128.7	25,740	81662
5	104.0	20,800	119.0	23,800	125.3	25,060	133.5	26,700	81663
6	104.0	20,800	122.8	24,560	129.6	25,920	138.3	27,660	81664
7	104.0	20,800	126.6	25,320	133.9	26,780	143.1	28,620	81665
8	104.0	20,800	130.4	26,080	138.2	27,640	147.9	29,580	81666
9	104.0	20,800	134.2	26,840	142.5	28,500	152.7	30,540	81667
10	104.0	20,800	138.0	27,600	146.8	29,360	157.5	31,500	81668
11	104.0	20,800	141.8	28,360	151.1	30,220	162.3	32,460	81669

\* Percentages represent the percentage which each salary is of the base amount. 81677  
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For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience. 81679  
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As used in this division: 81688

(1) "Base amount" means twenty thousand dollars. 81689

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university.

(D) For purposes of this section, all credited training shall be from a recognized college or university.

**Sec. 3319.311.** (A)(1) The state board of education, or the superintendent of public instruction on behalf of the board, may investigate any information received about a person that reasonably appears to be a basis for action under section 3319.31 of the Revised Code, including information received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, or 5153.176 of the Revised Code. Except as provided in division (A)(2) of this section, the board shall contract with the office of the Ohio attorney general to conduct any investigation of that nature. The board shall pay for the costs of the contract only from moneys in the state board of education licensure fund established under section 3319.51 of the Revised Code. Except as provided in division (A)(2) of this section, all information received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, or 5153.176 of the Revised Code, and all information obtained during an investigation is confidential and is not a public record under section 149.43 of the Revised Code. If an investigation is conducted under this division regarding information received about a person and no action is taken against the person under this section or section 3319.31 of the Revised Code within two years of the completion of the investigation, all records of the investigation shall be expunged.

(2) In the case of a person about whom the board has learned of a plea of guilty to, finding of guilt by a jury or court of, or a conviction of an offense listed in division (C) of section 3319.31 of the Revised Code, or substantially comparable conduct

occurring in a jurisdiction outside this state, the board or the 81721  
superintendent of public instruction need not conduct any further 81722  
investigation and shall take the action required by division (C) 81723  
or (F) of that section. Except as provided in division (G) of this 81724  
section, all information obtained by the board or the 81725  
superintendent of public instruction pertaining to the action is a 81726  
public record under section 149.43 of the Revised Code. 81727

(B) The superintendent of public instruction shall review the 81728  
results of each investigation of a person conducted under division 81729  
(A)(1) of this section and shall determine, on behalf of the state 81730  
board, whether the results warrant initiating action under 81731  
division (B) of section 3319.31 of the Revised Code. The 81732  
superintendent shall advise the board of such determination at a 81733  
meeting of the board. Within fourteen days of the next meeting of 81734  
the board, any member of the board may ask that the question of 81735  
initiating action under section 3319.31 of the Revised Code be 81736  
placed on the board's agenda for that next meeting. Prior to 81737  
initiating that action against any person, the person's name and 81738  
any other personally identifiable information shall remain 81739  
confidential. 81740

(C) The board shall take no action against a person under 81741  
division (B) of section 3319.31 of the Revised Code without 81742  
providing the person with written notice of the charges and with 81743  
an opportunity for a hearing in accordance with Chapter 119. of 81744  
the Revised Code. 81745

(D) For purposes of an investigation under division (A)(1) of 81746  
this section or a hearing under division (C) of this section or 81747  
under division (E)(2) of section 3319.31 of the Revised Code, the 81748  
board, or the superintendent on behalf of the board, may 81749  
administer oaths, order the taking of depositions, issue 81750  
subpoenas, and compel the attendance of witnesses and the 81751  
production of books, accounts, papers, records, documents, and 81752

testimony. The issuance of subpoenas under this division may be by 81753  
certified mail or personal delivery to the person. 81754

(E) The superintendent, on behalf of the board, may enter 81755  
into a consent agreement with a person against whom action is 81756  
being taken under division (B) of section 3319.31 of the Revised 81757  
Code. The board may adopt rules governing the superintendent's 81758  
action under this division. 81759

(F) No surrender of a license shall be effective until the 81760  
board takes action to accept the surrender unless the surrender is 81761  
pursuant to a consent agreement entered into under division (E) of 81762  
this section. 81763

(G) The name of any person who is not required to report 81764  
information under section 3314.40, 3319.313, 3326.24, 3328.19, 81765  
5126.253, or 5153.176 of the Revised Code, but who in good faith 81766  
provides information to the state board or superintendent of 81767  
public instruction about alleged misconduct committed by a person 81768  
who holds a license or has applied for issuance or renewal of a 81769  
license, shall be confidential and shall not be released. Any such 81770  
person shall be immune from any civil liability that otherwise 81771  
might be incurred or imposed for injury, death, or loss to person 81772  
or property as a result of the provision of that information. 81773

(H)(1) No person shall knowingly make a false report to the 81774  
superintendent of public instruction or the state board of 81775  
education alleging misconduct by an employee of a public ~~or~~ 81776  
school, chartered nonpublic school, or accredited nonpublic school 81777  
described in section 3301.165 of the Revised Code or an employee 81778  
of the operator of a community school established under Chapter 81779  
3314. or a college-preparatory boarding school established under 81780  
Chapter 3328. of the Revised Code. 81781

(2)(a) In any civil action brought against a person in which 81782  
it is alleged and proved that the person violated division (H)(1) 81783

of this section, the court shall award the prevailing party 81784  
reasonable attorney's fees and costs that the prevailing party 81785  
incurred in the civil action or as a result of the false report 81786  
that was the basis of the violation. 81787

(b) If a person is convicted of or pleads guilty to a 81788  
violation of division (H)(1) of this section, if the subject of 81789  
the false report that was the basis of the violation was charged 81790  
with any violation of a law or ordinance as a result of the false 81791  
report, and if the subject of the false report is found not to be 81792  
guilty of the charges brought against the subject as a result of 81793  
the false report or those charges are dismissed, the court that 81794  
sentences the person for the violation of division (H)(1) of this 81795  
section, as part of the sentence, shall order the person to pay 81796  
restitution to the subject of the false report, in an amount equal 81797  
to reasonable attorney's fees and costs that the subject of the 81798  
false report incurred as a result of or in relation to the 81799  
charges. 81800

**Sec. 3319.313.** (A) As used in this section: 81801

(1) "Conduct unbecoming to the teaching profession" shall be 81802  
as described in rules adopted by the state board of education. 81803

(2) "Intervention in lieu of conviction" means intervention 81804  
in lieu of conviction under section 2951.041 of the Revised Code. 81805

(3) "License" has the same meaning as in section 3319.31 of 81806  
the Revised Code. 81807

(4) "Pre-trial diversion program" means a pre-trial diversion 81808  
program under section 2935.36 of the Revised Code or a similar 81809  
diversion program under rules of a court. 81810

(5) "Accredited nonpublic school" means an accredited 81811  
nonpublic school as described in section 3301.165 of the Revised 81812  
Code. 81813

(B) The superintendent of each school district and each 81814  
educational service center or the president of the district or 81815  
service center board, if division (C)(1) of this section applies, 81816  
and the chief administrator of each chartered or accredited 81817  
nonpublic school or the president or chairperson of the governing 81818  
authority of the nonpublic school, if division (C)(2) of this 81819  
section applies, shall promptly submit to the superintendent of 81820  
public instruction the information prescribed in division (D) of 81821  
this section when any of the following conditions applies to an 81822  
employee of the district, service center, or nonpublic school who 81823  
holds a license issued by the state board of education: 81824

(1) The superintendent, chief administrator, president, or 81825  
chairperson knows that the employee has pleaded guilty to, has 81826  
been found guilty by a jury or court of, has been convicted of, 81827  
has been found to be eligible for intervention in lieu of 81828  
conviction for, or has agreed to participate in a pre-trial 81829  
diversion program for an offense described in division (B)(2) or 81830  
(C) of section 3319.31 or division (B)(1) of section 3319.39 of 81831  
the Revised Code; 81832

(2) The district board of education, service center governing 81833  
board, or nonpublic school chief administrator or governing 81834  
authority has initiated termination or nonrenewal proceedings 81835  
against, has terminated, or has not renewed the contract of the 81836  
employee because the board of education, governing board, or chief 81837  
administrator has reasonably determined that the employee has 81838  
committed an act that is unbecoming to the teaching profession or 81839  
an offense described in division (B)(2) or (C) of section 3319.31 81840  
or division (B)(1) of section 3319.39 of the Revised Code; 81841

(3) The employee has resigned under threat of termination or 81842  
nonrenewal as described in division (B)(2) of this section; 81843

(4) The employee has resigned because of or in the course of 81844  
an investigation by the board of education, governing board, or 81845

chief administrator regarding whether the employee has committed 81846  
an act that is unbecoming to the teaching profession or an offense 81847  
described in division (B)(2) or (C) of section 3319.31 or division 81848  
(B)(1) of section 3319.39 of the Revised Code. 81849

(C)(1) If the employee to whom any of the conditions 81850  
prescribed in divisions (B)(1) to (4) of this section applies is 81851  
the superintendent or treasurer of a school district or 81852  
educational service center, the president of the board of 81853  
education of the school district or of the governing board of the 81854  
educational service center shall make the report required under 81855  
this section. 81856

(2) If the employee to whom any of the conditions prescribed 81857  
in divisions (B)(1) to (4) of this section applies is the chief 81858  
administrator of a chartered or an accredited nonpublic school, 81859  
the president or chairperson of the governing authority of the 81860  
chartered or accredited nonpublic school shall make the report 81861  
required under this section. 81862

(D) If a report is required under this section, the 81863  
superintendent, chief administrator, president, or chairperson 81864  
shall submit to the superintendent of public instruction the name 81865  
and social security number of the employee about whom the 81866  
information is required and a factual statement regarding any of 81867  
the conditions prescribed in divisions (B)(1) to (4) of this 81868  
section that applies to the employee. 81869

(E) A determination made by the board of education, governing 81870  
board, chief administrator, or governing authority as described in 81871  
division (B)(2) of this section or a termination, nonrenewal, 81872  
resignation, or other separation described in divisions (B)(2) to 81873  
(4) of this section does not create a presumption of the 81874  
commission or lack of the commission by the employee of an act 81875  
unbecoming to the teaching profession or an offense described in 81876  
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 81877

section 3319.39 of the Revised Code. 81878

(F) No individual required to submit a report under division 81879  
(B) of this section shall knowingly fail to comply with that 81880  
division. 81881

(G) An individual who provides information to the 81882  
superintendent of public instruction in accordance with this 81883  
section in good faith shall be immune from any civil liability 81884  
that otherwise might be incurred or imposed for injury, death, or 81885  
loss to person or property as a result of the provision of that 81886  
information. 81887

**Sec. 3319.314.** The board of education of each school 81888  
district, the governing board of each educational service center, 81889  
~~and~~ the chief administrator of each chartered nonpublic school, 81890  
and the chief administrator of each accredited nonpublic school 81891  
operating under section 3301.165 of the Revised Code shall require 81892  
that the reports of any investigation by the district board of 81893  
education, service center governing board, or nonpublic school 81894  
chief administrator of an employee regarding whether the employee 81895  
has committed an act or offense for which the district or service 81896  
center superintendent or board president or nonpublic school chief 81897  
administrator or governing authority president or chairperson is 81898  
required to make a report to the superintendent of public 81899  
instruction under section 3319.313 of the Revised Code be kept in 81900  
the employee's personnel file. If, after an investigation under 81901  
division (A) of section 3319.311 of the Revised Code, the 81902  
superintendent of public instruction determines that the results 81903  
of that investigation do not warrant initiating action under 81904  
section 3319.31 of the Revised Code, the board of education, 81905  
governing board, or chief administrator shall require the reports 81906  
of the board's or chief administrator's investigation to be moved 81907  
from the employee's personnel file to a separate public file. 81908

Sec. 3319.317. (A) As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code.

(B) No employee of a school district or educational service center shall do either of the following:

(1) Knowingly make a false report to the district or service center superintendent, or the superintendent's designee, alleging misconduct by another employee of the district or service center;

(2) Knowingly cause the district or service center superintendent, or the superintendent's designee, to make a false report of the alleged misconduct to the superintendent of public instruction or the state board of education.

(C) Any employee of a school district or educational service center who in good faith reports to the district or service center superintendent, or the superintendent's designee, information about alleged misconduct committed by another employee of the district or service center shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the reporting of that information.

If the alleged misconduct involves a person who holds a license but the district or service center superintendent is not required to submit a report to the superintendent of public instruction under section 3319.313 of the Revised Code and the district or service center superintendent, or the superintendent's designee, in good faith reports the alleged misconduct to the superintendent of public instruction or the state board, the district or service center superintendent, or the superintendent's designee, shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the reporting of that information.

(D) No employee of a chartered nonpublic school or accredited nonpublic school described in section 3301.165 of the Revised Code shall do either of the following:

(1) Knowingly make a false report to the chief administrator of the school, or the chief administrator's designee, alleging misconduct by another employee of the school;

(2) Knowingly cause the chief administrator, or the chief administrator's designee, to make a false report of the alleged misconduct to the superintendent of public instruction or the state board.

(E) Any employee of a chartered nonpublic school or accredited nonpublic school who in good faith reports to the chief administrator of the school, or the chief administrator's designee, information about alleged misconduct committed by another employee of the school shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the reporting of that information.

If the alleged misconduct involves a person who holds a license but the chief administrator is not required to submit a report to the superintendent of public instruction under section 3319.313 of the Revised Code and the chief administrator, or the chief administrator's designee, in good faith reports the alleged misconduct to the superintendent of public instruction or the state board, the chief administrator, or the chief administrator's designee, shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the reporting of that information.

(F)(1) In any civil action brought against a person in which it is alleged and proved that the person violated division (B) or (D) of this section, the court shall award the prevailing party

reasonable attorney's fees and costs that the prevailing party 81970  
incurred in the civil action or as a result of the false report 81971  
that was the basis of the violation. 81972

(2) If a person is convicted of or pleads guilty to a 81973  
violation of division (B) or (D) of this section, if the subject 81974  
of the false report that was the basis of the violation was 81975  
charged with any violation of a law or ordinance as a result of 81976  
the false report, and if the subject of the false report is found 81977  
not to be guilty of the charges brought against the subject as a 81978  
result of the false report or those charges are dismissed, the 81979  
court that sentences the person for the violation of division (B) 81980  
or (D) of this section, as part of the sentence, shall order the 81981  
person to pay restitution to the subject of the false report, in 81982  
an amount equal to reasonable attorney's fees and costs that the 81983  
subject of the false report incurred as a result of or in relation 81984  
to the charges. 81985

**Sec. 3319.39.** (A)(1) Except as provided in division (F)(2)(b) 81986  
of section 109.57 of the Revised Code, the appointing or hiring 81987  
officer of the board of education of a school district, the 81988  
governing board of an educational service center, or of a 81989  
chartered or accredited nonpublic school shall request the 81990  
superintendent of the bureau of criminal identification and 81991  
investigation to conduct a criminal records check with respect to 81992  
any applicant who has applied to the school district, educational 81993  
service center, or school for employment in any position. The 81994  
appointing or hiring officer shall request that the superintendent 81995  
include information from the federal bureau of investigation in 81996  
the criminal records check, unless all of the following apply to 81997  
the applicant: 81998

(a) The applicant is applying to be an instructor of adult 81999  
education. 82000

(b) The duties of the position for which the applicant is applying do not involve routine interaction with a child or regular responsibility for the care, custody, or control of a child or, if the duties do involve such interaction or responsibility, during any period of time in which the applicant, if hired, has such interaction or responsibility, another employee of the school district, educational service center, or chartered or accredited nonpublic school will be present in the same room with the child or, if outdoors, will be within a thirty-yard radius of the child or have visual contact with the child.

(c) The applicant presents proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or provides evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check.

(2) A person required by division (A)(1) of this section to request a criminal records check shall provide to each applicant a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (A)(1) of this section.

(3) An applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that

section and who is requested to complete the form and provide a 82033  
set of fingerprint impressions shall complete the form or provide 82034  
all the information necessary to complete the form and shall 82035  
provide the impression sheet with the impressions of the 82036  
applicant's fingerprints. If an applicant, upon request, fails to 82037  
provide the information necessary to complete the form or fails to 82038  
provide impressions of the applicant's fingerprints, the board of 82039  
education of a school district, governing board of an educational 82040  
service center, or governing authority of a chartered nonpublic 82041  
school shall not employ that applicant for any position. 82042

(4) Notwithstanding any provision of this section to the 82043  
contrary, an applicant who meets the conditions prescribed in 82044  
divisions (A)(1)(a) and (b) of this section and who, within the 82045  
two-year period prior to the date of application, was the subject 82046  
of a criminal records check under this section prior to being 82047  
hired for short-term employment with the school district, 82048  
educational service center, or chartered or accredited nonpublic 82049  
school to which application is being made shall not be required to 82050  
undergo a criminal records check prior to the applicant's rehiring 82051  
by that district, service center, or school. 82052

(B)(1) Except as provided in rules adopted by the department 82053  
of education in accordance with division (E) of this section and 82054  
as provided in division (B)(3) of this section, no board of 82055  
education of a school district, no governing board of an 82056  
educational service center, and no governing authority of a 82057  
chartered or accredited nonpublic school shall employ a person if 82058  
the person previously has been convicted of or pleaded guilty to 82059  
any of the following: 82060

(a) A violation of section 2903.01, 2903.02, 2903.03, 82061  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 82062  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 82063  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 82064

2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 82065  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 82066  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 82067  
2925.06, or 3716.11 of the Revised Code, a violation of section 82068  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 82069  
violation of section 2919.23 of the Revised Code that would have 82070  
been a violation of section 2905.04 of the Revised Code as it 82071  
existed prior to July 1, 1996, had the violation been committed 82072  
prior to that date, a violation of section 2925.11 of the Revised 82073  
Code that is not a minor drug possession offense, or felonious 82074  
sexual penetration in violation of former section 2907.12 of the 82075  
Revised Code; 82076

(b) A violation of an existing or former law of this state, 82077  
another state, or the United States that is substantially 82078  
equivalent to any of the offenses or violations described in 82079  
division (B)(1)(a) of this section. 82080

(2) A board, governing board of an educational service 82081  
center, or a governing authority of a chartered or accredited 82082  
nonpublic school may employ an applicant conditionally until the 82083  
criminal records check required by this section is completed and 82084  
the board or governing authority receives the results of the 82085  
criminal records check. If the results of the criminal records 82086  
check indicate that, pursuant to division (B)(1) of this section, 82087  
the applicant does not qualify for employment, the board or 82088  
governing authority shall release the applicant from employment. 82089

(3) No board and no governing authority of a chartered or 82090  
accredited nonpublic school shall employ a teacher who previously 82091  
has been convicted of or pleaded guilty to any of the offenses 82092  
listed in section 3319.31 of the Revised Code. 82093

(C)(1) Each board and each governing authority of a chartered 82094  
or accredited nonpublic school shall pay to the bureau of criminal 82095  
identification and investigation the fee prescribed pursuant to 82096

division (C)(3) of section 109.572 of the Revised Code for each 82097  
criminal records check conducted in accordance with that section 82098  
upon the request pursuant to division (A)(1) of this section of 82099  
the appointing or hiring officer of the board or governing 82100  
authority. 82101

(2) A board and the governing authority of a chartered or 82102  
accredited nonpublic school may charge an applicant a fee for the 82103  
costs it incurs in obtaining a criminal records check under this 82104  
section. A fee charged under this division shall not exceed the 82105  
amount of fees the board or governing authority pays under 82106  
division (C)(1) of this section. If a fee is charged under this 82107  
division, the board or governing authority shall notify the 82108  
applicant at the time of the applicant's initial application for 82109  
employment of the amount of the fee and that, unless the fee is 82110  
paid, the board or governing authority will not consider the 82111  
applicant for employment. 82112

(D) The report of any criminal records check conducted by the 82113  
bureau of criminal identification and investigation in accordance 82114  
with section 109.572 of the Revised Code and pursuant to a request 82115  
under division (A)(1) of this section is not a public record for 82116  
the purposes of section 149.43 of the Revised Code and shall not 82117  
be made available to any person other than the applicant who is 82118  
the subject of the criminal records check or the applicant's 82119  
representative, the board or governing authority requesting the 82120  
criminal records check or its representative, and any court, 82121  
hearing officer, or other necessary individual involved in a case 82122  
dealing with the denial of employment to the applicant. 82123

(E) The department of education shall adopt rules pursuant to 82124  
Chapter 119. of the Revised Code to implement this section, 82125  
including rules specifying circumstances under which the board or 82126  
governing authority may hire a person who has been convicted of an 82127  
offense listed in division (B)(1) or (3) of this section but who 82128

meets standards in regard to rehabilitation set by the department. 82129

The department shall amend rule 3301-83-23 of the Ohio 82130  
Administrative Code that took effect August 27, 2009, and that 82131  
specifies the offenses that disqualify a person for employment as 82132  
a school bus or school van driver and establishes rehabilitation 82133  
standards for school bus and school van drivers. 82134

(F) Any person required by division (A)(1) of this section to 82135  
request a criminal records check shall inform each person, at the 82136  
time of the person's initial application for employment, of the 82137  
requirement to provide a set of fingerprint impressions and that a 82138  
criminal records check is required to be conducted and 82139  
satisfactorily completed in accordance with section 109.572 of the 82140  
Revised Code if the person comes under final consideration for 82141  
appointment or employment as a precondition to employment for the 82142  
school district, educational service center, or school for that 82143  
position. 82144

(G) As used in this section: 82145

(1) "Accredited nonpublic school" means an accredited 82146  
nonpublic school as described in section 3301.165 of the Revised 82147  
Code. 82148

(2) "Applicant" means a person who is under final 82149  
consideration for appointment or employment in a position with a 82150  
board of education, governing board of an educational service 82151  
center, or a chartered nonpublic school, except that "applicant" 82152  
does not include a person already employed by a board or chartered 82153  
nonpublic school who is under consideration for a different 82154  
position with such board or school. 82155

~~(2)~~(3) "Teacher" means a person holding an educator license 82156  
or permit issued under section 3319.22 or 3319.301 of the Revised 82157  
Code and teachers in a chartered nonpublic school. 82158

~~(3)~~(4) "Criminal records check" has the same meaning as in 82159

section 109.572 of the Revised Code. 82160

~~(4)~~(5) "Minor drug possession offense" has the same meaning 82161  
as in section 2925.01 of the Revised Code. 82162

(H) If the board of education of a local school district 82163  
adopts a resolution requesting the assistance of the educational 82164  
service center in which the local district has territory in 82165  
conducting criminal records checks of substitute teachers and 82166  
substitutes for other district employees under this section, the 82167  
appointing or hiring officer of such educational service center 82168  
shall serve for purposes of this section as the appointing or 82169  
hiring officer of the local board in the case of hiring substitute 82170  
teachers and other substitute employees for the local district. 82171

**Sec. 3319.391.** This section applies to any person hired by a 82172  
school district, educational service center, or chartered 82173  
nonpublic school, or accredited nonpublic school as described in 82174  
section 3301.165 of the Revised Code in any position that does not 82175  
require a "license" issued by the state board of education, as 82176  
defined in section 3319.31 of the Revised Code, and is not for the 82177  
operation of a vehicle for pupil transportation. 82178

(A) For each person to whom this section applies who is hired 82179  
on or after November 14, 2007, the employer shall request a 82180  
criminal records check in accordance with section 3319.39 of the 82181  
Revised Code and shall request a subsequent criminal records check 82182  
by the fifth day of September every fifth year thereafter. For 82183  
each person to whom this division applies who is hired prior to 82184  
November 14, 2007, the employer shall request a criminal records 82185  
check by a date prescribed by the department of education and 82186  
shall request a subsequent criminal records check by the fifth day 82187  
of September every fifth year thereafter. 82188

(B)(1) Each request for a criminal records check under this 82189  
section shall be made to the superintendent of the bureau of 82190

criminal identification and investigation in the manner prescribed 82191  
in section 3319.39 of the Revised Code, except that if both of the 82192  
following conditions apply to the person subject to the records 82193  
check, the employer shall request the superintendent only to 82194  
obtain any criminal records that the federal bureau of 82195  
investigation has on the person: 82196

(a) The employer previously requested the superintendent to 82197  
determine whether the bureau of criminal identification and 82198  
investigation has any information, gathered pursuant to division 82199  
(A) of section 109.57 of the Revised Code, on the person in 82200  
conjunction with a criminal records check requested under section 82201  
3319.39 of the Revised Code or under this section. 82202

(b) The person presents proof that the person has been a 82203  
resident of this state for the five-year period immediately prior 82204  
to the date upon which the person becomes subject to a criminal 82205  
records check under this section. 82206

(2) Upon receipt of a request under division (B)(1) of this 82207  
section, the superintendent shall conduct the criminal records 82208  
check in accordance with section 109.572 of the Revised Code as if 82209  
the request had been made under section 3319.39 of the Revised 82210  
Code. However, as specified in division (B)(2) of section 109.572 82211  
of the Revised Code, if the employer requests the superintendent 82212  
only to obtain any criminal records that the federal bureau of 82213  
investigation has on the person for whom the request is made, the 82214  
superintendent shall not conduct the review prescribed by division 82215  
(B)(1) of that section. 82216

(C) Any person who is the subject of a criminal records check 82217  
under this section and has been convicted of or pleaded guilty to 82218  
any offense described in division (B)(1) of section 3319.39 of the 82219  
Revised Code shall not be hired or shall be released from 82220  
employment, as applicable, unless the person meets the 82221  
rehabilitation standards adopted by the department under division 82222

(E) of that section. 82223

**Sec. 3319.392.** (A) As used in this section: 82224

(1) "Accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code. 82225  
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(2) "Designated official" means the superintendent, or the superintendent's designee, in the case of a school district or educational service center and the chief administrator, or the chief administrator's designee, in the case of a chartered nonpublic school. 82228  
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~~(2)~~(3) "Essential school services" means services provided by a private company under contract with a school district, educational service center, or chartered nonpublic school that the district or service center superintendent or the chief administrator of the chartered nonpublic school has determined are necessary for the operation of the district, service center, or chartered nonpublic school and that would need to be provided by employees of the district, service center, or chartered nonpublic school if the services were not provided by the private company. 82233  
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~~(3)~~(4) "License" has the same meaning as in section 3319.31 of the Revised Code. 82242  
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(B) This section applies to any person who is an employee of a private company under contract with a school district, educational service center, or chartered or accredited nonpublic school to provide essential school services and who will work in the district, service center, or chartered or accredited nonpublic school in a position that does not require a license issued by the state board of education, is not for the operation of a vehicle for pupil transportation, and that involves routine interaction with a child or regular responsibility for the care, custody, or 82244  
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control of a child. 82253

(C) No school district, educational service center, or 82254  
chartered or accredited nonpublic school shall permit a person to 82255  
whom this section applies to work in the district, service center, 82256  
or chartered or accredited nonpublic school, unless one of the 82257  
following applies to the person: 82258

(1) The person's employer presents proof of both of the 82259  
following to the designated official: 82260

(a) That the person has been the subject of a criminal 82261  
records check conducted in accordance with division (D) of this 82262  
section within the five-year period immediately prior to the date 82263  
on which the person will begin working in the district, service 82264  
center, or chartered or accredited nonpublic school; 82265

(b) That the criminal records check indicates that the person 82266  
has not been convicted of or pleaded guilty to any offense 82267  
described in division (B)(1) of section 3319.39 of the Revised 82268  
Code. 82269

(2) During any period of time in which the person will have 82270  
routine interaction with a child or regular responsibility for the 82271  
care, custody, or control of a child, the designated official has 82272  
arranged for an employee of the district, service center, or 82273  
chartered or accredited nonpublic school to be present in the same 82274  
room with the child or, if outdoors, to be within a thirty-yard 82275  
radius of the child or to have visual contact with the child. 82276

(D) Any private company that has been hired or seeks to be 82277  
hired by a school district, educational service center, or 82278  
chartered or accredited nonpublic school to provide essential 82279  
school services may request the bureau of criminal identification 82280  
and investigation to conduct a criminal records check of any of 82281  
its employees for the purpose of complying with division (C)(1) of 82282  
this section. Each request for a criminal records check under this 82283

division shall be made to the superintendent of the bureau in the 82284  
manner prescribed in section 3319.39 of the Revised Code. Upon 82285  
receipt of a request, the bureau shall conduct the criminal 82286  
records check in accordance with section 109.572 of the Revised 82287  
Code as if the request had been made under section 3319.39 of the 82288  
Revised Code. 82289

Notwithstanding division (H) of section 109.57 of the Revised 82290  
Code, the private company may share the results of any criminal 82291  
records check conducted under this division with the designated 82292  
official for the purpose of complying with division (C)(1) of this 82293  
section, but in no case shall the designated official release that 82294  
information to any other person. 82295

**Sec. 3319.40.** (A) As used in this section, ~~"license"~~: 82296

(1) "Accredited nonpublic school" means an accredited 82297  
nonpublic school as described in section 3301.165 of the Revised 82298  
Code. 82299

(2) "License" has the same meaning as in section 3319.31 of 82300  
the Revised Code. 82301

(B) If a person who is employed by a school district or 82302  
chartered or accredited nonpublic school is arrested, summoned, or 82303  
indicted for an alleged violation of an offense listed in division 82304  
(C) of section 3319.31 of the Revised Code, if the person holds a 82305  
license, or an offense listed in division (B)(1) of section 82306  
3319.39 of the Revised Code, if the person does not hold a 82307  
license, the superintendent of the district or the chief 82308  
administrative officer of the chartered or accredited nonpublic 82309  
school shall suspend that person from all duties that require the 82310  
care, custody, or control of a child during the pendency of the 82311  
criminal action against the person. If the person who is arrested, 82312  
summoned, or indicted for an alleged violation of an offense 82313  
listed in division (C) of section 3319.31 or division (B)(1) of 82314

section 3319.39 of the Revised Code is a person whose duties are 82315  
assigned by the district treasurer under division (B) of section 82316  
3313.31 of the Revised Code, the treasurer shall suspend the 82317  
person from all duties that require the care, custody, or control 82318  
of a child. If the person who is arrested, summoned, or indicted 82319  
for an alleged violation of an offense listed in division (C) of 82320  
section 3319.31 or division (B)(1) of section 3319.39 of the 82321  
Revised Code is the superintendent or treasurer of the district, 82322  
the district board shall suspend the superintendent or treasurer 82323  
from all duties that require the care, custody, or control of a 82324  
child. If the person who is arrested, summoned, or indicted for an 82325  
alleged violation of an offense listed in division (C) of section 82326  
3319.31 or division (B)(1) of section 3319.39 of the Revised Code 82327  
is the chief administrative officer of the chartered or accredited 82328  
nonpublic school, the governing authority of the chartered or 82329  
accredited nonpublic school shall suspend the chief administrative 82330  
officer from all duties that require the care, custody, or control 82331  
of a child. 82332

(C) When a person who holds a license is suspended in 82333  
accordance with this section, the superintendent, treasurer, board 82334  
of education, chief administrative officer, or governing authority 82335  
that imposed the suspension promptly shall report the person's 82336  
suspension to the department of education. The report shall 82337  
include the offense for which the person was arrested, summoned, 82338  
or indicted. 82339

**Sec. 3319.52.** (A) As used in this section: 82340

(1) "Accredited nonpublic school" means an accredited 82341  
nonpublic school as described in section 3301.165 of the Revised 82342  
Code. 82343

(2) "Intervention in lieu of conviction" means intervention 82344  
in lieu of conviction under section 2951.041 of the Revised Code. 82345

~~(2)~~(3) "License" has the same meaning as in section 3319.31 82346  
of the Revised Code. 82347

~~(3)~~(4) "Pre-trial diversion program" means a pre-trial 82348  
diversion program under section 2935.36 of the Revised Code or a 82349  
similar diversion program under rules of a court. 82350

~~(4)~~(5) "Prosecutor" has the same meaning as in section 82351  
2935.01 of the Revised Code. 82352

(B) If there is any judicial finding of guilt or any 82353  
conviction or a judicial finding of eligibility for intervention 82354  
in lieu of conviction against a license holder, or if a license 82355  
holder agrees to participate in a pre-trial diversion program, for 82356  
any of the offenses listed in division (B)(2) or (C) of section 82357  
3319.31 of the Revised Code, the prosecutor in the case, on forms 82358  
that the state board of education shall prescribe and furnish, 82359  
promptly shall notify the board and, if known, any school district 82360  
or chartered or accredited nonpublic school employing the license 82361  
holder of the license holder's name and residence address, and the 82362  
fact that the license holder pleaded guilty to, was convicted of, 82363  
has been found eligible for intervention in lieu of conviction 82364  
for, or has agreed to a diversion program for the offense. 82365

**Sec. 3321.01.** (A)(1) As used in this chapter, "parent," 82366  
"guardian," or "other person having charge or care of a child" 82367  
means either parent unless the parents are separated or divorced 82368  
or their marriage has been dissolved or annulled, in which case 82369  
"parent" means the parent who is the residential parent and legal 82370  
custodian of the child. If the child is in the legal or permanent 82371  
custody of a person or government agency, "parent" means that 82372  
person or government agency. When a child is a resident of a home, 82373  
as defined in section 3313.64 of the Revised Code, and the child's 82374  
parent is not a resident of this state, "parent," "guardian," or 82375  
"other person having charge or care of a child" means the head of 82376

the home. 82377

A child between six and eighteen years of age is "of 82378  
compulsory school age" for the purpose of sections 3321.01 to 82379  
3321.13 of the Revised Code. A child under six years of age who 82380  
has been enrolled in kindergarten also shall be considered "of 82381  
compulsory school age" for the purpose of sections 3321.01 to 82382  
3321.13 of the Revised Code unless at any time the child's parent 82383  
or guardian, at the parent's or guardian's discretion and in 82384  
consultation with the child's teacher and principal, formally 82385  
withdraws the child from kindergarten. The compulsory school age 82386  
of a child shall not commence until the beginning of the term of 82387  
such schools, or other time in the school year fixed by the rules 82388  
of the board of the district in which the child resides. 82389

(2) In a district in which all children are admitted to 82390  
kindergarten and the first grade in August or September, a child 82391  
shall be admitted if the child is five or six years of age, 82392  
respectively, by the thirtieth day of September of the year of 82393  
admittance, or by the first day of a term or semester other than 82394  
one beginning in August or September in school districts granting 82395  
admittance at the beginning of such term or semester. A child who 82396  
does not meet the age requirements of this section for admittance 82397  
to kindergarten or first grade, but who will be five or six years 82398  
old, respective, prior to the first day of January of the school 82399  
year in which admission is requested, shall be evaluated for early 82400  
admittance in accordance with district policy upon referral by the 82401  
child's parent or guardian, an educator employed by the district, 82402  
a preschool educator who knows the child, or a pediatrician or 82403  
psychologist who knows the child. Following an evaluation in 82404  
accordance with a referral under this section, the district board 82405  
shall decide whether to admit the child. If a child for whom 82406  
admission to kindergarten or first grade is requested will not be 82407  
five or six years of age, respectively, prior to the first day of 82408

January of the school year in which admission is requested, the 82409  
child shall be admitted only in accordance with the district's 82410  
acceleration policy adopted under section 3324.10 of the Revised 82411  
Code. 82412

(3) Notwithstanding division (A)(2) of this section, 82413  
beginning with the school year that starts in 2001 and continuing 82414  
thereafter the board of education of any district may adopt a 82415  
resolution establishing the first day of August in lieu of the 82416  
thirtieth day of September as the required date by which students 82417  
must have attained the age specified in that division. 82418

(4) After a student has been admitted to kindergarten in a 82419  
school district or chartered or accredited nonpublic school, no 82420  
board of education of a school district to which the student 82421  
transfers shall deny that student admission based on the student's 82422  
age. As used in this section, "accredited nonpublic school" means 82423  
an accredited nonpublic school as described in section 3301.165 of 82424  
the Revised Code. 82425

(B) As used in division (C) of this section, "successfully 82426  
completed kindergarten" means that the child has completed the 82427  
kindergarten requirements at one of the following: 82428

(1) A public or chartered or accredited nonpublic school; 82429

(2) A kindergarten class that is both of the following: 82430

(a) Offered by a day-care provider licensed under Chapter 82431  
5104. of the Revised Code; 82432

(b) If offered after July 1, 1991, is directly taught by a 82433  
teacher who holds one of the following: 82434

(i) A valid educator license issued under section 3319.22 of 82435  
the Revised Code; 82436

(ii) A Montessori preprimary credential or age-appropriate 82437  
diploma granted by the American Montessori society or the 82438

association Montessori internationale; 82439

(iii) Certification determined under division (F) of this 82440  
section to be equivalent to that described in division 82441  
(B)(2)(b)(ii) of this section; 82442

(iv) Certification for teachers in nontax-supported schools 82443  
pursuant to section 3301.071 of the Revised Code. 82444

(C)(1) Except as provided in division (A)(2) of this section, 82445  
no school district shall admit to the first grade any child who 82446  
has not successfully completed kindergarten. 82447

(2) Notwithstanding division (A)(2) of this section, any 82448  
student who has successfully completed kindergarten in accordance 82449  
with section (B) of this section shall be admitted to first grade. 82450

(D) The scheduling of times for kindergarten classes and 82451  
length of the school day for kindergarten shall be determined by 82452  
the board of education of a city, exempted village, or local 82453  
school district. 82454

(E) Any kindergarten class offered by a day-care provider or 82455  
school described by division (B)(1) or (B)(2)(a) of this section 82456  
shall be developmentally appropriate. 82457

(F) Upon written request of a day-care provider described by 82458  
division (B)(2)(a) of this section, the department of education 82459  
shall determine whether certification held by a teacher employed 82460  
by the provider meets the requirement of division (B)(2)(b)(iii) 82461  
of this section and, if so, shall furnish the provider a statement 82462  
to that effect. 82463

(G) As used in this division, "all-day kindergarten" has the 82464  
same meaning as in section 3321.05 of the Revised Code. 82465

(1) A school district that is offering all-day kindergarten 82466  
for the first time or that charged fees or tuition for all-day 82467  
kindergarten in the 2012-2013 school year may charge fees or 82468

tuition for a student enrolled in all-day kindergarten in any 82469  
school year following the 2012-2013 school year. The department 82470  
shall adjust the district's average daily membership certification 82471  
under section 3317.03 of the Revised Code by one-half of the 82472  
full-time equivalency for each student charged fees or tuition for 82473  
all-day kindergarten under this division. If a district charges 82474  
fees or tuition for all-day kindergarten under this division, the 82475  
district shall develop a sliding fee scale based on family 82476  
incomes. 82477

(2) The department of education shall conduct an annual 82478  
survey of each school district described in division (G)(1) of 82479  
this section to determine the following: 82480

(a) Whether the district charges fees or tuition for students 82481  
enrolled in all-day kindergarten; 82482

(b) The amount of the fees or tuition charged; 82483

(c) How many of the students for whom tuition is charged are 82484  
eligible for free lunches under the "National School Lunch Act," 82485  
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 82486  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 82487  
and how many of the students for whom tuition is charged are 82488  
eligible for reduced price lunches under those acts; 82489

(d) How many students are enrolled in traditional half-day 82490  
kindergarten rather than all-day kindergarten. 82491

Each district shall report to the department, in the manner 82492  
prescribed by the department, the information described in 82493  
divisions (G)(2)(a) to (d) of this section. 82494

The department shall issue an annual report on the results of 82495  
the survey and shall post the report on its web site. The 82496  
department shall issue the first report not later than April 30, 82497  
2008, and shall issue a report not later than the thirtieth day of 82498  
April each year thereafter. 82499

Sec. 3326.01. (A) As used in this chapter:	82500
(1) <u>"Accredited nonpublic school" means an accredited nonpublic school as described in section 3301.165 of the Revised Code.</u>	82501 82502 82503
(2) <u>"Community school" means a community school established under Chapter 3314. of the Revised Code.</u>	82504 82505
(3) "STEM" is an abbreviation of "science, technology, engineering, and mathematics."	82506 82507
<del>(2)</del> (4) "STEAM" is an abbreviation of "science, technology, engineering, arts, and mathematics."	82508 82509
(B)(1) A science, technology, engineering, arts, and mathematics school shall be considered a type of science, technology, engineering, and mathematics school.	82510 82511 82512
(2) A STEAM school equivalent shall be considered to be a type of STEM school equivalent.	82513 82514
(3) A STEAM program of excellence shall be considered to be a type of STEM program of excellence.	82515 82516
(C)(1) Any reference to a STEM school or science, technology, engineering, and mathematics school in the Revised Code shall be considered to include a STEAM school, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM school shall apply to a STEAM school in the same manner, except as otherwise provided in this chapter.	82517 82518 82519 82520 82521 82522 82523
(2) Any reference to a STEM school equivalent in the Revised Code shall be considered to include a STEAM school equivalent, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM school equivalent shall apply to a STEAM school equivalent in the same manner, except as otherwise provided in this chapter.	82524 82525 82526 82527 82528 82529

(3) Any reference to a STEM program of excellence in the Revised Code shall be considered to include a STEAM program of excellence, unless the context specifically indicates a different meaning or intent. All provisions of the Revised Code applicable to a STEM program of excellence shall apply to a STEAM program of excellence in the same manner, except as otherwise provided in this chapter.

**Sec. 3326.03.** (A) The STEM committee shall authorize the establishment of and award grants to science, technology, engineering, and mathematics schools based on proposals submitted to the committee.

The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and evaluate proposals, and choose which proposals to approve to become a STEM school. In approving proposals for STEM schools, the committee shall consider locating the schools in diverse geographic regions of the state so that all students have access to a STEM school.

The committee shall seek technical assistance from the Ohio STEM learning network, or its successor, throughout the process of accepting and evaluating proposals and choosing which proposals to approve. In approving proposals for STEM schools, the committee shall consider the recommendations of the Ohio STEM learning network, or its successor.

The committee may authorize the establishment of a group of multiple STEM schools to operate from multiple facilities located in one or more school districts under the direction of a single governing body in the manner prescribed by section 3326.031 of the Revised Code. The committee shall consider the merits of each of the proposed STEM schools within a group and shall authorize each school separately. Anytime after authorizing a group of STEM

schools to be under the direction of a single governing body, upon 82561  
a proposal from the governing body, the committee may authorize 82562  
one or more additional schools to operate as part of that group. 82563

The STEM committee may approve one or more STEM schools to 82564  
serve only students identified as gifted under Chapter 3324. of 82565  
the Revised Code. 82566

(B) Proposals may be submitted only by a partnership of 82567  
public and private entities consisting of at least all of the 82568  
following: 82569

(1) A city, exempted village, local, or joint vocational 82570  
school district or an educational service center; 82571

(2) Higher education entities; 82572

(3) Business organizations. 82573

A community school ~~established under Chapter 3314. of the~~ 82574  
~~Revised Code~~, a chartered nonpublic school, an accredited 82575  
nonpublic school, or ~~both~~ any combination of such schools may be 82576  
part of the partnership. 82577

(C) Each proposal shall include at least the following: 82578

(1) Assurances that the STEM school or group of STEM schools 82579  
will be under the oversight of a governing body and a description 82580  
of the members of that governing body and how they will be 82581  
selected; 82582

(2) Assurances that each STEM school will operate in 82583  
compliance with this chapter and the provisions of the proposal as 82584  
accepted by the committee; 82585

(3) Evidence that each school will offer a rigorous, diverse, 82586  
integrated, and project-based curriculum to students in any of 82587  
grades kindergarten through twelve, with the goal to prepare those 82588  
students for college, the workforce, and citizenship, and that 82589  
does all of the following: 82590

(a) Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;	82591 82592
(b) Incorporates scientific inquiry and technological design;	82593
(c) Includes the arts and humanities. If the proposal is for a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.	82594 82595 82596 82597 82598 82599
(d) Emphasizes personalized learning and teamwork skills.	82600
(4) Evidence that each school will attract school leaders who support the curriculum principles of division (C)(3) of this section;	82601 82602 82603
(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;	82604 82605 82606
(6) Evidence that each school will utilize an established capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor;	82607 82608 82609 82610
(7) Evidence that each school will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM school, it also shall include evidence that this partnership will include arts organizations.	82611 82612 82613 82614 82615
(8) Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and	82616 82617 82618 82619 82620

in-kind support from arts organizations. 82621

(9) A description of how each school's assets will be 82622  
distributed if the school closes for any reason. 82623

(D) If a STEM school wishes to become a STEAM school, it may 82624  
change its existing proposal to include the items required under 82625  
divisions (C)(3)(c), (C)(7), and (C)(8) of this section and submit 82626  
the revised proposal to the STEM committee for approval. 82627

**Sec. 3326.032.** (A) The STEM committee may grant a designation 82628  
of STEM school equivalent to a community school ~~established under~~ 82629  
~~Chapter 3314. of the Revised Code,~~ or to a chartered or accredited 82630  
nonpublic school. In order to be eligible for this designation, a 82631  
community school or chartered or accredited nonpublic school shall 82632  
submit a proposal that satisfies the requirements of this section. 82633  
82634

The committee shall determine the criteria for proposals, 82635  
establish procedures for the submission of proposals, accept and 82636  
evaluate proposals, and choose which proposals warrant a community 82637  
school or chartered or accredited nonpublic school to be 82638  
designated as a STEM school equivalent. 82639

(B) A proposal for designation as a STEM school equivalent 82640  
shall include at least the following: 82641

(1) Assurances that the community school or chartered or 82642  
accredited nonpublic school submitting the proposal has a working 82643  
partnership with both public and private entities, including 82644  
higher education entities and business organizations. If the 82645  
proposal is for a STEAM school equivalent, it also shall include 82646  
evidence that this partnership includes arts organizations. 82647

(2) Assurances that the school submitting the proposal will 82648  
operate in compliance with this section and the provisions of the 82649  
proposal as accepted by the committee; 82650

(3) Evidence that the school submitting the proposal will offer a rigorous, diverse, integrated, and project-based curriculum to students in any of grades kindergarten through twelve, with the goal to prepare those students for college, the workforce, and citizenship, and that does all of the following:

(a) Emphasizes the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;

(b) Incorporates scientific inquiry and technological design;

(c) Includes the arts and humanities. If the proposal is for a STEAM school equivalent, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.

(d) Emphasizes personalized learning and teamwork skills.

(4) Evidence that the school submitting the proposal will attract school leaders who support the curriculum principles of division (B)(3) of this section;

(5) A description of how each school's curriculum will be developed and approved in accordance with section 3326.09 of the Revised Code;

(6) Evidence that the school submitting the proposal will utilize an established capacity to capture and share knowledge for best practices and innovative professional development;

(7) Assurances that the school submitting the proposal has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school equivalent, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts

organizations. 82681

(C)(1) A community school or chartered or accredited 82682  
nonpublic school that is designated as a STEM school equivalent 82683  
under this section shall not be subject to the requirements of 82684  
Chapter 3326. of the Revised Code, except that the school shall be 82685  
subject to the requirements of this section and to the curriculum 82686  
requirements of section 3326.09 of the Revised Code. 82687

Nothing in this section, however, shall relieve a community 82688  
school of the applicable requirements of Chapter 3314. of the 82689  
Revised Code. Nor shall anything in this section relieve a 82690  
chartered or accredited nonpublic school of any provisions of law 82691  
outside of this chapter that are applicable to chartered or 82692  
accredited nonpublic schools. 82693

(2) A community school or chartered or accredited nonpublic 82694  
school that is designated as a STEM school equivalent under this 82695  
section shall not be eligible for operating funding under sections 82696  
3326.31 to 3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised 82697  
Code. 82698

(3) A community school or chartered or accredited nonpublic 82699  
school that is designated as a STEM school equivalent under this 82700  
section may apply for any of the grants and additional funds 82701  
described in section 3326.38 of the Revised Code for which the 82702  
school is eligible. 82703

(D) If a community school or chartered or accredited 82704  
nonpublic school that is designated as a STEM school equivalent 82705  
under this section intends to close or intends to no longer be 82706  
designated as a STEM school equivalent, it shall notify the STEM 82707  
committee of that fact. 82708

(E) If a community school or chartered or accredited 82709  
nonpublic school that is designated as a STEM school equivalent 82710  
wishes to be designated as a STEAM school equivalent, it may 82711

change its existing proposal to include the items required under 82712  
divisions (B)(1), (B)(3)(c), and (B)(7) of this section and submit 82713  
the revised proposal to the STEM committee for approval. 82714

**Sec. 3326.04.** (A) The STEM committee shall award grants to 82715  
support the operation of STEM programs of excellence to serve 82716  
students in any of grades kindergarten through twelve through a 82717  
request for proposals. 82718

(B) Proposals may be submitted by any of the following: 82719

(1) The board of education of a city, exempted village, or 82720  
local school district; 82721

(2) The governing authority of a community school established 82722  
under Chapter 3314. of the Revised Code; 82723

(3) The governing authority of a chartered or accredited 82724  
nonpublic school. 82725

(C) Each proposal shall demonstrate to the satisfaction of 82726  
the STEM committee that the program meets at least the following 82727  
standards: 82728

(1) Unless the program is designed to serve only students 82729  
identified as gifted under Chapter 3324. of the Revised Code, the 82730  
program will serve all students enrolled in the district or school 82731  
in the grades for which the program is designed. 82732

(2) The program will offer a rigorous and diverse curriculum 82733  
that is based on scientific inquiry and technological design, that 82734  
emphasizes personalized learning and teamwork skills, and that 82735  
will expose students to advanced scientific concepts within and 82736  
outside the classroom. If the proposal is for a STEAM program of 82737  
excellence, it also shall include evidence that the curriculum 82738  
will integrate arts and design into the curriculum to foster 82739  
creative thinking, problem-solving, and new approaches to 82740  
scientific invention. 82741

(3) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will not limit participation of students on the basis of intellectual ability, measures of achievement, or aptitude.

(4) The program will utilize an established capacity to capture and share knowledge for best practices and innovative professional development.

(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM program of excellence, it also shall include evidence that this partnership includes arts organizations.

(6) The program will include teacher professional development strategies that are augmented by community and business partners.

(D) The STEM committee shall give priority to proposals for new or expanding innovative programs.

(E) If a STEM program of excellence wishes to become a STEAM program of excellence, it may change its existing proposal to include the items required under divisions (C)(2) and (C)(5) of this section and submit the revised proposal to the STEM committee for approval.

**Sec. 3326.09.** Subject to approval by its governing body or governing authority, the curriculum of each science, technology, engineering, and mathematics school and of each community school or chartered or accredited nonpublic school that is designated as a STEM school equivalent under section 3326.032 of the Revised Code shall be developed by a team that consists of at least the school's chief administrative officer, a teacher, a representative of the higher education institution that is a collaborating partner in the STEM school or school designated as a STEM school

equivalent, and a member of the public with expertise in the 82772  
application of science, technology, engineering, or mathematics. 82773  
In the case of a STEAM school or a STEAM school equivalent, the 82774  
team also shall include an expert in the integration of arts and 82775  
design into the STEM fields. 82776

**Sec. 3327.07.** (A) The governing authority of a chartered or 82777  
an accredited nonpublic school, as described in section 3301.165 82778  
of the Revised Code, that transports a student enrolled in the 82779  
school to and from school and to and from school-sponsored 82780  
activities, including extracurricular activities, may charge the 82781  
parent or guardian of the student a fee for the transportation, if 82782  
the governing authority purchased the vehicle that transports the 82783  
student using no state or federal funds. The fee shall not exceed 82784  
the per student cost of the transportation, as determined by the 82785  
governing authority. 82786

(B) The parent or guardian of a student who is enrolled in a 82787  
chartered or accredited nonpublic school and is eligible for 82788  
transportation by a school district under section 3327.01 of the 82789  
Revised Code may decline that transportation and accept 82790  
transportation from the chartered or accredited nonpublic school. 82791  
The governing authority of a chartered or accredited nonpublic 82792  
school may charge a fee under division (A) of this section 82793  
regardless of whether a student is eligible for transportation 82794  
under section 3327.01 of the Revised Code. 82795

(C) The offering by the governing authority of a chartered or 82796  
accredited nonpublic school of transportation to and from the 82797  
school does not relieve any school district board of education 82798  
from any duty imposed by sections 3327.01 and 3327.02 of the 82799  
Revised Code with respect to the chartered or accredited nonpublic 82800  
school's students. 82801

Sec. 3327.10. (A) No person shall be employed as driver of a 82802  
school bus or motor van, owned and operated by any school district 82803  
or educational service center or privately owned and operated 82804  
under contract with any school district or service center in this 82805  
state, who has not received a certificate from either the 82806  
educational service center governing board that has entered into 82807  
an agreement with the school district under section 3313.843 or 82808  
3313.845 of the Revised Code or the superintendent of the school 82809  
district, certifying that such person is at least eighteen years 82810  
of age and is of good moral character and is qualified physically 82811  
and otherwise for such position. The service center governing 82812  
board or the superintendent, as the case may be, shall provide for 82813  
an annual physical examination that conforms with rules adopted by 82814  
the state board of education of each driver to ascertain the 82815  
driver's physical fitness for such employment. Any certificate may 82816  
be revoked by the authority granting the same on proof that the 82817  
holder has been guilty of failing to comply with division (D)(1) 82818  
of this section, or upon a conviction or a guilty plea for a 82819  
violation, or any other action, that results in a loss or 82820  
suspension of driving rights. Failure to comply with such division 82821  
may be cause for disciplinary action or termination of employment 82822  
under division (C) of section 3319.081, or section 124.34 of the 82823  
Revised Code. 82824

(B) No person shall be employed as driver of a school bus or 82825  
motor van not subject to the rules of the department of education 82826  
pursuant to division (A) of this section who has not received a 82827  
certificate from the school administrator or contractor certifying 82828  
that such person is at least eighteen years of age, is of good 82829  
moral character, and is qualified physically and otherwise for 82830  
such position. Each driver shall have an annual physical 82831  
examination which conforms to the state highway patrol rules, 82832  
ascertaining the driver's physical fitness for such employment. 82833

The examination shall be performed by one of the following: 82834

(1) A person licensed under Chapter 4731. or 4734. of the 82835  
Revised Code or by another state to practice medicine and surgery, 82836  
osteopathic medicine and surgery, or chiropractic; 82837

(2) A physician assistant; 82838

(3) A certified nurse practitioner; 82839

(4) A clinical nurse specialist; 82840

(5) A certified nurse-midwife; 82841

(6) A medical examiner who is listed on the national registry 82842  
of certified medical examiners established by the federal motor 82843  
carrier safety administration in accordance with 49 C.F.R. part 82844  
390. 82845

Any written documentation of the physical examination shall 82846  
be completed by the individual who performed the examination. 82847

Any certificate may be revoked by the authority granting the 82848  
same on proof that the holder has been guilty of failing to comply 82849  
with division (D)(2) of this section. 82850

(C) Any person who drives a school bus or motor van must give 82851  
satisfactory and sufficient bond except a driver who is an 82852  
employee of a school district and who drives a bus or motor van 82853  
owned by the school district. 82854

(D) No person employed as driver of a school bus or motor van 82855  
under this section who is convicted of a traffic violation or who 82856  
has had the person's commercial driver's license suspended shall 82857  
drive a school bus or motor van until the person has filed a 82858  
written notice of the conviction or suspension, as follows: 82859

(1) If the person is employed under division (A) of this 82860  
section, the person shall file the notice with the superintendent, 82861  
or a person designated by the superintendent, of the school 82862  
district for which the person drives a school bus or motor van as 82863

an employee or drives a privately owned and operated school bus or 82864  
motor van under contract. 82865

(2) If employed under division (B) of this section, the 82866  
person shall file the notice with the employing school 82867  
administrator or contractor, or a person designated by the 82868  
administrator or contractor. 82869

(E) In addition to resulting in possible revocation of a 82870  
certificate as authorized by divisions (A) and (B) of this 82871  
section, violation of division (D) of this section is a minor 82872  
misdemeanor. 82873

(F)(1) Not later than thirty days after June 30, 2007, each 82874  
owner of a school bus or motor van shall obtain the complete 82875  
driving record for each person who is currently employed or 82876  
otherwise authorized to drive the school bus or motor van. An 82877  
owner of a school bus or motor van shall not permit a person to 82878  
operate the school bus or motor van for the first time before the 82879  
owner has obtained the person's complete driving record. 82880  
Thereafter, the owner of a school bus or motor van shall obtain 82881  
the person's driving record not less frequently than semiannually 82882  
if the person remains employed or otherwise authorized to drive 82883  
the school bus or motor van. An owner of a school bus or motor van 82884  
shall not permit a person to resume operating a school bus or 82885  
motor van, after an interruption of one year or longer, before the 82886  
owner has obtained the person's complete driving record. 82887

(2) The owner of a school bus or motor van shall not permit a 82888  
person to operate the school bus or motor van for ten years after 82889  
the date on which the person pleads guilty to or is convicted of a 82890  
violation of section 4511.19 of the Revised Code or a 82891  
substantially equivalent municipal ordinance. 82892

(3) An owner of a school bus or motor van shall not permit 82893  
any person to operate such a vehicle unless the person meets all 82894

other requirements contained in rules adopted by the state board 82895  
of education prescribing qualifications of drivers of school buses 82896  
and other student transportation. 82897

(G) No superintendent of a school district, educational 82898  
service center, community school, or public or private employer 82899  
shall permit the operation of a vehicle used for pupil 82900  
transportation within this state by an individual unless both of 82901  
the following apply: 82902

(1) Information pertaining to that driver has been submitted 82903  
to the department of education, pursuant to procedures adopted by 82904  
that department. Information to be reported shall include the name 82905  
of the employer or school district, name of the driver, driver 82906  
license number, date of birth, date of hire, status of physical 82907  
evaluation, and status of training. 82908

(2) The most recent criminal records check required by 82909  
division (J) of this section has been completed and received by 82910  
the superintendent or public or private employer. 82911

(H) A person, school district, educational service center, 82912  
community school, nonpublic school, or other public or nonpublic 82913  
entity that owns a school bus or motor van, or that contracts with 82914  
another entity to operate a school bus or motor van, may impose 82915  
more stringent restrictions on drivers than those prescribed in 82916  
this section, in any other section of the Revised Code, and in 82917  
rules adopted by the state board. 82918

(I) For qualified drivers who, on July 1, 2007, are employed 82919  
by the owner of a school bus or motor van to drive the school bus 82920  
or motor van, any instance in which the driver was convicted of or 82921  
pleaded guilty to a violation of section 4511.19 of the Revised 82922  
Code or a substantially equivalent municipal ordinance prior to 82923  
two years prior to July 1, 2007, shall not be considered a 82924  
disqualifying event with respect to division (F) of this section. 82925

(J)(1) This division applies to persons hired by a school 82926  
district, educational service center, community school, chartered 82927  
nonpublic school, accredited nonpublic school as described in 82928  
section 3301.165 of the Revised Code, or science, technology, 82929  
engineering, and mathematics school established under Chapter 82930  
3326. of the Revised Code to operate a vehicle used for pupil 82931  
transportation. 82932

For each person to whom this division applies who is hired on 82933  
or after November 14, 2007, the employer shall request a criminal 82934  
records check in accordance with section 3319.39 of the Revised 82935  
Code and every six years thereafter. For each person to whom this 82936  
division applies who is hired prior to that date, the employer 82937  
shall request a criminal records check by a date prescribed by the 82938  
department of education and every six years thereafter. 82939

(2) This division applies to persons hired by a public or 82940  
private employer not described in division (J)(1) of this section 82941  
to operate a vehicle used for pupil transportation. 82942

For each person to whom this division applies who is hired on 82943  
or after November 14, 2007, the employer shall request a criminal 82944  
records check prior to the person's hiring and every six years 82945  
thereafter. For each person to whom this division applies who is 82946  
hired prior to that date, the employer shall request a criminal 82947  
records check by a date prescribed by the department and every six 82948  
years thereafter. 82949

(3) Each request for a criminal records check under division 82950  
(J) of this section shall be made to the superintendent of the 82951  
bureau of criminal identification and investigation in the manner 82952  
prescribed in section 3319.39 of the Revised Code, except that if 82953  
both of the following conditions apply to the person subject to 82954  
the records check, the employer shall request the superintendent 82955  
only to obtain any criminal records that the federal bureau of 82956  
investigation has on the person: 82957

(a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and investigation has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person in conjunction with a criminal records check requested under section 3319.39 of the Revised Code or under division (J) of this section.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the person becomes subject to a criminal records check under this section.

Upon receipt of a request, the superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code. However, as specified in division (B)(2) of section 109.572 of the Revised Code, if the employer requests the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person for whom the request is made, the superintendent shall not conduct the review prescribed by division (B)(1) of that section.

(K)(1) Until the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section 3319.39 of the Revised Code, any person who is the subject of a criminal records check under division (J) of this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards prescribed for nonlicensed school personnel by rule 3301-20-03 of the Ohio Administrative Code.

(2) Beginning on the effective date of the amendments to rule 3301-83-23 of the Ohio Administrative Code required by the second paragraph of division (E) of section 3319.39 of the Revised Code,

any person who is the subject of a criminal records check under 82990  
division (J) of this section and has been convicted of or pleaded 82991  
guilty to any offense that, under the rule, disqualifies a person 82992  
for employment to operate a vehicle used for pupil transportation 82993  
shall not be hired or shall be released from employment, as 82994  
applicable, unless the person meets the rehabilitation standards 82995  
prescribed by the rule. 82996

**Sec. 3365.01.** As used in this chapter: 82997

(A) "Articulated credit" means post-secondary credit that is 82998  
reflected on the official record of a student at an institution of 82999  
higher education only upon enrollment at that institution after 83000  
graduation from a secondary school. 83001

(B) "Default ceiling amount" means one of the following 83002  
amounts, whichever is applicable: 83003

(1) For a participant enrolled in a college operating on a 83004  
semester schedule, the amount calculated according to the 83005  
following formula: 83006

$((0.83 \times \text{formula amount}) / 30)$  83007

X number of enrolled credit hours 83008

(2) For a participant enrolled in a college operating on a 83009  
quarter schedule, the amount calculated according to the following 83010  
formula: 83011

$((0.83 \times \text{formula amount}) / 45)$  83012

X number of enrolled credit hours 83013

(C) "Default floor amount" means twenty-five per cent of the 83014  
default ceiling amount. 83015

(D) "Eligible out-of-state college" means any institution of 83016  
higher education that is located outside of Ohio and is approved 83017  
by the chancellor of higher education to participate in the 83018  
college credit plus program. 83019

(E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.

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(F) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.

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(G) "Governing entity" means a board of education of a school district, a governing authority of a community school established under Chapter 3314., a governing body of a STEM school established under Chapter 3326., or a board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

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(H) "Home-instructed participant" means a student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code, and is participating in the program established by this chapter.

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(I) "Maximum per participant charge amount" means one of the following amounts, whichever is applicable:

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(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:

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((formula amount / 30)  
X number of enrolled credit hours)

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(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:

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((formula amount / 45)  
X number of enrolled credit hours)

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(J) "Nonpublic secondary school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code or an accredited nonpublic school as described in

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section 3301.165 of the Revised Code. 83051

(K) "Number of enrolled credit hours" means the number of 83052  
credit hours for a course in which a participant is enrolled 83053  
during the previous term after the date on which a withdrawal from 83054  
a course would have negatively affected the participant's 83055  
transcripted grade, as prescribed by the college's established 83056  
withdrawal policy. 83057

(L) "Parent" has the same meaning as in section 3313.64 of 83058  
the Revised Code. 83059

(M) "Participant" means any student enrolled in a college 83060  
under the program established by this chapter. 83061

(N) "Partnering college" means a college with which a public 83062  
or nonpublic secondary school has entered into an agreement in 83063  
order to offer the program established by this chapter. 83064

(O) "Partnering secondary school" means a public or nonpublic 83065  
secondary school with which a college has entered into an 83066  
agreement in order to offer the program established by this 83067  
chapter. 83068

(P) "Private college" means any of the following: 83069

(1) A nonprofit institution holding a certificate of 83070  
authorization pursuant to Chapter 1713. of the Revised Code; 83071

(2) An institution holding a certificate of registration from 83072  
the state board of career colleges and schools and program 83073  
authorization for an associate or bachelor's degree program issued 83074  
under section 3332.05 of the Revised Code; 83075

(3) A private institution exempt from regulation under 83076  
Chapter 3332. of the Revised Code as prescribed in section 83077  
3333.046 of the Revised Code. 83078

(Q) "Public college" means a "state institution of higher 83079  
education" in section 3345.011 of the Revised Code, excluding the 83080

northeast Ohio medical university. 83081

(R) "Public secondary school" means a school serving grades 83082  
nine through twelve in a city, local, or exempted village school 83083  
district, a joint vocational school district, a community school 83084  
established under Chapter 3314., a STEM school established under 83085  
Chapter 3326., or a college-preparatory boarding school 83086  
established under Chapter 3328. of the Revised Code. 83087

(S) "School year" has the same meaning as in section 3313.62 83088  
of the Revised Code. 83089

(T) "Secondary grade" means any of grades nine through 83090  
twelve. 83091

(U) "Standard rate" means the amount per credit hour assessed 83092  
by the college for an in-state student who is enrolled in an 83093  
undergraduate course at that college, but who is not participating 83094  
in the college credit plus program, as prescribed by the college's 83095  
established tuition policy. 83096

(V) "Transcripted credit" means post-secondary credit that is 83097  
conferred by an institution of higher education and is reflected 83098  
on a student's official record at that institution upon completion 83099  
of a course. 83100

**Sec. 3365.02.** (A) There is hereby established the college 83101  
credit plus program under which, beginning with the 2015-2016 83102  
school year, a secondary grade student who is a resident of this 83103  
state may enroll at a college, on a full- or part-time basis, and 83104  
complete nonsectarian, nonremedial courses for high school and 83105  
college credit. The program shall govern arrangements in which a 83106  
secondary grade student enrolls in a college and, upon successful 83107  
completion of coursework taken under the program, receives 83108  
transcripted credit from the college. The following are not 83109  
governed by the college credit plus program: 83110

(1) An agreement governing an early college high school program, provided the program meets the definition set forth in division (F)(2) of section 3313.6013 of the Revised Code and is approved by the superintendent of public instruction and the chancellor of higher education;

(2) An advanced placement course or international baccalaureate diploma course, as described in divisions (A)(2) and (3) of section 3313.6013 of the Revised Code;

(3) A career-technical education program that is approved by the department of education under section 3317.161 of the Revised Code and grants articulated credit to students participating in that program. However, any portion of an approved program that results in the conferral of transcribed credit upon the completion of the course shall be governed by the college credit plus program.

(B) Any student enrolled in a public or nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; any student enrolled in a nonchartered nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; and any student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may participate in the program, if the student meets the applicable eligibility criteria in section 3365.03 of the Revised Code. If a nonchartered nonpublic secondary school student chooses to participate in the program, that student shall be subject to the same requirements as a home-instructed student who chooses to participate in the program under this chapter.

(C) All public secondary schools and all public colleges shall participate in the program and are subject to the requirements of this chapter. Any nonpublic secondary school or

private college that chooses to participate in the program shall 83143  
also be subject to the requirements of this chapter. 83144

If an accredited nonpublic school, as described in section 83145  
3301.165 of the Revised Code, chooses not to participate in the 83146  
program and notifies the parents of each student at the time of 83147  
the student's enrollment or re-enrollment of that choice, the 83148  
school shall not be subject to the requirements of this chapter or 83149  
to any rule adopted by the chancellor of higher education or the 83150  
state board of education for purposes of the college credit plus 83151  
program. 83152

(D) The chancellor, in accordance with Chapter 119. of the 83153  
Revised Code and in consultation with the state superintendent, 83154  
shall adopt rules governing the program. 83155

**Sec. 3701.133.** (A) The department of health shall make 83156  
available on its web site information about the risks associated 83157  
with meningococcal meningitis and hepatitis B, the availability of 83158  
vaccines, and the effectiveness of the vaccines. The department 83159  
shall provide written notice of the availability of meningococcal 83160  
meningitis and hepatitis B information on the web site to all of 83161  
the following: 83162

(1) Each city, local, exempted village, or joint vocational 83163  
school district, as defined in Chapter 3311. of the Revised Code; 83164

(2) Each nonpublic school, whether chartered, accredited as 83165  
described in section 3301.165 of the Revised Code, nonchartered, 83166  
or nontax supported, that enrolls students in ninth grade or the 83167  
equivalent educational level; 83168

(3) Each community school created under section 3314.01 of 83169  
the Revised Code, that enrolls students in ninth grade or the 83170  
equivalent educational level; 83171

(4) Each state institution of higher education, as defined in 83172

section 3345.011 of the Revised Code;	83173
(5) Each nonprofit institution of higher education, as defined in section 1713.55 of the Revised Code;	83174 83175
(6) Each private career school, as defined in section 3332.01 of the Revised Code.	83176 83177
(B) In addition to the information provided for in division (A) of this section, the department of health shall make available on its web site, in a format suitable for downloading, a meningitis and hepatitis B vaccination status statement form for a student or, if the student is younger than eighteen years of age, the student's parent, to complete to disclose whether the student has been vaccinated against meningococcal meningitis and hepatitis B. The form shall include all of the following:	83178 83179 83180 83181 83182 83183 83184 83185
(1) The information described in division (A) of this section and a means for the student or the student's parent to acknowledge having received and read the information;	83186 83187 83188
(2) A space for the student or the student's parent to indicate one of the following:	83189 83190
(a) The student has been vaccinated against meningococcal meningitis, and the year the vaccination was given.	83191 83192
(b) The student has not been vaccinated against meningococcal meningitis.	83193 83194
(3) A space for the student or the student's parent to indicate one of the following:	83195 83196
(a) The student has been vaccinated against hepatitis B, and the year the vaccination was given.	83197 83198
(b) The student has not been vaccinated against hepatitis B.	83199
<b>Sec. 3781.106.</b> (A) The board of building standards shall adopt rules, in accordance with Chapter 119. of the Revised Code,	83200 83201

for the use of a device by a staff member of a public or private school or institution of higher education that prevents both ingress and egress through a door in a school building, for a finite period of time, in an emergency situation, and during active shooter drills. The rules shall provide that the use of a device is permissible only if the device requires minimal steps to remove it after it is engaged.

The rules shall provide that the administrative authority of a building notify the police chief, or equivalent, of the law enforcement agency that has jurisdiction over the building, and the fire chief, or equivalent, of the fire department that serves the political subdivision in which the building is located, prior to the use of such devices in a building.

The rules may require that the device be visible from the exterior of the door.

(B) The device described in division (A) of this section shall not be permanently mounted to the door.

(C) Each public and private school and institution of higher education shall provide its staff members in-service training on the use of the device described in division (A) of this section. The school shall maintain a record verifying this training on file.

(D) In consultation with the state board of education and the chancellor of higher education, the board shall determine and include in the rules a definition of "emergency situation." These rules shall apply to both existing and new school buildings.

(E) As used in this section:

(1) "Institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of

authorization issued pursuant to Chapter 1713. of the Revised 83233  
Code, or a school located in this state that possesses a 83234  
certificate of registration and one or more program authorizations 83235  
issued by the state board of career colleges and schools under 83236  
Chapter 3332. of the Revised Code. 83237

(2) "Private school" means a chartered nonpublic school, an 83238  
accredited nonpublic school as described in section 3301.165 of 83239  
the Revised Code, or a nonchartered nonpublic school. 83240

(3) "Public school" means any school operated by a school 83241  
district board of education, any community school established 83242  
under Chapter 3314. of the Revised Code, any STEM school 83243  
established under Chapter 3326. of the Revised Code, and any 83244  
college-preparatory boarding school established under Chapter 83245  
3328. of the Revised Code. 83246

(4) "School building" means a structure used for the 83247  
instruction of students by a public or private school or 83248  
institution of higher education. 83249

**Sec. 3781.11.** (A) The rules of the board of building 83250  
standards shall: 83251

(1) For nonresidential buildings, provide uniform minimum 83252  
standards and requirements, and for residential buildings, provide 83253  
standards and requirements that are uniform throughout the state, 83254  
for construction and construction materials, including 83255  
construction of industrialized units, to make residential and 83256  
nonresidential buildings safe and sanitary as defined in section 83257  
3781.06 of the Revised Code; 83258

(2) Formulate such standards and requirements, so far as may 83259  
be practicable, in terms of performance objectives, so as to make 83260  
adequate performance for the use intended the test of 83261  
acceptability; 83262

(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction;

(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units;

(5) Not require any alteration or repair of any part of a school building owned by a chartered nonpublic school or a city, local, exempted village, or joint vocational school district and operated in conjunction with any primary or secondary school program that is not being altered or repaired if all of the following apply:

(a) The school building meets all of the applicable building code requirements in existence at the time of the construction of the building.

(b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration.

(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply:

(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.

(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of industrial compliance in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the state fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict.

(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or part thereof, constructed, erected, altered, manufactured, or repaired not in accordance with the statutes of this state or with the rules of the board, and any building, structure, or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilating system, or electric wiring not in accordance with such statutes or rules is a public nuisance.

(D) As used in this section:

(1) "Nonpublic school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code or an accredited nonpublic school described in section 3301.165 of the Revised Code.

(2) "Workshop or factory" includes manufacturing, mechanical, 83325  
electrical, mercantile, art, and laundering establishments, 83326  
printing, telegraph, and telephone offices, railroad depots, and 83327  
memorial buildings, but does not include hotels and tenement and 83328  
apartment houses. 83329

**Sec. 4729.513.** A manufacturer of dangerous drugs may donate 83330  
inhalers, as defined in section 3313.7113 of the Revised Code, and 83331  
epinephrine autoinjectors to any of the following: 83332

(A) The board of education of a city, local, exempted 83333  
village, or joint vocational school district; 83334

(B) A community school established under Chapter 3314. of the 83335  
Revised Code; 83336

(C) A STEM school established under Chapter 3326. of the 83337  
Revised Code; 83338

(D) A college-preparatory boarding school established under 83339  
Chapter 3328. of the Revised Code; 83340

(E) A chartered, accredited, or nonchartered nonpublic 83341  
school. As used in this section, "accredited nonpublic school" 83342  
means an accredited nonpublic school as described in section 83343  
3301.165 of the Revised Code. 83344

**Sec. 4729.541.** (A) Except as provided in divisions (B) to (D) 83345  
of this section, all of the following are exempt from licensure as 83346  
a terminal distributor of dangerous drugs: 83347

(1) A licensed health professional authorized to prescribe 83348  
drugs; 83349

(2) A business entity that is a corporation formed under 83350  
division (B) of section 1701.03 of the Revised Code, a limited 83351  
liability company formed under Chapter 1705. of the Revised Code, 83352  
or a professional association formed under Chapter 1785. of the 83353

Revised Code if the entity has a sole shareholder who is a 83354  
prescriber and is authorized to provide the professional services 83355  
being offered by the entity; 83356

(3) A business entity that is a corporation formed under 83357  
division (B) of section 1701.03 of the Revised Code, a limited 83358  
liability company formed under Chapter 1705. of the Revised Code, 83359  
a partnership or a limited liability partnership formed under 83360  
Chapter 1775. of the Revised Code, or a professional association 83361  
formed under Chapter 1785. of the Revised Code, if, to be a 83362  
shareholder, member, or partner, an individual is required to be 83363  
licensed, certified, or otherwise legally authorized under Title 83364  
XLVII of the Revised Code to perform the professional service 83365  
provided by the entity and each such individual is a prescriber; 83366

(4) An individual who holds a current license, certificate, 83367  
or registration issued under Title XLVII of the Revised Code and 83368  
has been certified to conduct diabetes education by a national 83369  
certifying body specified in rules adopted by the state board of 83370  
pharmacy under section 4729.68 of the Revised Code, but only with 83371  
respect to insulin that will be used for the purpose of diabetes 83372  
education and only if diabetes education is within the 83373  
individual's scope of practice under statutes and rules regulating 83374  
the individual's profession; 83375

(5) An individual who holds a valid certificate issued by a 83376  
nationally recognized S.C.U.B.A. diving certifying organization 83377  
approved by the state board of pharmacy under rules adopted by the 83378  
board, but only with respect to medical oxygen that will be used 83379  
for the purpose of emergency care or treatment at the scene of a 83380  
diving emergency; 83381

(6) With respect to epinephrine autoinjectors that may be 83382  
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 83383  
or 3328.29 of the Revised Code, any of the following: the board of 83384  
education of a city, local, exempted village, or joint vocational 83385

school district; a chartered, accredited, or nonchartered 83386  
nonpublic school; a community school established under Chapter 83387  
3314. of the Revised Code; a STEM school established under Chapter 83388  
3326. of the Revised Code; or a college-preparatory boarding 83389  
school established under Chapter 3328. of the Revised Code~~r~~. As 83390  
used in this section, "accredited nonpublic school" means an 83391  
accredited nonpublic school as described in section 3301.165 of 83392  
the Revised Code. 83393

(7) With respect to epinephrine autoinjectors that may be 83394  
possessed under section 5101.76 of the Revised Code, any of the 83395  
following: a residential camp, as defined in section 2151.011 of 83396  
the Revised Code; a child day camp, as defined in section 5104.01 83397  
of the Revised Code; or a child day camp operated by any county, 83398  
township, municipal corporation, township park district created 83399  
under section 511.18 of the Revised Code, park district created 83400  
under section 1545.04 of the Revised Code, or joint recreation 83401  
district established under section 755.14 of the Revised Code; 83402

(8) With respect to epinephrine autoinjectors that may be 83403  
possessed under Chapter 3728. of the Revised Code, a qualified 83404  
entity, as defined in section 3728.01 of the Revised Code; 83405

(9) With respect to inhalers that may be possessed under 83406  
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of the 83407  
Revised Code, any of the following: the board of education of a 83408  
city, local, exempted village, or joint vocational school 83409  
district; a chartered, accredited, or nonchartered nonpublic 83410  
school; a community school established under Chapter 3314. of the 83411  
Revised Code; a STEM school established under Chapter 3326. of the 83412  
Revised Code; or a college-preparatory boarding school established 83413  
under Chapter 3328. of the Revised Code; 83414

(10) With respect to inhalers that may be possessed under 83415  
section 5101.77 of the Revised Code, any of the following: a 83416  
residential camp, as defined in section 2151.011 of the Revised 83417

Code; a child day camp, as defined in section 5104.01 of the Revised Code; or a child day camp operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code;

(11) With respect to naloxone that may be possessed under section 2925.61 of the Revised Code, a law enforcement agency and its peace officers;

(12) With respect to naloxone that may be possessed under section 4729.514 of the Revised Code, a service entity, as defined in that section;

(13) A facility that is owned and operated by the United States department of defense, the United States department of veterans affairs, or any other federal agency.

(B) If a person described in division (A) of this section is a pain management clinic or is operating a pain management clinic, the person shall hold a license as a terminal distributor of dangerous drugs with a pain management clinic classification issued under section 4729.552 of the Revised Code.

(C) If a person described in division (A) of this section is operating a facility, clinic, or other location described in division (B) of section 4729.553 of the Revised Code that must hold a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification, the person shall hold a license with that classification.

(D) Any of the persons described in divisions (A)(1) to (12) of this section shall hold a license as a terminal distributor of dangerous drugs in order to possess, have custody or control of, and distribute any of the following:

(1) Dangerous drugs that are compounded or used for the

purpose of compounding;	83449
(2) A schedule I, II, III, IV, or V controlled substance, as defined in section 3719.01 of the Revised Code.	83450 83451
<b>Sec. 5104.01.</b> As used in this chapter:	83452
(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or type B home. The administrator and the owner may be the same person.	83453 83454 83455
(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.	83456 83457
(C) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care.	83458 83459 83460 83461
(D) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following:	83462 83463 83464
(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications;	83465 83466 83467
(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.	83468 83469 83470
(E) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.	83471 83472 83473 83474 83475 83476 83477 83478

(F)(1) "Chartered nonpublic school" means a school that meets 83479  
standards for nonpublic schools prescribed by the state board of 83480  
education for nonpublic schools pursuant to section 3301.07 of the 83481  
Revised Code. 83482

(2) "Accredited nonpublic school" means an accredited 83483  
nonpublic school as described in section 3301.165 of the Revised 83484  
Code. 83485

(G) "Child" includes an infant, toddler, preschool-age child, 83486  
or school-age child. 83487

(H) "Child care block grant act" means the "Child Care and 83488  
Development Block Grant Act of 1990," established in section 5082 83489  
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 83490  
1388-236 (1990), 42 U.S.C. 9858, as amended. 83491

(I) "Child day camp" means a program in which only school-age 83492  
children attend or participate, that operates for no more than 83493  
seven hours per day, that operates only during one or more public 83494  
school district's regular vacation periods or for no more than 83495  
fifteen weeks during the summer, and that operates outdoor 83496  
activities for each child who attends or participates in the 83497  
program for a minimum of fifty per cent of each day that children 83498  
attend or participate in the program, except for any day when 83499  
hazardous weather conditions prevent the program from operating 83500  
outdoor activities for a minimum of fifty per cent of that day. 83501  
For purposes of this division, the maximum seven hours of 83502  
operation time does not include transportation time from a child's 83503  
home to a child day camp and from a child day camp to a child's 83504  
home. 83505

(J) "Child care" means all of the following: 83506

(1) Administering to the needs of infants, toddlers, 83507  
preschool-age children, and school-age children outside of school 83508  
hours; 83509

- (2) By persons other than their parents, guardians, or  
custodians; 83510  
83511
- (3) For any part of the twenty-four-hour day; 83512
- (4) In a place other than a child's own home, except that an  
in-home aide provides child care in the child's own home. 83513  
83514
- (K) "Child day-care center" and "center" mean any place in 83515  
which child care or publicly funded child care is provided for 83516  
thirteen or more children at one time or any place that is not the 83517  
permanent residence of the licensee or administrator in which 83518  
child care or publicly funded child care is provided for seven to 83519  
twelve children at one time. In counting children for the purposes 83520  
of this division, any children under six years of age who are 83521  
related to a licensee, administrator, or employee and who are on 83522  
the premises of the center shall be counted. "Child day-care 83523  
center" and "center" do not include any of the following: 83524
- (1) A place located in and operated by a hospital, as defined 83525  
in section 3727.01 of the Revised Code, in which the needs of 83526  
children are administered to, if all the children whose needs are 83527  
being administered to are monitored under the on-site supervision 83528  
of a physician licensed under Chapter 4731. of the Revised Code or 83529  
a registered nurse licensed under Chapter 4723. of the Revised 83530  
Code, and the services are provided only for children who, in the 83531  
opinion of the child's parent, guardian, or custodian, are 83532  
exhibiting symptoms of a communicable disease or other illness or 83533  
are injured; 83534
- (2) A child day camp; 83535
- (3) A place that provides child care, but not publicly funded 83536  
child care, if all of the following apply: 83537
- (a) An organized religious body provides the child care; 83538
- (b) A parent, custodian, or guardian of at least one child 83539

receiving child care is on the premises and readily accessible at 83540  
all times; 83541

(c) The child care is not provided for more than thirty days 83542  
a year; 83543

(d) The child care is provided only for preschool-age and 83544  
school-age children. 83545

(L) "Child care resource and referral service organization" 83546  
means a community-based nonprofit organization that provides child 83547  
care resource and referral services but not child care. 83548

(M) "Child care resource and referral services" means all of 83549  
the following services: 83550

(1) Maintenance of a uniform data base of all child care 83551  
providers in the community that are in compliance with this 83552  
chapter, including current occupancy and vacancy data; 83553

(2) Provision of individualized consumer education to 83554  
families seeking child care; 83555

(3) Provision of timely referrals of available child care 83556  
providers to families seeking child care; 83557

(4) Recruitment of child care providers; 83558

(5) Assistance in the development, conduct, and dissemination 83559  
of training for child care providers and provision of technical 83560  
assistance to current and potential child care providers, 83561  
employers, and the community; 83562

(6) Collection and analysis of data on the supply of and 83563  
demand for child care in the community; 83564

(7) Technical assistance concerning locally, state, and 83565  
federally funded child care and early childhood education 83566  
programs; 83567

(8) Stimulation of employer involvement in making child care 83568

more affordable, more available, safer, and of higher quality for 83569  
their employees and for the community; 83570

(9) Provision of written educational materials to caretaker 83571  
parents and informational resources to child care providers; 83572

(10) Coordination of services among child care resource and 83573  
referral service organizations to assist in developing and 83574  
maintaining a statewide system of child care resource and referral 83575  
services if required by the department of job and family services; 83576

(11) Cooperation with the county department of job and family 83577  
services in encouraging the establishment of parent cooperative 83578  
child care centers and parent cooperative type A family day-care 83579  
homes. 83580

(N) "Child-care staff member" means an employee of a child 83581  
day-care center or type A family day-care home who is primarily 83582  
responsible for the care and supervision of children. The 83583  
administrator may be a part-time child-care staff member when not 83584  
involved in other duties. 83585

(O) "Drop-in child day-care center," "drop-in center," 83586  
"drop-in type A family day-care home," and "drop-in type A home" 83587  
mean a center or type A home that provides child care or publicly 83588  
funded child care for children on a temporary, irregular basis. 83589

(P) "Employee" means a person who either: 83590

(1) Receives compensation for duties performed in a child 83591  
day-care center or type A family day-care home; 83592

(2) Is assigned specific working hours or duties in a child 83593  
day-care center or type A family day-care home. 83594

(Q) "Employer" means a person, firm, institution, 83595  
organization, or agency that operates a child day-care center or 83596  
type A family day-care home subject to licensure under this 83597  
chapter. 83598

(R) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(S) "Head start program" means a comprehensive child development program serving birth to three years old and preschool-age children that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as amended, and is licensed as a child day-care center.

(T) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.

(U) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements.

(V) "Infant" means a child who is less than eighteen months of age.

(W) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

(X) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers, type A family day-care homes, and

licensed type B family day-care homes in which each licensing 83630  
requirement is assigned a weight indicative of the relative 83631  
importance of the requirement to the health, growth, and safety of 83632  
the children that is used to develop an indicator checklist. 83633

(Y) "License capacity" means the maximum number in each age 83634  
category of children who may be cared for in a child day-care 83635  
center or type A family day-care home at one time as determined by 83636  
the director of job and family services considering building 83637  
occupancy limits established by the department of commerce, amount 83638  
of available indoor floor space and outdoor play space, and amount 83639  
of available play equipment, materials, and supplies. For the 83640  
purposes of a provisional license issued under this chapter, the 83641  
director shall also consider the number of available child-care 83642  
staff members when determining "license capacity" for the 83643  
provisional license. 83644

(Z) "Licensed child care program" means any of the following: 83645

(1) A child day-care center licensed by the department of job 83646  
and family services pursuant to this chapter; 83647

(2) A type A family day-care home or type B family day-care 83648  
home licensed by the department of job and family services 83649  
pursuant to this chapter; 83650

(3) A licensed preschool program or licensed school child 83651  
program. 83652

(AA) "Licensed preschool program" or "licensed school child 83653  
program" means a preschool program or school child program, as 83654  
defined in section 3301.52 of the Revised Code, that is licensed 83655  
by the department of education pursuant to sections 3301.52 to 83656  
3301.59 of the Revised Code. 83657

(BB) "Licensed type B family day-care home" and "licensed 83658  
type B home" mean a type B family day-care home for which there is 83659  
a valid license issued by the director of job and family services 83660

pursuant to section 5104.03 of the Revised Code. 83661

(CC) "Licensee" means the owner of a child day-care center, 83662  
type A family day-care home, or type B family day-care home that 83663  
is licensed pursuant to this chapter and who is responsible for 83664  
ensuring its compliance with this chapter and rules adopted 83665  
pursuant to this chapter. 83666

(DD) "Operate a child day camp" means to operate, establish, 83667  
manage, conduct, or maintain a child day camp. 83668

(EE) "Owner" includes a person, as defined in section 1.59 of 83669  
the Revised Code, or government entity. 83670

(FF) "Parent cooperative child day-care center," "parent 83671  
cooperative center," "parent cooperative type A family day-care 83672  
home," and "parent cooperative type A home" mean a corporation or 83673  
association organized for providing educational services to the 83674  
children of members of the corporation or association, without 83675  
gain to the corporation or association as an entity, in which the 83676  
services of the corporation or association are provided only to 83677  
children of the members of the corporation or association, 83678  
ownership and control of the corporation or association rests 83679  
solely with the members of the corporation or association, and at 83680  
least one parent-member of the corporation or association is on 83681  
the premises of the center or type A home during its hours of 83682  
operation. 83683

(GG) "Part-time child day-care center," "part-time center," 83684  
"part-time type A family day-care home," and "part-time type A 83685  
home" mean a center or type A home that provides child care or 83686  
publicly funded child care for not more than four hours a day for 83687  
any child or not more than fifteen consecutive weeks per year, 83688  
regardless of the number of hours per day. 83689

(HH) "Place of worship" means a building where activities of 83690  
an organized religious group are conducted and includes the 83691

grounds and any other buildings on the grounds used for such 83692  
activities. 83693

(II) "Preschool-age child" means a child who is three years 83694  
old or older but is not a school-age child. 83695

(JJ) "Protective child care" means publicly funded child care 83696  
for the direct care and protection of a child to whom either of 83697  
the following applies: 83698

(1) A case plan prepared and maintained for the child 83699  
pursuant to section 2151.412 of the Revised Code indicates a need 83700  
for protective care and the child resides with a parent, 83701  
stepparent, guardian, or another person who stands in loco 83702  
parentis as defined in rules adopted under section 5104.38 of the 83703  
Revised Code; 83704

(2) The child and the child's caretaker either temporarily 83705  
reside in a facility providing emergency shelter for homeless 83706  
families or are determined by the county department of job and 83707  
family services to be homeless, and are otherwise ineligible for 83708  
publicly funded child care. 83709

(KK) "Publicly funded child care" means administering to the 83710  
needs of infants, toddlers, preschool-age children, and school-age 83711  
children under age thirteen during any part of the 83712  
twenty-four-hour day by persons other than their caretaker parents 83713  
for remuneration wholly or in part with federal or state funds, 83714  
including funds available under the child care block grant act, 83715  
Title IV-A, and Title XX, distributed by the department of job and 83716  
family services. 83717

(LL) "Religious activities" means any of the following: 83718  
worship or other religious services; religious instruction; Sunday 83719  
school classes or other religious classes conducted during or 83720  
prior to worship or other religious services; youth or adult 83721  
fellowship activities; choir or other musical group practices or 83722

programs; meals; festivals; or meetings conducted by an organized religious group.

(MM) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old.

(NN) "School-age child care center" and "school-age child type A home" mean a center or type A home that provides child care for school-age children only and that does either or both of the following:

(1) Operates only during that part of the day that immediately precedes or follows the public school day of the school district in which the center or type A home is located;

(2) Operates only when the public schools in the school district in which the center or type A home is located are not open for instruction with pupils in attendance.

(OO) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.

(PP) "State median income" means the state median income calculated by the department of development pursuant to division (A)(1)(g) of section 5709.61 of the Revised Code.

(QQ) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

(RR) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.

(SS) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

(TT) "Type A family day-care home" and "type A home" mean a permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve

children at one time or a permanent residence of the administrator 83753  
in which child care is provided for four to twelve children at one 83754  
time if four or more children at one time are under two years of 83755  
age. In counting children for the purposes of this division, any 83756  
children under six years of age who are related to a licensee, 83757  
administrator, or employee and who are on the premises of the type 83758  
A home shall be counted. "Type A family day-care home" and "type A 83759  
home" do not include any child day camp. 83760

(UU) "Type B family day-care home" and "type B home" mean a 83761  
permanent residence of the provider in which child care is 83762  
provided for one to six children at one time and in which no more 83763  
than three children are under two years of age at one time. In 83764  
counting children for the purposes of this division, any children 83765  
under six years of age who are related to the provider and who are 83766  
on the premises of the type B home shall be counted. "Type B 83767  
family day-care home" and "type B home" do not include any child 83768  
day camp. 83769

**Sec. 5104.02.** (A) The director of job and family services is 83770  
responsible for the licensing of child day-care centers and type A 83771  
family day-care homes. Each entity operating a head start program 83772  
shall meet the criteria for, and be licensed as, a child day-care 83773  
center. The director is responsible for the enforcement of this 83774  
chapter and of rules promulgated pursuant to this chapter. 83775

No person, firm, organization, institution, or agency shall 83776  
operate, establish, manage, conduct, or maintain a child day-care 83777  
center or type A family day-care home without a license issued 83778  
under section 5104.03 of the Revised Code. The current license 83779  
shall be posted in a conspicuous place in the center or type A 83780  
home that is accessible to parents, custodians, or guardians and 83781  
employees of the center or type A home at all times when the 83782  
center or type A home is in operation. 83783

(B) A person, firm, institution, organization, or agency operating any of the following programs is exempt from the requirements of this chapter:	83784 83785 83786
(1) A program of child care that operates for two or less consecutive weeks;	83787 83788
(2) Child care in places of worship during religious activities during which children are cared for while at least one parent, guardian, or custodian of each child is participating in such activities and is readily available;	83789 83790 83791 83792
(3) Religious activities which do not provide child care;	83793
(4) Supervised training, instruction, or activities of children in specific areas, including, but not limited to: art; drama; dance; music; gymnastics, swimming, or another athletic skill or sport; computers; or an educational subject conducted on an organized or periodic basis no more than one day a week and for no more than six hours duration;	83794 83795 83796 83797 83798 83799
(5) Programs in which the director determines that at least one parent, custodian, or guardian of each child is on the premises of the facility offering child care and is readily accessible at all times, except that child care provided on the premises at which a parent, custodian, or guardian is employed more than two and one-half hours a day shall be licensed in accordance with division (A) of this section;	83800 83801 83802 83803 83804 83805 83806
(6)(a) Programs that provide child care funded and regulated or operated and regulated by state departments other than the department of job and family services or the state board of education when the director of job and family services has determined that the rules governing the program are equivalent to or exceed the rules promulgated pursuant to this chapter.	83807 83808 83809 83810 83811 83812
Notwithstanding any exemption from regulation under this chapter, each state department shall submit to the director of job	83813 83814

and family services a copy of the rules that govern programs that  
provide child care and are regulated or operated and regulated by  
the department. Annually, each state department shall submit to  
the director a report for each such program it regulates or  
operates and regulates that includes the following information:

(i) The site location of the program;

(ii) The maximum number of infants, toddlers, preschool-age  
children, or school-age children served by the program at one  
time;

(iii) The number of adults providing child care for the  
number of infants, toddlers, preschool-age children, or school-age  
children;

(iv) Any changes in the rules made subsequent to the time  
when the rules were initially submitted to the director.

The director shall maintain a record of the child care  
information submitted by other state departments and shall provide  
this information upon request to the general assembly or the  
public.

(b) Child care programs conducted by boards of education or  
by chartered or accredited nonpublic schools that are conducted in  
school buildings and that provide child care to school-age  
children only shall be exempt from meeting or exceeding rules  
promulgated pursuant to this chapter.

(7) Any preschool program or school child program, except a  
head start program, that is subject to licensure by the department  
of education under sections 3301.52 to 3301.59 of the Revised  
Code.

(8) Any program providing child care that meets all of the  
following requirements and, on October 20, 1987, was being  
operated by a nonpublic school that holds a charter issued by the

state board of education for kindergarten only or an accredited nonpublic school: 83845  
83846

(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly; 83847  
83848  
83849  
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(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five or is an accredited nonpublic school; 83851  
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(c) The program is conducted in a school building; 83855

(d) The program is operated in accordance with rules promulgated by the state board under sections 3301.52 to 3301.57 of the Revised Code. 83856  
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83858

(9) A youth development program operated outside of school hours by a community-based center to which all of the following apply: 83859  
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83861

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above. 83862  
83863  
83864

(b) The program provides informal child care, which is child care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program. 83865  
83866  
83867  
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(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities. 83869  
83870  
83871

(d) The program is eligible for participation in the child and adult care food program as an outside-school-hours care center pursuant to standards established under section 3313.813 of the 83872  
83873  
83874

Revised Code. 83875

(e) The community-based center operating the program is 83876  
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 83877  
and (c)(3). 83878

(10) A preschool program operated by a nonchartered, 83879  
nontax-supported school if the preschool program meets all of the 83880  
following conditions: 83881

(a) The program complies with state and local health, fire, 83882  
and safety laws. 83883

(b) The program annually certifies in a report to the parents 83884  
of its pupils that the school is in compliance with division 83885  
(B)(10)(a) of this section and files a copy of the report with the 83886  
department of job and family services on or before the thirtieth 83887  
day of September of each year. 83888

(c) The program complies with all applicable reporting 83889  
requirements in the same manner as required by the state board of 83890  
education for nonchartered, nonpublic primary and secondary 83891  
schools. 83892

(d) The program is associated with a nonchartered, 83893  
nontax-supported primary or secondary school. 83894

**Sec. 5139.18.** (A) Except with respect to children who are 83895  
granted a judicial release to court supervision pursuant to 83896  
division (B) or (D) of section 2152.22 of the Revised Code, the 83897  
department of youth services is responsible for locating homes or 83898  
jobs for children released from its institutions, for supervision 83899  
of children released from its institutions, and for providing or 83900  
arranging for the provision to those children of appropriate 83901  
services that are required to facilitate their satisfactory 83902  
community adjustment. Regional administrators through their staff 83903  
of parole officers shall supervise children paroled or released to 83904

community supervision in a manner that insures as nearly as 83905  
possible the children's rehabilitation and that provides maximum 83906  
protection to the general public. 83907

(B) The department of youth services shall exercise general 83908  
supervision over all children who have been released on placement 83909  
from any of its institutions other than children who are granted a 83910  
judicial release to court supervision pursuant to division (B) or 83911  
(D) of section 2152.22 of the Revised Code. The director of youth 83912  
services, with the consent and approval of the board of county 83913  
commissioners of any county, may contract with the public children 83914  
services agency of that county, the department of probation of 83915  
that county established pursuant to section 2301.27 of the Revised 83916  
Code, or the probation department or service established pursuant 83917  
to sections 2151.01 to 2151.54 of the Revised Code for the 83918  
provision of direct supervision and control over and the provision 83919  
of supportive assistance to all children who have been released on 83920  
placement into that county from any of its institutions, or, with 83921  
the consent of the juvenile judge or the administrative judge of 83922  
the juvenile court of any county, contract with any other public 83923  
agency, institution, or organization that is qualified to provide 83924  
the care and supervision that is required under the terms and 83925  
conditions of the child's treatment plan for the provision of 83926  
direct supervision and control over and the provision of 83927  
supportive assistance to all children who have been released on 83928  
placement into that county from any of its institutions. 83929

(C) A juvenile parole officer shall furnish to a child placed 83930  
on community control under the parole officer's supervision a 83931  
statement of the conditions of parole and shall instruct the child 83932  
regarding them. The parole officer shall keep informed concerning 83933  
the conduct and condition of a child under the parole officer's 83934  
supervision and shall report on the child's conduct to the judge 83935  
as the judge directs. A parole officer shall use all suitable 83936

methods to aid a child on community control and to improve the 83937  
child's conduct and condition. A parole officer shall keep full 83938  
and accurate records of work done for children under the parole 83939  
officer's supervision. 83940

(D) In accordance with division (D) of section 2151.14 of the 83941  
Revised Code, a court may issue an order requiring boards of 83942  
education, governing bodies of chartered and accredited nonpublic 83943  
schools, public children services agencies, private child placing 83944  
agencies, probation departments, law enforcement agencies, and 83945  
prosecuting attorneys that have records related to the child in 83946  
question to provide copies of one or more specified records, or 83947  
specified information in one or more specified records, that the 83948  
individual or entity has with respect to the child to the 83949  
department of youth services when the department has custody of 83950  
the child or is performing any services for the child that are 83951  
required by the juvenile court or by statute, and the department 83952  
requests the records in accordance with division (D)(3)(a) of 83953  
section 2151.14 of the Revised Code. 83954

As used in this division, "accredited nonpublic school" means 83955  
an accredited nonpublic school as described in section 3301.165 of 83956  
the Revised Code. 83957

(E) Whenever any placement official has reasonable cause to 83958  
believe that any child released by a court pursuant to section 83959  
2152.22 of the Revised Code has violated the conditions of the 83960  
child's placement, the official may request, in writing, from the 83961  
committing court or transferee court a custodial order, and, upon 83962  
reasonable and probable cause, the court may order any sheriff, 83963  
deputy sheriff, constable, or police officer to apprehend the 83964  
child. A child so apprehended may be confined in the detention 83965  
facility of the county in which the child is apprehended until 83966  
further order of the court. If a child who was released on 83967  
supervised release by the release authority of the department of 83968

youth services or a child who was granted a judicial release to 83969  
department of youth services supervision violates the conditions 83970  
of the supervised release or judicial release, section 5139.52 of 83971  
the Revised Code applies with respect to that child. 83972

**Section 130.11.** That existing sections 921.06, 955.43, 83973  
3301.07, 3301.071, 3301.0711, 3301.16, 3301.162, 3301.164, 83974  
3301.52, 3301.541, 3302.07, 3302.41, 3310.01, 3312.01, 3312.04, 83975  
3312.05, 3312.09, 3313.41, 3313.48, 3313.481, 3313.482, 3313.536, 83976  
3313.539, 3313.5311, 3313.603, 3313.62, 3313.716, 3313.717, 83977  
3313.718, 3313.719, 3313.7111, 3313.7112, 3313.7114, 3313.813, 83978  
3313.86, 3313.976, 3317.024, 3317.03, 3317.06, 3317.062, 3317.063, 83979  
3317.13, 3319.311, 3319.313, 3319.314, 3319.317, 3319.39, 83980  
3319.391, 3319.392, 3319.40, 3319.52, 3321.01, 3326.01, 3326.03, 83981  
3326.032, 3326.04, 3326.09, 3327.07, 3327.10, 3365.01, 3365.02, 83982  
3701.133, 3781.106, 3781.11, 4729.513, 4729.541, 5104.01, 5104.02, 83983  
and 5139.18 of the Revised Code are hereby repealed. 83984

**Section 130.12.** (A) The Speaker of the House of 83985  
Representatives and the President of the Senate shall appoint a 83986  
joint committee of the General Assembly to study the effects of 83987  
the creation of accredited nonpublic schools by this act. The 83988  
committee shall consist of the following six members: 83989

(1) The chairperson of the standing committee of the House of 83990  
Representatives principally responsible for primary and secondary 83991  
education policy; 83992

(2) The chairperson of the standing committee of the Senate 83993  
principally responsible for primary and secondary education 83994  
policy; 83995

(3) Two other members of the House of Representatives 83996  
appointed by the Speaker, one of whom is from the majority party 83997  
and one of whom is from the minority party; 83998

(4) Two other members of the Senate appointed by the President, one of whom is from the majority party and one of whom is from the minority party.

(B) In completing the study required under this section, the committee shall compare data from accredited nonpublic schools before and after the effective date of this act. The committee also shall compare data of accredited schools to other public schools and private school associations, as available. The committee shall compare aggregate data on all of the following:

(1) Remediation rates;

(2) SAT and ACT test scores;

(3) College acceptance and attendance rates;

(4) Results of other standardized tests for lower grade levels.

(C) Not later than two years after the effective date of this section, the committee shall submit a report to the General Assembly in accordance with section 101.68 of the Revised Code that includes recommendations on expanding the designation to chartered nonpublic schools not accredited by the Independent Schools Association of the Central States. The report also shall include criteria that should be used to qualify chartered nonpublic schools for such an expansion.

**Section 130.13.** Nothing in this act shall be construed to give preference or heightened approval of a chartered nonpublic school accredited by the Independent Schools Association of the Central States over a chartered nonpublic school accredited by any other association or organization.

**Section 130.20.** That sections 133.06, 133.18, 306.32, 306.321, 306.322, 306.70, 307.695, 307.697, 323.17, 349.14,

505.14, 505.20, 505.47, 511.27, 511.28, 511.34, 703.20, 707.30, 84028  
715.38, 715.691, 715.70, 715.71, 715.72, 718.04, 718.09, 718.10, 84029  
1545.041, 1545.21, 3311.21, 3311.213, 3311.22, 3311.231, 3311.26, 84030  
3311.50, 3313.38, 3313.911, 3318.06, 3318.061, 3318.063, 3318.361, 84031  
3354.02, 3354.12, 3357.02, 3357.11, 3381.03, 4301.421, 4301.424, 84032  
5705.191, 5705.192, 5705.194, 5705.199, 5705.21, 5705.211, 84033  
5705.212, 5705.213, 5705.217, 5705.218, 5705.219, 5705.2111, 84034  
5705.2112, 5705.221, 5705.222, 5705.23, 5705.233, 5705.24, 84035  
5705.25, 5705.251, 5705.261, 5705.55, 5705.72, 5739.021, 5739.026, 84036  
5739.028, 5739.09, 5743.021, 5743.024, 5743.026, 5748.02, 84037  
5748.021, 5748.08, and 5748.09 be amended and new section 5705.214 84038  
and sections 3501.022 and 5748.07 of the Revised Code be enacted 84039  
to read as follows: 84040

**Sec. 133.06.** (A) A school district shall not incur, without a 84041  
vote of the electors at a general election or a special election 84042  
held on a day on which a primary election may be held, net 84043  
indebtedness that exceeds an amount equal to one-tenth of one per 84044  
cent of its tax valuation, except as provided in divisions (G) and 84045  
(H) of this section and in division (D) of section 3313.372 of the 84046  
Revised Code, or as prescribed in section 3318.052 or 3318.44 of 84047  
the Revised Code, or as provided in division (J) of this section. 84048

(B) Except as provided in divisions (E), (F), and (I) of this 84049  
section, a school district shall not incur net indebtedness that 84050  
exceeds an amount equal to nine per cent of its tax valuation. 84051

(C) A school district shall not submit to a vote of the 84052  
electors the question of the issuance of securities in an amount 84053  
that will make the district's net indebtedness after the issuance 84054  
of the securities exceed an amount equal to four per cent of its 84055  
tax valuation, unless the superintendent of public instruction, 84056  
acting under policies adopted by the state board of education, and 84057  
the tax commissioner, acting under written policies of the 84058

commissioner, consent to the submission. A request for the 84059  
consents shall be made at least one hundred twenty days prior to 84060  
the election at which the question is to be submitted. 84061

The superintendent of public instruction shall certify to the 84062  
district the superintendent's and the tax commissioner's decisions 84063  
within thirty days after receipt of the request for consents. 84064

If the electors do not approve the issuance of securities at 84065  
the election for which the superintendent of public instruction 84066  
and tax commissioner consented to the submission of the question, 84067  
the school district may submit the same question to the electors 84068  
on the date that the next election that is either a general 84069  
election or a special election held on a day on which a primary 84070  
election may be held under section 3501.01 of the Revised Code 84071  
without submitting a new request for consent. If the school 84072  
district seeks to submit the same question at any other subsequent 84073  
election, the district shall first submit a new request for 84074  
consent in accordance with this division. 84075

(D) In calculating the net indebtedness of a school district, 84076  
none of the following shall be considered: 84077

(1) Securities issued to acquire school buses and other 84078  
equipment used in transporting pupils or issued pursuant to 84079  
division (D) of section 133.10 of the Revised Code; 84080

(2) Securities issued under division (F) of this section, 84081  
under section 133.301 of the Revised Code, and, to the extent in 84082  
excess of the limitation stated in division (B) of this section, 84083  
under division (E) of this section; 84084

(3) Indebtedness resulting from the dissolution of a joint 84085  
vocational school district under section 3311.217 of the Revised 84086  
Code, evidenced by outstanding securities of that joint vocational 84087  
school district; 84088

(4) Loans, evidenced by any securities, received under 84089

sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;	84090
(5) Debt incurred under section 3313.374 of the Revised Code;	84091
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	84092 84093 84094
(7) Debt incurred under section 3318.042 of the Revised Code;	84095
(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of which the school district is a participating school district.	84096 84097 84098
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	84099 84100
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	84101 84102 84103
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	84104 84105
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.	84106 84107 84108 84109
(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:	84110 84111 84112
(a) The history of and a projection of the growth of the tax valuation;	84113 84114
(b) The projected needs;	84115
(c) The estimated cost of permanent improvements proposed to meet such projected needs.	84116 84117
(3) The superintendent of public instruction shall certify	84118

the district as an approved special needs district if the 84119  
superintendent finds both of the following: 84120

(a) The district does not have available sufficient 84121  
additional funds from state or federal sources to meet the 84122  
projected needs. 84123

(b) The projection of the potential average growth of tax 84124  
valuation during the next five years, according to the information 84125  
certified to the superintendent and any other information the 84126  
superintendent obtains, indicates a likelihood of potential 84127  
average growth of tax valuation of the district during the next 84128  
five years of an average of not less than one and one-half per 84129  
cent per year. The findings and certification of the 84130  
superintendent shall be conclusive. 84131

(4) An approved special needs district may incur net 84132  
indebtedness by the issuance of securities in accordance with the 84133  
provisions of this chapter in an amount that does not exceed an 84134  
amount equal to the greater of the following: 84135

(a) Twelve per cent of the sum of its tax valuation plus an 84136  
amount that is the product of multiplying that tax valuation by 84137  
the percentage by which the tax valuation has increased over the 84138  
tax valuation on the first day of the sixtieth month preceding the 84139  
month in which its board determines to submit to the electors the 84140  
question of issuing the proposed securities; 84141

(b) Twelve per cent of the sum of its tax valuation plus an 84142  
amount that is the product of multiplying that tax valuation by 84143  
the percentage, determined by the superintendent of public 84144  
instruction, by which that tax valuation is projected to increase 84145  
during the next ten years. 84146

(F) A school district may issue securities for emergency 84147  
purposes, in a principal amount that does not exceed an amount 84148  
equal to three per cent of its tax valuation, as provided in this 84149

division. 84150

(1) A board of education, by resolution, may declare an 84151  
emergency if it determines both of the following: 84152

(a) School buildings or other necessary school facilities in 84153  
the district have been wholly or partially destroyed, or condemned 84154  
by a constituted public authority, or that such buildings or 84155  
facilities are partially constructed, or so constructed or planned 84156  
as to require additions and improvements to them before the 84157  
buildings or facilities are usable for their intended purpose, or 84158  
that corrections to permanent improvements are necessary to remove 84159  
or prevent health or safety hazards. 84160

(b) Existing fiscal and net indebtedness limitations make 84161  
adequate replacement, additions, or improvements impossible. 84162

(2) Upon the declaration of an emergency, the board of 84163  
education may, by resolution, submit to the electors of the 84164  
district pursuant to section 133.18 of the Revised Code the 84165  
question of issuing securities for the purpose of paying the cost, 84166  
in excess of any insurance or condemnation proceeds received by 84167  
the district, of permanent improvements to respond to the 84168  
emergency need. 84169

(3) The procedures for the election shall be as provided in 84170  
section 133.18 of the Revised Code, except that: 84171

(a) The form of the ballot shall describe the emergency 84172  
existing, refer to this division as the authority under which the 84173  
emergency is declared, and state that the amount of the proposed 84174  
securities exceeds the limitations prescribed by division (B) of 84175  
this section; 84176

(b) The resolution required by division (B) of section 133.18 84177  
of the Revised Code shall be certified to the county auditor and 84178  
the board of elections at least one hundred days prior to the 84179  
election; 84180

(c) The county auditor shall advise and, not later than 84181  
ninety-five days before the election, confirm that advice by 84182  
certification to, the board of education of the information 84183  
required by division (C) of section 133.18 of the Revised Code; 84184

(d) The board of education shall then certify its resolution 84185  
and the information required by division (D) of section 133.18 of 84186  
the Revised Code to the board of elections not less than ninety 84187  
days prior to the election. 84188

(4) Notwithstanding division (B) of section 133.21 of the 84189  
Revised Code, the first principal payment of securities issued 84190  
under this division may be set at any date not later than sixty 84191  
months after the earliest possible principal payment otherwise 84192  
provided for in that division. 84193

(G)(1) The board of education may contract with an architect, 84194  
professional engineer, or other person experienced in the design 84195  
and implementation of energy conservation measures for an analysis 84196  
and recommendations pertaining to installations, modifications of 84197  
installations, or remodeling that would significantly reduce 84198  
energy consumption in buildings owned by the district. The report 84199  
shall include estimates of all costs of such installations, 84200  
modifications, or remodeling, including costs of design, 84201  
engineering, installation, maintenance, repairs, measurement and 84202  
verification of energy savings, and debt service, forgone residual 84203  
value of materials or equipment replaced by the energy 84204  
conservation measure, as defined by the Ohio facilities 84205  
construction commission, a baseline analysis of actual energy 84206  
consumption data for the preceding three years with the utility 84207  
baseline based on only the actual energy consumption data for the 84208  
preceding twelve months, and estimates of the amounts by which 84209  
energy consumption and resultant operational and maintenance 84210  
costs, as defined by the commission, would be reduced. 84211

If the board finds after receiving the report that the amount 84212

of money the district would spend on such installations, 84213  
modifications, or remodeling is not likely to exceed the amount of 84214  
money it would save in energy and resultant operational and 84215  
maintenance costs over the ensuing fifteen years, the board may 84216  
submit to the commission a copy of its findings and a request for 84217  
approval to incur indebtedness to finance the making or 84218  
modification of installations or the remodeling of buildings for 84219  
the purpose of significantly reducing energy consumption. 84220

The facilities construction commission, in consultation with 84221  
the auditor of state, may deny a request under division (G)(1) of 84222  
this section by the board of education of any school district that 84223  
is in a state of fiscal watch pursuant to division (A) of section 84224  
3316.03 of the Revised Code, if it determines that the expenditure 84225  
of funds is not in the best interest of the school district. 84226

No district board of education of a school district that is 84227  
in a state of fiscal emergency pursuant to division (B) of section 84228  
3316.03 of the Revised Code shall submit a request without 84229  
submitting evidence that the installations, modifications, or 84230  
remodeling have been approved by the district's financial planning 84231  
and supervision commission established under section 3316.05 of 84232  
the Revised Code. 84233

No board of education of a school district for which an 84234  
academic distress commission has been established under section 84235  
3302.10 of the Revised Code shall submit a request without first 84236  
receiving approval to incur indebtedness from the district's 84237  
academic distress commission established under that section, for 84238  
so long as such commission continues to be required for the 84239  
district. 84240

(2) The board of education may contract with a person 84241  
experienced in the implementation of student transportation to 84242  
produce a report that includes an analysis of and recommendations 84243  
for the use of alternative fuel vehicles by school districts. The 84244

report shall include cost estimates detailing the return on 84245  
investment over the life of the alternative fuel vehicles and 84246  
environmental impact of alternative fuel vehicles. The report also 84247  
shall include estimates of all costs associated with alternative 84248  
fuel transportation, including facility modifications and vehicle 84249  
purchase costs or conversion costs. 84250

If the board finds after receiving the report that the amount 84251  
of money the district would spend on purchasing alternative fuel 84252  
vehicles or vehicle conversion is not likely to exceed the amount 84253  
of money it would save in fuel and resultant operational and 84254  
maintenance costs over the ensuing five years, the board may 84255  
submit to the commission a copy of its findings and a request for 84256  
approval to incur indebtedness to finance the purchase of new 84257  
alternative fuel vehicles or vehicle conversions for the purpose 84258  
of reducing fuel costs. 84259

The facilities construction commission, in consultation with 84260  
the auditor of state, may deny a request under division (G)(2) of 84261  
this section by the board of education of any school district that 84262  
is in a state of fiscal watch pursuant to division (A) of section 84263  
3316.03 of the Revised Code, if it determines that the expenditure 84264  
of funds is not in the best interest of the school district. 84265

No district board of education of a school district that is 84266  
in a state of fiscal emergency pursuant to division (B) of section 84267  
3316.03 of the Revised Code shall submit a request without 84268  
submitting evidence that the purchase or conversion of alternative 84269  
fuel vehicles has been approved by the district's financial 84270  
planning and supervision commission established under section 84271  
3316.05 of the Revised Code. 84272

No board of education of a school district for which an 84273  
academic distress commission has been established under section 84274  
3302.10 of the Revised Code shall submit a request without first 84275  
receiving approval to incur indebtedness from the district's 84276

academic distress commission established under that section, for 84277  
so long as such commission continues to be required for the 84278  
district. 84279

(3) The facilities construction commission shall approve the 84280  
board's request provided that the following conditions are 84281  
satisfied: 84282

(a) The commission determines that the board's findings are 84283  
reasonable. 84284

(b) The request for approval is complete. 84285

(c) If the request was submitted under division (G)(1) of 84286  
this section, the installations, modifications, or remodeling are 84287  
consistent with any project to construct or acquire classroom 84288  
facilities, or to reconstruct or make additions to existing 84289  
classroom facilities under sections 3318.01 to 3318.20 or sections 84290  
3318.40 to 3318.45 of the Revised Code. 84291

Upon receipt of the commission's approval, the district may 84292  
issue securities without a vote of the electors in a principal 84293  
amount not to exceed nine-tenths of one per cent of its tax 84294  
valuation for the purpose specified in division (G)(1) or (2) of 84295  
this section, but the total net indebtedness of the district 84296  
without a vote of the electors incurred under this and all other 84297  
sections of the Revised Code, except section 3318.052 of the 84298  
Revised Code, shall not exceed one per cent of the district's tax 84299  
valuation. 84300

(4)(a) So long as any securities issued under division (G)(1) 84301  
of this section remain outstanding, the board of education shall 84302  
monitor the energy consumption and resultant operational and 84303  
maintenance costs of buildings in which installations or 84304  
modifications have been made or remodeling has been done pursuant 84305  
to that division. Except as provided in division (G)(4)(b) of this 84306  
section, the board shall maintain and annually update a report in 84307

a form and manner prescribed by the facilities construction 84308  
commission documenting the reductions in energy consumption and 84309  
resultant operational and maintenance cost savings attributable to 84310  
such installations, modifications, or remodeling. The resultant 84311  
operational and maintenance cost savings shall be certified by the 84312  
school district treasurer. The report shall be submitted annually 84313  
to the commission. 84314

(b) If the facilities construction commission verifies that 84315  
the certified annual reports submitted to the commission by a 84316  
board of education under division (G)(4)(a) of this section 84317  
fulfill the guarantee required under division (B) of section 84318  
3313.372 of the Revised Code for three consecutive years, the 84319  
board of education shall no longer be subject to the annual 84320  
reporting requirements of division (G)(4)(a) of this section. 84321

(5) So long as any securities issued under division (G)(2) of 84322  
this section remain outstanding, the board of education shall 84323  
monitor the purchase of new alternative fuel vehicles or vehicle 84324  
conversions pursuant to that division. The board shall maintain 84325  
and annually update a report in a form and manner prescribed by 84326  
the facilities construction commission documenting the purchase of 84327  
new alternative fuel vehicles or vehicle conversions, the 84328  
associated environmental impact, and return on investment. The 84329  
resultant fuel and operational and maintenance cost savings shall 84330  
be certified by the school district treasurer. The report shall be 84331  
submitted annually to the commission. 84332

(H) With the consent of the superintendent of public 84333  
instruction, a school district may incur without a vote of the 84334  
electors net indebtedness that exceeds the amounts stated in 84335  
divisions (A) and (G) of this section for the purpose of paying 84336  
costs of permanent improvements, if and to the extent that both of 84337  
the following conditions are satisfied: 84338

(1) The fiscal officer of the school district estimates that 84339

receipts of the school district from payments made under or 84340  
pursuant to agreements entered into pursuant to section 725.02, 84341  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 84342  
5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 84343  
of the Revised Code, or distributions under division (C) of 84344  
section 5709.43 or division (B) of section 5709.47 of the Revised 84345  
Code, or any combination thereof, are, after accounting for any 84346  
appropriate coverage requirements, sufficient in time and amount, 84347  
and are committed by the proceedings, to pay the debt charges on 84348  
the securities issued to evidence that indebtedness and payable 84349  
from those receipts, and the taxing authority of the district 84350  
confirms the fiscal officer's estimate, which confirmation is 84351  
approved by the superintendent of public instruction; 84352

(2) The fiscal officer of the school district certifies, and 84353  
the taxing authority of the district confirms, that the district, 84354  
at the time of the certification and confirmation, reasonably 84355  
expects to have sufficient revenue available for the purpose of 84356  
operating such permanent improvements for their intended purpose 84357  
upon acquisition or completion thereof, and the superintendent of 84358  
public instruction approves the taxing authority's confirmation. 84359

The maximum maturity of securities issued under division (H) 84360  
of this section shall be the lesser of twenty years or the maximum 84361  
maturity calculated under section 133.20 of the Revised Code. 84362

(I) A school district may incur net indebtedness by the 84363  
issuance of securities in accordance with the provisions of this 84364  
chapter in excess of the limit specified in division (B) or (C) of 84365  
this section when necessary to raise the school district portion 84366  
of the basic project cost and any additional funds necessary to 84367  
participate in a project under Chapter 3318. of the Revised Code, 84368  
including the cost of items designated by the facilities 84369  
construction commission as required locally funded initiatives, 84370  
the cost of other locally funded initiatives in an amount that 84371

does not exceed fifty per cent of the district's portion of the 84372  
basic project cost, and the cost for site acquisition. The 84373  
commission shall notify the superintendent of public instruction 84374  
whenever a school district will exceed either limit pursuant to 84375  
this division. 84376

(J) A school district whose portion of the basic project cost 84377  
of its classroom facilities project under sections 3318.01 to 84378  
3318.20 of the Revised Code is greater than or equal to one 84379  
hundred million dollars may incur without a vote of the electors 84380  
net indebtedness in an amount up to two per cent of its tax 84381  
valuation through the issuance of general obligation securities in 84382  
order to generate all or part of the amount of its portion of the 84383  
basic project cost if the controlling board has approved the 84384  
facilities construction commission's conditional approval of the 84385  
project under section 3318.04 of the Revised Code. The school 84386  
district board and the Ohio facilities construction commission 84387  
shall include the dedication of the proceeds of such securities in 84388  
the agreement entered into under section 3318.08 of the Revised 84389  
Code. No state moneys shall be released for a project to which 84390  
this section applies until the proceeds of any bonds issued under 84391  
this section that are dedicated for the payment of the school 84392  
district portion of the project are first deposited into the 84393  
school district's project construction fund. 84394

**Sec. 133.18.** (A) The taxing authority of a subdivision may by 84395  
legislation submit to the electors of the subdivision the question 84396  
of issuing any general obligation bonds, for one purpose, that the 84397  
subdivision has power or authority to issue. 84398

(B) When the taxing authority of a subdivision desires or is 84399  
required by law to submit the question of a bond issue to the 84400  
electors, it shall pass legislation that does all of the 84401  
following: 84402

(1) Declares the necessity and purpose of the bond issue;	84403
(2) States the date of the <del>authorized</del> election at which the question shall be submitted to the electors, <u>which shall be a general election or a special election held on a day on which a primary election may be held;</u>	84404 84405 84406 84407
(3) States the amount, approximate date, estimated net average rate of interest, and maximum number of years over which the principal of the bonds may be paid;	84408 84409 84410
(4) Declares the necessity of levying a tax outside the tax limitation to pay the debt charges on the bonds and any anticipatory securities.	84411 84412 84413
The estimated net average interest rate shall be determined by the taxing authority based on, among other factors, then existing market conditions, and may reflect adjustments for any anticipated direct payments expected to be received by the taxing authority from the government of the United States relating to the bonds and the effect of any federal tax credits anticipated to be available to owners of all or a portion of the bonds. The estimated net average rate of interest, and any statutory or charter limit on interest rates that may then be in effect and that is subsequently amended, shall not be a limitation on the actual interest rate or rates on the securities when issued.	84414 84415 84416 84417 84418 84419 84420 84421 84422 84423 84424
(C)(1) The taxing authority shall certify a copy of the legislation passed under division (B) of this section to the county auditor. The county auditor shall promptly calculate and advise and, not later than ninety days before the election, confirm that advice by certification to, the taxing authority the estimated average annual property tax levy, expressed in cents or dollars and cents for each one hundred dollars of tax valuation and in mills for each one dollar of tax valuation, that the county auditor estimates to be required throughout the stated maturity of	84425 84426 84427 84428 84429 84430 84431 84432 84433

the bonds to pay the debt charges on the bonds. In calculating the 84434  
estimated average annual property tax levy for this purpose, the 84435  
county auditor shall assume that the bonds are issued in one 84436  
series bearing interest and maturing in substantially equal 84437  
principal amounts in each year over the maximum number of years 84438  
over which the principal of the bonds may be paid as stated in 84439  
that legislation, and that the amount of the tax valuation of the 84440  
subdivision for the current year remains the same throughout the 84441  
maturity of the bonds, except as otherwise provided in division 84442  
(C)(2) of this section. If the tax valuation for the current year 84443  
is not determined, the county auditor shall base the calculation 84444  
on the estimated amount of the tax valuation submitted by the 84445  
county auditor to the county budget commission. If the subdivision 84446  
is located in more than one county, the county auditor shall 84447  
obtain the assistance of the county auditors of the other 84448  
counties, and those county auditors shall provide assistance, in 84449  
establishing the tax valuation of the subdivision for purposes of 84450  
certifying the estimated average annual property tax levy. 84451

(2) When considering the tangible personal property component 84452  
of the tax valuation of the subdivision, the county auditor shall 84453  
take into account the assessment percentages prescribed in section 84454  
5711.22 of the Revised Code. The tax commissioner may issue rules, 84455  
orders, or instructions directing how the assessment percentages 84456  
must be utilized. 84457

(D) After receiving the county auditor's advice under 84458  
division (C) of this section, the taxing authority by legislation 84459  
may determine to proceed with submitting the question of the issue 84460  
of securities, and shall, not later than the ninetieth day before 84461  
the day of the election, file the following with the board of 84462  
elections: 84463

(1) Copies of the legislation provided for in divisions (B) 84464  
and (D) of this section; 84465

(2) The amount of the estimated average annual property tax 84466  
levy, expressed in cents or dollars and cents for each one hundred 84467  
dollars of tax valuation and in mills for each one dollar of tax 84468  
valuation, as estimated and certified to the taxing authority by 84469  
the county auditor. 84470

(E)(1) The board of elections shall prepare the ballots and 84471  
make other necessary arrangements for the submission of the 84472  
question to the electors of the subdivision. If the subdivision is 84473  
located in more than one county, the board shall inform the boards 84474  
of elections of the other counties of the filings with it, and 84475  
those other boards shall if appropriate make the other necessary 84476  
arrangements for the election in their counties. The election 84477  
shall be conducted, canvassed, and certified in the manner 84478  
provided in Title XXXV of the Revised Code. 84479

(2) The election shall be held at the regular places for 84480  
voting in the subdivision. If the electors of only a part of a 84481  
precinct are qualified to vote at the election the board of 84482  
elections may assign the electors in that part to an adjoining 84483  
precinct, including an adjoining precinct in another county if the 84484  
board of elections of the other county consents to and approves 84485  
the assignment. Each elector so assigned shall be notified of that 84486  
fact prior to the election by notice mailed by the board of 84487  
elections, in such manner as it determines, prior to the election. 84488

(3) The board of elections shall publish a notice of the 84489  
election once in a newspaper of general circulation in the 84490  
subdivision, no later than ten days prior to the election. The 84491  
notice shall state all of the following: 84492

(a) The principal amount of the proposed bond issue; 84493

(b) The stated purpose for which the bonds are to be issued; 84494

(c) The maximum number of years over which the principal of 84495  
the bonds may be paid; 84496

(d) The estimated additional average annual property tax 84497  
 levy, expressed in cents or dollars and cents for each one hundred 84498  
 dollars of tax valuation and in mills for each one dollar of tax 84499  
 valuation, to be levied outside the tax limitation, as estimated 84500  
 and certified to the taxing authority by the county auditor; 84501

(e) The first calendar year in which the tax is expected to 84502  
 be due. 84503

(F)(1) The form of the ballot to be used at the election 84504  
 shall be substantially either of the following, as applicable: 84505

(a) "Shall bonds be issued by the ..... (name of 84506  
 subdivision) for the purpose of ..... (purpose of the bond 84507  
 issue) in the principal amount of ..... (principal amount of 84508  
 the bond issue), to be repaid annually over a maximum period of 84509  
 ..... (the maximum number of years over which the principal 84510  
 of the bonds may be paid) years, and an annual levy of property 84511  
 taxes be made outside the ..... (as applicable, "ten-mill" or 84512  
 "...charter tax") limitation, estimated by the county auditor to 84513  
 average over the repayment period of the bond issue ..... 84514  
 (number of mills) mills for each one dollar of tax valuation, 84515  
 which amounts to ..... (rate expressed in cents or dollars 84516  
 and cents, such as "36 cents" or "\$1.41") for each one hundred 84517  
 dollars of tax valuation, commencing in ..... (first year the 84518  
 tax will be levied), first due in calendar year ..... (first 84519  
 calendar year in which the tax shall be due), to pay the annual 84520  
 debt charges on the bonds, and to pay debt charges on any notes 84521  
 issued in anticipation of those bonds? 84522

	For the bond issue
	Against the bond issue

"

84523  
 84524  
 84525  
 84526

(b) In the case of an election held pursuant to legislation 84527

adopted under section 3375.43 or 3375.431 of the Revised Code: 84528

"Shall bonds be issued for ..... (name of library) for 84529  
 the purpose of ..... (purpose of the bond issue), in the 84530  
 principal amount of ..... (amount of the bond issue) by 84531  
 ..... (the name of the subdivision that is to issue the bonds 84532  
 and levy the tax) as the issuer of the bonds, to be repaid 84533  
 annually over a maximum period of ..... (the maximum number 84534  
 of years over which the principal of the bonds may be paid) years, 84535  
 and an annual levy of property taxes be made outside the ten-mill 84536  
 limitation, estimated by the county auditor to average over the 84537  
 repayment period of the bond issue ..... (number of mills) 84538  
 mills for each one dollar of tax valuation, which amounts to 84539  
 ..... (rate expressed in cents or dollars and cents, such as 84540  
 "36 cents" or "\$1.41") for each one hundred dollars of tax 84541  
 valuation, commencing in ..... (first year the tax will be 84542  
 levied), first due in calendar year ..... (first calendar 84543  
 year in which the tax shall be due), to pay the annual debt 84544  
 charges on the bonds, and to pay debt charges on any notes issued 84545  
 in anticipation of those bonds? 84546

	For the bond issue
	Against the bond issue

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(2) The purpose for which the bonds are to be issued shall be 84551  
 printed in the space indicated, in boldface type. 84552

(G) The board of elections shall promptly certify the results 84553  
 of the election to the tax commissioner, the county auditor of 84554  
 each county in which any part of the subdivision is located, and 84555  
 the fiscal officer of the subdivision. The election, including the 84556  
 proceedings for and result of the election, is incontestable other 84557  
 than in a contest filed under section 3515.09 of the Revised Code 84558

in which the plaintiff prevails. 84559

(H) If a majority of the electors voting upon the question 84560  
vote for it, the taxing authority of the subdivision may proceed 84561  
under sections 133.21 to 133.33 of the Revised Code with the 84562  
issuance of the securities and with the levy and collection of a 84563  
property tax outside the tax limitation during the period the 84564  
securities are outstanding sufficient in amount to pay the debt 84565  
charges on the securities, including debt charges on any 84566  
anticipatory securities required to be paid from that tax. If 84567  
legislation passed under section 133.22 or 133.23 of the Revised 84568  
Code authorizing those securities is filed with the county auditor 84569  
on or before the last day of November, the amount of the voted 84570  
property tax levy required to pay debt charges or estimated debt 84571  
charges on the securities payable in the following year shall if 84572  
requested by the taxing authority be included in the taxes levied 84573  
for collection in the following year under section 319.30 of the 84574  
Revised Code. 84575

(I)(1) If, before any securities authorized at an election 84576  
under this section are issued, the net indebtedness of the 84577  
subdivision exceeds that applicable to that subdivision or those 84578  
securities, then and so long as that is the case none of the 84579  
securities may be issued. 84580

(2) No securities authorized at an election under this 84581  
section may be initially issued after the first day of the sixth 84582  
January following the election, but this period of limitation 84583  
shall not run for any time during which any part of the permanent 84584  
improvement for which the securities have been authorized, or the 84585  
issuing or validity of any part of the securities issued or to be 84586  
issued, or the related proceedings, is involved or questioned 84587  
before a court or a commission or other tribunal, administrative 84588  
agency, or board. 84589

(3) Securities representing a portion of the amount 84590

authorized at an election that are issued within the applicable 84591  
limitation on net indebtedness are valid and in no manner affected 84592  
by the fact that the balance of the securities authorized cannot 84593  
be issued by reason of the net indebtedness limitation or lapse of 84594  
time. 84595

(4) Nothing in this division (I) shall be interpreted or 84596  
applied to prevent the issuance of securities in an amount to fund 84597  
or refund anticipatory securities lawfully issued. 84598

(5) The limitations of divisions (I)(1) and (2) of this 84599  
section do not apply to any securities authorized at an election 84600  
under this section if at least ten per cent of the principal 84601  
amount of the securities, including anticipatory securities, 84602  
authorized has theretofore been issued, or if the securities are 84603  
to be issued for the purpose of participating in any federally or 84604  
state-assisted program. 84605

(6) The certificate of the fiscal officer of the subdivision 84606  
is conclusive proof of the facts referred to in this division. 84607

**Sec. 306.32.** Any county, or any two or more counties, 84608  
municipal corporations, or townships, or any combination of these, 84609  
may create a regional transit authority by the adoption of a 84610  
resolution or ordinance by the board of county commissioners of 84611  
each county, the legislative authority of each municipal 84612  
corporation, and the board of township trustees of each township 84613  
which is to create or to join in the creation of the regional 84614  
transit authority. The resolution or ordinance shall state: 84615

(A) The necessity for the creation of a regional transit 84616  
authority; 84617

(B) The counties, municipal corporations, or townships which 84618  
are to create or to join in the creation of the regional transit 84619  
authority; 84620

(C) The official name by which the regional transit authority shall be known; 84621  
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(D) The place in which the principal office of the regional transit authority will be located or the manner in which it may be selected; 84623  
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(E) The number, term, and compensation, or method for establishing compensation, of the members of the board of trustees of the regional transit authority. Compensation shall not exceed fifty dollars for each board and committee meeting attended by a member, except that if compensation is provided annually it shall not exceed six thousand dollars for the president of the board or four thousand eight hundred dollars for each other board member. 84626  
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(F) The manner in which vacancies on the board of trustees of the regional transit authority shall be filled; 84633  
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(G) The manner and to what extent the expenses of the regional transit authority shall be apportioned among the counties, municipal corporations, and townships creating it; 84635  
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(H) The purposes, including the kinds of transit facilities, for which the regional transit authority is organized. 84638  
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The regional transit authority provided for in the resolution or ordinance shall be deemed to be created upon the adoption of the resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township enumerated in the resolution or ordinance. 84640  
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The resolution or ordinance creating a regional transit authority may be amended to include additional counties, municipal corporations, or townships or for any other purpose, by the adoption of the amendment by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township 84646  
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which has created or joined or proposes to join the regional 84652  
transit authority. 84653

After each county, municipal corporation, and township which 84654  
has created or joined or proposes to join the regional transit 84655  
authority has adopted its resolution or ordinance approving 84656  
inclusion of additional counties, municipal corporations, or 84657  
townships in the regional transit authority, a copy of each 84658  
resolution or ordinance shall be filed with the clerk of the board 84659  
of the county commissioners of each county, the clerk of the 84660  
legislative authority of each municipal corporation, and the 84661  
fiscal officer of the board of trustees of each township proposed 84662  
to be included in the regional transit authority. The inclusion is 84663  
effective when all such filing has been completed, unless the 84664  
regional transit authority to which territory is to be added has 84665  
authority to levy an ad valorem tax on property, or a sales tax, 84666  
within its territorial boundaries, in which event the inclusion 84667  
shall become effective on the sixtieth day after the last such 84668  
filing is accomplished, unless, prior to the expiration of the 84669  
sixty-day period, qualified electors residing in the area proposed 84670  
to be added to the regional transit authority, equal in number to 84671  
at least ten per cent of the qualified electors from the area who 84672  
voted for governor at the last gubernatorial election, file a 84673  
petition of referendum against the inclusion. Any petition of 84674  
referendum filed under this section shall be filed at the office 84675  
of the secretary of the board of trustees of the regional transit 84676  
authority. The person presenting the petition shall be given a 84677  
receipt containing on it the time of the day, the date, and the 84678  
purpose of the petition. The secretary of the board of trustees of 84679  
the regional transit authority shall cause the appropriate board 84680  
or boards of elections to check the sufficiency of signatures on 84681  
any petition of referendum filed under this section and, if found 84682  
to be sufficient, shall present the petition to the board of 84683  
trustees at a meeting of said board which occurs not later than 84684

thirty days following the filing of said petition. Upon 84685  
presentation to the board of trustees of a petition of referendum 84686  
against the proposed inclusion, the board of trustees shall 84687  
promptly certify the proposal to the board or boards of elections 84688  
for the purpose of having the proposal placed on the ballot at the 84689  
next general election or the next special election held on a day 84690  
on which a primary election which occurs may be held, occurring 84691  
not less than ninety days after the date of the meeting of said 84692  
board, ~~or at a special election, the date of which shall be~~ 84693  
~~specified in the certification, which date shall be not less than~~ 84694  
~~ninety days after the date of such meeting of the board.~~ 84695  
Signatures on a petition of referendum may be withdrawn up to and 84696  
including the meeting of the board of trustees certifying the 84697  
proposal to the appropriate board or boards of elections. If 84698  
territory of more than one county, municipal corporation, or 84699  
township is to be added to the regional transit authority, the 84700  
electors of the territories of the counties, municipal 84701  
corporations, or townships which are to be added shall vote as a 84702  
district, and the majority affirmative vote shall be determined by 84703  
the vote cast in the district as a whole. Upon certification of a 84704  
proposal to the appropriate board or boards of elections pursuant 84705  
to this section, the board or boards of election shall make the 84706  
necessary arrangements for the submission of the question to the 84707  
electors of the territory to be added to the regional transit 84708  
authority qualified to vote on the question, and the election 84709  
shall be held, canvassed, and certified in the manner provided for 84710  
the submission of tax levies under section 5705.191 of the Revised 84711  
Code, except that the question appearing on the ballot shall read: 84712  
  
"Shall the territory within the ..... 84713  
(Name or names of political subdivisions to be joined) be added to 84714  
..... (Name) regional transit 84715  
authority?" and shall a(n) ..... (here insert type of tax or 84716  
taxes) at a rate of taxation not to exceed ..... (here insert 84717

maximum tax rate or rates) be levied for all transit purposes?" 84718

If the question is approved by at least a majority of the 84719  
electors voting on the question, the joinder is immediately 84720  
effective, and the regional transit authority may extend the levy 84721  
of the tax against all the taxable property within the territory 84722  
which has been added. If the question is approved at a general 84723  
election ~~or at a special election occurring prior to the general~~ 84724  
~~election but after the fifteenth day of July,~~ the regional transit 84725  
authority may amend its budget and resolution adopted pursuant to 84726  
section 5705.34 of the Revised Code, and the levy shall be placed 84727  
on the current tax list and duplicate and collected as other taxes 84728  
are collected from all taxable property within the territorial 84729  
boundaries of the regional transit authority, including the 84730  
territory within each political subdivision added as a result of 84731  
the election. 84732

The territorial boundaries of a regional transit authority 84733  
shall be coextensive with the territorial boundaries of the 84734  
counties, municipal corporations, and townships included within 84735  
the regional transit authority, provided that the same area may be 84736  
included in more than one regional transit authority so long as 84737  
the regional transit authorities are not organized for purposes as 84738  
provided for in the resolutions or ordinances creating the same, 84739  
and any amendments to them, relating to the same kinds of transit 84740  
facilities; and provided further, that if a regional transit 84741  
authority includes only a portion of an entire county, a regional 84742  
transit authority for the same purposes may be created in the 84743  
remaining portion of the same county by resolution of the board of 84744  
county commissioners acting alone or in conjunction with municipal 84745  
corporations and townships as provided in this section. 84746

No regional transit authority shall be organized after 84747  
January 1, 1975, to include any area already included in a 84748  
regional transit authority, except that any regional transit 84749

authority organized after June 29, 1974, and having territorial 84750  
boundaries entirely within a single county shall, upon adoption by 84751  
the board of county commissioners of the county of a resolution 84752  
creating a regional transit authority including within its 84753  
territorial jurisdiction the existing regional transit authority 84754  
and for purposes including the purposes for which the existing 84755  
regional transit authority was created, be dissolved and its 84756  
territory included in such new regional transit authority. Any 84757  
resolution creating such a new regional transit authority shall 84758  
make adequate provision for satisfaction of the obligations of the 84759  
dissolved regional transit authority. 84760

**Sec. 306.321.** The resolution or ordinance creating a regional 84761  
transit authority may be amended to include additional counties, 84762  
municipal corporations, or townships by the adoption of an 84763  
amendment by the board of county commissioners of each county, the 84764  
legislative authority of each municipal corporation, and the board 84765  
of township trustees of each township which has created or, prior 84766  
to the adoption of the amendment, joined or proposes to join the 84767  
regional transit authority. 84768

After each county, municipal corporation, and township which 84769  
has created or, prior to the adoption of the amendment, joined or 84770  
proposes to join the regional transit authority has adopted its 84771  
resolution or ordinance approving inclusion of additional 84772  
counties, municipal corporations, or townships in the regional 84773  
transit authority, a copy of each resolution or ordinance shall be 84774  
filed with the clerk of the board of the county commissioners of 84775  
each county, the clerk of the legislative authority of each 84776  
municipal corporation, and the fiscal officer of the board of 84777  
trustees of each township proposed to be included in the regional 84778  
transit authority. 84779

Any ordinances or resolutions adopted pursuant to this 84780

section approving inclusion of additional counties, municipal 84781  
corporations, or townships in the regional transit authority shall 84782  
provide that the board of trustees of the regional transit 84783  
authority must, not later than the tenth day following the day on 84784  
which the filing of the ordinances or resolutions, as required by 84785  
the immediately preceding paragraph, is completed, adopt its 84786  
resolution providing for submission to the electors of the 84787  
regional transit authority as enlarged, of the question pursuant 84788  
to section 306.49 of the Revised Code, of the renewal, the renewal 84789  
and increase, or the increase of, or the imposition of an 84790  
additional, ad valorem tax, or of the question pursuant to section 84791  
306.70 of the Revised Code, of the renewal, the renewal and 84792  
increase, or the increase of, or the imposition of an additional, 84793  
sales and use tax. The resolution submitting the question of the 84794  
tax shall specify the date of the election, which shall be a 84795  
general election or a special election held on a day on which a 84796  
primary election may be held, occurring not less than ninety days 84797  
after certification of the resolution to the board of elections 84798  
~~and which shall be consistent with the requirements of section~~ 84799  
~~3501.01 of the Revised Code.~~ The inclusion of the territory of the 84800  
additional counties, municipal corporations, or townships in the 84801  
regional transit authority shall be effective as of the date on 84802  
which the resolution of the board of trustees of the regional 84803  
transit authority is adopted submitting the question to the 84804  
electors, provided that until the question is approved, existing 84805  
contracts providing payment for transit services within the added 84806  
territory shall remain in effect and transit services shall not be 84807  
affected by the inclusion of the additional territory. The 84808  
resolution shall be certified to the board of elections and the 84809  
election shall be held, canvassed, and certified as provided in 84810  
section 306.49 of the Revised Code in the case of an ad valorem 84811  
tax or in section 306.70 of the Revised Code in the case of a 84812  
sales and use tax. 84813

If the question of the tax which is submitted is not approved 84814  
by a majority of the electors of the enlarged regional transit 84815  
authority voting on the question, as of the day following the day 84816  
on which the results of the election become conclusive, the 84817  
additional counties, municipal corporations, or townships, which 84818  
had been included in the regional transit authority as of the date 84819  
of the adoption of the resolution submitting to the electors the 84820  
question, shall be removed from the territory of the regional 84821  
transit authority and shall no longer be a part of that authority 84822  
without any further action by either the political subdivisions 84823  
which were included in the authority prior to the adoption of the 84824  
resolution submitting the question to the electors or of the 84825  
political subdivisions added to the authority as a result of the 84826  
adoption of the resolution. The regional transit authority reduced 84827  
to its territory as it existed prior to the inclusion of the 84828  
additional counties, municipal corporations, or townships, shall 84829  
be entitled to levy and collect any ad valorem or sales and use 84830  
taxes which it was authorized to levy and collect prior to the 84831  
enlargement of its territory and for which authorization has not 84832  
expired, as if the enlargement had not occurred. 84833

If the question of the tax which is submitted provides for a 84834  
sales and use tax to be imposed and the question is approved, and 84835  
the regional transit authority had previously been authorized 84836  
pursuant to section 306.49 of the Revised Code to levy an ad 84837  
valorem tax, the regional transit authority shall appropriate from 84838  
the first moneys received from the sales and use tax in each year, 84839  
the full amount required in order to pay the principal of and 84840  
interest on any notes of the regional transit authority issued 84841  
pursuant to section 306.49 of the Revised Code, in anticipation of 84842  
the collection of the ad valorem tax; and shall not thereafter 84843  
levy and collect the ad valorem tax previously approved unless the 84844  
levy and collection is necessary to pay the principal of and 84845  
interest on notes issued in anticipation of the tax in order to 84846

avoid impairing the obligation of the contract between the 84847  
regional transit authority and the note holders. 84848

If the question of the additional or renewal tax levy is 84849  
approved, the tax may be levied and collected as is otherwise 84850  
provided for an ad valorem tax or a sales and use tax imposed by a 84851  
regional transit authority, provided that if a question relating 84852  
to an ad valorem tax is approved at the general election ~~or at a~~ 84853  
~~special election occurring prior to a general election, but after~~ 84854  
~~the fifteenth day of July,~~ the regional transit authority may 84855  
amend its budget for its next fiscal year and its resolution 84856  
adopted pursuant to section 5705.34 of the Revised Code or adopt 84857  
such resolution, and the levy shall be placed on the current tax 84858  
list and duplicate and collected as all other taxes are collected 84859  
from all taxable property within the enlarged territory of the 84860  
regional transit authority including the territory within each 84861  
political subdivision which has been added to the regional transit 84862  
authority pursuant to this section, provided further that if a 84863  
question relating to sales and use tax is approved after the 84864  
fifteenth day of July in any calendar year, the regional transit 84865  
authority may amend its budget for the current and next fiscal 84866  
year and any resolution adopted pursuant to section 5705.34 of the 84867  
Revised Code, to reflect the imposition of the sales and use tax 84868  
and shall amend its budget for the next fiscal year and any 84869  
resolution adopted pursuant to section 5705.34 of the Revised Code 84870  
to comply with the immediately preceding paragraph. If the budget 84871  
of the regional transit authority is amended pursuant to this 84872  
paragraph, the county auditor shall prepare and deliver an amended 84873  
certificate of estimated resources to reflect the change in 84874  
anticipated revenues of the regional transit authority. 84875

The procedures of this section are in addition to and an 84876  
alternative to those established in section 306.32 of the Revised 84877  
Code for joining to a regional transit authority additional 84878

counties, municipal corporations, or townships. 84879

**Sec. 306.322.** (A) For any regional transit authority that 84880  
levies a property tax and that includes in its membership 84881  
political subdivisions that are located in a county having a 84882  
population of at least four hundred thousand according to the most 84883  
recent federal census, the procedures of this section apply until 84884  
November 5, 2013, and are in addition to and an alternative to 84885  
those established in sections 306.32 and 306.321 of the Revised 84886  
Code for joining to the regional transit authority additional 84887  
counties, municipal corporations, or townships. 84888

(B) Any municipal corporation or township may adopt a 84889  
resolution or ordinance proposing to join a regional transit 84890  
authority described in division (A) of this section. In its 84891  
resolution or ordinance, the political subdivision may propose 84892  
joining the regional transit authority for a limited period of 84893  
three years or without a time limit. 84894

(C) The political subdivision proposing to join the regional 84895  
transit authority shall submit a copy of its resolution or 84896  
ordinance to the legislative authority of each municipal 84897  
corporation and the board of trustees of each township comprising 84898  
the regional transit authority. Within thirty days of receiving 84899  
the resolution or ordinance for inclusion in the regional transit 84900  
authority, the legislative authority of each municipal corporation 84901  
and the board of trustees of each township shall consider the 84902  
question of whether to include the additional subdivision in the 84903  
regional transit authority, shall adopt a resolution or ordinance 84904  
approving or rejecting the inclusion of the additional 84905  
subdivision, and shall present its resolution or ordinance to the 84906  
board of trustees of the regional transit authority. 84907

(D) If a majority of the political subdivisions comprising 84908  
the regional transit authority approve the inclusion of the 84909

additional political subdivision, the board of trustees of the 84910  
regional transit authority, not later than the tenth day following 84911  
the day on which the last ordinance or resolution is presented, 84912  
shall notify the subdivision proposing to join the regional 84913  
transit authority that it may certify the proposal to the board of 84914  
elections for the purpose of having the proposal placed on the 84915  
ballot at the next general election or ~~at a~~ the next special 84916  
election ~~conducted~~ held on the a day of the next on which a 84917  
primary election ~~that occurs~~ may be held, occurring not less than 84918  
ninety days after the resolution or ordinance is certified to the 84919  
board of elections. 84920

(E) Upon certification of a proposal to the board of 84921  
elections pursuant to this section, the board of elections shall 84922  
make the necessary arrangements for the submission of the question 84923  
to the electors of the territory to be included in the regional 84924  
transit authority qualified to vote on the question, and the 84925  
election shall be held, canvassed, and certified in the same 84926  
manner as regular elections for the election of officers of the 84927  
subdivision proposing to join the regional transit authority, 84928  
except that, if the resolution proposed the inclusion without a 84929  
time limitation the question appearing on the ballot shall read: 84930

"Shall the territory within the ..... 84931  
(Name or names of political subdivisions to be joined) be added to 84932  
..... (Name) regional transit 84933  
authority?" and shall a(n) ..... (here insert type of tax or 84934  
taxes) at a rate of taxation not to exceed ..... (here insert 84935  
maximum tax rate or rates) be levied for all transit purposes?" 84936

If the resolution proposed the inclusion with a three-year 84937  
time limitation, the question appearing on the ballot shall read: 84938

"Shall the territory within the ..... 84939  
(Name or names of political subdivisions to be joined) be added to 84940  
..... (Name) regional transit 84941

authority?" for three years and shall a(n) ..... (here insert 84942  
type of tax or taxes) at a rate of taxation not to exceed ..... 84943  
(here insert maximum tax rate or rates) be levied for all transit 84944  
purposes for three years?" 84945

(F) If the question is approved by at least a majority of the 84946  
electors voting on the question, the addition of the new territory 84947  
is effective six months from the date of the certification of its 84948  
passage, and the regional transit authority may extend the levy of 84949  
the tax against all the taxable property within the territory that 84950  
was added. If the question is approved at a general election ~~or at~~ 84951  
~~a special election occurring prior to the general election but~~ 84952  
~~after the fifteenth day of July,~~ the regional transit authority 84953  
may amend its budget and resolution adopted pursuant to section 84954  
5705.34 of the Revised Code, and the levy shall be placed on the 84955  
current tax list and duplicate and collected as other taxes are 84956  
collected from all taxable property within the territorial 84957  
boundaries of the regional transit authority, including the 84958  
territory within the political subdivision added as a result of 84959  
the election. If the budget of the regional transit authority is 84960  
amended pursuant to this paragraph, the county auditor shall 84961  
prepare and deliver an amended certificate of estimated resources 84962  
to reflect the change in anticipated revenues of the regional 84963  
transit authority. 84964

(G) If the question is approved by at least a majority of the 84965  
electors voting on the question, the board of trustees of the 84966  
regional transit authority immediately shall amend the resolution 84967  
or ordinance creating the regional transit authority to include 84968  
the additional political subdivision. 84969

(H) If the question approved by a majority of the electors 84970  
voting on the question added the subdivision for three years, the 84971  
territory of the additional municipal corporation or township in 84972  
the regional transit authority shall be removed from the territory 84973

of the regional transit authority three years after the date the 84974  
territory was added, as determined in the effective date of the 84975  
election, and shall no longer be a part of that authority without 84976  
any further action by either the political subdivisions that were 84977  
included in the authority prior to submitting the question to the 84978  
electors or of the political subdivision added to the authority as 84979  
a result of the election. The regional transit authority reduced 84980  
to its territory as it existed prior to the inclusion of the 84981  
additional municipal corporation or township shall be entitled to 84982  
levy and collect any property taxes that it was authorized to levy 84983  
and collect prior to the enlargement of its territory and for 84984  
which authorization has not expired, as if the enlargement had not 84985  
occurred. 84986

**Sec. 306.70.** A tax proposed to be levied by a board of county 84987  
commissioners or by the board of trustees of a regional transit 84988  
authority pursuant to sections 5739.023 and 5741.022 of the 84989  
Revised Code shall not become effective until it is submitted to 84990  
the electors residing within the county or within the territorial 84991  
boundaries of the regional transit authority and approved by a 84992  
majority of the electors voting on it. Such question shall be 84993  
submitted at a general election or ~~at~~ a special election held on a 84994  
day on which a primary election may be held, as specified in the 84995  
resolution levying the tax and occurring not less than ninety days 84996  
after such resolution is certified to the board of elections, in 84997  
accordance with section 3505.071 of the Revised Code. 84998

The board of elections of the county or of each county in 85000  
which any territory of the regional transit authority is located 85001  
shall make the necessary arrangements for the submission of such 85002  
question to the electors of the county or regional transit 85003  
authority, and the election shall be held, canvassed, and 85004  
certified in the same manner as regular elections for the election 85005

of county officers. Notice of the election shall be published in a newspaper of general circulation in the territory of the county or of the regional transit authority once a week for two consecutive weeks prior to the election or as provided in section 7.16 of the Revised Code. If the board of elections operates and maintains a web site, notice of the election also shall be posted on that web site for thirty days prior to the election. The notice shall state the type, rate, and purpose of the tax to be levied, the length of time during which the tax will be in effect, and the time and place of the election.

More than one such question may be submitted at the same election. The form of the ballots cast at such election shall be:

"Shall a(n) ..... (sales and use) ..... tax be levied for all transit purposes of the ..... (here insert name of the county or regional transit authority) at a rate not exceeding ..... (here insert percentage) per cent for ..... (here insert number of years the tax is to be in effect, or that it is to be in effect for a continuing period of time)?"

If the tax proposed to be levied is a continuation of an existing tax, whether at the same rate or at an increased or reduced rate, or an increase in the rate of an existing tax, the notice and ballot form shall so state.

The board of elections to which the resolution was certified shall certify the results of the election to the county auditor of the county or secretary-treasurer of the regional transit authority levying the tax and to the tax commissioner of the state.

**Sec. 307.695.** (A) As used in this section:

(1) "Arena" means any structure designed and constructed for

the purpose of providing a venue for public entertainment and 85036  
recreation by the presentation of concerts, sporting and athletic 85037  
events, and other events and exhibitions, including facilities 85038  
intended to house or provide a site for one or more athletic or 85039  
sports teams or activities, spectator facilities, parking 85040  
facilities, walkways, and auxiliary facilities, real and personal 85041  
property, property rights, easements, leasehold estates, and 85042  
interests that may be appropriate for, or used in connection with, 85043  
the operation of the arena. 85044

(2) "Convention center" means any structure expressly 85045  
designed and constructed for the purposes of presenting 85046  
conventions, public meetings, and exhibitions and includes parking 85047  
facilities that serve the center and any personal property used in 85048  
connection with any such structure or facilities. 85049

(3) "Eligible county" means a county having a population of 85050  
at least four hundred thousand but not more than eight hundred 85051  
thousand according to the 2000 federal decennial census and that 85052  
directly borders the geographic boundaries of another state. 85053

(4) "Entity" means a nonprofit corporation, a municipal 85054  
corporation, a port authority created under Chapter 4582. of the 85055  
Revised Code, or a convention facilities authority created under 85056  
Chapter 351. of the Revised Code. 85057

(5) "Lodging taxes" means excise taxes levied under division 85058  
(A)(1), (A)(2), or (C) of section 5739.09 of the Revised Code and 85059  
the revenues arising therefrom. 85060

(6) "Nonprofit corporation" means a nonprofit corporation 85061  
that is organized under the laws of this state and that includes 85062  
within the purposes for which it is incorporated the authorization 85063  
to lease and operate facilities such as a convention center or an 85064  
arena or a combination of an arena and convention center. 85065

(7) "Project" means acquiring, constructing, reconstructing, 85066

renovating, rehabilitating, expanding, adding to, equipping, 85067  
furnishing or otherwise improving an arena, a convention center, 85068  
or a combination of an arena and convention center. For purposes 85069  
of this section, a project is a permanent improvement for one 85070  
purpose under Chapter 133. of the Revised Code. 85071

(8) "Project revenues" means money received by a county with 85072  
a population greater than four hundred thousand wherein the 85073  
population of the largest city comprises more than one-third of 85074  
that county's population, other than money from taxes or from the 85075  
proceeds of securities secured by taxes, in connection with, 85076  
derived from, related to, or resulting from a project, including, 85077  
but not limited to, rentals and other payments received under a 85078  
lease or agreement with respect to the project, ticket charges or 85079  
surcharges for admission to events at a project, charges or 85080  
surcharges for parking for events at a project, charges for the 85081  
use of a project or any portion of a project, including suites and 85082  
seating rights, the sale of naming rights for the project or a 85083  
portion of the project, unexpended proceeds of any county revenue 85084  
bonds issued for the project, and any income and profit from the 85085  
investment of the proceeds of any such revenue bonds or any 85086  
project revenues. 85087

(9) "Chapter 133. securities," "debt charges," "general 85088  
obligation," "legislation," "one purpose," "outstanding," 85089  
"permanent improvement," "person," and "securities" have the 85090  
meanings given to those terms in section 133.01 of the Revised 85091  
Code. 85092

(B) A board of county commissioners may enter into an 85093  
agreement with a convention and visitors' bureau operating in the 85094  
county under which: 85095

(1) The bureau agrees to construct and equip a convention 85096  
center in the county and to pledge and contribute from the tax 85097  
revenues received by it under division (A) of section 5739.09 of 85098

the Revised Code, not more than such portion thereof that it is 85099  
authorized to pledge and contribute for the purpose described in 85100  
division (C) of this section; and 85101

(2) The board agrees to levy a tax under division (C) of 85102  
section 5739.09 of the Revised Code and pledge and contribute the 85103  
revenues therefrom for the purpose described in division (C) of 85104  
this section. 85105

(C) The purpose of the pledges and contributions described in 85106  
divisions (B)(1) and (2) of this section is payment of principal, 85107  
interest, and premium, if any, on bonds and notes issued by or for 85108  
the benefit of the bureau to finance the construction and 85109  
equipping of a convention center. The pledges and contributions 85110  
provided for in the agreement shall be for the period stated in 85111  
the agreement. Revenues determined from time to time by the board 85112  
to be needed to cover the real and actual costs of administering 85113  
the tax imposed by division (C) of section 5739.09 of the Revised 85114  
Code may not be pledged or contributed. The agreement shall 85115  
provide that any such bonds and notes shall be secured by a trust 85116  
agreement between the bureau or other issuer acting for the 85117  
benefit of the bureau and a corporate trustee that is a trust 85118  
company or bank having the powers of a trust company within or 85119  
without the state, and the trust agreement shall pledge or assign 85120  
to the retirement of the bonds or notes, all moneys paid by the 85121  
county under this section. A tax the revenues from which are 85122  
pledged under an agreement entered into by a board of county 85123  
commissioners under this section shall not be subject to 85124  
diminution by initiative or referendum, or diminution by statute, 85125  
unless provision is made therein for an adequate substitute 85126  
therefor reasonably satisfactory to the trustee under the trust 85127  
agreement that secures the bonds and notes. 85128

(D) A pledge of money by a county under division (B) of this 85129  
section shall not be indebtedness of the county for purposes of 85130

Chapter 133. of the Revised Code. 85131

(E) If the terms of the agreement so provide, the board of 85132  
county commissioners may acquire and lease real property to the 85133  
convention bureau as the site of the convention center. The lease 85134  
shall be on such terms as are set forth in the agreement. The 85135  
purchase and lease are not subject to the limitations of sections 85136  
307.02 and 307.09 of the Revised Code. 85137

(F) In addition to the authority granted to a board of county 85138  
commissioners under divisions (B) to (E) of this section, a board 85139  
of county commissioners in a county with a population of one 85140  
million two hundred thousand or more, or a county with a 85141  
population greater than four hundred thousand wherein the 85142  
population of the largest city comprises more than one-third of 85143  
that county's population, may purchase, for cash or by installment 85144  
payments, enter into lease-purchase agreements for, lease with an 85145  
option to purchase, lease, construct, enlarge, improve, rebuild, 85146  
equip, or furnish a convention center. 85147

(G) The board of county commissioners of a county with a 85148  
population greater than four hundred thousand wherein the 85149  
population of the largest city comprises more than one-third of 85150  
that county's population may undertake, finance, operate, and 85151  
maintain a project. The board may lease a project to an entity on 85152  
terms that the board determines to be in the best interest of the 85153  
county and in furtherance of the public purpose of the project; 85154  
the lease may be for a term of thirty-five years or less and may 85155  
provide for an option of the entity to renew the lease for a term 85156  
of thirty-five years or less. The board may enter into an 85157  
agreement with an entity with respect to a project on terms that 85158  
the board determines to be in the best interest of the county and 85159  
in furtherance of the public purpose of the project. To the extent 85160  
provided for in an agreement or a lease with an entity, the board 85161  
may authorize the entity to administer on behalf of the board any 85162

contracts for the project. The board may enter into an agreement 85163  
providing for the sale to a person of naming rights to a project 85164  
or portion of a project, for a period, for consideration, and on 85165  
other terms and conditions that the board determines to be in the 85166  
best interest of the county and in furtherance of the public 85167  
purpose of the project. The board may enter into an agreement with 85168  
a person owning or operating a professional athletic or sports 85169  
team providing for the use by that person of a project or portion 85170  
of a project for that team's offices, training, practices, and 85171  
home games for a period, for consideration, and on other terms and 85172  
conditions that the board determines to be in the best interest of 85173  
the county and in furtherance of the public purpose of the 85174  
project. The board may establish ticket charges or surcharges for 85175  
admission to events at a project, charges or surcharges for 85176  
parking for events at a project, and charges for the use of a 85177  
project or any portion of a project, including suites and seating 85178  
rights, and may, as necessary, enter into agreements related 85179  
thereto with persons for a period, for consideration, and on other 85180  
terms and conditions that the board determines to be in the best 85181  
interest of the county and in furtherance of the public purpose of 85182  
the project. A lease or agreement authorized by this division is 85183  
not subject to sections 307.02, 307.09, and 307.12 of the Revised 85184  
Code. 85185

(H) Notwithstanding any contrary provision in Chapter 5739. 85186  
of the Revised Code, after adopting a resolution declaring it to 85187  
be in the best interest of the county to undertake a project as 85188  
described in division (G) of this section, the board of county 85189  
commissioners of an eligible county may adopt a resolution 85190  
enacting or increasing any lodging taxes within the limits 85191  
specified in Chapter 5739. of the Revised Code with respect to 85192  
those lodging taxes and amending any prior resolution under which 85193  
any of its lodging taxes have been imposed in order to provide 85194  
that those taxes, after deducting the real and actual costs of 85195

administering the taxes and any portion of the taxes returned to 85196  
any municipal corporation or township as provided in division 85197  
(A)(1) of section 5739.09 of the Revised Code, shall be used by 85198  
the board for the purposes of undertaking, financing, operating, 85199  
and maintaining the project, including paying debt charges on any 85200  
securities issued by the board under division (I) of this section, 85201  
or to make contributions to the convention and visitors' bureau 85202  
operating within the county, or to promote, advertise, and market 85203  
the region in which the county is located, all as the board may 85204  
determine and make appropriations for from time to time, subject 85205  
to the terms of any pledge to the payment of debt charges on 85206  
outstanding general obligation securities or special obligation 85207  
securities authorized under division (I) of this section. A 85208  
resolution adopted under division (H) of this section shall be 85209  
adopted not earlier than January 15, 2007, and not later than 85210  
January 15, 2008. 85211

A resolution adopted under division (H) of this section may 85212  
direct the board of elections to submit the question of enacting 85213  
or increasing lodging taxes, as the case may be, to the electors 85214  
of the county at a general election or a special election held on 85215  
the date a day on which a primary election may be held, as 85216  
specified by the board in the resolution, provided that the 85217  
election occurs not less than ninety days after a certified copy 85218  
of the resolution is transmitted to the board of elections and no 85219  
later than January 15, 2008. A resolution submitted to the 85220  
electors under this division shall not go into effect unless it is 85221  
approved by a majority of those voting upon it. A resolution 85222  
adopted under division (H) of this section that is not submitted 85223  
to the electors of the county for their approval or disapproval is 85224  
subject to a referendum as provided in sections 305.31 to 305.41 85225  
of the Revised Code. 85226

A resolution adopted under division (H) of this section takes 85227

effect upon its adoption, unless the resolution is submitted to 85228  
the electors of the county for their approval or disapproval, in 85229  
which case the resolution takes effect on the date the board of 85230  
county commissioners receives notification from the board of 85231  
elections of the affirmative vote. Lodging taxes received after 85232  
the effective date of the resolution may be used for the purposes 85233  
described in division (H) of this section, except that lodging 85234  
taxes that have been pledged to the payment of debt charges on any 85235  
bonds or notes issued by or for the benefit of a convention and 85236  
visitors' bureau under division (C) of this section shall be used 85237  
exclusively for that purpose until such time as the bonds or notes 85238  
are no longer outstanding under the trust agreement securing those 85239  
bonds or notes. 85240

(I)(1) The board of county commissioners of a county with a 85241  
population greater than four hundred thousand wherein the 85242  
population of the largest city comprises more than one-third of 85243  
that county's population may issue the following securities of the 85244  
county for the purpose of paying costs of the project, refunding 85245  
any outstanding county securities issued for that purpose, 85246  
refundng any outstanding bonds or notes issued by or for the 85247  
benefit of the bureau under division (C) of this section, or for 85248  
any combination of those purposes: 85249

(a) General obligation securities issued under Chapter 133. 85250  
of the Revised Code. The resolution authorizing these securities 85251  
may include covenants to appropriate annually from lawfully 85252  
available lodging taxes, and to continue to levy and collect those 85253  
lodging taxes in, amounts necessary to meet the debt charges on 85254  
those securities. 85255

(b) Special obligation securities issued under Chapter 133. 85256  
of the Revised Code that are secured only by lawfully available 85257  
lodging taxes and any other taxes and revenues pledged to pay the 85258  
debt charges on those securities, except ad valorem property 85259

taxes. The resolution authorizing those securities shall include a 85260  
pledge of and covenants to appropriate annually from lawfully 85261  
available lodging taxes and any other taxes and revenues pledged 85262  
for such purpose, and to continue to collect any of those revenues 85263  
pledged for such purpose and to levy and collect those lodging 85264  
taxes and any other taxes pledged for such purpose, in amounts 85265  
necessary to meet the debt charges on those securities. The pledge 85266  
is valid and binding from the time the pledge is made, and the 85267  
lodging taxes so pledged and thereafter received by the county are 85268  
immediately subject to the lien of the pledge without any physical 85269  
delivery of the lodging taxes or further act. The lien of any 85270  
pledge is valid and binding as against all parties having claims 85271  
of any kind in tort, contract, or otherwise against the county, 85272  
regardless of whether such parties have notice of the lien. 85273  
Neither the resolution nor any trust agreement by which a pledge 85274  
is created or further evidenced is required to be filed or 85275  
recorded except in the records of the board. The special 85276  
obligation securities shall contain a statement on their face to 85277  
the effect that they are not general obligation securities, and, 85278  
unless paid from other sources, are payable from the pledged 85279  
lodging taxes. 85280

(c) Revenue securities authorized under section 133.08 of the 85281  
Revised Code and issued under Chapter 133. of the Revised Code 85282  
that are secured only by lawfully available project revenues 85283  
pledged to pay the debt charges on those securities. 85284

(2) The securities described in division (I)(1) of this 85285  
section are subject to Chapter 133. of the Revised Code. 85286

(3) Section 133.34 of the Revised Code, except for division 85287  
(A) of that section, applies to the issuance of any refunding 85288  
securities authorized under this division. In lieu of division (A) 85289  
of section 133.34 of the Revised Code, the board of county 85290  
commissioners shall establish the maturity date or dates, the 85291

interest payable on, and other terms of refunding securities as it 85292  
considers necessary or appropriate for their issuance, provided 85293  
that the final maturity of refunding securities shall not exceed 85294  
by more than ten years the final maturity of any bonds refunded by 85295  
refunding securities. 85296

(4) The board may not repeal, rescind, or reduce all or any 85297  
portion of any lodging taxes pledged to the payment of debt 85298  
charges on any outstanding special obligation securities 85299  
authorized under this division, and no portion of any lodging 85300  
taxes that is pledged, or that the board has covenanted to levy, 85301  
collect, and appropriate annually to pay debt charges on any 85302  
outstanding securities authorized under this division is subject 85303  
to repeal, rescission, or reduction by the electorate of the 85304  
county. 85305

**Sec. 307.697.** (A) For the purpose of section 307.696 of the 85306  
Revised Code and to pay any or all of the charge the board of 85307  
elections makes against the county to hold the election on the 85308  
question of levying the tax, or for those purposes and to provide 85309  
revenues to the county for permanent improvements, the board of 85310  
county commissioners of a county may levy a tax not to exceed 85311  
three dollars on each gallon of spirituous liquor sold to or 85312  
purchased by liquor permit holders for resale, and sold at retail 85313  
by the state or pursuant to a transfer agreement entered into 85314  
under Chapter 4313. of the Revised Code, in the county. The tax 85315  
shall be levied on the number of gallons so sold. The tax may be 85316  
levied for any number of years not exceeding twenty. 85317

The tax shall be levied pursuant to a resolution of the board 85318  
of county commissioners approved by a majority of the electors in 85319  
the county voting on the question of levying the tax, which 85320  
resolution shall specify the rate of the tax, the number of years 85321  
the tax will be levied, and the purposes for which the tax is 85322

levied. The election may be held on the date of a general election 85323  
or a special election held on a day on which a primary election 85324  
may be held, occurring not sooner than ninety days after the date 85325  
the board certifies its resolution to the board of elections. If 85326  
approved by the electors, the tax takes effect on the first day of 85327  
the month specified in the resolution but not sooner than the 85328  
first day of the month that is at least sixty days after the 85329  
certification of the election results by the board of elections. A 85330  
copy of the resolution levying the tax shall be certified to the 85331  
division of liquor control at least sixty days prior to the date 85332  
on which the tax is to become effective. 85333

(B) A resolution under this section may be joined on the 85334  
ballot as a single question with a resolution adopted under 85335  
section 4301.421 or 5743.024 of the Revised Code to levy a tax for 85336  
the same purposes, and for the purpose of paying the expenses of 85337  
administering that tax. 85338

(C) The form of the ballot in an election held pursuant to 85339  
this section or section 4301.421 or 5743.024 of the Revised Code 85340  
shall be as follows or in any other form acceptable to the 85341  
secretary of state: 85342

"For the purpose of paying not more than one-half of the 85343  
costs of providing a public sports facility together with related 85344  
redevelopment and economic development projects, shall (an) excise 85345  
tax(es) be levied by ..... county at the rate of ..... 85346  
(dollars on each gallon of spirituous liquor sold in the county, 85347  
cents per gallon on the sale of beer at wholesale in the county, 85348  
cents per gallon on the sale of wine and mixed beverages at 85349  
wholesale in the county, cents per gallon on the sale of cider at 85350  
wholesale in the county, or mills per cigarette on the sale of 85351  
cigarettes at wholesale in the county), for ..... years? 85352

85353

	Yes
	No

85354

"

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For an election in which questions under this section or section 4301.421 or 5743.024 of the Revised Code are joined as a single question, the form of the ballot shall be as above, except each of the proposed taxes shall be listed.

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(D) The board of county commissioners of a county in which a tax is imposed under this section on September 29, 2013, the effective date of the amendment of this section by H.B. 59 of the 130th general assembly, may levy a tax for the purpose of section 307.673 of the Revised Code regardless of whether or not the cooperative agreement authorized under that section has been entered into prior to the day the resolution adopted under division (D)(1) or (2) of this section is adopted, for the purpose of reimbursing a county for costs incurred in the construction of a sports facility pursuant to an agreement entered into by the county under section 307.696 of the Revised Code, or for the purpose of paying the costs of capital repairs of and improvements to a sports facility, or both. The tax shall be levied and approved in one of the manners prescribed by division (D)(1) or (2) of this section.

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(1) The tax may be levied pursuant to a resolution adopted by a majority of the members of the board of county commissioners not later than forty-five days after July 19, 1995. A board of county commissioners approving a tax under division (D)(1) of this section may approve a tax under division (B)(1) of section 4301.421 or division (C)(1) of section 5743.024 of the Revised Code at the same time. Subject to the resolution being submitted to a referendum under sections 305.31 to 305.41 of the Revised Code, the resolution shall take effect immediately, but the tax levied pursuant to the resolution shall not be levied prior to the

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day following the last day that any tax previously levied pursuant 85386  
to this division may be levied. 85387

(2) The tax may be levied pursuant to a resolution adopted by 85388  
a majority of the members of the board of county commissioners not 85389  
later than September 1, 2015, and approved by a majority of the 85390  
electors of the county voting on the question of levying the tax. 85391  
The board of county commissioners shall certify a copy of the 85392  
resolution to the board of elections immediately upon adopting a 85393  
resolution under division (D)(2) of this section. The election may 85394  
be held on the date of a general election or a special election 85395  
held on a day on which a primary election may be held, occurring 85396  
not sooner than ninety days after the date the board certifies its 85397  
resolution to the board of elections. The form of the ballot shall 85398  
be as prescribed by division (C) of this section, except that the 85399  
phrase "paying not more than one-half of the costs of providing a 85400  
sports facility together with related redevelopment and economic 85401  
development projects" shall be replaced by the phrase "paying the 85402  
costs of constructing, renovating, improving, or repairing a 85403  
sports facility and reimbursing a county for costs incurred by the 85404  
county in the construction of a sports facility," and the phrase 85405  
", beginning ..... (here insert the earliest date the tax 85406  
would take effect)" shall be appended after "years." A board of 85407  
county commissioners submitting the question of a tax under 85408  
division (D)(2) of this section may submit the question of a tax 85409  
under division (B)(2) of section 4301.421 or division (C)(2) of 85410  
section 5743.024 of the Revised Code as a single question, and the 85411  
form of the ballot shall include each of the proposed taxes. 85412

If approved by a majority of electors voting on the question, 85413  
the tax shall take effect on the day specified on the ballot, 85414  
which shall not be earlier than the day following the last day 85415  
that any tax previously levied pursuant to this division may be 85416  
levied. 85417

The rate of a tax levied pursuant to division (D)(1) or (2) 85418  
of this section shall not exceed the rate specified in division 85419  
(A) of this section. A tax levied pursuant to division (D)(1) or 85420  
(2) of this section may be levied for any number of years not 85421  
exceeding twenty. 85422

A board of county commissioners adopting a resolution under 85423  
division (D)(1) or (2) of this section shall certify a copy of the 85424  
resolution to the division of liquor control immediately upon 85425  
adoption of the resolution. 85426

(E) No tax shall be levied under division (A) of this section 85427  
on or after September 23, 2008. This division does not apply to a 85428  
tax levied under division (D) of this section, and does not 85429  
prevent the collection of any tax levied under this section before 85430  
September 23, 2008, so long as that tax remains effective. 85431

**Sec. 323.17.** When any taxing authority in the county has 85432  
certified to the board of elections a resolution that would serve 85433  
to place upon the ballot at a general election ~~or at any special~~ 85434  
~~election held prior to the general election but subsequent to the~~ 85435  
~~first Tuesday after the first Monday in August~~ the question of a 85436  
tax to be levied on the current tax list and duplicate for any 85437  
purpose, or if the auditor has not received the certified 85438  
reduction factors as required by division (D)(2) of section 85439  
319.301 of the Revised Code, the time for delivery of the tax 85440  
duplicate of the county treasurer by the county auditor as 85441  
provided in section 319.28 of the Revised Code shall be extended 85442  
to the first Monday in December. When delivery of the tax 85443  
duplicate has been so delayed, the times for payment of taxes as 85444  
fixed by section 323.12 of the Revised Code may be extended to the 85445  
thirty-first day of January and the twentieth day of July. In case 85446  
of emergency the tax commissioner may, by journal entry, extend 85447  
the times for delivery of the duplicate in any county for an 85448

additional fifteen days upon receipt of a written application from 85449  
the county auditor, in the case of a delay in the delivery of the 85450  
tax duplicate, or from the treasurer regarding an extension of the 85451  
time for the billing and collection of taxes. 85452

When a delay in the closing of a tax collection period 85453  
becomes unavoidable, the tax commissioner, upon application of the 85454  
county auditor and county treasurer, may extend the time for 85455  
payment of taxes if ~~he~~ the commissioner determines that penalties 85456  
have accrued or would otherwise accrue for reasons beyond the 85457  
control of the taxpayers of the county. The order so issued by the 85458  
commissioner shall prescribe the final extended date for the 85459  
payment of taxes for that collection period. 85460

"Emergency," as used in this section, includes death or 85461  
serious illness, any organized work stoppage, mechanical failure 85462  
of office equipment or machinery, or a delay in complying with 85463  
section 5715.24 or 5715.26 of the Revised Code which will cause an 85464  
unavoidable delay in the delivery of duplicates or in the billing 85465  
or collection of taxes. Such application shall contain a statement 85466  
describing the emergency that will cause the unavoidable delay. 85467  
Any application from the county auditor for an extension of time 85468  
for delivery of the duplicate due to an emergency must be received 85469  
by the tax commissioner on or before the last day of the month 85470  
preceding the date required for such delivery. When an extension 85471  
of time for delivery of the duplicate is so granted, the time for 85472  
payment of taxes shall be extended for a like period of time. 85473

Whenever taxable real property has been destroyed or damaged 85474  
by fire, flood, tornado, or otherwise, in an amount not less than 85475  
twenty-five per cent of the value as listed and assessed for 85476  
taxation but in no event less than two thousand dollars of taxable 85477  
value, the county board of revision, by resolution, may extend the 85478  
time for payment of taxes on such property not more than one year 85479  
after the time fixed by section 323.12 of the Revised Code. The 85480

board shall file a copy of such resolution with the county auditor 85481  
and county treasurer, stating the name of the owner and 85482  
description as it appears on the tax list, the taxing district, 85483  
the type and kind of property destroyed or damaged, and the 85484  
board's estimate of the amount of such destruction or damage. 85485

**Sec. 349.14.** Except as provided in section 349.03 of the 85486  
Revised Code, or as otherwise provided in a resolution adopted by 85487  
the organizational board of commissioners of a new community 85488  
authority, a new community authority organized under this chapter 85489  
may be dissolved only on the vote of a majority of the voters of 85490  
the new community district voting on the question of dissolution 85491  
at a general election or a special election held on a day on which 85492  
a primary election called may be held, as designated by the board 85493  
of trustees ~~on the question of dissolution~~. Such an election may 85494  
be called only after the board has determined that the new 85495  
community development program has been completed, when no 85496  
community authority bonds or notes are outstanding, and other 85497  
legal indebtedness of the authority has been discharged or 85498  
provided for, and only after there has been filed with the board 85499  
of trustees a petition requesting such election, signed by a 85500  
number of qualified electors residing in the new community 85501  
district equal to not less than eight per cent of the total vote 85502  
cast for all candidates for governor in the new community district 85503  
at the most recent general election at which a governor was 85504  
elected. If a majority of the votes cast favor dissolution, the 85505  
board of trustees shall, by resolution, declare the authority 85506  
dissolved and thereupon the community authority shall be 85507  
dissolved. A certified copy of the resolution shall, within 85508  
fifteen days after its adoption, be filed with the clerk of the 85509  
organizational board of commissioners of the county with which the 85510  
petition for the organization of the new community authority was 85511  
filed. 85512

Upon dissolution of a new community authority, the powers 85513  
thereof shall cease to exist. Any property of the new community 85514  
authority shall vest with a municipal corporation, county, or 85515  
township in which that property is located or with the developer 85516  
of the new community authority or the developer's designee, all as 85517  
provided in a resolution adopted by the organizational board of 85518  
commissioners. Any vesting of property in a municipal corporation, 85519  
township, or county shall be subject to acceptance of the property 85520  
by resolution of the legislative authority of the municipal 85521  
corporation, board of township trustees, or board of county 85522  
commissioners, as applicable. If the legislative authority of a 85523  
municipal corporation, board of township trustees, or board of 85524  
county commissioners declines to accept the property, the property 85525  
vests with the developer or the developer's designee. Any funds of 85526  
the community authority at the time of dissolution shall be 85527  
transferred to the municipal corporation and county or township, 85528  
as provided in a resolution, in which the new community district 85529  
is located in the proportion to the assessed valuation of taxable 85530  
real property of the new community authority within such municipal 85531  
corporation and township or county as said valuation appears on 85532  
the current assessment rolls. 85533

**Sec. 505.14.** The board of township trustees of a township 85534  
described in section 505.13 of the Revised Code, which, for any 85535  
reason, is inaccessible from the mainland at some time of the 85536  
year, may construct, acquire, purchase, lease, and maintain a 85537  
house as the residence of a resident physician, when, in the 85538  
opinion of a majority of the members of such board, it is 85539  
necessary for the maintenance of the public health and welfare. 85540

For the maintenance, construction, acquisition, purchase, or 85541  
lease of such a house the board may levy a tax upon all the 85542  
taxable property in the township, in such amount as it determines. 85543

The question of levying such a tax shall be submitted to the 85544  
qualified electors of the township at a general election or a 85545  
special election held on a day on which a primary election may be 85546  
held. The trustees shall certify such resolution to the board of 85547  
elections not later than four p.m. of the ninetieth day before the 85548  
day of the election. Twenty days' notice thereof shall be 85549  
previously given by posting in at least three public places in the 85550  
township. Such notice shall state specifically the amount to be 85551  
raised and the purpose thereof. If a majority of all votes cast at 85552  
such election upon the proposition is in favor thereof, the tax 85553  
provided for is authorized. 85554

Upon the authorization of such tax levy the board may issue 85555  
notes in anticipation of such revenues, to mature in not more than 85556  
two years from the date of issue, and to bear interest at not more 85557  
than four per cent per annum. 85558

**Sec. 505.20.** In addition to the tax already authorized by 85559  
law, the board of township trustees may levy a tax, not to exceed 85560  
five mills on the dollar for the purpose of drilling an oil or gas 85561  
well in the township, when so authorized by a majority vote of the 85562  
electors of such township at a ~~regular~~ general election or a 85563  
special election held on a day on which a primary election may be 85564  
held. Such election shall be conducted the same as elections for 85565  
township officers, and the tax shall be collected as other taxes. 85566

**Sec. 505.47.** The board of township trustees may pay the cost 85567  
of the construction, rebuilding, or repair of footbridges 85568  
authorized by section 505.46 of the Revised Code out of any funds, 85569  
unappropriated for any other purpose, in the township treasury. If 85570  
there be no funds in the township treasury available for these 85571  
purposes, the board may levy a tax for the purpose of procuring 85572  
the necessary funds for the construction, rebuilding, or repair of 85573  
the footbridges. The tax shall be levied upon all of the taxable 85574

property in the township and shall be certified, levied, and 85575  
collected in the manner prescribed for other township taxes. The 85576  
money so raised shall be paid over to the township fiscal officer, 85577  
and the fiscal officer shall pay it out on the order of the board, 85578  
certified by the fiscal officer. 85579

The tax shall not be levied until it has been approved by a 85580  
majority of the qualified voters of the township, voting at ~~any a~~ 85581  
general election or a special election held on a day on which a 85582  
primary election at which the question shall be submitted may be 85583  
held. ~~The election shall be called at a regular meeting of the~~ 85584  
~~board and shall be held within thirty days from the date of the~~ 85585  
~~resolution of the board calling for it.~~ Twenty days' notice of the 85586  
election shall be given by the posting of notices by the fiscal 85587  
officer in ten public places of the township. Provisions for 85588  
holding the election shall be made by the board of elections, upon 85589  
receiving notice from the fiscal officer of the date and purpose 85590  
of the election. 85591

**Sec. 511.27.** (A) To defray the expenses of the township park 85592  
district and for purchasing, appropriating, operating, 85593  
maintaining, and improving lands for parks or recreational 85594  
purposes, the board of park commissioners may levy a sufficient 85595  
tax within the ten-mill limitation, not to exceed one mill on each 85596  
dollar of valuation on all real and personal property within the 85597  
township, and on all real and personal property within any 85598  
municipal corporation that is within the township, that was within 85599  
the township at the time that the park district was established, 85600  
or the boundaries of which are coterminous with or include the 85601  
township. The levy shall be over and above all other taxes and 85602  
limitations on such property authorized by law. 85603

(B) Except as otherwise provided in division (C) of this 85604  
section, the board of park commissioners, not less than ninety 85605

days before the day of the election, may declare by resolution 85606  
that the amount of taxes that may be raised within the ten-mill 85607  
limitation will be insufficient to provide an adequate amount for 85608  
the necessary requirements of the district and that it is 85609  
necessary to levy a tax in excess of that limitation for the use 85610  
of the district. The resolution shall specify the purpose for 85611  
which the taxes shall be used, the annual rate proposed, and the 85612  
number of consecutive years the levy will be in effect. Upon the 85613  
adoption of the resolution, the question of levying the taxes 85614  
shall be submitted to the electors of the township and the 85615  
electors of any municipal corporation that is within the township, 85616  
that was within the township at the time that the park district 85617  
was established, or the boundaries of which are coterminous with 85618  
or include the township, at a general election or a special 85619  
election to be held on a day on which a primary election may be held 85620  
on whichever of the following occurs first: 85621

~~(1) The day of the next ensuing general election;~~ 85622

~~(2) The first Tuesday after the first Monday in May of any 85623  
calendar year, except that, if a presidential primary election is 85624  
held in that calendar year, then the day of that election. 85625~~

The rate submitted to the electors at any one election shall 85626  
not exceed two mills annually upon each dollar of valuation. If a 85627  
majority of the electors voting upon the question of the levy vote 85628  
in favor of the levy, the tax shall be levied on all real and 85629  
personal property within the township and on all real and personal 85630  
property within any municipal corporation that is within the 85631  
township, that was within the township at the time that the park 85632  
district was established, or the boundaries of which are 85633  
coterminous with or include the township, and the levy shall be 85634  
over and above all other taxes and limitations on such property 85635  
authorized by law. 85636

(C) In any township park district that contains only 85637

unincorporated territory, if the township board of park 85638  
commissioners is appointed by the board of township trustees, 85639  
before a tax can be levied and certified to the county auditor 85640  
pursuant to section 5705.34 of the Revised Code or before a 85641  
resolution for a tax levy can be certified to the board of 85642  
elections pursuant to section 511.28 of the Revised Code, the 85643  
board of park commissioners shall receive approval for its levy 85644  
request from the board of township trustees. The board of park 85645  
commissioners shall adopt a resolution requesting the board of 85646  
township trustees to approve the levy request, stating the annual 85647  
rate of the proposed levy and the reason for the levy request. On 85648  
receiving this request, the board of township trustees shall vote 85649  
on whether to approve the request and, if a majority votes to 85650  
approve it, shall issue a resolution approving the levy at the 85651  
requested rate. 85652

**Sec. 511.28.** A copy of any resolution for a tax levy adopted 85653  
by the township board of park commissioners as provided in section 85654  
511.27 of the Revised Code shall be certified by the clerk of the 85655  
board of park commissioners to the board of elections of the 85656  
proper county, together with a certified copy of the resolution 85657  
approving the levy, passed by the board of township trustees if 85658  
such a resolution is required by division (C) of section 511.27 of 85659  
the Revised Code, not less than ninety days before a general 85660  
election or a special election held on a day on which a primary 85661  
election in any year may be held. The board of elections shall 85662  
submit the proposal to the electors as provided in section 511.27 85663  
of the Revised Code at ~~the succeeding general or primary~~ that 85664  
election. A resolution to renew an existing levy may not be placed 85665  
on the ballot unless the question is submitted at the general 85666  
election held during the last year the tax to be renewed may be 85667  
extended on the real and public utility property tax list and 85668  
duplicate, or at ~~any~~ the general election or a special election 85669

held on a day on which a primary election may be held occurring in 85670  
 the ensuing year. The board of park commissioners shall cause 85671  
 notice that the vote will be taken to be published once a week for 85672  
 two consecutive weeks prior to the election in a newspaper of 85673  
 general circulation, or as provided in section 7.16 of the Revised 85674  
 Code, in the county within which the park district is located. 85675  
 Additionally, if the board of elections operates and maintains a 85676  
 web site, the board of elections shall post that notice on its web 85677  
 site for thirty days prior to the election. The notice shall state 85678  
 the purpose of the proposed levy, the annual rate proposed 85679  
 expressed in dollars and cents for each one hundred dollars of 85680  
 valuation as well as in mills for each one dollar of valuation, 85681  
 the number of consecutive years during which the levy shall be in 85682  
 effect, and the time and place of the election. 85683

The form of the ballots cast at the election shall be: "An 85684  
 additional tax for the benefit of (name of township park district) 85685  
 ..... for the purpose of (purpose stated in the order of the 85686  
 board) ..... at a rate not exceeding ..... mills for 85687  
 each one dollar of valuation, which amounts to (rate expressed in 85688  
 dollars and cents) ..... for each one hundred dollars of 85689  
 valuation, for (number of years the levy is to run) ....." 85690

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

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If the levy submitted is a proposal to renew, increase, or 85695  
 decrease an existing levy, the form of the ballot specified in 85696  
 this section may be changed by substituting for the words "An 85697  
 additional" at the beginning of the form, the words "A renewal of 85698  
 a" in the case of a proposal to renew an existing levy in the same 85699  
 amount; the words "A renewal of ..... mills and an increase 85700  
 of ..... mills to constitute a" in the case of an increase; 85701

or the words "A renewal of part of an existing levy, being a 85702  
reduction of ..... mills, to constitute a" in the case of a 85703  
decrease in the rate of the existing levy. 85704

If the tax is to be placed on the current tax list, the form 85705  
of the ballot shall be modified by adding, after the statement of 85706  
the number of years the levy is to run, the phrase ", commencing 85707  
in ..... (first year the tax is to be levied), first due in 85708  
calendar year ..... (first calendar year in which the tax 85709  
shall be due)." 85710

The question covered by the order shall be submitted as a 85711  
separate proposition, but may be printed on the same ballot with 85712  
any other proposition submitted at the same election, other than 85713  
the election of officers. More than one such question may be 85714  
submitted at the same election. 85715

**Sec. 511.34.** In townships composed of islands, and on one of 85716  
which islands lands have been conveyed in trust for the benefit of 85717  
the inhabitants of the island for use as a park, and a board of 85718  
park trustees has been provided for the control of the park, the 85719  
board of township trustees may create a tax district of the island 85720  
to raise funds by taxation as provided under divisions (A) and (B) 85721  
of this section. 85722

(A) For the care and maintenance of parks on the island, the 85723  
board of township trustees annually may levy a tax, not to exceed 85724  
one mill, upon all the taxable property in the district. The tax 85725  
shall be in addition to all other levies authorized by law, and 85726  
subject to no limitation on tax rates except as provided in this 85727  
division. 85728

The proceeds of the tax levy shall be expended by the board 85729  
of township trustees for the purpose of the care and maintenance 85730  
of the parks, and shall be paid out of the township treasury upon 85731  
the orders of the board of park trustees. 85732

(B) For the purpose of acquiring additional land for use as a park, the board of township trustees may levy a tax in excess of the ten-mill limitation on all taxable property in the district.  
The

The tax shall be proposed by resolution adopted by two-thirds of the members of the board of township trustees. The resolution shall specify the purpose and rate of the tax and the number of years the tax will be levied, which shall not exceed five years, and which may include a levy on the current tax list and duplicate. The resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election. The board of township trustees shall certify a copy of the resolution to the proper board of elections not later than ninety days before ~~the primary or a~~ a general election in the township or a special election held on a day on which a primary election may be held, and the board of elections shall submit the question of the tax to the voters of the district at ~~the succeeding primary or general~~ that election. The board of elections shall make the necessary arrangements for the submission of the question to the electors of the district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the township for the election of officers. Notice of the election shall be published in a newspaper of general circulation in the township once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code prior to the election. If the board of elections operates and maintains a web site, notice of the election also shall be posted on that web site for thirty days prior to the election. The notice shall state the purpose of the tax, the proposed rate of the tax expressed in dollars and cents for each one hundred dollars of valuation and mills for each one dollar of valuation, the number of years the tax will be in effect, the first year the tax will be levied, and the time and

place of the election. 85766

The form of the ballots cast at an election held under this 85767  
 division shall be as follows: 85768

"An additional tax for the benefit of ..... (name of the 85769  
 township) for the purpose of acquiring additional park land at a 85770  
 rate of ..... mills for each one dollar of valuation, which 85771  
 amounts to ..... (rate expressed in dollars and cents) for each 85772  
 one hundred dollars of valuation, for ..... (number of years 85773  
 the levy is to run) beginning in ..... (first year the tax 85774  
 will be levied). 85775

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

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The question shall be submitted as a separate proposition but 85780  
 may be printed on the same ballot with any other proposition 85781  
 submitted at the same election other than the election of 85782  
 officers. More than one such question may be submitted at the same 85783  
 election. 85784

If the levy is approved by a majority of electors voting on 85785  
 the question, the board of elections shall certify the result of 85786  
 the election to the tax commissioner. In the first year of the 85787  
 levy, the tax shall be extended on the tax lists after the 85788  
 February settlement following the election. If the tax is to be 85789  
 placed on the tax lists of the current year as specified in the 85790  
 resolution, the board of elections shall certify the result of the 85791  
 election immediately after the canvass to the board of township 85792  
 trustees, which shall forthwith make the necessary levy and 85793  
 certify the levy to the county auditor, who shall extend the levy 85794  
 on the tax lists for collection. After the first year of the levy, 85795  
 the levy shall be included in the annual tax budget that is 85796

certified to the county budget commission. 85797

**Sec. 703.20.** (A) Villages may surrender their corporate 85798  
powers upon the petition to the legislative authority of the 85799  
village, or, in the alternative, to the board of elections of the 85800  
county in which the largest portion of the population of the 85801  
village resides as provided in division (B)(1) of this section, of 85802  
at least thirty per cent of the electors thereof, to be determined 85803  
by the number voting at the last regular municipal election and by 85804  
an affirmative vote of a majority of the electors at a general 85805  
election or a special election held on a day on which a primary 85806  
election may be held, which shall be provided for by the 85807  
legislative authority or, in the alternative, at a general or such 85808  
a special election as provided for by the board of elections under 85809  
division (B)(1) of this section. The election shall be conducted, 85810  
canvassed, and the result certified and made known as at regular 85811  
municipal elections. If the result of the election is in favor of 85812  
the surrender, the village clerk or, in the alternative, the board 85813  
of elections shall certify the result to the secretary of state, 85814  
the auditor of state, and the county recorder, who shall record it 85815  
in their respective offices. The corporate powers of the village 85816  
shall cease upon the recording of the certified election results 85817  
in the county recorder's office. 85818

(B)(1) If the legislative authority of a village fails to act 85819  
upon the petition within thirty days after receipt of the 85820  
petition, the electors may present the petition to the board of 85821  
elections to determine the validity and sufficiency of the 85822  
signatures. The petition shall be governed by the rules of section 85823  
3501.38 of the Revised Code. The petition shall be filed with the 85824  
board of elections of the county in which the largest portion of 85825  
the population of the village resides. If the petition is 85826  
sufficient, the board of elections shall submit the question 85827  
"Shall the village of ..... surrender its corporate powers?" 85828

for the approval or rejection of the electors of the village at 85829  
the next general election, or the next special election held on a 85830  
day on which a primary election, ~~in any year~~ may be held, 85831  
occurring after the period ending ninety days after the filing of 85832  
the petition with the board. If the result of the election is in 85833  
favor of the surrender, the board of elections shall certify the 85834  
results to the secretary of state, the auditor of state, and the 85835  
county recorder, who shall record it in their respective offices. 85836  
The corporate powers of the village shall cease upon the recording 85837  
of the certified election results in the county recorder's office. 85838

(2) In addition to filing the petition with the board of 85839  
elections as provided in division (B)(1) of this section, a copy 85840  
of the petition shall be filed with the board of township trustees 85841  
of each township affected by the surrender. 85842

(C) The auditor of state shall assist in facilitating a 85843  
timely and systematic manner for complying with the requirements 85844  
of section 703.21 of the Revised Code. 85845

**Sec. 707.30.** (A) The petition required by section 707.29 of 85846  
the Revised Code shall be signed by twenty per cent of the 85847  
electors in the territory, as determined by the total number of 85848  
votes cast within that territory for the office of governor at the 85849  
preceding general election for that office, and filed with the 85850  
board of county commissioners requesting that the question of 85851  
incorporating territory as a city be placed on the ballot at a 85852  
general election or a special election held on a day on which a 85853  
primary election may be held. The petition shall contain or have 85854  
attached to it all of the following: 85855

(1) A full description and an accurate map of the territory 85856  
within the proposed municipal corporation; 85857

(2) A statement signed by the county auditor as to the total 85858  
assessed valuation of the area proposed for incorporation; 85859

(3) A statement showing that the territory meets all the 85860  
criteria for incorporation of a city listed in division (A) of 85861  
section 707.29 of the Revised Code; 85862

(4) A statement by the secretary of state that the name 85863  
proposed in the petition is not being used by any other municipal 85864  
corporation in the state; 85865

(5) The name of a person to act as agent for the petitioners. 85866

(B) Upon filing the petition, the agent for the petitioners 85867  
shall cause notice of the filing for incorporation, containing the 85868  
substance of the petition and the date of filing, to be published 85869  
in a newspaper of general circulation in the county, for a period 85870  
of three consecutive weeks. Any interested person or any municipal 85871  
corporation through a representative may appear in support of or 85872  
against the information contained in the incorporation petition at 85873  
any session of the board before the board makes its determination 85874  
and informs the board of elections of its determination under 85875  
division (D) of this section. 85876

(C) The petition required by section 707.29 of the Revised 85877  
Code may be presented to the board of county commissioners at any 85878  
session of the board, after which the board shall make it 85879  
available for inspection by any interested person. 85880

Upon the filing of the petition with the board of county 85881  
commissioners, the board shall inform the board of elections and 85882  
transfer to it a copy of the petition and any other relevant 85883  
information available so that the board of elections may determine 85884  
the sufficiency of the signatures on the petition. The petition 85885  
shall be in conformity with the requirements of section 3501.38 of 85886  
the Revised Code. The board of elections shall make its 85887  
determination and report its conclusions regarding the sufficiency 85888  
of the signatures to the board of county commissioners within 85889  
sixty days after the date the petition was filed with the board of 85890

county commissioners. 85891

The board of county commissioners may refer the description 85892  
and the map or plat of the territory sought to be incorporated to 85893  
the county engineer for a report upon their accuracy. When these 85894  
items are so referred to ~~him~~ the engineer, the engineer shall, 85895  
during the ninety-day period following the filing of the petition, 85896  
report in writing to the board upon ~~his~~ the engineer's findings. 85897  
~~His~~ The engineer's report is not conclusive upon the board. 85898  
Failure of the engineer to make a report does not affect the 85899  
jurisdiction or duty of the board to proceed. 85900

(D) The board of county commissioners shall, within ninety 85901  
days after the petition is filed, determine whether the territory 85902  
named in the petition fulfills all of the requirements listed in 85903  
divisions (A)(1) to (5) of this section and whether notice has 85904  
been published as required by division (B) of this section, and 85905  
shall so inform the board of elections. If the board of county 85906  
commissioners determines that the territory meets all of these 85907  
requirements, and if the board of elections determines that the 85908  
signatures on the petitions are sufficient, the board of elections 85909  
shall ~~schedule a special election. Every~~ make the necessary 85910  
arrangements for the submission of such question to every elector 85911  
residing in the territory sought to be incorporated under the 85912  
petition. The form of the ballots cast at such an election shall 85913  
~~be permitted to vote on the following question, which shall be~~ 85914  
~~placed on the ballot~~ as follows: 85915

"Shall the area known as ..... (insert a brief 85916  
description of the area sought to be incorporated) be incorporated 85917  
into a new city to be known as ..... (insert the name of the 85918  
proposed new city)? 85919

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	For incorporation
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	Against incorporation	"
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If a majority of the voters voting in the ~~special~~ election votes in favor of incorporation, the board of elections shall certify this result to the board of county commissioners. The incorporation of the territory as a city shall proceed as provided for municipal corporations in sections 707.08, 707.09, 707.21 to 707.24, 707.27, and 707.28 of the Revised Code.

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If a majority of the voters voting in the ~~special~~ election votes against incorporation, the board of elections shall certify this result to the board of county commissioners, incorporation proceedings shall cease, and no further petitions shall be filed proposing the same incorporation for at least three years after the date of that election.

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(E) The ~~entire cost~~ costs of a ~~special~~ an election held pursuant to this section that are payable by a subdivision under division (D) of section 3501.17 of the Revised Code shall be charged, if the results of the election are in favor of incorporation, to the newly formed municipal corporation, and if the results of the election are against incorporation, to the township or townships from which territory was proposed for incorporation in the same proportion as the amount of territory in each township was to the total area proposed for incorporation.

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(F) If the territory sought to be incorporated does incorporate and if the territory includes any real property owned by an existing municipal corporation, such real property shall be exempt from zoning regulations of the new municipal corporation so long as it is used for public purposes by the municipal corporation that owns it.

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Public service contracts entered into by the township prior to the incorporation shall be renegotiated within six months after

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the effective date of incorporation. 85953

**Sec. 715.38.** The legislative authority of a municipal 85954  
corporation which, for any reason, is inaccessible from the 85955  
mainland at some time of the year, may provide for the maintenance 85956  
of a physician when, in the opinion of a majority of the members 85957  
of the legislative authority, it is necessary for the preservation 85958  
of the public health and welfare. 85959

An additional tax may be levied upon all the taxable property 85960  
in the municipal corporation, in such amount as the legislative 85961  
authority determines, to provide for such maintenance. The 85962  
question of levying such tax, and the amount thereof, shall be 85963  
separately submitted to the qualified electors of the municipal 85964  
corporation at a general election or a special election held on a 85965  
day on which a primary election may be held. Twenty days' notice 85966  
thereof shall be previously given by posting in at least three 85967  
public places in the municipal corporation. Such notice shall 85968  
state specifically the amount to be raised and the purpose 85969  
thereof. If a majority of all votes cast at such election upon the 85970  
proposition are in favor thereof, the tax provided for shall be 85971  
authorized. 85972

Upon authorization of the tax levy as provided by this 85973  
section, the legislative authority may issue notes in anticipation 85974  
of such revenues, to mature in not more than two years from the 85975  
date of issue, and to bear interest at not more than four per cent 85976  
per annum. 85977

**Sec. 715.691.** (A) As used in this section: 85978

(1) "Contracting party" means a municipal corporation that 85979  
has entered into a joint economic development zone contract or any 85980  
party succeeding to the municipal corporation, or a township that 85981  
entered into a joint economic development zone contract with a 85982

municipal corporation. 85983

(2) "Zone" means a joint economic development zone designated 85984  
under this section. 85985

(3) "Substantial amendment" means an amendment to a joint 85986  
economic development zone contract that increases the rate of 85987  
municipal income tax that may be imposed within the zone, changes 85988  
the purposes for which municipal income tax revenue derived from 85989  
the zone may be used, or adds new territory to the zone. 85990

(B) This section provides procedures and requirements for 85991  
creating and operating a joint economic development zone. This 85992  
section applies only if one of the contracting parties to the zone 85993  
does not levy a municipal income tax under Chapter 718. of the 85994  
Revised Code. 85995

At any time before January 1, 2015, two or more municipal 85996  
corporations or one or more townships and one or more municipal 85997  
corporations may enter into a contract whereby they agree to share 85998  
in the costs of improvements for an area or areas located in one 85999  
or more of the contracting parties that they designate as a joint 86000  
economic development zone for the purpose of facilitating new or 86001  
expanded growth for commercial or economic development in the 86002  
state. The contract and zone shall meet the requirements of 86003  
divisions (B) to (J) of this section. 86004

(C) The contract shall set forth each contracting party's 86005  
contribution to the joint economic development zone. The 86006  
contributions may be in any form that the contracting parties 86007  
agree to, and may include, but are not limited to, the provision 86008  
of services, money, or equipment. The contract may be amended, 86009  
renewed, or terminated with the consent of the contracting 86010  
parties, subject to division (K) of this section. The contract 86011  
shall continue in existence throughout the term it specifies and 86012  
shall be binding on the contracting parties and on any entities 86013

succeeding to the contracting parties. If the contract is approved 86014  
by the electors of any contracting party under division (F) of 86015  
this section or substantially amended after the effective date of 86016  
H.B. 289 of the 130th general assembly, June 5, 2014, the 86017  
contracting parties shall include within the contract or the 86018  
amendment to the contract an economic development plan for the 86019  
zone, a schedule for the implementation or provision of any new, 86020  
expanded, or additional services, facilities, or improvements 86021  
within the zone or in the area surrounding the zone, and any 86022  
provisions necessary for the contracting parties to create a joint 86023  
economic development review council in compliance with section 86024  
715.692 of the Revised Code. 86025

(D) Before the legislative authority of any of the 86026  
contracting parties enacts an ordinance or resolution approving a 86027  
contract to designate a joint economic development zone, the 86028  
legislative authority of each of the contracting parties shall 86029  
hold a public hearing concerning the contract and zone. Each 86030  
legislative authority shall provide at least thirty days' public 86031  
notice of the time and place of the public hearing in a newspaper 86032  
of general circulation in the municipal corporation or township. 86033  
During the thirty-day period prior to the public hearing, all of 86034  
the following documents shall be available for public inspection 86035  
in the office of the clerk of the legislative authority of a 86036  
municipal corporation that is a contracting party and in the 86037  
office of the fiscal officer of a township that is a contracting 86038  
party: 86039

(1) A copy of the contract designating the zone; 86040

(2) A description of the area or areas to be included in the 86041  
zone, including a map in sufficient detail to denote the specific 86042  
boundaries of the area or areas; 86043

(3) An economic development plan for the zone that includes a 86044  
schedule for the provision of any new, expanded, or additional 86045

services, facilities, or improvements. 86046

A public hearing held under division (D) of this section 86047  
shall allow for public comment and recommendations on the contract 86048  
and zone. The contracting parties may include in the contract any 86049  
of those recommendations prior to approval of the contract. 86050

(E) After the public hearings required under division (D) of 86051  
this section have been held and the economic development plan has 86052  
been approved under division (D) of section 715.692 of the Revised 86053  
Code, and before January 1, 2015, each contracting party may enact 86054  
an ordinance or resolution approving the contract to designate a 86055  
joint economic development zone. After each contracting party has 86056  
enacted an ordinance or resolution, the clerk of the legislative 86057  
authority of a municipal corporation that is a contracting party 86058  
and the fiscal officer of a township that is a contracting party 86059  
shall file with the board of elections of each county within which 86060  
a contracting party is located a copy of the ordinance or 86061  
resolution approving the contract and shall direct the board of 86062  
elections to submit the ordinance or resolution to the electors of 86063  
the contracting party on the day of the next general, primary, or 86064  
special election occurring at least ninety days after the 86065  
ordinance or resolution is filed with the board of elections. If 86066  
any of the contracting parties is a township, however, then only 86067  
the township or townships shall submit the resolution to the 86068  
electors. The board of elections shall not submit an ordinance or 86069  
resolution filed under this division to the electors at any 86070  
election occurring on or after January 1, 2015. 86071

(F)(1) If a vote is required to approve a municipal 86072  
corporation as a contracting party to a joint economic development 86073  
zone under this section, the ballot shall be in the following 86074  
form: 86075

"Shall the ordinance of the legislative authority of the 86076  
(city or village) of (name of contracting party) approving the 86077

contract with (name of each other contracting party) for the 86078  
 designation of a joint economic development zone be approved? 86079

	FOR THE ORDINANCE AND CONTRACT		86080
	AGAINST THE ORDINANCE AND CONTRACT	"	86081

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(2) If a vote is required to approve a township as a 86084  
 contracting party to a joint economic development zone under this 86085  
 section, the ballot shall be in the following form: 86086

"Shall the resolution of the board of township trustees of 86087  
 the township of (name of contracting party) approving the contract 86088  
 with (name of each other contracting party) for the designation of 86089  
 a joint economic development zone be approved? 86090

	FOR THE ORDINANCE AND CONTRACT		86091
	AGAINST THE ORDINANCE AND CONTRACT	"	86092

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If a majority of the electors of each contracting party 86095  
 voting on the issue vote for the ordinance or resolution and 86096  
 contract, the ordinance or resolution shall become effective 86097  
 immediately and the contract shall go into effect immediately or 86098  
 in accordance with its terms. 86099

(G)(1) A board of directors shall govern each joint economic 86100  
 development zone created under this section. The members of the 86101  
 board shall be appointed as provided in the contract. Each of the 86102  
 contracting parties shall appoint three members to the board. 86103

Terms for each member shall be for two years, each term ending on 86104  
the same day of the month of the year as did the term that it 86105  
succeeds. A member may be reappointed to the board. 86106

(2) Membership on the board is not the holding of a public 86107  
office or employment within the meaning of any section of the 86108  
Revised Code or any charter provision prohibiting the holding of 86109  
other public office or employment. Membership on the board is not 86110  
a direct or indirect interest in a contract or expenditure of 86111  
money by a municipal corporation, township, county, or other 86112  
political subdivision with which a member may be affiliated. 86113  
Notwithstanding any provision of law or a charter to the contrary, 86114  
no member of the board shall forfeit or be disqualified from 86115  
holding any public office or employment by reason of membership on 86116  
the board. 86117

(3) The board is a public body for the purposes of section 86118  
121.22 of the Revised Code. Chapter 2744. of the Revised Code 86119  
applies to the board and the zone. 86120

(H) The contract may grant to the board of directors 86121  
appointed under division (G) of this section the power to adopt a 86122  
resolution to levy an income tax within the zone. The income tax 86123  
shall be used for the purposes of the zone and for the purposes of 86124  
the contracting parties pursuant to the contract. Not less than 86125  
fifty per cent of the revenue from the tax shall be used solely to 86126  
provide the new, expanded, or additional services, facilities, or 86127  
improvements specified in the economic development plan until all 86128  
such services, facilities, or improvements have been completed as 86129  
specified in that plan. The income tax may be levied in the zone 86130  
based on income earned by persons working within the zone and on 86131  
the net profits of businesses located in the zone. The income tax 86132  
is subject to Chapter 718. of the Revised Code, except that a vote 86133  
shall be required by the electors residing in the zone to approve 86134  
the rate of income tax unless a majority of the electors residing 86135

within the zone, as determined by the total number of votes cast 86136  
in the zone for the office of governor at the most recent general 86137  
election for that office, submit a petition to the board 86138  
requesting that the election provided for in division (H)(1) of 86139  
this section not be held. If no electors reside within the zone, 86140  
then division (H)(3) of this section applies. The rate of the 86141  
income tax shall be no higher than the highest rate being levied 86142  
by a municipal corporation that is a party to the contract. 86143

(1) The board of directors may levy an income tax at a rate 86144  
that is not higher than the highest rate being levied by a 86145  
municipal corporation that is a party to the contract, provided 86146  
that the rate of the income tax is first submitted to and approved 86147  
by the electors of the zone at the ~~succeeding regular~~ next general 86148  
election or special election held on a day on which a primary 86149  
~~election, or a special election called by the board may be held,~~ 86150  
occurring subsequent to ninety days after a certified copy of the 86151  
resolution levying the income tax and calling for the election is 86152  
filed with the board of elections. If the voters approve the levy 86153  
of the income tax, the income tax shall be in force for the full 86154  
period of the contract establishing the zone. No election shall be 86155  
held under this section if a majority of the electors residing 86156  
within the zone, determined as specified in division (H) of this 86157  
section, submit a petition to that effect to the board of 86158  
directors. Any increase in the rate of an income tax by the board 86159  
of directors shall be approved by a vote of the electors of the 86160  
zone and shall be in force for the remaining period of the 86161  
contract establishing the zone. 86162

(2) Whenever a zone is located in the territory of more than 86163  
one contracting party, a majority vote of the electors in each of 86164  
the several portions of the territory of the contracting parties 86165  
constituting the zone approving the levy of the tax is required 86166  
before it may be imposed under division (H) of this section. 86167

(3) If no electors reside in the zone, no election for the approval or rejection of an income tax shall be held under this section, provided that where no electors reside in the zone, the rate of the income tax shall be no higher than the highest rate being levied by a municipal corporation that is a party to the contract.

(4) The board of directors of a zone levying an income tax shall enter into an agreement with one of the municipal corporations that is a party to the contract to administer, collect, and enforce the income tax on behalf of the zone.

(5) The board of directors of a zone shall publish or post public notice within the zone of any resolution adopted levying an income tax in the same manner required of municipal corporations under sections 731.21 and 731.25 of the Revised Code.

(I)(1) If for any reason a contracting party reverts to or has its boundaries changed so that it is classified as a township that is the entity succeeding to that contracting party, the township is considered to be a municipal corporation for the purposes of the contract for the full period of the contract establishing the joint economic development zone, except that if that contracting party is administering, collecting, and enforcing the income tax on behalf of the district as provided in division (H)(4) of this section, the contract shall be amended to allow one of the other contracting parties to administer, collect, and enforce that tax.

(2) Notwithstanding any other section of the Revised Code, if there is any change in the boundaries of a township so that a municipal corporation once located within the township is no longer so located, the township shall remain in existence even though its remaining unincorporated area contains less than twenty-two square miles, if the township has been or becomes a party to a contract creating a joint economic development zone

under this section or the contract creating that joint economic 86200  
development zone under this section is terminated or repudiated 86201  
for any reason by any party or person. The township shall continue 86202  
its existing status in all respects, including having the same 86203  
form of government and the same elected board of trustees as its 86204  
governing body. The township shall continue to receive all of its 86205  
tax levies and sources of income as a township in accordance with 86206  
any section of the Revised Code, whether the levies and sources of 86207  
income generate millage within the ten-mill limitation or in 86208  
excess of the ten-mill limitation. The name of the township may be 86209  
changed to the name of the contracting party appearing in the 86210  
contract creating a joint economic development zone under this 86211  
section, so long as the name does not conflict with any other name 86212  
in the state that has been certified by the secretary of state. 86213  
The township shall have all of the powers set out in sections 86214  
715.79, 715.80, and 715.81 of the Revised Code. 86215

(J) If, after creating and operating a joint economic 86216  
development zone under this section, a contracting party that did 86217  
not levy a municipal income tax under Chapter 718. of the Revised 86218  
Code levies such a tax, the tax shall not apply to the zone for 86219  
the full period of the contract establishing the zone if the board 86220  
of directors of the zone has levied an income tax as provided in 86221  
division (H) of this section. 86222

(K) No substantial amendment may be made to any joint 86223  
economic development zone contract after December 31, 2014. 86224

**Sec. 715.70.** (A) This section and section 715.71 of the 86225  
Revised Code apply only to: 86226

(1) Municipal corporations and townships within a county that 86227  
has adopted a charter under Sections 3 and 4 of Article X, Ohio 86228  
Constitution; 86229

(2) Municipal corporations and townships that have created a 86230

joint economic development district comprised entirely of real 86231  
property owned by a municipal corporation at the time the district 86232  
was created under this section. The real property owned by the 86233  
municipal corporation shall include an airport owned by the 86234  
municipal corporation and located entirely beyond the municipal 86235  
corporation's corporate boundary. 86236

(3) Municipal corporations or townships that are part of or 86237  
contiguous to a transportation improvement district created under 86238  
Chapter 5540. of the Revised Code and that have created a joint 86239  
economic development district under this section or section 715.71 86240  
of the Revised Code prior to November 15, 1995; 86241

(4) Municipal corporations that have previously entered into 86242  
a contract creating a joint economic development district pursuant 86243  
to division (A)(2) of this section, even if the territory to be 86244  
included in the district does not meet the requirements of that 86245  
division. 86246

(B)(1) One or more municipal corporations and one or more 86247  
townships may enter into a contract approved by the legislative 86248  
authority of each contracting party pursuant to which they create 86249  
as a joint economic development district an area or areas for the 86250  
purpose of facilitating economic development to create or preserve 86251  
jobs and employment opportunities and to improve the economic 86252  
welfare of the people in the state and in the area of the 86253  
contracting parties. A municipal corporation described in division 86254  
(A)(4) of this section may enter into a contract with other 86255  
municipal corporations and townships to create a new joint 86256  
economic development district. In a district that includes a 86257  
municipal corporation described in division (A)(4) of this 86258  
section, the territory of each of the contracting parties shall be 86259  
contiguous to the territory of at least one other contracting 86260  
party, or contiguous to the territory of a township or municipal 86261  
corporation that is contiguous to another contracting party, even 86262

if the intervening township or municipal corporation is not a 86263  
contracting party. The area or areas of land to be included in the 86264  
district shall not include any parcel of land owned in fee by a 86265  
municipal corporation or a township or parcel of land that is 86266  
leased to a municipal corporation or a township, unless the 86267  
municipal corporation or township is a party to the contract or 86268  
unless the municipal corporation or township has given its consent 86269  
to have its parcel of land included in the district by the 86270  
adoption of a resolution. As used in this division, "parcel of 86271  
land" means any parcel of land owned by a municipal corporation or 86272  
a township for at least a six-month period within a five-year 86273  
period prior to the creation of a district, but "parcel of land" 86274  
does not include streets or public ways and sewer, water, and 86275  
other utility lines whether owned in fee or otherwise. 86276

The district created shall be located within the territory of 86277  
one or more of the participating parties and may consist of all or 86278  
a portion of such territory. The boundaries of the district shall 86279  
be described in the contract or in an addendum to the contract. 86280

(2) Prior to the public hearing to be held pursuant to 86281  
division (D)(2) of this section, the participating parties shall 86282  
give a copy of the proposed contract to each municipal corporation 86283  
located within one-quarter mile of the proposed joint economic 86284  
development district and not otherwise a party to the contract, 86285  
and afford the municipal corporation the reasonable opportunity, 86286  
for a period of thirty days following receipt of the proposed 86287  
contract, to make comments and suggestions to the participating 86288  
parties regarding elements contained in the proposed contract. 86289

(3) The district shall not exceed two thousand acres in area. 86290  
The territory of the district shall not completely surround 86291  
territory that is not included within the boundaries of the 86292  
district. 86293

(4) Sections 503.07 to 503.12 of the Revised Code do not 86294

apply to territory included within a district created pursuant to 86295  
this section as long as the contract creating the district is in 86296  
effect, unless the legislative authority of each municipal 86297  
corporation and the board of township trustees of each township 86298  
included in the district consent, by ordinance or resolution, to 86299  
the application of those sections of the Revised Code. 86300

(5) Upon the execution of the contract creating the district 86301  
by the parties to the contract, a participating municipal 86302  
corporation or township included within the district shall file a 86303  
copy of the fully executed contract with the county recorder of 86304  
each county within which a party to the contract is located, in 86305  
the miscellaneous records of the county. No annexation proceeding 86306  
pursuant to Chapter 709. of the Revised Code that proposes the 86307  
annexation to, merger, or consolidation with a municipal 86308  
corporation of any unincorporated territory within the district 86309  
shall be commenced for a period of three years after the contract 86310  
is filed with the county recorder of each county within which a 86311  
party to the contract is located unless each board of township 86312  
trustees whose territory is included, in whole or part, within the 86313  
district and the territory proposed to be annexed, merged, or 86314  
consolidated adopts a resolution consenting to the commencement of 86315  
the proceeding and a copy of the resolution is filed with the 86316  
legislative authority of each county within which a party to the 86317  
contract is located or unless the contract is terminated during 86318  
this period. 86319

The contract entered into between the municipal corporations 86320  
and townships pursuant to this section may provide for the 86321  
prohibition of any annexation by the participating municipal 86322  
corporations of any unincorporated territory within the district 86323  
beyond the three-year mandatory prohibition of any annexation 86324  
provided for in division (B)(5) of this section. 86325

(C)(1) After the legislative authority of a municipal 86326

corporation and the board of township trustees have adopted an 86327  
ordinance and resolution approving a contract to create a joint 86328  
economic development district pursuant to this section, and after 86329  
a contract has been signed, the municipal corporations and 86330  
townships shall jointly file a petition with the legislative 86331  
authority of each county within which a party to the contract is 86332  
located. 86333

(a) The petition shall contain all of the following: 86334

(i) A statement that the area or areas of the district ~~is~~ are 86335  
not greater than two thousand acres and is located within the 86336  
territory of one or more of the contracting parties; 86337

(ii) A brief summary of the services to be provided by each 86338  
party to the contract or a reference to the portion of the 86339  
contract describing those services; 86340

(iii) A description of the area or areas to be designated as 86341  
the district; 86342

(iv) The signature of a representative of each of the 86343  
contracting parties. 86344

(b) The following documents shall be filed with the petition: 86345

(i) A signed copy of the contract, together with copies of 86346  
district maps and plans related to or part of the contract; 86347

(ii) A certified copy of the ordinances and resolutions of 86348  
the contracting parties approving the contract; 86349

(iii) A certificate from each of the contracting parties 86350  
indicating that the public hearings required by division (D)(2) of 86351  
this section have been held, the date of the hearings, and 86352  
evidence of publication of the notice of the hearings; 86353

(iv) One or more signed statements of persons who are owners 86354  
of property located in whole or in part within the area to be 86355  
designated as the district, requesting that the property be 86356

included within the district, provided that those statements shall 86357  
represent a majority of the persons owning property located in 86358  
whole or in part within the district and persons owning a majority 86359  
of the acreage located within the district. A signature may be 86360  
withdrawn by the signer up to but not after the time of the public 86361  
hearing required by division (D)(2) of this section. 86362

(2) The legislative authority of each county within which a 86363  
party to the contract is located shall adopt a resolution 86364  
approving the petition for the creation of the district if the 86365  
petition and other documents have been filed in accordance with 86366  
the requirements of division (C)(1) of this section. If the 86367  
petition and other documents do not substantially meet the 86368  
requirements of that division, the legislative authority of any 86369  
county within which a party to the contract is located may adopt a 86370  
resolution disapproving the petition for the creation of the 86371  
district. The legislative authority of each county within which a 86372  
party to the contract is located shall adopt a resolution 86373  
approving or disapproving the petition within thirty days after 86374  
the petition was filed. If the legislative authority of each such 86375  
county does not adopt the resolution within the thirty-day period, 86376  
the petition shall be deemed approved and the contract shall go 86377  
into effect immediately after that approval or at such other time 86378  
as the contract specifies. 86379

(D)(1) The contract creating the district shall set forth or 86380  
provide for the amount or nature of the contribution of each 86381  
municipal corporation and township to the development and 86382  
operation of the district and may provide for the sharing of the 86383  
costs of the operation of and improvements for the district. The 86384  
contributions may be in any form to which the contracting 86385  
municipal corporations and townships agree and may include but are 86386  
not limited to the provision of services, money, real or personal 86387  
property, facilities, or equipment. The contract may provide for 86388

the contracting parties to share revenue from taxes levied on 86389  
property by one or more of the contracting parties if those 86390  
revenues may lawfully be applied to that purpose under the 86391  
legislation by which those taxes are levied. The contract shall 86392  
provide for new, expanded, or additional services, facilities, or 86393  
improvements, including expanded or additional capacity for or 86394  
other enhancement of existing services, facilities, or 86395  
improvements, provided that those services, facilities, or 86396  
improvements, or expanded or additional capacity for or 86397  
enhancement of existing services, facilities, or improvements, 86398  
required herein have been provided within the two-year period 86399  
prior to the execution of the contract. 86400

(2) Before the legislative authority of a municipal 86401  
corporation or a board of township trustees passes any ordinance 86402  
or resolution approving a contract to create a joint economic 86403  
development district pursuant to this section, the legislative 86404  
authority of the municipal corporation and the board of township 86405  
trustees shall each hold a public hearing concerning the joint 86406  
economic development district contract and shall provide thirty 86407  
days' public notice of the time and place of the public hearing in 86408  
a newspaper of general circulation in the municipal corporation 86409  
and the township. The board of township trustees may provide 86410  
additional notice to township residents in accordance with section 86411  
9.03 of the Revised Code, and any additional notice shall include 86412  
the public hearing announcement; a summary of the terms of the 86413  
contract; a statement that the entire text of the contract and 86414  
district maps and plans are on file for public examination in the 86415  
office of the township fiscal officer; and information pertaining 86416  
to any tax changes that will or may occur as a result of the 86417  
contract. 86418

During the thirty-day period prior to the public hearing, a 86419  
copy of the text of the contract together with copies of district 86420

maps and plans related to or part of the contract shall be on 86421  
file, for public examination, in the offices of the clerk of the 86422  
legislative authority of the municipal corporation and of the 86423  
township fiscal officer. The public hearing provided for in 86424  
division (D)(2) of this section shall allow for public comment and 86425  
recommendations from the public on the proposed contract. The 86426  
contracting parties may include in the contract any of those 86427  
recommendations prior to the approval of the contract. 86428

(3) Any resolution of the board of township trustees that 86429  
approves a contract that creates a joint economic development 86430  
district pursuant to this section shall be subject to a referendum 86431  
of the electors of the township. When a referendum petition, 86432  
signed by ten per cent of the number of electors in the township 86433  
who voted for the office of governor at the most recent general 86434  
election for the office of governor, is presented to the board of 86435  
township trustees within thirty days after the board of township 86436  
trustees adopted the resolution, ordering that the resolution be 86437  
submitted to the electors of the township for their approval or 86438  
rejection, the board of township trustees shall, after ten days 86439  
and not later than four p.m. of the ninetieth day before the 86440  
election, certify the text of the resolution to the board of 86441  
elections. The board of elections shall submit the resolution to 86442  
the electors of the township for their approval or rejection at 86443  
the next general, election or special election held on a day on 86444  
which a primary, or special election may be held, occurring 86445  
subsequent to ninety days after the certifying of the petition to 86446  
the board of elections. 86447

(4) Upon the creation of a district under this section or 86448  
section 715.71 of the Revised Code, one of the contracting parties 86449  
shall file a copy of the following with the director of 86450  
development: 86451

(a) The petition and other documents described in division 86452

(C)(1) of this section, if the district is created under this 86453  
section; 86454

(b) The documents described in division (D) of section 715.71 86455  
of the Revised Code, if the district is created under this 86456  
section. 86457

(E) The district created by the contract shall be governed by 86458  
a board of directors that shall be established by or pursuant to 86459  
the contract. The board is a public body for the purposes of 86460  
section 121.22 of the Revised Code. The provisions of Chapter 86461  
2744. of the Revised Code apply to the board and the district. The 86462  
members of the board shall be appointed as provided in the 86463  
contract from among the elected members of the legislative 86464  
authorities and the elected chief executive officers of the 86465  
contracting parties, provided that there shall be at least two 86466  
members appointed from each of the contracting parties. 86467

(F) The contract shall enumerate the specific powers, duties, 86468  
and functions of the board of directors of a district, and the 86469  
contract shall provide for the determination of procedures that 86470  
are to govern the board of directors. The contract may grant to 86471  
the board the power to adopt a resolution to levy an income tax 86472  
within the district. The income tax shall be used for the purposes 86473  
of the district and for the purposes of the contracting municipal 86474  
corporations and townships pursuant to the contract. The income 86475  
tax may be levied in the district based on income earned by 86476  
persons working or residing within the district and based on the 86477  
net profits of businesses located in the district. The income tax 86478  
shall follow the provisions of Chapter 718. of the Revised Code, 86479  
except that a vote shall be required by the electors residing in 86480  
the district to approve the rate of income tax. If no electors 86481  
reside within the district, then division (F)(4) of this section 86482  
applies. The rate of the income tax shall be no higher than the 86483  
highest rate being levied by a municipal corporation that is a 86484

party to the contract. 86485

(1) Within one hundred eighty days after the first meeting of 86486  
the board of directors, the board may levy an income tax, provided 86487  
that the rate of the income tax is first submitted to and approved 86488  
by the electors of the district at the ~~succeeding regular~~ next 86489  
general election or special election held on a day on which a 86490  
primary election, or a special election called by the board may be 86491  
held, occurring subsequent to ninety days after a certified copy 86492  
of the resolution levying the income tax and calling for the 86493  
election is filed with the board of elections. If the voters 86494  
approve the levy of the income tax, the income tax shall be in 86495  
force for the full period of the contract establishing the 86496  
district. Any increase in the rate of an income tax that was first 86497  
levied within one hundred eighty days after the first meeting of 86498  
the board of directors shall be approved by a vote of the electors 86499  
of the district, shall be in force for the remaining period of the 86500  
contract establishing the district, and shall not be subject to 86501  
division (F)(2) of this section. 86502

(2) Any resolution of the board of directors levying an 86503  
income tax that is adopted subsequent to one hundred eighty days 86504  
after the first meeting of the board of directors shall be subject 86505  
to a referendum as provided in division (F)(2) of this section. 86506  
Any resolution of the board of directors levying an income tax 86507  
that is adopted subsequent to one hundred eighty days after the 86508  
first meeting of the board of directors shall be subject to an 86509  
initiative proceeding to amend or repeal the resolution levying 86510  
the income tax as provided in division (F)(2) of this section. 86511  
When a referendum petition, signed by ten per cent of the number 86512  
of electors in the district who voted for the office of governor 86513  
at the most recent general election for the office of governor, is 86514  
filed with the county auditor of each county within which a party 86515  
to the contract is located within thirty days after the resolution 86516

is adopted by the board or when an initiative petition, signed by 86517  
ten per cent of the number of electors in the district who voted 86518  
for the office of governor at the most recent general election for 86519  
the office of governor, is filed with the county auditor of each 86520  
such county ordering that a resolution to amend or repeal a prior 86521  
resolution levying an income tax be submitted to the electors 86522  
within the district for their approval or rejection, the county 86523  
auditor of each such county, after ten days and not later than 86524  
four p.m. of the ninetieth day before the election, shall certify 86525  
the text of the resolution to the board of elections of that 86526  
county. The county auditor of each such county shall retain the 86527  
petition. The board of elections shall submit the resolution to 86528  
such electors, for their approval or rejection, at the next 86529  
general, election or special election held on a day on which a 86530  
primary, or special election may be held, occurring subsequent to 86531  
ninety days after the certifying of such petition to the board of 86532  
elections. 86533

(3) Whenever a district is located in the territory of more 86534  
than one contracting party, a majority vote of the electors, if 86535  
any, in each of the several portions of the territory of the 86536  
contracting parties constituting the district approving the levy 86537  
of the tax is required before it may be imposed pursuant to this 86538  
division. 86539

(4) If there are no electors residing in the district, no 86540  
election for the approval or rejection of an income tax shall be 86541  
held pursuant to this section, provided that where no electors 86542  
reside in the district, the maximum rate of the income tax that 86543  
may be levied shall not exceed one per cent. 86544

(5) The board of directors of a district levying an income 86545  
tax shall enter into an agreement with one of the municipal 86546  
corporations that is a party to the contract to administer, 86547  
collect, and enforce the income tax on behalf of the district. The 86548

resolution levying the income tax shall provide the same credits, 86549  
if any, to residents of the district for income taxes paid to 86550  
other such districts or municipal corporations where the residents 86551  
work, as credits provided to residents of the municipal 86552  
corporation administering the income tax. 86553

(6)(a) The board shall publish or post public notice within 86554  
the district of any resolution adopted levying an income tax in 86555  
the same manner required of municipal corporations under sections 86556  
731.21 and 731.25 of the Revised Code. 86557

(b) Except as otherwise specified by this division, any 86558  
referendum or initiative proceeding within a district shall be 86559  
conducted in the same manner as is required for such proceedings 86560  
within a municipal corporation pursuant to sections 731.28 to 86561  
731.40 of the Revised Code. 86562

(G) Membership on the board of directors does not constitute 86563  
the holding of a public office or employment within the meaning of 86564  
any section of the Revised Code or any charter provision 86565  
prohibiting the holding of other public office or employment, and 86566  
shall not constitute an interest, either direct or indirect, in a 86567  
contract or expenditure of money by any municipal corporation, 86568  
township, county, or other political subdivision with which the 86569  
member may be connected. No member of a board of directors shall 86570  
be disqualified from holding any public office or employment, nor 86571  
shall such member forfeit or be disqualified from holding any such 86572  
office or employment, by reason of the member's membership on the 86573  
board of directors, notwithstanding any law or charter provision 86574  
to the contrary. 86575

(H) The powers and authorizations granted pursuant to this 86576  
section or section 715.71 of the Revised Code are in addition to 86577  
and not in derogation of all other powers granted to municipal 86578  
corporations and townships pursuant to law. When exercising a 86579  
power or performing a function or duty under a contract authorized 86580

pursuant to this section or section 715.71 of the Revised Code, a 86581  
municipal corporation may exercise all of the powers of a 86582  
municipal corporation, and may perform all the functions and 86583  
duties of a municipal corporation, within the district, pursuant 86584  
to and to the extent consistent with the contract. When exercising 86585  
a power or performing a function or duty under a contract 86586  
authorized pursuant to this section or section 715.71 of the 86587  
Revised Code, a township may exercise all of the powers of a 86588  
township, and may perform all the functions and duties of a 86589  
township, within the district, pursuant to and to the extent 86590  
consistent with the contract. The district board of directors has 86591  
no powers except those specifically set forth in the contract as 86592  
agreed to by the participating parties. No political subdivision 86593  
shall authorize or grant any tax exemption pursuant to Chapter 86594  
1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the 86595  
Revised Code on any property located within the district without 86596  
the consent of the contracting parties. The prohibition for any 86597  
tax exemption pursuant to this division shall not apply to any 86598  
exemption filed, pending, or approved, or for which an agreement 86599  
has been entered into, before the effective date of the contract 86600  
entered into by the parties. 86601

(I) Municipal corporations and townships may enter into 86602  
binding agreements pursuant to a contract authorized under this 86603  
section or section 715.71 of the Revised Code with respect to the 86604  
substance and administration of zoning and other land use 86605  
regulations, building codes, public permanent improvements, and 86606  
other regulatory and proprietary matters that are determined, 86607  
pursuant to the contract, to be for a public purpose and to be 86608  
desirable with respect to the operation of the district or to 86609  
facilitate new or expanded economic development in the state or 86610  
the district, provided that no contract shall exempt the territory 86611  
within the district from the procedures and processes of land use 86612  
regulation applicable pursuant to municipal corporation, township, 86613

and county regulations, including but not limited to procedures 86614  
and processes concerning zoning. 86615

(J) A contract creating a joint economic development district 86616  
under this section or section 715.71 of the Revised Code may 86617  
designate property as a community entertainment district or may be 86618  
amended to designate property as a community entertainment 86619  
district as prescribed in division (D) of section 4301.80 of the 86620  
Revised Code. A joint economic development district contract or 86621  
amendment designating a community entertainment district shall 86622  
include all information and documentation described in divisions 86623  
(B)(1) through (6) of section 4301.80 of the Revised Code. The 86624  
public notice required under division (D)(2) of this section and 86625  
division (C) of section 715.71 of the Revised Code shall specify 86626  
that the contract designates a community entertainment district 86627  
and describe the location of that district. Except as provided in 86628  
division (F) of section 4301.80 of the Revised Code, an area 86629  
designated as a community entertainment district under a joint 86630  
economic development district contract shall not lose its 86631  
designation even if the contract is canceled or terminated. 86632

(K) A contract entered into pursuant to this section or 86633  
section 715.71 of the Revised Code may be amended and it may be 86634  
renewed, canceled, or terminated as provided in or pursuant to the 86635  
contract. The contract may be amended to add property owned by one 86636  
of the contracting parties to the district, or may be amended to 86637  
delete property from the district whether or not one of the 86638  
contracting parties owns the deleted property. The contract shall 86639  
continue in existence throughout its term and shall be binding on 86640  
the contracting parties and on any entities succeeding to such 86641  
parties, whether by annexation, merger, or otherwise. The income 86642  
tax levied by the board pursuant to this section or section 715.71 86643  
of the Revised Code shall apply in the entire district throughout 86644  
the term of the contract, notwithstanding that all or a portion of 86645

the district becomes subject to annexation, merger, or 86646  
incorporation. No township or municipal corporation is divested of 86647  
its rights or obligations under the contract because of 86648  
annexation, merger, or succession of interests. 86649

(L) After the creation of a joint economic development 86650  
district described in division (A)(2) of this section, a municipal 86651  
corporation that is a contracting party may cease to own property 86652  
included in the district, but such property shall continue to be 86653  
included in the district and subject to the terms of the contract. 86654

**Sec. 715.71.** (A) This section provides alternative procedures 86655  
and requirements to those set forth in section 715.70 of the 86656  
Revised Code for creating and operating a joint economic 86657  
development district. Divisions (B), (C), (D)(1) to (3), and (F) 86658  
of section 715.70 of the Revised Code do not apply to a joint 86659  
economic development district established under this section. 86660  
However, divisions (A), (D)(4), (E), (G), (H), (I), (J), (K), and 86661  
(L) of section 715.70 of the Revised Code do apply to a district 86662  
established under this section. 86663

(B) One or more municipal corporations and one or more 86664  
townships may enter into a contract approved by the legislative 86665  
authority of each contracting party pursuant to which they create 86666  
as a joint economic development district one or more areas for the 86667  
purpose of facilitating economic development to create or preserve 86668  
jobs and employment opportunities and to improve the economic 86669  
welfare of the people in this state and in the area of the 86670  
contracting parties. The district created shall be located within 86671  
the territory of one or more of the contracting parties and may 86672  
consist of all or a portion of that territory. The boundaries of 86673  
the district shall be described in the contract or in an addendum 86674  
to the contract. The area or areas of land to be included in the 86675  
district shall not include any parcel of land owned in fee by or 86676

leased to a municipal corporation or township, unless the 86677  
municipal corporation or township is a party to the contract or 86678  
has given its consent to have its parcel of land included in the 86679  
district by the adoption of a resolution. As used in this 86680  
division, "parcel of land" has the same meaning as in division (B) 86681  
of section 715.70 of the Revised Code. 86682

(C) Before the legislative authority of a municipal 86683  
corporation or a board of township trustees adopts an ordinance or 86684  
resolution approving a contract to create a joint economic 86685  
development district under this section, it shall hold a public 86686  
hearing concerning the joint economic development district 86687  
contract and shall provide thirty days' public notice of the time 86688  
and place of the public hearing in a newspaper of general 86689  
circulation in the municipal corporation and the township. Each 86690  
municipal corporation and township that is a party to the contract 86691  
shall hold a public hearing. During the thirty-day period prior to 86692  
a public hearing, a copy of the text of the contract together with 86693  
copies of district maps and plans related to or part of the 86694  
contract shall be on file, for public examination, in the offices 86695  
of the clerk of the legislative authority of the municipal 86696  
corporation and of the township fiscal officer. The public 86697  
hearings provided for in this division shall allow for public 86698  
comment and recommendations on the proposed contract. The 86699  
participating parties may include in the contract any of those 86700  
recommendations prior to approval of the contract. 86701

(D) After the legislative authority of a municipal 86702  
corporation and the board of township trustees have adopted an 86703  
ordinance and resolution approving a contract to create a joint 86704  
economic development district, the municipal corporation and the 86705  
township jointly shall file with the legislative authority of each 86706  
county within which a party to the contract is located all of the 86707  
following: 86708

(1) A signed copy of the contract, together with copies of district maps and plans related to or part of the contract; (86709-86710)

(2) Certified copies of the ordinances and resolutions of the contracting parties relating to the district and the contract; (86711-86712)

(3) A certificate of each of the contracting parties that the public hearings provided for in division (C) of this section have been held, the date of the hearings, and evidence of publication of the notice of the hearings. (86713-86716)

(E) Within thirty days after the filing under division (D) of this section, the legislative authority of each county within which a party to the contract is located shall adopt a resolution acknowledging the receipt of the required documents, approving the creation of the joint economic development district, and directing that the resolution of the board of township trustees approving the contract be submitted to the electors of the township for approval at the next succeeding general, election or special election held on a day on which a primary, or special election may be held. The legislative authority of the county shall file with the board of elections at least ninety days before the day of the election a copy of the resolution of the board of township trustees approving the contract. The resolution of the legislative authority of the county also shall specify the date the election is to be held and shall direct the board of elections to conduct the election in the township. If the resolution of the legislative authority of the county is not adopted within the thirty-day period after the filing under division (D) of this section, the joint economic development district shall be deemed approved by the county legislative authority, and the board of township trustees shall file its resolution with the board of elections for submission to the electors of the township for approval at the next succeeding general, primary, election or special election held on the day on which a primary election may be held. The (86717-86740)

filing shall occur at least ninety days before the specified date 86741  
the election is to be held and shall direct the board of elections 86742  
to conduct the election in the township. 86743

The ballot shall be in the following form: 86744

"Shall the resolution of the board of township trustees 86745  
approving the contract with ..... (here insert name of 86746  
each municipal corporation and other township that is a party to 86747  
the contract) for the creation of a joint economic development 86748  
district be approved? 86749

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

"

If a majority of the electors of the township voting on the issue 86754  
vote for the resolution and contract, the resolution shall become 86755  
effective immediately and the contract shall go into effect 86756  
immediately or in accordance with its terms. 86757

(F) The contract creating the district shall set forth or 86758  
provide for the amount or nature of the contribution of each 86759  
municipal corporation and township to the development and 86760  
operation of the district and may provide for the sharing of the 86761  
costs of the operation of and improvements for the district. The 86762  
contributions may be in any form to which the contracting 86763  
municipal corporations and townships agree and may include but are 86764  
not limited to the provision of services, money, real or personal 86765  
property, facilities, or equipment. The contract may provide for 86766  
the contracting parties to share revenue from taxes levied on 86767  
property by one or more of the contracting parties if those 86768  
revenues may lawfully be applied to that purpose under the 86769  
legislation by which those taxes are levied. The contract shall 86770  
provide for new, expanded, or additional services, facilities, or 86771

improvements, including expanded or additional capacity for or 86772  
other enhancement of existing services, facilities, or 86773  
improvements, provided that the existing services, facilities, or 86774  
improvements, or the expanded or additional capacity for or 86775  
enhancement of the existing services, facilities, or improvements, 86776  
have been provided within the two-year period prior to the 86777  
execution of the contract. 86778

(G) The contract shall enumerate the specific powers, duties, 86779  
and functions of the board of directors of the district and shall 86780  
provide for the determination of procedures that are to govern the 86781  
board of directors. The contract may grant to the board the power 86782  
to adopt a resolution to levy an income tax within the district. 86783  
The income tax shall be used for the purposes of the district and 86784  
for the purposes of the contracting municipal corporations and 86785  
townships pursuant to the contract. The income tax may be levied 86786  
in the district based on income earned by persons working or 86787  
residing within the district and based on the net profits of 86788  
businesses located in the district. The income tax of the district 86789  
shall follow the provisions of Chapter 718. of the Revised Code, 86790  
except that no vote shall be required by the electors residing in 86791  
the district. The rate of the income tax shall be no higher than 86792  
the highest rate being levied by a municipal corporation that is a 86793  
party to the contract. 86794

The board of directors of a district levying an income tax 86795  
shall enter into an agreement with one of the municipal 86796  
corporations that is a party to the contract to administer, 86797  
collect, and enforce the income tax on behalf of the district. The 86798  
resolution levying the income tax shall provide the same credits, 86799  
if any, to residents of the district for income taxes paid to 86800  
other districts or municipal corporations where the residents 86801  
work, as credits provided to residents of the municipal 86802  
corporation administering the income tax. 86803

(H) No annexation proceeding pursuant to Chapter 709. of the Revised Code that proposes the annexation to or merger or consolidation with a municipal corporation, except a municipal corporation that is a party to the contract, of any unincorporated territory within the district shall be commenced for a period of three years after the contract is filed with the legislative authority of each county within which a party to the contract is located in accordance with division (D) of this section unless each board of township trustees whose territory is included, in whole or part, within the district and the territory proposed to be annexed, merged, or consolidated adopts a resolution consenting to the commencement of the proceeding and a copy of the resolution is filed with the legislative authority of each such county or unless the contract is terminated during this three-year period. The contract entered into between the municipal corporations and townships pursuant to this section may provide for the prohibition of any annexation by the participating municipal corporations of any unincorporated territory within the district.

**Sec. 715.72.** (A) As used in this section: 86822

(1) "Contracting parties" means one or more municipal corporations, one or more townships, and, under division (D) of this section, one or more counties that have entered into a contract under this section to create a joint economic development district. 86823  
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(2) "District" means a joint economic development district created under this section. 86828  
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(3) "Contract for utility services" means a contract under which a municipal corporation agrees to provide to a township or another municipal corporation water, sewer, electric, or other utility services necessary to the public health, safety, and welfare. 86830  
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(4) "Business" means a sole proprietorship, a corporation for profit, a pass-through entity as defined in section 5733.04 of the Revised Code, the federal government, the state, the state's political subdivisions, a nonprofit organization, or a school district.

(5) "Owner" means a partner of a partnership, a member of a limited liability company, a majority shareholder of an S corporation, a person with a majority ownership interest in a pass-through entity, or any officer, employee, or agent with authority to make decisions legally binding upon a business.

(6) "Record owner" means the person or persons in whose name a parcel is listed on the tax list or exempt list compiled by the county auditor under section 319.28 or 5713.08 of the Revised Code.

(7) A business "operates within" a district if the net profits of the business or the income of employees of the business would be subject to an income tax levied within the district.

(8) An employee is "employed within" a district if any portion of the employee's income would be subject to an income tax levied within the district.

(9) "Mixed-use development" means a real estate project that tends to mitigate traffic and sprawl by integrating some combination of retail, office, residential, hotel, recreation, and other functions in a pedestrian-oriented environment that maximizes the use of available space by allowing members of the community to live, work, and play in one architecturally expressive area with multiple amenities.

(B) This section provides alternative procedures and requirements to those set forth in sections 715.70 and 715.71 of the Revised Code for creating and operating a joint economic development district. This section applies to municipal

corporations and townships that are located in the same county or 86866  
in adjacent counties. 86867

(C) One or more municipal corporations, one or more 86868  
townships, and, under division (D) of this section, one or more 86869  
counties may enter into a contract pursuant to which they 86870  
designate one or more areas as a joint economic development 86871  
district for the purpose of facilitating economic development and 86872  
redevelopment, to create or preserve jobs and employment 86873  
opportunities, and to improve the economic welfare of the people 86874  
in this state and in the area of the contracting parties. 86875

(1) Except as otherwise provided in division (C)(2) of this 86876  
section, the territory of each of the contracting parties shall be 86877  
contiguous to the territory of at least one other contracting 86878  
party, or contiguous to the territory of a township, municipal 86879  
corporation, or county that is contiguous to another contracting 86880  
party, even if the intervening township or municipal corporation 86881  
is not a contracting party. 86882

(2) Contracting parties that have entered into a contract 86883  
under section 715.70 or 715.71 of the Revised Code creating a 86884  
joint economic development district prior to November 15, 1995, 86885  
may enter into a contract under this section even if the territory 86886  
of each of the contracting parties is not contiguous to the 86887  
territory of at least one other contracting party, or contiguous 86888  
to the territory of a township or municipal corporation that is 86889  
contiguous to another contracting party as otherwise required 86890  
under division (C)(1) of this section. The contract and district 86891  
shall meet the requirements of this section. 86892

(D) If, on or after December 30, 2008, but on or before June 86893  
30, 2009, one or more municipal corporations and one or more 86894  
townships enter into a contract or amend an existing contract 86895  
under this section, one or more counties in which all of those 86896  
municipal corporations or townships are located also may enter 86897

into the contract as a contracting party or parties. 86898

(E)(1) The area or areas to be included in a joint economic 86899  
development district shall meet all of the following criteria: 86900

(a) The area or areas shall be located within the territory 86901  
of one or more of the contracting parties and may consist of all 86902  
of the territory of any or all of the contracting parties. 86903

(b) No electors, except those residing in a mixed-use 86904  
development, shall reside within the area or areas on the 86905  
effective date of the contract creating the district. 86906

(c) The area or areas shall not include any parcel of land 86907  
owned in fee by or leased to a municipal corporation or township, 86908  
unless the municipal corporation or township is a contracting 86909  
party or has given its consent to have the parcel of land included 86910  
in the district by the adoption of an ordinance or resolution. 86911

(2) The contracting parties may designate excluded parcels 86912  
within the boundaries of the joint economic development district. 86913  
Excluded parcels are not part of the district and persons employed 86914  
or residing on such parcels shall not be subject to any income tax 86915  
imposed within the district under division (F)(5) of this section. 86916

(F)(1) The contract creating a joint economic development 86917  
district shall provide for the amount or nature of the 86918  
contribution of each contracting party to the development and 86919  
operation of the district and may provide for the sharing of the 86920  
costs of the operation of and improvements for the district. The 86921  
contributions may be in any form to which the contracting parties 86922  
agree and may include, but are not limited to, the provision of 86923  
services, money, real or personal property, facilities, or 86924  
equipment. 86925

(2) The contract may provide for the contracting parties to 86926  
share revenue from taxes levied by one or more of the contracting 86927  
parties if those revenues may lawfully be applied to that purpose 86928

under the legislation by which those taxes are levied. 86929

(3) The contract shall include an economic development plan 86930  
for the district that consists of a schedule for the provision of 86931  
new, expanded, or additional services, facilities, or 86932  
improvements. The contract may provide for expanded or additional 86933  
capacity for or other enhancement of existing services, 86934  
facilities, or improvements. 86935

(4) The contract shall enumerate the specific powers, duties, 86936  
and functions of the board of directors of the district described 86937  
under division (P) of this section and shall designate procedures 86938  
consistent with that division for appointing members to the board. 86939  
The contract shall enumerate rules to govern the board in carrying 86940  
out its business under this section. 86941

(5)(a) The contract may grant to the board the power to adopt 86942  
a resolution to levy an income tax within the entire district or 86943  
within portions of the district designated by the contract. The 86944  
income tax shall be used to carry out the economic development 86945  
plan for the district or the portion of the district in which the 86946  
tax is levied and for any other lawful purpose of the contracting 86947  
parties pursuant to the contract, including the provision of 86948  
utility services by one or more of the contracting parties. 86949

(b) An income tax levied under this section shall be based on 86950  
both the income earned by persons employed or residing within the 86951  
district and the net profit of businesses operating within the 86952  
district. 86953

Except as provided in this section, the income tax levied 86954  
within the district is subject to Chapter 718. of the Revised 86955  
Code, except that no vote shall be required. The rate of the 86956  
income tax shall be no higher than the highest rate being levied 86957  
by a municipal corporation that is a contracting party. 86958

(c) If the board adopts a resolution to levy an income tax, 86959

it shall enter into an agreement with a municipal corporation that 86960  
is a contracting party to administer, collect, and enforce the 86961  
income tax on behalf of the district. 86962

(d) A resolution levying an income tax under this section 86963  
shall require the contracting parties to annually set aside a 86964  
percentage, to be stated in the resolution, of the amount of the 86965  
income tax collected for the long-term maintenance of the 86966  
district. 86967

(e) An income tax levied under this section shall apply in 86968  
the district or the portion of the district in which the contract 86969  
authorizes an income tax throughout the term of the contract 86970  
creating the district. The tax shall not apply to any persons 86971  
employed or residing on a parcel excluded from the district under 86972  
division (E)(2) of this section. 86973

(6) If there is unincorporated territory in the district, the 86974  
contract shall specify that restrictions on annexation proceedings 86975  
under division (R) of this section apply to such unincorporated 86976  
territory. The contract may prohibit proceedings under Chapter 86977  
709. of the Revised Code proposing the annexation to, merger of, 86978  
or consolidation with a municipal corporation that is a 86979  
contracting party of any unincorporated territory within a 86980  
township that is a contracting party during the term of the 86981  
contract regardless of whether that territory is located within 86982  
the district. 86983

(7) The contract may designate property as a community 86984  
entertainment district, or may be amended to designate property as 86985  
a community entertainment district, as prescribed in division (D) 86986  
of section 4301.80 of the Revised Code. A contract or amendment 86987  
designating a community entertainment district shall include all 86988  
information and documentation described in divisions (B)(1) to (6) 86989  
of section 4301.80 of the Revised Code. The public notice required 86990  
under division (I) of this section shall specify that the contract 86991

designates a community entertainment district and describe the 86992  
location of that district. Except as provided in division (F) of 86993  
section 4301.80 of the Revised Code, an area designated as a 86994  
community entertainment district under a joint economic 86995  
development district contract shall not lose its designation even 86996  
if the contract is canceled or terminated. 86997

(G) The contract creating a joint economic development 86998  
district shall continue in existence throughout its term and shall 86999  
be binding on the contracting parties and on any parties 87000  
succeeding to the contracting parties, whether by annexation, 87001  
merger, or consolidation. Except as provided in division (H) of 87002  
this section, the contract may be amended, renewed, or terminated 87003  
with the approval of the contracting parties or any parties 87004  
succeeding to the contracting parties. If the contract is amended 87005  
to add or remove an area to or from an existing district, the 87006  
amendment shall be adopted in the manner prescribed under division 87007  
(L) of this section. 87008

(H) If two or more contracting parties previously have 87009  
entered into a separate contract for utility services, then 87010  
amendment, renewal, or termination of the separate contract for 87011  
utility services shall not constitute any part of the 87012  
consideration for the contract creating a joint economic 87013  
development district. A contract creating a joint economic 87014  
development district shall be rebuttably presumed to violate this 87015  
division if it is entered into within two years prior or five 87016  
years subsequent to the amendment, renewal, or termination of a 87017  
separate contract for utility services that two or more 87018  
contracting parties previously have entered into. The presumption 87019  
stated in this division may be rebutted by clear and convincing 87020  
evidence of both of the following: 87021

(1) That other substantial consideration existed to support 87022  
the contract creating a joint economic development district; 87023

(2) That the contracting parties entered into the contract 87024  
creating a joint economic development district freely and without 87025  
duress or coercion related to the amendment, renewal, or 87026  
termination of the separate contract for utility services. 87027

A contract creating a joint economic development district 87028  
that violates this division is void and unenforceable. 87029

(I)(1) Before the legislative authority of any of the 87030  
contracting parties adopts an ordinance or resolution approving a 87031  
contract to create a district, the legislative authority of each 87032  
of the contracting parties shall hold a public hearing concerning 87033  
the contract and district. Each legislative authority shall 87034  
provide at least thirty days' public notice of the time and place 87035  
of the public hearing in a newspaper of general circulation in the 87036  
municipal corporation, township, or county, as applicable. During 87037  
the thirty-day period prior to the public hearing and until the 87038  
date that an ordinance or resolution is adopted under division (K) 87039  
of this section to approve the joint economic development district 87040  
contract, all of the following documents shall be available for 87041  
public inspection in the office of the clerk of the legislative 87042  
authority of a municipal corporation and county that is a 87043  
contracting party and in the office of the fiscal officer of a 87044  
township that is a contracting party: 87045

(a) A copy of the contract creating the district, including 87046  
the economic development plan for the district and the schedule 87047  
for the provision of new, expanded, or additional services, 87048  
facilities, or improvements described in division (F)(3) of this 87049  
section; 87050

(b) A description of the area or areas to be included in the 87051  
district, including a map in sufficient detail to denote the 87052  
specific boundaries of the area or areas and to indicate any 87053  
zoning restrictions applicable to the area or areas, and the 87054  
parcel number, provided for under section 319.28 of the Revised 87055

Code, of any parcel located within the boundaries of the joint 87056  
economic development district and excluded from the district under 87057  
division (E)(2) of this section; 87058

(c) If the contract authorizes the board of directors of the 87059  
district to adopt a resolution to levy an income tax within the 87060  
district or within portions of the district, a schedule for the 87061  
collection of the tax. 87062

(2) A public hearing held under this division shall allow for 87063  
public comment and recommendations on the contract and district. 87064  
The contracting parties may include in the contract any of those 87065  
recommendations prior to approval of the contract. 87066

(J) Before any of the contracting parties approves a contract 87067  
under division (K) of this section, the contracting parties shall 87068  
circulate one or more petitions to record owners of real property 87069  
located within the proposed joint economic development district 87070  
and owners of businesses operating within the proposed district. 87071  
The petitions shall state that all of the documents described in 87072  
divisions (I)(1)(a) to (c) of this section are available for 87073  
public inspection in the office of the clerk of the legislative 87074  
authority of each municipal corporation and county that is a 87075  
contracting party or the office of the fiscal officer of each 87076  
township that is a contracting party. The petitions shall clearly 87077  
indicate that, by signing the petition, the record owner or owner 87078  
consents to the proposed joint economic development district. 87079

A contracting party may send written notice of the petitions 87080  
by certified mail with return receipt requested to the last known 87081  
mailing addresses of any or all of the record owners of real 87082  
property located within the proposed district or the owners of 87083  
businesses operating within the proposed district. The contracting 87084  
parties shall equally share the costs of complying with this 87085  
division. 87086

(K)(1) After the public hearings required under division (I) 87087  
of this section have been held and the petitions described in 87088  
division (J) of this section have been signed by the majority of 87089  
the record owners of real property located within the proposed 87090  
joint economic development district and by a majority of the 87091  
owners of businesses, if any, operating within the proposed 87092  
district, each contracting party may adopt an ordinance or 87093  
resolution approving the contract to create a joint economic 87094  
development district. Not later than ten days after all of the 87095  
contracting parties have adopted ordinances or resolutions 87096  
approving the district contract, each contracting party shall give 87097  
notice of the proposed district to all of the following: 87098

(a) Each record owner of real property to be included in the 87099  
district and in the territory of that contracting party who did 87100  
not sign the petitions described in division (J) of this section; 87101

(b) An owner of each business operating within the district 87102  
and in the territory of that contracting party no owner of which 87103  
signed the petitions described in division (J) of this section. 87104

(2) Such notices shall be given by certified mail and shall 87105  
specify that the property or business is located within an area to 87106  
be included in the district and that all of the documents 87107  
described in divisions (I)(1)(a) to (c) of this section are 87108  
available for public inspection in the office of the clerk of the 87109  
legislative authority of each municipal corporation and county 87110  
that is a contracting party or the office of the fiscal officer of 87111  
each township that is a contracting party. The contracting parties 87112  
shall equally share the costs of complying with division (K) of 87113  
this section. 87114

(L)(1) The contracting parties may amend the joint economic 87115  
development district contract to add any area that was not 87116  
originally included in the district if the area satisfies the 87117  
criteria prescribed under division (E) of this section. The 87118

contracting parties may also amend the district contract to remove 87119  
any area originally included in the district or exclude one or 87120  
more parcels located within the district pursuant to division 87121  
(E)(2) of this section. 87122

(2) An amendment adding an area to a district, removing an 87123  
area from the district, or excluding one or more parcels from the 87124  
district may be approved only by a resolution or ordinance adopted 87125  
by each of the contracting parties. The contracting parties shall 87126  
conduct public hearings on the amendment and provide notice in the 87127  
manner required under division (I) of this section for original 87128  
contracts. The contracting parties shall make available for public 87129  
inspection a copy of the amendment, a description of the area to 87130  
be added, removed, or excluded to or from the district, and a map 87131  
of that area in sufficient detail to denote the specific 87132  
boundaries of the area and to indicate any zoning restrictions 87133  
applicable to the area. 87134

(3) Before adopting a resolution or ordinance approving the 87135  
addition of an area to the district, the contracting parties shall 87136  
circulate petitions to the record owners of real property located 87137  
within the proposed addition to the district and owners of 87138  
businesses operating within the proposed addition to the district 87139  
in the same manner required under division (J) of this section for 87140  
original contracts. The contracting parties may notify such record 87141  
owners of real property and owners of businesses that the 87142  
petitions are available for signing in the same manner provided by 87143  
that division. The contracting parties shall equally share the 87144  
costs of complying with this division. 87145

(4) The contracting parties to a joint economic development 87146  
district may vote to approve an amendment to the district contract 87147  
under this division after the public hearings required under 87148  
division (L)(2) of this section are completed and, if the 87149  
amendment adds an area or areas to the district, the petitions 87150

required under division (L)(3) of this section have been signed by 87151  
the majority of record owners of real property located within the 87152  
area or areas added to the district and by a majority of the 87153  
owners of businesses, if any, operating within the proposed 87154  
addition to the district. 87155

(5) Not later than ten days after all of the contracting 87156  
parties have adopted ordinances or resolutions approving an 87157  
amendment adding one or more areas to the district, each 87158  
contracting party shall give notice of the addition to all of the 87159  
following: 87160

(a) Each record owner of real property to be included in the 87161  
addition to the district and in the territory of that contracting 87162  
party who did not sign the petitions described in division (L)(3) 87163  
of this section; 87164

(b) An owner of each business operating within the addition 87165  
to the district and in the territory of that contracting party no 87166  
owner of which signed the petitions described in division (L)(3) 87167  
of this section. 87168

The contracting parties shall equally share the costs of 87169  
complying with division (L)(5) of this section. 87170

(M)(1) A board of township trustees that is a party to a 87171  
contract creating a joint economic development district may choose 87172  
not to submit its resolution approving the contract to the 87173  
electors of the township if all of the following conditions are 87174  
satisfied: 87175

(a) The resolution has been approved by a unanimous vote of 87176  
the members of the board of township trustees or, if a county is 87177  
one of the contracting parties under division (D) of this section, 87178  
the resolution has been approved by a majority vote of the members 87179  
of the board of township trustees; 87180

(b) The contracting parties have circulated petitions as 87181

required under division (J) of this section and obtained the 87182  
signatures required under division (L) of this section; 87183

(c) The territory to be included in the proposed district is 87184  
zoned in a manner appropriate to the function of the district. 87185

(2) If the board of township trustees has not invoked its 87186  
authority under division (M)(1) of this section, the board, at 87187  
least ninety days before the date of the election, shall file its 87188  
resolution approving the district contract with the board of 87189  
elections for submission to the electors of the township for 87190  
approval at the next succeeding general, election or special 87191  
election held on a day on which a primary, or special election may 87192  
be held. 87193

(3) Any contract creating a district in which a board of 87194  
township trustees is a party shall provide that the contract is 87195  
not effective before the thirty-first day after its approval, 87196  
including approval by the electors of the township if required by 87197  
this section. 87198

(4) If the board of township trustees invokes its authority 87199  
under division (M)(1) of this section and does not submit the 87200  
district contract to the electors for approval, the resolution of 87201  
the board of township trustees approving the contract is subject 87202  
to a referendum of the electors of the township when requested 87203  
through a petition. When signed by ten per cent of the number of 87204  
electors in the township who voted for the office of governor at 87205  
the most recent general election, a referendum petition asking 87206  
that the resolution be submitted to the electors of the township 87207  
may be presented to the board of township trustees. Such a 87208  
petition shall be presented within thirty days after the board of 87209  
township trustees adopts the resolution approving the district 87210  
contract. The board of township trustees shall, not later than 87211  
four p.m. of the tenth day after receipt of the petition, certify 87212  
the text of the resolution to the board of elections. The board of 87213

elections shall submit the resolution to the electors of the township for their approval or rejection at the next general, election or special election held on a day on which a primary, or special election may be held, occurring at least ninety days after certification of the resolution.

(N) The ballot respecting a resolution to create a district or a referendum of such a resolution shall be in the following form:

"Shall the resolution of the board of township trustees approving the contract with ..... (here insert name of every other contracting party) for the creation of a joint economic development district be approved?"

FOR THE RESOLUTION AND CONTRACT

AGAINST THE RESOLUTION AND CONTRACT"

If a majority of the electors of the township voting on the issue vote for the resolution and contract, the resolution shall become effective immediately and the contract shall go into effect on the thirty-first day after the election or thereafter in accordance with terms of the contract.

(O) Upon the creation of a district under this section, one of the contracting parties shall file a copy of each of the following documents with the director of development services:

(1) All of the documents described in divisions (I)(1)(a) to (c) of this section;

(2) Certified copies of the ordinances and resolutions of the contracting parties relating to the contract and district;

(3) Documentation from each contracting party that the public hearings required by division (I) of this section have been held, the date of the hearings, and evidence that notice of the hearings was published as required by that division;

(4) A copy of the signed petitions required under divisions (J) and (K) of this section. 87244  
87245

(P) A board of directors shall govern each district created under this section. 87246  
87247

(1) If there are businesses operating and persons employed within the district, the board shall be composed of the following members: 87248  
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(a) One member representing the municipal corporations that are contracting parties; 87251  
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(b) One member representing the townships that are contracting parties; 87253  
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(c) One member representing the owners of businesses operating within the district; 87255  
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(d) One member representing the persons employed within the district; 87257  
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(e) One member representing the counties that are contracting parties, or, if no contracting party is a county, one member selected by the members described in divisions (P)(1)(a) to (d) of this section. 87259  
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The members of the board shall be appointed as provided in the district contract. Of the members initially appointed to the board, the member described in division (P)(1)(a) of this section shall serve a term of one year; the member described in division (P)(1)(b) of this section shall serve a term of two years; the member described in division (P)(1)(c) of this section shall serve a term of three years; and the members described in divisions (P)(1)(d) and (e) of this section shall serve terms of four years. Thereafter, terms for each member shall be for four years, each term ending on the same day of the same month of the year as did the term that it succeeds. A member may be reappointed to the 87263  
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board, but no member shall serve more than two consecutive terms 87274  
on the board. 87275

The member described in division (P)(1)(e) of this section 87276  
shall serve as chairperson of the board described under division 87277  
(P)(1) of this section. 87278

(2) If there are no businesses operating or persons employed 87279  
within the district, the board shall be composed of the following 87280  
members: 87281

(a) One member representing the municipal corporations that 87282  
are contracting parties; 87283

(b) One member representing the townships that are 87284  
contracting parties; 87285

(c) One member representing the counties that are contracting 87286  
parties, or if no contracting party is a county, one member 87287  
selected by the members described in divisions (P)(2)(a) and (b) 87288  
of this section. 87289

The members of the board shall be appointed as provided in 87290  
the district contract. Of the members initially appointed to the 87291  
board, the member described in division (P)(2)(a) of this section 87292  
shall serve a term of one year; the member described in division 87293  
(P)(2)(b) of this section shall serve a term of two years; and the 87294  
member described in division (P)(2)(c) of this section shall serve 87295  
a term of three years. Thereafter, terms for each member shall be 87296  
for four years, each term ending on the same day of the same month 87297  
of the year as did the term that it succeeds. A member may be 87298  
reappointed to the board, but no member shall serve more than two 87299  
consecutive terms on the board. 87300

The member described in division (P)(2)(c) of this section 87301  
shall serve as chairperson of a board described under division 87302  
(P)(2) of this section. 87303

(3) A board described under division (P)(1) or (2) of this section has no powers except as described in this section and in the contract creating the district.

(4) Membership on the board of directors of a joint economic development district created under this section is not the holding of a public office or employment within the meaning of any section of the Revised Code prohibiting the holding of other public office or employment. Membership on such a board is not a direct or indirect interest in a contract or expenditure of money by a municipal corporation, township, county, or other political subdivision with which a member may be affiliated. Notwithstanding any provision of law to the contrary, no member of a board of directors of a joint economic development district shall forfeit or be disqualified from holding any public office or employment by reason of membership on the board.

(5) The board of directors of a joint economic development district is a public body for the purposes of section 121.22 of the Revised Code. Chapter 2744. of the Revised Code applies to such a board and the district.

(Q)(1) On or before the date occurring six months after the effective date of the district contract, an owner of a business operating within the district may, on behalf of the business and its employees, file a complaint with the court of common pleas of the county in which the majority of the territory of the district is located requesting exemption from any income tax imposed by the board of directors of the district under division (F)(5) of this section if all of the following apply:

(a) The business operated within an unincorporated area of the district before the effective date of the district contract;

(b) No owner of the business signed a petition described in division (J) of this section;

(c) Neither the business nor its employees has derived or 87335  
will derive any material benefit from the new, expanded, or 87336  
additional services, facilities, or improvements described in the 87337  
economic development plan for the district, or the material 87338  
benefit that has, or will be, derived is negligible in comparison 87339  
to the income tax revenue generated from the net profits of the 87340  
business and the income of employees of the business. 87341

The legislative authority of each contracting party shall be 87342  
made a party to the proceedings and the business owner filing the 87343  
complaint shall serve notice of the complaint by certified mail to 87344  
each such contracting party. The court shall not accept any 87345  
complaint filed more than six months after the effective date of 87346  
the district contract. 87347

(2) Any or all of the contracting parties may submit a 87348  
written answer to the complaint submitted under division (Q)(1) of 87349  
this section to the court within thirty days after notice of the 87350  
complaint was served upon them. Such a contracting party shall 87351  
submit to the court, along with the answer, documentation 87352  
sufficient to prove that the contracting party sent copies of the 87353  
answer to the owner of the business who filed the complaint. 87354

(3) The court shall review each complaint submitted by a 87355  
business owner under division (Q)(1) of this section and each 87356  
answer submitted by a contracting party under division (Q)(2) of 87357  
this section. The court may make a determination on the record and 87358  
the evidence thus submitted, or it may conduct a hearing and 87359  
request the presence of the business owner and the contracting 87360  
parties to present evidence relevant to the complaint. The court 87361  
shall make a determination on the complaint not sooner than thirty 87362  
days but not later than sixty days after the complaint is filed by 87363  
the business owner. The court may make a determination more than 87364  
sixty days after the complaint is filed if the business owner and 87365  
all contracting parties to the district consent. 87366

(4) The court shall grant the exemption requested in the 87367  
complaint if all of the criteria described in divisions (Q)(1)(a) 87368  
to (c) of this section are met. 87369

(5) If all the criteria described in divisions (Q)(1)(a) to 87370  
(c) of this section are not met, the court shall deny the 87371  
complaint and the exemption. 87372

(6) The court shall send notice of the determination with 87373  
respect to the complaint to the owner of the business and each 87374  
contracting party. If the court grants the exemption, the net 87375  
profits of the business from operations within the district and 87376  
the income of its employees from employment within the district 87377  
are exempt from any income tax imposed by the board of directors 87378  
of the district. If the court denies the exemption, the net 87379  
profits of the business and the income of its employees shall be 87380  
taxed according to the terms of the district contract and any 87381  
taxes, penalties, and interest accrued before the date of the 87382  
court's determination shall be paid in full. In addition, no owner 87383  
of the business may submit another complaint under division (Q)(1) 87384  
of this section for the same district contract. The court's 87385  
determination on a complaint filed under division (Q) of this 87386  
section is final. 87387

(7) Chapter 2506. of the Revised Code does not apply to the 87388  
proceedings described in division (Q) of this section. 87389

(R)(1) No proceeding pursuant to Chapter 709. of the Revised 87390  
Code that proposes the annexation to, merger of, or consolidation 87391  
with a municipal corporation of any unincorporated territory 87392  
within a joint economic development district may be commenced at 87393  
any time between the effective date of the contract creating the 87394  
district and the date the contract expires, terminates, or is 87395  
otherwise rendered unenforceable. This division does not apply if 87396  
each board of township trustees whose territory is included within 87397  
the district and whose territory is proposed to be annexed, 87398

merged, or consolidated adopts a resolution consenting to the 87399  
commencement of the proceeding. Each such board of township 87400  
trustees shall file a copy of the resolution with the clerk of the 87401  
legislative authority of each county within which a contracting 87402  
party is located. 87403

(2) The contract creating a joint economic development 87404  
district may prohibit any annexation proceeding by a contracting 87405  
municipal corporation of any unincorporated territory within the 87406  
district or zone beyond the period described in division (R)(1) of 87407  
this section. 87408

(3) No contracting party is divested or relieved of its 87409  
rights or obligations under the contract creating a joint economic 87410  
development district because of annexation, merger, or 87411  
consolidation. 87412

(S) Contracting parties may enter into agreements pursuant to 87413  
the contract creating a joint economic development district with 87414  
respect to the substance and administration of zoning and other 87415  
land use regulations, building codes, permanent public 87416  
improvements, and other regulatory and proprietary matters 87417  
determined to be for a public purpose. No contract, however, shall 87418  
exempt the territory within the district from the procedures of 87419  
land use regulation applicable pursuant to municipal corporation, 87420  
township, and county regulations, including, but not limited to, 87421  
zoning procedures. 87422

(T) The powers granted under this section are in addition to 87423  
and not in the derogation of all other powers possessed by or 87424  
granted to municipal corporations, townships, and counties 87425  
pursuant to law. 87426

(1) When exercising a power or performing a function or duty 87427  
under a contract entered into under this section, a municipal 87428  
corporation may exercise all the powers of a municipal 87429

corporation, and may perform all the functions and duties of a 87430  
municipal corporation, within the district, pursuant to and to the 87431  
extent consistent with the contract. 87432

(2) When exercising a power or performing a function or duty 87433  
under a contract entered into under division (D) of this section, 87434  
a county may exercise all of the powers of a county, and may 87435  
perform all the functions and duties of a county, within the 87436  
district pursuant to and to the extent consistent with the 87437  
contract. 87438

(3) When exercising a power or performing a function or duty 87439  
under a contract entered into under this section, a township may 87440  
exercise all the powers of a township, and may perform all the 87441  
functions and duties of a township, within the district, pursuant 87442  
to and to the extent consistent with the contract. 87443

(U) No political subdivision shall grant any tax exemption 87444  
under Chapter 1728. or section 3735.67, 5709.62, 5709.63, or 87445  
5709.632 of the Revised Code on any property located within the 87446  
district without the consent of all the contracting parties. The 87447  
prohibition against granting a tax exemption under this section 87448  
does not apply to any exemption filed, pending, or approved before 87449  
the effective date of the contract entered into under this 87450  
section. 87451

**Sec. 718.04.** (A) Notwithstanding division (A) of section 87452  
715.013 of the Revised Code, a municipal corporation may levy a 87453  
tax on income and a withholding tax if such taxes are levied in 87454  
accordance with the provisions and limitations specified in this 87455  
chapter. On or after January 1, 2016, the ordinance or resolution 87456  
levying such taxes, as adopted or amended by the legislative 87457  
authority of the municipal corporation, shall include all of the 87458  
following: 87459

(1) A statement that the tax is an annual tax levied on the 87460

income of every person residing in or earning or receiving income 87461  
in the municipal corporation and that the tax shall be measured by 87462  
municipal taxable income; 87463

(2) A statement that the municipal corporation is levying the 87464  
tax in accordance with the limitations specified in this chapter 87465  
and that the resolution or ordinance thereby incorporates the 87466  
provisions of this chapter; 87467

(3) The rate of the tax; 87468

(4) Whether, and the extent to which, a credit, as described 87469  
in division (D) of this section, will be allowed against the tax; 87470

(5) The purpose or purposes of the tax; 87471

(6) Any other provision necessary for the administration of 87472  
the tax, provided that the provision does not conflict with any 87473  
provision of this chapter. 87474

(B) Any municipal corporation that, on or before March 23, 87475  
2015, levies an income tax at a rate in excess of one per cent may 87476  
continue to levy the tax at the rate specified in the original 87477  
ordinance or resolution, provided that such rate continues in 87478  
effect as specified in the original ordinance or resolution. 87479

(C)(1) No municipal corporation shall tax income at other 87480  
than a uniform rate. 87481

(2) Except as provided in division (B) of this section, no 87482  
municipal corporation shall levy a tax on income at a rate in 87483  
excess of one per cent without having obtained the approval of the 87484  
excess by a majority of the electors of the municipality voting on 87485  
the question at a general, ~~primary,~~ election or a special election 87486  
held on a day on which a primary election may be held. The 87487  
legislative authority of the municipal corporation shall file with 87488  
the board of elections at least ninety days before the day of the 87489  
election a copy of the ordinance together with a resolution 87490

specifying the date the election is to be held and directing the board of elections to conduct the election. The ballot shall be in the following form: "Shall the Ordinance providing for a... per cent levy on income for (Brief description of the purpose of the proposed levy) be passed?"

	FOR THE INCOME TAX	
	AGAINST THE INCOME TAX	"

In the event of an affirmative vote, the proceeds of the levy may be used only for the specified purpose.

(D) A municipal corporation may, by ordinance or resolution, grant a credit to residents of the municipal corporation for all or a portion of the taxes paid to any municipal corporation, in this state or elsewhere, by the resident or by a pass-through entity owned, directly or indirectly, by a resident, on the resident's distributive or proportionate share of the income of the pass-through entity. A municipal corporation is not required to refund taxes not paid to the municipal corporation.

(E) Except as otherwise provided in this chapter, a municipal corporation that levies an income tax in effect for taxable years beginning before January 1, 2016, may continue to administer and enforce the provisions of such tax for all taxable years beginning before January 1, 2016, provided that the provisions of such tax are consistent with this chapter as it existed prior to March 23, 2015.

(F) Nothing in this chapter authorizes a municipal corporation to levy a tax on income, or to administer or collect such a tax or penalties or interest related to such a tax, contrary to the provisions and limitations specified in this chapter. No municipal corporation shall enforce an ordinance or

resolution that conflicts with the provisions of this chapter. 87522

(G)(1) Division (G) of this section applies to a municipal 87523  
corporation that, at the time of entering into a written agreement 87524  
under division (G)(2) of this section, shares the same territory 87525  
as a city, local, or exempted village school district, to the 87526  
extent that not more than thirty per cent of the territory of the 87527  
municipal corporation is located outside the school district and a 87528  
portion of the territory of the school district that is not 87529  
located within the municipal corporation is located within another 87530  
municipal corporation having a population of four hundred thousand 87531  
or more according to the federal decennial census most recently 87532  
completed before the agreement is entered into under division 87533  
(G)(2) of this section. 87534

(2) The legislative authority of a municipal corporation to 87535  
which division (G) of this section applies may propose to the 87536  
electors an income tax, one of the purposes of which shall be to 87537  
provide financial assistance to the school district described in 87538  
division (G)(1) of this section. Prior to proposing the tax, the 87539  
legislative authority shall negotiate and enter into a written 87540  
agreement with the board of education of that school district 87541  
specifying the tax rate; the percentage or amount of tax revenue 87542  
to be paid to the school district or the method of establishing or 87543  
determining that percentage or amount, which may be subject to 87544  
change periodically; the purpose for which the school district 87545  
will use the money; the first year the tax will be levied; the 87546  
date of the election on the question of the tax; and the method 87547  
and schedule by which, and the conditions under which, the 87548  
municipal corporation will make payments to the school district. 87549  
The tax shall otherwise comply with the provisions and limitations 87550  
specified in this chapter. 87551

**Sec. 718.09.** (A) This section applies to either of the 87552

following: 87553

(1) A municipal corporation that shares the same territory as 87554  
a city, local, or exempted village school district, to the extent 87555  
that not more than five per cent of the territory of the municipal 87556  
corporation is located outside the school district and not more 87557  
than five per cent of the territory of the school district is 87558  
located outside the municipal corporation; 87559

(2) A municipal corporation that shares the same territory as 87560  
a city, local, or exempted village school district, to the extent 87561  
that not more than five per cent of the territory of the municipal 87562  
corporation is located outside the school district, more than five 87563  
per cent but not more than ten per cent of the territory of the 87564  
school district is located outside the municipal corporation, and 87565  
that portion of the territory of the school district that is 87566  
located outside the municipal corporation is located entirely 87567  
within another municipal corporation having a population of four 87568  
hundred thousand or more according to the federal decennial census 87569  
most recently completed before the agreement is entered into under 87570  
division (B) of this section. 87571

(B) The legislative authority of a municipal corporation to 87572  
which this section applies may propose to the electors an income 87573  
tax, one of the purposes of which shall be to provide financial 87574  
assistance to the school district through payment to the district 87575  
of not less than twenty-five per cent of the revenue generated by 87576  
the tax, except that the legislative authority may not propose to 87577  
levy the income tax on the incomes of nonresident individuals. 87578  
Prior to proposing the tax, the legislative authority shall 87579  
negotiate and enter into a written agreement with the board of 87580  
education of the school district specifying the tax rate, the 87581  
percentage of tax revenue to be paid to the school district, the 87582  
purpose for which the school district will use the money, the 87583

first year the tax will be levied, which shall be the first year 87584  
after the year in which the levy is approved or any later year, 87585  
the date of the ~~special~~ election ~~on~~ at which the question of the 87586  
tax will appear on the ballot, which shall be a general election 87587  
or a special election held on a day on which a primary election 87588  
may be held, and the method and schedule by which the municipal 87589  
corporation will make payments to the school district. ~~The special~~ 87590  
~~election shall be held on a day specified in division (D) of~~ 87591  
~~section 3501.01 of the Revised Code, except that the special~~ 87592  
~~election may not be held on the day for holding a primary election~~ 87593  
~~as authorized by the municipal corporation's charter unless the~~ 87594  
~~municipal corporation is to have a primary election on that day.~~ 87595

After the legislative authority and board of education have 87596  
entered into the agreement, the legislative authority shall 87597  
provide for levying the tax by ordinance. The ordinance shall 87598  
include the provisions described in division (A) of section 718.04 87599  
of the Revised Code and shall state the tax rate, the percentage 87600  
of tax revenue to be paid to the school district, the purpose for 87601  
which the municipal corporation will use its share of the tax 87602  
revenue, the first year the tax will be levied, and that the 87603  
question of the income tax will be submitted to the electors of 87604  
the municipal corporation. The legislative authority also shall 87605  
adopt a resolution specifying the ~~regular or special election~~ date 87606  
the election will be held, as provided in the written agreement, 87607  
and directing the board of elections to conduct the election. At 87608  
least ninety days before the date of the election, the legislative 87609  
authority shall file certified copies of the ordinance and 87610  
resolution with the board of elections. 87611

(C) The board of elections shall make the necessary 87612  
arrangements for the submission of the question to the electors of 87613  
the municipal corporation, and shall conduct the election in the 87614  
same manner as any other municipal income tax election. Notice of 87615

the election shall be published in a newspaper of general 87616  
circulation in the municipal corporation once a week for four 87617  
consecutive weeks, or as provided in section 7.16 of the Revised 87618  
Code, prior to the election, and shall include statements of the 87619  
rate and municipal corporation and school district purposes of the 87620  
income tax, the percentage of tax revenue that will be paid to the 87621  
school district, and the first year the tax will be levied. The 87622  
ballot shall be in the following form: 87623

"Shall the ordinance providing for a ..... per cent levy on 87624  
income for (brief description of the municipal corporation and 87625  
school district purposes of the levy, including a statement of the 87626  
percentage of tax revenue that will be paid to the school 87627  
district) be passed? The income tax, if approved, will not be 87628  
levied on the incomes of individuals who do not reside in (the 87629  
name of the municipal corporation). 87630

	For the income tax	
	Against the income tax	"

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(D) If the question is approved by a majority of the 87635  
electors, the municipal corporation shall impose the income tax 87636  
beginning on the first day of January of the year specified in the 87637  
ordinance. The proceeds of the levy may be used only for the 87638  
specified purposes, including payment of the specified percentage 87639  
to the school district. 87640

**Sec. 718.10.** (A) This section applies to a group of two or 87641  
more municipal corporations that, taken together, share the same 87642  
territory as a single city, local, or exempted village school 87643  
district, to the extent that not more than five per cent of the 87644  
territory of the municipal corporations as a group is located 87645  
outside the school district and not more than five per cent of the 87646

territory of the school district is located outside the municipal 87647  
corporations as a group. 87648

(B) The legislative authorities of the municipal corporations 87649  
in a group of municipal corporations to which this section applies 87650  
each may propose to the electors an income tax, to be levied in 87651  
concert with income taxes in the other municipal corporations of 87652  
the group, except that a legislative authority may not propose to 87653  
levy the income tax on the incomes of individuals who do not 87654  
reside in the municipal corporation. One of the purposes of such a 87655  
tax shall be to provide financial assistance to the school 87656  
district through payment to the district of not less than 87657  
twenty-five per cent of the revenue generated by the tax. Prior to 87658  
proposing the taxes, the legislative authorities shall negotiate 87659  
and enter into a written agreement with each other and with the 87660  
board of education of the school district specifying the tax rate, 87661  
the percentage of the tax revenue to be paid to the school 87662  
district, the first year the tax will be levied, which shall be 87663  
the first year after the year in which the levy is approved or any 87664  
later year, and the date of the election on the question of the 87665  
tax, which shall be a general election or a special election held 87666  
on a day on which a primary election may be held, and all of which 87667  
shall be the same for each municipal corporation. The agreement 87668  
also shall state the purpose for which the school district will 87669  
use the money, and specify the method and schedule by which each 87670  
municipal corporation will make payments to the school district. 87671  
~~The special election shall be held on a day specified in division~~ 87672  
~~(D) of section 3501.01 of the Revised Code, including a day on~~ 87673  
~~which all of the municipal corporations are to have a primary~~ 87674  
~~election.~~ 87675

After the legislative authorities and board of education have 87676  
entered into the agreement, each legislative authority shall 87677  
provide for levying its tax by ordinance. Each ordinance shall 87678

include the provisions described in division (A) of section 718.04 87679  
of the Revised Code and shall state the rate of the tax, the 87680  
percentage of tax revenue to be paid to the school district, the 87681  
purpose for which the municipal corporation will use its share of 87682  
the tax revenue, and the first year the tax will be levied. Each 87683  
ordinance also shall state that the question of the income tax 87684  
will be submitted to the electors of the municipal corporation on 87685  
the same date as the submission of questions of an identical tax 87686  
to the electors of each of the other municipal corporations in the 87687  
group, and that unless the electors of all of the municipal 87688  
corporations in the group approve the tax in their respective 87689  
municipal corporations, none of the municipal corporations in the 87690  
group shall levy the tax. Each legislative authority also shall 87691  
adopt a resolution specifying the ~~regular or special election~~ date 87692  
the election will be held, as provided in the written agreement, 87693  
and directing the board of elections to conduct the election. At 87694  
least ninety days before the date of the election, each 87695  
legislative authority shall file certified copies of the ordinance 87696  
and resolution with the board of elections. 87697

(C) For each of the municipal corporations, the board of 87698  
elections shall make the necessary arrangements for the submission 87699  
of the question to the electors, and shall conduct the election in 87700  
the same manner as any other municipal income tax election. For 87701  
each of the municipal corporations, notice of the election shall 87702  
be published in a newspaper of general circulation in the 87703  
municipal corporation once a week for four consecutive weeks, or 87704  
as provided in section 7.16 of the Revised Code, prior to the 87705  
election. The notice shall include a statement of the rate and 87706  
municipal corporation and school district purposes of the income 87707  
tax, the percentage of tax revenue that will be paid to the school 87708  
district, and the first year the tax will be levied, and an 87709  
explanation that the tax will not be levied unless an identical 87710  
tax is approved by the electors of each of the other municipal 87711

corporations in the group. The ballot shall be in the following form: 87712  
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"Shall the ordinance providing for a ... per cent levy on income for (brief description of the municipal corporation and school district purposes of the levy, including a statement of the percentage of income tax revenue that will be paid to the school district) be passed? The income tax, if approved, will not be levied on the incomes of individuals who do not reside in (the name of the municipal corporation). In order for the income tax to be levied, the voters of (the other municipal corporations in the group), which are also in the (name of the school district) school district, must approve an identical income tax and agree to pay the same percentage of the tax revenue to the school district. 87714  
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	For the income tax	
	Against the income tax	"

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(D) If the question is approved by a majority of the electors and identical taxes are approved by a majority of the electors in each of the other municipal corporations in the group, the municipal corporation shall impose the tax beginning on the first day of January of the year specified in the ordinance. The proceeds of the levy may be used only for the specified purposes, including payment of the specified percentage to the school district. 87729  
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**Sec. 1545.041.** (A) Any township park district created pursuant to section 511.18 of the Revised Code that includes park land located outside the township in which the park district was established may be converted under the procedures provided in this section into a park district to be operated and maintained as provided for in this chapter, provided that there is no existing 87737  
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park district created under section 1545.04 of the Revised Code in 87743  
the county in which the township park district is located. The 87744  
proposed park district shall include within its boundary all 87745  
townships and municipal corporations in which lands owned by the 87746  
township park district seeking conversion are located, and may 87747  
include any other townships and municipal corporations in the 87748  
county in which the township park district is located. 87749

(B) Conversion of a township park district into a park 87750  
district operated and maintained under this chapter shall be 87751  
initiated by a resolution adopted by the board of park 87752  
commissioners of the park district. Any resolution initiating a 87753  
conversion shall include the following: 87754

(1) The name of the township park district seeking 87755  
conversion; 87756

(2) The name of the proposed park district; 87757

(3) An accurate description of the territory to be included 87758  
in the proposed district; 87759

(4) An accurate map or plat of the proposed park district. 87760  
The resolution may also include a proposed tax levy for the 87761  
operation and maintenance of the proposed park district. If such a 87762  
tax levy is proposed, the resolution shall specify the annual rate 87763  
of the tax, expressed in dollars and cents for each one hundred 87764  
dollars of valuation and in mills for each dollar of valuation, 87765  
and shall specify the number of consecutive years the levy will be 87766  
in effect. The annual rate of such a tax may not be higher than 87767  
the total combined millage of all levies then in effect for the 87768  
benefit of the township park district named in the resolution. 87769

(C) Upon adoption of the resolution provided for in division 87770  
(B) of this section, the board of park commissioners of the 87771  
township park district seeking conversion under this section shall 87772  
certify the resolution to the board of elections of the county in 87773

which the park district is located no later than four p.m. of the 87774  
seventy-fifth day before the day of the election at which the 87775  
question will be voted upon. Upon certification of the resolution 87776  
to the board, the board of elections shall make the necessary 87777  
arrangements to submit the question of conversion of the township 87778  
park into a park district operated and maintained under Chapter 87779  
1545. of the Revised Code, to the electors who reside in the 87780  
territory of the proposed park district and are qualified to vote 87781  
at the next ~~primary or~~ general election ~~who reside in the~~ 87782  
~~territory of the proposed park district~~ or special election held 87783  
on a day on which a primary election may be held. The question 87784  
shall provide for a tax levy if such a levy is specified in the 87785  
resolution. 87786

(D) The ballot submitted to the electors as provided in 87787  
division (C) of this section shall contain the following language: 87788

"Shall the ..... (name of the township park 87789  
district seeking conversion) be converted into a park district to 87790  
be operated and maintained under Chapter 1545. of the Revised Code 87791  
under the name of ..... (name of proposed park 87792  
district), which park district shall include the following 87793  
townships and municipal corporations: 87794

(Name townships and municipal corporations) 87795

Approval of the proposed conversion will result in the 87796  
termination of all existing tax levies voted for the benefit of 87797  
..... (name of the township park district sought to be 87798  
converted) and in the levy of a new tax for the operation and 87799  
maintenance of ..... (name of proposed park district) at 87800  
a rate not exceeding ..... (number of mills) mills for each 87801  
one dollar of valuation, which is ..... (rate expressed in 87802  
dollars and cents) for each one hundred dollars of valuation, for 87803  
..... (number of years the millage is to be imposed) years, 87804  
commencing on the ..... (year) tax duplicate. 87805

	For the proposed conversion	
	Against the proposed conversion	"

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(E) If the proposed conversion is approved by at least a majority of the electors voting on the proposal, the township park district that seeks conversion shall become a park district subject to Chapter 1545. of the Revised Code effective the first day of January following approval by the voters. The park district shall have the name specified in the resolution, and effective the first day of January following approval by the voters, the following shall occur:

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(1) The indebtedness of the former township park district shall be assumed by the new park district;

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(2) All rights, assets, properties, and other interests of the former township park district shall become vested in the new park district, including the rights to any tax revenues previously vested in the former township park district; provided, that all tax levies in excess of the ten mill limitation approved for the benefit of the former township park district shall be removed from the tax lists after the February settlement next succeeding the conversion. Any tax levy approved in connection with the conversion shall be certified as provided in section 5705.25 of the Revised Code.

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(3) The members of the board of park commissioners of the former township park district shall be the members ~~of the members~~ of the board of park commissioners of the new park district, with all the same powers and duties as if appointed under section 1545.05 of the Revised Code. The term of each such commissioner shall expire on the first day of January of the year following the year in which his term would have expired under section 511.19 of

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the Revised Code. Thereafter, commissioners shall be appointed 87837  
pursuant to section 1545.05 of the Revised Code. 87838

**Sec. 1545.21.** The board of park commissioners, by resolution, 87839  
may submit to the electors of the park district the question of 87840  
levying taxes for the use of the district. The resolution shall 87841  
declare the necessity of levying such taxes, shall specify the 87842  
purpose for which such taxes shall be used, the annual rate 87843  
proposed, and the number of consecutive years the rate shall be 87844  
levied. Such resolution shall be forthwith certified to the board 87845  
of elections in each county in which any part of such district is 87846  
located, not later than the ninetieth day before the day of the 87847  
election, and the question of the levy of taxes as provided in 87848  
such resolution shall be submitted to the electors of the district 87849  
at a general election or a special election held on a day on which 87850  
a primary election to be held on whichever of the following occurs 87851  
first: 87852

~~(A) The day of the next general election;~~ 87853

~~(B) The first Tuesday after the first Monday in May in any 87854  
calendar year, except that if a presidential primary election is 87855  
held in that calendar year, then the day of that election may be 87856  
held. The 87857~~

The ballot shall set forth the purpose for which the taxes 87858  
shall be levied, the annual rate of levy, and the number of years 87859  
of such levy. If the tax is to be placed on the current tax list, 87860  
the form of the ballot shall state that the tax will be levied in 87861  
the current tax year and shall indicate the first calendar year 87862  
the tax will be due. If the resolution of the board of park 87863  
commissioners provides that an existing levy will be canceled upon 87864  
the passage of the new levy, the ballot may include a statement 87865  
that: "an existing levy of ... mills (stating the original levy 87866  
millage), having ... years remaining, will be canceled and 87867

replaced upon the passage of this levy." In such case, the ballot 87868  
may refer to the new levy as a "replacement levy" if the new 87869  
millage does not exceed the original millage of the levy being 87870  
canceled or as a "replacement and additional levy" if the new 87871  
millage exceeds the original millage of the levy being canceled. 87872  
If a majority of the electors voting upon the question of such 87873  
levy vote in favor thereof, such taxes shall be levied and shall 87874  
be in addition to the taxes authorized by section 1545.20 of the 87875  
Revised Code, and all other taxes authorized by law. The rate 87876  
submitted to the electors at any one time shall not exceed two 87877  
mills annually upon each dollar of valuation unless the purpose of 87878  
the levy includes providing operating revenues for one of Ohio's 87879  
major metropolitan zoos, as defined in section 4503.74 of the 87880  
Revised Code, in which case the rate shall not exceed three mills 87881  
annually upon each dollar of valuation. When a tax levy has been 87882  
authorized as provided in this section or in section 1545.041 of 87883  
the Revised Code, the board of park commissioners may issue bonds 87884  
pursuant to section 133.24 of the Revised Code in anticipation of 87885  
the collection of such levy, provided that such bonds shall be 87886  
issued only for the purpose of acquiring and improving lands. Such 87887  
levy, when collected, shall be applied in payment of the bonds so 87888  
issued and the interest thereon. The amount of bonds so issued and 87889  
outstanding at any time shall not exceed one per cent of the total 87890  
tax valuation in such district. Such bonds shall bear interest at 87891  
a rate not to exceed the rate determined as provided in section 87892  
9.95 of the Revised Code. 87893

**Sec. 3311.21.** (A) In addition to the resolutions authorized 87894  
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 87895  
the Revised Code, the board of education of a joint vocational or 87896  
cooperative education school district by a vote of two-thirds of 87897  
its full membership may at any time adopt a resolution declaring 87898  
the necessity to levy a tax in excess of the ten-mill limitation 87899

for a period not to exceed ten years to provide funds for any one 87900  
or more of the following purposes, which may be stated in the 87901  
following manner in such resolution, the ballot, and the notice of 87902  
election: purchasing a site or enlargement thereof and for the 87903  
erection and equipment of buildings; for the purpose of enlarging, 87904  
improving, or rebuilding thereof; for the purpose of providing for 87905  
the current expenses of the joint vocational or cooperative school 87906  
district; or for a continuing period for the purpose of providing 87907  
for the current expenses of the joint vocational or cooperative 87908  
education school district. The resolution shall specify the amount 87909  
of the proposed rate and, if a renewal, whether the levy is to 87910  
renew all, or a portion of, the existing levy, and shall specify 87911  
the first year in which the levy will be imposed. If the levy 87912  
provides for but is not limited to current expenses, the 87913  
resolution shall apportion the annual rate of the levy between 87914  
current expenses and the other purpose or purposes. Such 87915  
apportionment may but need not be the same for each year of the 87916  
levy, but the respective portions of the rate actually levied each 87917  
year for current expenses and the other purpose or purposes shall 87918  
be limited by such apportionment. The portion of any such rate 87919  
actually levied for current expenses of a joint vocational or 87920  
cooperative education school district shall be used in applying 87921  
division (A) of section 3317.01 of the Revised Code. The portion 87922  
of any such rate not apportioned to the current expenses of a 87923  
joint vocational or cooperative education school district shall be 87924  
used in applying division (B) of this section. On the adoption of 87925  
such resolution, the joint vocational or cooperative education 87926  
school district board of education shall certify the resolution to 87927  
the board of elections of the county containing the most populous 87928  
portion of the district, which board shall receive resolutions for 87929  
filing and send them to the boards of elections of each county in 87930  
which territory of the district is located, furnish all ballots 87931  
for the election as provided in section 3505.071 of the Revised 87932

Code, and prepare the election notice; and the board of elections 87933  
of each county in which the territory of such district is located 87934  
shall make the other necessary arrangements for the submission of 87935  
the question to the electors of the joint vocational or 87936  
cooperative education school district at the next ~~primary or~~ 87937  
general election or special election held on a day on which a 87938  
primary election may be held, occurring not less than ninety days 87939  
after the resolution was received from the joint vocational or 87940  
cooperative education school district board of education, ~~or at a~~ 87941  
~~special election to be held at a time designated by the district~~ 87942  
~~board of education consistent with the requirements of section~~ 87943  
~~3501.01 of the Revised Code, which date shall not be earlier than~~ 87944  
~~ninety days after the adoption and certification of the~~ 87945  
~~resolution.~~ 87946

The board of elections of the county or counties in which 87947  
territory of the joint vocational or cooperative education school 87948  
district is located shall cause to be published in a newspaper of 87949  
general circulation in that district an advertisement of the 87950  
proposed tax levy question, together with a statement of the 87951  
amount of the proposed levy once a week for two consecutive weeks 87952  
or as provided in section 7.16 of the Revised Code, prior to the 87953  
election at which the question is to appear on the ballot. If the 87954  
board of elections operates and maintains a web site, the board 87955  
also shall post the advertisement on its web site for thirty days 87956  
prior to that election. 87957

If a majority of the electors voting on the question of 87958  
levying such tax vote in favor of the levy, the joint vocational 87959  
or cooperative education school district board of education shall 87960  
annually make the levy within the district at the rate specified 87961  
in the resolution and ballot or at any lesser rate, and the county 87962  
auditor of each affected county shall annually place the levy on 87963  
the tax list and duplicate of each school district in the county 87964

having territory in the joint vocational or cooperative education 87965  
school district. The taxes realized from the levy shall be 87966  
collected at the same time and in the same manner as other taxes 87967  
on the duplicate, and the taxes, when collected, shall be paid to 87968  
the treasurer of the joint vocational or cooperative education 87969  
school district and deposited to a special fund, which shall be 87970  
established by the joint vocational or cooperative education 87971  
school district board of education for all revenue derived from 87972  
any tax levied pursuant to this section and for the proceeds of 87973  
anticipation notes which shall be deposited in such fund. After 87974  
the approval of the levy, the joint vocational or cooperative 87975  
education school district board of education may anticipate a 87976  
fraction of the proceeds of the levy and from time to time, during 87977  
the life of the levy, but in any year prior to the time when the 87978  
tax collection from the levy so anticipated can be made for that 87979  
year, issue anticipation notes in an amount not exceeding fifty 87980  
per cent of the estimated proceeds of the levy to be collected in 87981  
each year up to a period of five years after the date of the 87982  
issuance of the notes, less an amount equal to the proceeds of the 87983  
levy obligated for each year by the issuance of anticipation 87984  
notes, provided that the total amount maturing in any one year 87985  
shall not exceed fifty per cent of the anticipated proceeds of the 87986  
levy for that year. Each issue of notes shall be sold as provided 87987  
in Chapter 133. of the Revised Code, and shall, except for such 87988  
limitation that the total amount of such notes maturing in any one 87989  
year shall not exceed fifty per cent of the anticipated proceeds 87990  
of the levy for that year, mature serially in substantially equal 87991  
installments, during each year over a period not to exceed five 87992  
years after their issuance. 87993

(B) Prior to the application of section 319.301 of the 87994  
Revised Code, the rate of a levy that is limited to, or to the 87995  
extent that it is apportioned to, purposes other than current 87996  
expenses shall be reduced in the same proportion in which the 87997

district's total valuation increases during the life of the levy 87998  
because of additions to such valuation that have resulted from 87999  
improvements added to the tax list and duplicate. 88000

(C) The form of ballot cast at an election under division (A) 88001  
of this section shall be as prescribed by section 5705.25 of the 88002  
Revised Code. 88003

**Sec. 3311.213.** (A) With the approval of the board of 88004  
education of a joint vocational school district that is in 88005  
existence, any school district in the county or counties 88006  
comprising the joint vocational school district or any school 88007  
district in a county adjacent to a county comprising part of a 88008  
joint vocational school district may become a part of the joint 88009  
vocational school district. On the adoption of a resolution of 88010  
approval by the board of education of the joint vocational school 88011  
district, it shall advertise a copy of such resolution in a 88012  
newspaper of general circulation in the school district proposing 88013  
to become a part of such joint vocational school district once 88014  
each week for two weeks, or as provided in section 7.16 of the 88015  
Revised Code, immediately following the date of the adoption of 88016  
such resolution. Such resolution shall not become effective until 88017  
the later of the sixty-first day after its adoption or until the 88018  
board of elections certifies the results of an election in favor 88019  
of joining of the school district to the joint vocational school 88020  
district if such an election is held under division (B) of this 88021  
section. 88022

(B) During the sixty-day period following the date of the 88023  
adoption of a resolution to join a school district to a joint 88024  
vocational school district under division (A) of this section, the 88025  
electors of the school district that proposes joining the joint 88026  
vocational school district may petition for a referendum vote on 88027  
the resolution. The question whether to approve or disapprove the 88028

resolution shall be submitted to the electors of such school 88029  
district if a number of qualified electors equal to twenty per 88030  
cent of the number of electors in the school district who voted 88031  
for the office of governor at the most recent general election for 88032  
that office sign a petition asking that the question of whether 88033  
the resolution shall be disapproved be submitted to the electors. 88034  
The petition shall be filed with the board of elections of the 88035  
county in which the school district is located. If the school 88036  
district is located in more than one county, the petition shall be 88037  
filed with the board of elections of the county in which the 88038  
majority of the territory of the school district is located. The 88039  
board shall certify the validity and sufficiency of the signatures 88040  
on the petition. 88041

The board of elections shall immediately notify the board of 88042  
education of the joint vocational school district and the board of 88043  
education of the school district that proposes joining the joint 88044  
vocational school district that the petition has been filed. 88045

The effect of the resolution shall be stayed until the board 88046  
of elections certifies the validity and sufficiency of the 88047  
signatures on the petition. If the board of elections determines 88048  
that the petition does not contain a sufficient number of valid 88049  
signatures and sixty days have passed since the adoption of the 88050  
resolution, the resolution shall become effective. 88051

If the board of elections certifies that the petition 88052  
contains a sufficient number of valid signatures, the board shall 88053  
submit the question to the qualified electors of the school 88054  
district ~~on the day of~~ at the next general or special election 88055  
held on a day on which a primary election may be held, occurring 88056  
at least ninety days after but no later than six months after the 88057  
board of elections certifies the validity and sufficiency of 88058  
signatures on the petition. ~~If there is no general or primary~~ 88059  
~~election held at least ninety days after but no later than six~~ 88060

~~months after the board of elections certifies the validity and~~ 88061  
~~sufficiency of signatures on the petition, the board shall submit~~ 88062  
~~the question to the electors at a special election to be held on~~ 88063  
~~the next day specified for special elections in division (D) of~~ 88064  
~~section 3501.01 of the Revised Code that occurs at least ninety~~ 88065  
~~days after the board certifies the validity and sufficiency of~~ 88066  
~~signatures on the petition.~~ The election shall be conducted and 88067  
canvassed and the results shall be certified in the same manner as 88068  
in regular elections for the election of members of a board of 88069  
education. 88070

If a majority of the electors voting on the question 88071  
disapprove the resolution, the resolution shall not become 88072  
effective. 88073

(C) If the resolution becomes effective, the board of 88074  
education of the joint vocational school district shall notify the 88075  
county auditor of the county in which the school district becoming 88076  
a part of the joint vocational school district is located, who 88077  
shall thereupon have any outstanding levy for building purposes, 88078  
bond retirement, or current expenses in force in the joint 88079  
vocational school district spread over the territory of the school 88080  
district becoming a part of the joint vocational school district. 88081  
On the addition of a city or exempted village school district or 88082  
an educational service center to the joint vocational school 88083  
district, pursuant to this section, the board of education of such 88084  
joint vocational school district shall submit to the state board 88085  
of education a proposal to enlarge the membership of such board by 88086  
the addition of one or more persons at least one of whom shall be 88087  
a member of the board of education or governing board of such 88088  
additional school district or educational service center, and the 88089  
term of each such additional member. On the addition of a local 88090  
school district to the joint vocational school district, pursuant 88091  
to this section, the board of education of such joint vocational 88092

school district may submit to the state board of education a 88093  
proposal to enlarge the membership of such board by the addition 88094  
of one or more persons who are members of the educational service 88095  
center governing board of such additional local school district. 88096  
On approval by the state board of education additional members 88097  
shall be added to such joint vocational school district board of 88098  
education. 88099

**Sec. 3311.22.** A governing board of an educational service 88100  
center may propose, by resolution adopted by majority vote of its 88101  
full membership, or qualified electors of the area affected equal 88102  
in number to at least fifty-five per cent of the qualified 88103  
electors voting at the last general election residing within that 88104  
portion of a school district, or districts proposed to be 88105  
transferred may propose, by petition, the transfer of a part or 88106  
all of one or more local school districts to another local school 88107  
district or districts within the territory of the educational 88108  
service center. Such transfers may be made only to local school 88109  
districts adjoining the school district that is proposed to be 88110  
transferred, unless the board of education of the district 88111  
proposed to be transferred has entered into an agreement pursuant 88112  
to section 3313.42 of the Revised Code, in which case such 88113  
transfers may be made to any local school district within the 88114  
territory of the educational service center. 88115

When a governing board of an educational service center 88116  
adopts a resolution proposing a transfer of school territory it 88117  
shall forthwith file a copy of such resolution, together with an 88118  
accurate map of the territory described in the resolution, with 88119  
the board of education of each school district whose boundaries 88120  
would be altered by such proposal. A governing board of an 88121  
educational service center proposing a transfer of territory under 88122  
the provisions of this section shall at its next regular meeting 88123  
that occurs not earlier than thirty days after the adoption by the 88124

governing board of a resolution proposing such transfer, adopt a 88125  
resolution making the transfer effective at any time prior to the 88126  
next succeeding first day of July, unless, prior to the expiration 88127  
of such thirty-day period, qualified electors residing in the area 88128  
proposed to be transferred, equal in number to a majority of the 88129  
qualified electors voting at the last general election, file a 88130  
petition of referendum against such transfer. 88131

Any petition of transfer or petition of referendum filed 88132  
under the provisions of this section shall be filed at the office 88133  
of the educational service center superintendent. The person 88134  
presenting the petition shall be given a receipt containing 88135  
thereon the time of day, the date, and the purpose of the 88136  
petition. 88137

The educational service center superintendent shall cause the 88138  
board of elections to check the sufficiency of signatures on any 88139  
petition of transfer or petition of referendum filed under this 88140  
section and, if found to be sufficient, the superintendent shall 88141  
present the petition to the educational service center governing 88142  
board at a meeting of the board which shall occur not later than 88143  
thirty days following the filing of the petition. 88144

Upon presentation to the educational service center governing 88145  
board of a proposal to transfer territory as requested by petition 88146  
of fifty-five per cent of the qualified electors voting at the 88147  
last general election or a petition of referendum against a 88148  
proposal of the county board to transfer territory, the governing 88149  
board shall promptly certify the proposal to the board of 88150  
elections for the purpose of having the proposal placed on the 88151  
ballot at the next general election or special election held on a 88152  
day on which a primary election ~~which occurs~~ may be held, 88153  
occurring not less than ninety days after the date of such 88154  
certification, ~~or at a special election, the date of which shall~~ 88155  
~~be specified in the certification, which date shall not be less~~ 88156

~~than ninety days after the date of such certification.~~ Signatures 88157  
on a petition of transfer or petition of referendum may be 88158  
withdrawn up to and including the above mentioned meeting of the 88159  
educational service center governing board only by order of the 88160  
board upon testimony of the petitioner concerned under oath before 88161  
the board that the petitioner's signature was obtained by fraud, 88162  
duress, or misrepresentation. 88163

If a petition is filed with the educational service center 88164  
governing board which proposes the transfer of a part or all of 88165  
the territory included in a resolution of transfer previously 88166  
adopted by the educational service center governing board, no 88167  
action shall be taken on such petition if within the thirty-day 88168  
period after the adoption of the resolution of transfer a 88169  
referendum petition is filed. After the election, if the proposed 88170  
transfer fails to receive a majority vote, action on such petition 88171  
shall then be processed under this section as though originally 88172  
filed under the provisions hereof. If no referendum petition is 88173  
filed within the thirty-day period after the adoption of the 88174  
resolution of transfer, no action shall be taken on such petition. 88175

If a petition is filed with the educational service center 88176  
governing board which proposes the transfer of a part or all of 88177  
the territory included in a petition previously filed by electors 88178  
no action shall be taken on such new petition. 88179

Upon certification of a proposal to the board or boards of 88180  
elections pursuant to this section, the board or boards of 88181  
elections shall make the necessary arrangements for the submission 88182  
of such question to the electors of the county or counties 88183  
qualified to vote thereon, and the election shall be conducted and 88184  
canvassed and the results shall be certified in the same manner as 88185  
in regular elections for the election of members of a board of 88186  
education. 88187

The persons qualified to vote upon a proposal are the 88188

electors residing in the district or districts containing 88189  
territory that is proposed to be transferred. If the proposed 88190  
transfer be approved by at least a majority of the electors voting 88191  
on the proposal, the educational service center governing board 88192  
shall make such transfer at any time prior to the next succeeding 88193  
first day of July. If the proposed transfer is not approved by at 88194  
least a majority of the electors voting on the proposal, the 88195  
question of transferring any property included in the territory 88196  
covered by the proposal shall not be submitted to electors at any 88197  
election prior to the first general election the date of which is 88198  
at least two years after the date of the original election, or the 88199  
first special election held on a day on which a primary election 88200  
may be held in an even-numbered year the date of which is at least 88201  
two years after the date of the original election. A transfer 88202  
shall be subject to the approval of the receiving board or boards 88203  
of education, unless the proposal was initiated by the educational 88204  
service center governing board, in which case, if the transfer is 88205  
opposed by the board of education offered the territory, the local 88206  
board may, within thirty days, following the receipt of the notice 88207  
of transfer, appeal to the state board of education which shall 88208  
then either approve or disapprove the transfer. 88209

Following an election upon a proposed transfer initiated by a 88210  
petition the board of education that is offered territory shall, 88211  
within thirty days following receipt of the proposal, either 88212  
accept or reject the transfer. 88213

When an entire school district is proposed to be transferred 88214  
to two or more school districts and the offer is rejected by any 88215  
one of the receiving boards of education, none of the territory 88216  
included in the proposal shall be transferred. 88217

Upon the acceptance of territory by the receiving board or 88218  
boards of education the educational service center governing board 88219  
offering the territory shall file with the county auditor and with 88220

the state board of education an accurate map showing the 88221  
boundaries of the territory transferred. 88222

Upon the making of such transfer, the net indebtedness of the 88223  
former district from which territory was transferred shall be 88224  
apportioned between the acquiring school district and that portion 88225  
of the former school district remaining after the transfer in the 88226  
ratio which the assessed valuation of the territory transferred to 88227  
the acquiring school district bears to the assessed valuation of 88228  
the original school district as of the effective date of the 88229  
transfer. As used in this section "net indebtedness" means the 88230  
difference between the par value of the outstanding and unpaid 88231  
bonds and notes of the school district and the amount held in the 88232  
sinking fund and other indebtedness retirement funds for their 88233  
redemption. 88234

Upon the making of any transfer under this section, the funds 88235  
of the district from which territory was transferred shall be 88236  
divided equitably by the educational service center governing 88237  
board between the acquiring district and any part of the original 88238  
district remaining after the transfer. 88239

If an entire district is transferred the board of education 88240  
of such district is thereby abolished or if a member of the board 88241  
of education lives in that part of a school district transferred 88242  
the member becomes a nonresident of the school district from which 88243  
the territory was transferred and such member ceases to be a 88244  
member of the board of education of such district. 88245

The legal title of all property of the board of education in 88246  
the territory transferred shall become vested in the board of 88247  
education of the school district to which such territory is 88248  
transferred. 88249

Subsequent to June 30, 1959, if an entire district is 88250  
transferred, foundation program moneys accruing to a district 88251

accepting school territory under the provisions of this section or 88252  
former section 3311.22 of the Revised Code, shall not be less, in 88253  
any year during the next succeeding three years following the 88254  
transfer, than the sum of the amounts received by the districts 88255  
separately in the year in which the transfer was consummated. 88256

**Sec. 3311.231.** A governing board of an educational service 88257  
center may propose, by resolution adopted by majority vote of its 88258  
full membership, or qualified electors of the area affected equal 88259  
in number to not less than fifty-five per cent of the qualified 88260  
electors voting at the last general election residing within that 88261  
portion of a school district proposed to be transferred may 88262  
propose, by petition, the transfer of a part or all of one or more 88263  
local school districts within the territory of the center to an 88264  
adjoining educational service center or to an adjoining city or 88265  
exempted village school district. 88266

A governing board of an educational service center adopting a 88267  
resolution proposing a transfer of school territory under this 88268  
section shall file a copy of such resolution together with an 88269  
accurate map of the territory described in the resolution, with 88270  
the board of education of each school district whose boundaries 88271  
would be altered by such proposal. Where a transfer of territory 88272  
is proposed by a governing board of an educational service center 88273  
under this section, the governing board shall, at its next regular 88274  
meeting that occurs not earlier than the thirtieth day after the 88275  
adoption by the governing board of the resolution proposing such 88276  
transfer, adopt a resolution making the transfer as originally 88277  
proposed, effective at any time prior to the next succeeding first 88278  
day of July, unless, prior to the expiration of such thirty-day 88279  
period, qualified electors residing in the area proposed to be 88280  
transferred, equal in number to a majority of the qualified 88281  
electors voting at the last general election, file a petition of 88282  
referendum against such transfer. 88283

Any petition of transfer or petition of referendum under the 88284  
provisions of this section shall be filed at the office of the 88285  
educational service center superintendent. The person presenting 88286  
the petition shall be given a receipt containing thereon the time 88287  
of day, the date, and the purpose of the petition. 88288

The educational service center superintendent shall cause the 88289  
board of elections to check the sufficiency of signatures on any 88290  
such petition, and, if found to be sufficient, the superintendent 88291  
shall present the petition to the educational service center 88292  
governing board at a meeting of said governing board which shall 88293  
occur not later than thirty days following the filing of said 88294  
petition. 88295

The educational service center governing board shall promptly 88296  
certify the proposal to the board of elections of such counties in 88297  
which school districts whose boundaries would be altered by such 88298  
proposal are located for the purpose of having the proposal placed 88299  
on the ballot at the next general election or special election 88300  
held on a day on which a primary election which occurs may be 88301  
held, occurring not less than ninety days after the date of such 88302  
certification ~~or at a special election, the date of which shall be~~ 88303  
~~specified in the certification, which date shall not be less than~~ 88304  
~~ninety days after the date of such certification.~~ 88305

Signatures on a petition of transfer or petition of 88306  
referendum may be withdrawn up to and including the above 88307  
mentioned meeting of the educational service center governing 88308  
board only by order of the governing board upon testimony of the 88309  
petitioner concerned under oath before the board that the 88310  
petitioner's signature was obtained by fraud, duress, or 88311  
misrepresentation. 88312

If a petition is filed with the educational service center 88313  
governing board which proposes the transfer of a part or all of 88314  
the territory included either in a petition previously filed by 88315

electors or in a resolution of transfer previously adopted by the 88316  
educational service center governing board, no action shall be 88317  
taken on such new petition as long as the previously initiated 88318  
proposal is pending before the governing board or is subject to an 88319  
election. 88320

Upon certification of a proposal to the board or boards of 88321  
elections pursuant to this section, the board or boards of 88322  
elections shall make the necessary arrangements for the submission 88323  
of such question to the electors of the county or counties 88324  
qualified to vote thereon, and the election shall be conducted and 88325  
canvassed and the results shall be certified in the same manner as 88326  
in regular elections for the election of members of a board of 88327  
education. 88328

The persons qualified to vote upon a proposal are the 88329  
electors residing in the district or districts containing 88330  
territory that is proposed to be transferred. If the proposed 88331  
transfer is approved by at least a majority of the electors voting 88332  
on the proposal, the educational service center governing board 88333  
shall make such transfer at any time prior to the next succeeding 88334  
first day of July, subject to the approval of the receiving board 88335  
of education in case of a transfer to a city or exempted village 88336  
school district, and subject to the approval of the educational 88337  
service center governing board of the receiving center, in case of 88338  
a transfer to an educational service center. If the proposed 88339  
transfer is not approved by at least a majority of the electors 88340  
voting on the proposal, the question of transferring any property 88341  
included in the territory covered by the proposal shall not be 88342  
submitted to electors at any election prior to the first general 88343  
election the date of which is at least two years after the date of 88344  
the original election, or the first special election held on a day 88345  
on which a primary election may be held in an even-numbered year 88346  
the date of which is at least two years after the date of the 88347

original election. 88348

Where a territory is transferred under this section to a city 88349  
or exempted village school district, the board of education of 88350  
such district shall, and where territory is transferred to an 88351  
educational service center the governing board of such educational 88352  
service center shall, within thirty days following receipt of the 88353  
proposal, either accept or reject the transfer. 88354

Where a governing board of an educational service center 88355  
adopts a resolution accepting territory transferred to the 88356  
educational service center under the provisions of sections 88357  
3311.231 and 3311.24 of the Revised Code, the governing board 88358  
shall, at the time of the adoption of the resolution accepting the 88359  
territory, designate the school district to which the accepted 88360  
territory shall be annexed. 88361

When an entire school district is proposed to be transferred 88362  
to two or more adjoining school districts and the offer is 88363  
rejected by any one of the receiving boards of education, none of 88364  
the territory included in the proposal shall be transferred. 88365

Upon the acceptance of territory by the receiving board or 88366  
boards of education the educational service center governing board 88367  
offering the territory shall file with the county auditor of each 88368  
county affected by the transfer and with the state board of 88369  
education an accurate map showing the boundaries of the territory 88370  
transferred. 88371

Upon the making of such transfer, the net indebtedness of the 88372  
former district from which territory was transferred shall be 88373  
apportioned between the acquiring school district and the portion 88374  
of the former school district remaining after the transfer in the 88375  
ratio which the assessed valuation of the territory transferred to 88376  
the acquiring school district bears to the assessed valuation of 88377  
the original school district as of the effective date of the 88378

transfer. As used in this section "net indebtedness" means the 88379  
difference between the par value of the outstanding and unpaid 88380  
bonds and notes of the school district and the amount held in the 88381  
sinking fund and other indebtedness retirement funds for their 88382  
redemption. 88383

Upon the making of any transfer under this section, the funds 88384  
of the district from which territory was transferred shall be 88385  
divided equitably by the educational service center governing 88386  
board, between the acquiring district and any part of the original 88387  
district remaining after the transfer. 88388

If an entire district is transferred the board of education 88389  
of such district is thereby abolished or if a member of the board 88390  
of education lives in that part of a school district transferred 88391  
the member becomes a nonresident of the school district from which 88392  
the territory was transferred and such member ceases to be a 88393  
member of the board of education of such district. 88394

The legal title of all property of the board of education in 88395  
the territory transferred shall become vested in the board of 88396  
education of the school district to which such territory is 88397  
transferred. 88398

If an entire district is transferred, foundation program 88399  
moneys accruing to a district receiving school territory under the 88400  
provisions of this section shall not be less, in any year during 88401  
the next succeeding three years following the transfer, than the 88402  
sum of the amounts received by the districts separately in the 88403  
year in which the transfer was consummated. 88404

**Sec. 3311.26.** The state board of education may, by resolution 88405  
adopted by majority vote of its full membership, propose the 88406  
creation of a new local school district from one or more local 88407  
school districts or parts thereof, including the creation of a 88408  
local district with noncontiguous territory from one or more local 88409

school districts if one of those districts has entered into an 88410  
agreement under section 3313.42 of the Revised Code. Such proposal 88411  
shall include an accurate map showing the territory affected. 88412  
After the adoption of the resolution, the state board shall file a 88413  
copy of such proposal with the board of education of each school 88414  
district whose boundaries would be altered by such proposal. 88415  
88416

Upon the creation of a new district under this section, the 88417  
state board shall at its next regular meeting that occurs not 88418  
earlier than thirty days after the adoption by the state board of 88419  
the resolution proposing such creation, adopt a resolution making 88420  
the creation effective prior to the next succeeding first day of 88421  
July, unless, prior to the expiration of such thirty-day period, 88422  
qualified electors residing in the area included in such proposed 88423  
new district, equal in number to thirty-five per cent of the 88424  
qualified electors voting at the last general election, file a 88425  
petition of referendum against the creation of the proposed new 88426  
district. 88427

A petition of referendum filed under this section shall be 88428  
filed at the office of the state superintendent of public 88429  
instruction. The person presenting the petition shall be given a 88430  
receipt containing thereon the time of day, the date, and the 88431  
purpose of the petition. 88432

If a petition of referendum is filed, the state board shall, 88433  
at the next regular meeting of the state board, certify the 88434  
proposal to the board of elections for the purpose of having the 88435  
proposal placed on the ballot at the next general election or 88436  
special election held on a day on which a primary election which 88437  
occurs may be held, occurring not less than ninety days after the 88438  
date of such certification, ~~or at a special election, the date of~~ 88439  
~~which shall be specified in the certification, which date shall~~ 88440  
~~not be less than ninety days after the date of such certification.~~ 88441

Upon certification of a proposal to the board or boards of 88442  
elections pursuant to this section, the board or boards of 88443  
elections shall make the necessary arrangements for the submission 88444  
of such question to the electors of the county or counties 88445  
qualified to vote thereon, and the election shall be conducted and 88446  
canvassed and the results shall be certified in the same manner as 88447  
in regular elections for the election of members of a board of 88448  
education. 88449

The persons qualified to vote upon a proposal are the 88450  
electors residing in the proposed new districts. 88451

If the proposed district be approved by at least a majority 88452  
of the electors voting on the proposal, the state board shall then 88453  
create such new district prior to the next succeeding first day of 88454  
July. 88455

Upon the creation of such district, the indebtedness of each 88456  
former district becoming in its entirety a part of the new 88457  
district shall be assumed in full by the new district. Upon the 88458  
creation of such district, that part of the net indebtedness of 88459  
each former district becoming only in part a part of the new 88460  
district shall be assumed by the new district which bears the same 88461  
ratio to the entire net indebtedness of the former district as the 88462  
assessed valuation of the part taken by the new district bears to 88463  
the entire assessed valuation of the former district as fixed on 88464  
the effective date of transfer. As used in this section, "net 88465  
indebtedness" means the difference between the par value of the 88466  
outstanding and unpaid bonds and notes of the school district and 88467  
the amount held in the sinking fund and other indebtedness 88468  
retirement funds for their redemption. Upon the creation of such 88469  
district, the funds of each former district becoming in its 88470  
entirety a part of the new district shall be paid over in full to 88471  
the new district. Upon the creation of such district, the funds of 88472  
each former district becoming only in part a part of the new 88473

district shall be divided equitably by the state board between the 88474  
new district and that part of the former district not included in 88475  
the new district as such funds existed on the effective date of 88476  
the creation of the new district. 88477

The state board shall, following the election, file with the 88478  
county auditor of each county affected by the creation of a new 88479  
district an accurate map showing the boundaries of such newly 88480  
created district. 88481

When a new local school district is so created, a board of 88482  
education for such newly created district shall be appointed by 88483  
the state board. The members of such appointed board of education 88484  
shall hold their office until their successors are elected and 88485  
qualified. A board of education shall be elected for such newly 88486  
created district at the next general election held in an odd 88487  
numbered year occurring more than ninety days after the 88488  
appointment of the board of education of such newly created 88489  
district. At such election two members shall be elected for a term 88490  
of two years and three members shall be elected for a term of four 88491  
years, and, thereafter, their successors shall be elected in the 88492  
same manner and for the same terms as members of the board of 88493  
education of a local school district. 88494

When the new district consists of territory lying in two or 88495  
more counties, the state board shall determine to which 88496  
educational service center the new district shall be assigned. 88497

The legal title of all property of the board of education in 88498  
the territory taken shall become vested in the board of education 88499  
of the newly created school district. 88500

Foundation program moneys accruing to a district created 88501  
under the provisions of this section or previous section 3311.26 88502  
of the Revised Code, shall not be less, in any year during the 88503  
next succeeding three years following the creation, than the sum 88504

of the amounts received by the districts separately in the year in 88505  
which the creation of the district became effective. 88506

If, prior to September 26, 2003, a local school district 88507  
board of education or a group of individuals requests the 88508  
governing board of an educational service center to consider 88509  
proposing the creation of a new local school district, the 88510  
governing board, at any time during the one-year period following 88511  
the date that request is made, may adopt a resolution proposing 88512  
the creation of a new local school district in response to that 88513  
request and in accordance with the first paragraph of the version 88514  
of this section in effect prior to September 26, 2003. If the 88515  
governing board so proposes within that one-year period, the 88516  
governing board may proceed to create the new local school 88517  
district as it proposed, in accordance with the version of this 88518  
section in effect prior to September 26, 2003, subject to the 88519  
provisions of that version authorizing a petition and referendum 88520  
on the matter. 88521

Consolidations of school districts which include all of the 88522  
schools of a county and which become effective on or after July 1, 88523  
1959, shall be governed and included under this section. 88524

**Sec. 3311.50.** (A) As used in this section, "county school 88525  
financing district" means a taxing district consisting of the 88526  
following territory: 88527

(1) The territory that constitutes the educational service 88528  
center on the date that the governing board of that educational 88529  
service center adopts a resolution under division (B) of this 88530  
section declaring that the territory of the educational service 88531  
center is a county school financing district, exclusive of any 88532  
territory subsequently withdrawn from the district under division 88533  
(D) of this section; 88534

(2) Any territory that has been added to the county school 88535

financing district under this section. 88536

A county school financing district may include the territory 88537  
of a city, local, or exempted village school district whose 88538  
territory also is included in the territory of one or more other 88539  
county school financing districts. 88540

(B) The governing board of any educational service center 88541  
may, by resolution, declare that the territory of the educational 88542  
service center is a county school financing district. The 88543  
resolution shall state the purpose for which the county school 88544  
financing district is created, which may be for any one or more of 88545  
the following purposes: 88546

(1) To levy taxes for the provision of special education by 88547  
the school districts that are a part of the district, including 88548  
taxes for permanent improvements for special education; 88549

(2) To levy taxes for the provision of specified educational 88550  
programs and services by the school districts that are a part of 88551  
the district, as identified in the resolution creating the 88552  
district, including the levying of taxes for permanent 88553  
improvements for those programs and services. Services financed by 88554  
the levy may include school safety and security and mental health 88555  
services, including training and employment of or contracting for 88556  
the services of safety personnel, mental health personnel, social 88557  
workers, and counselors. 88558

(3) To levy taxes for permanent improvements of school 88559  
districts that are a part of the district. 88560

The governing board of the educational service center that 88561  
creates a county school financing district shall serve as the 88562  
taxing authority of the district and may use educational service 88563  
center governing board employees to perform any of the functions 88564  
necessary in the performance of its duties as a taxing authority. 88565  
A county school financing district shall not employ any personnel. 88566

With the approval of a majority of the members of the board 88567  
of education of each school district within the territory of the 88568  
county school financing district, the taxing authority of the 88569  
financing district may amend the resolution creating the district 88570  
to broaden or narrow the purposes for which it was created. 88571

A governing board of an educational service center may create 88572  
more than one county school financing district. If a governing 88573  
board of an educational service center creates more than one such 88574  
district, it shall clearly distinguish among the districts it 88575  
creates by including a designation of each district's purpose in 88576  
the district's name. 88577

(C) A majority of the members of a board of education of a 88578  
city, local, or exempted village school district may adopt a 88579  
resolution requesting that its territory be joined with the 88580  
territory of any county school financing district. Copies of the 88581  
resolution shall be filed with the state board of education and 88582  
the taxing authority of the county school financing district. 88583  
Within sixty days of its receipt of such a resolution, the county 88584  
school financing district's taxing authority shall vote on the 88585  
question of whether to accept the school district's territory as 88586  
part of the county school financing district. If a majority of the 88587  
members of the taxing authority vote to accept the territory, the 88588  
school district's territory shall thereupon become a part of the 88589  
county school financing district unless the county school 88590  
financing district has in effect a tax imposed under section 88591  
5705.215 of the Revised Code. If the county school financing 88592  
district has such a tax in effect, the taxing authority shall 88593  
certify a copy of its resolution accepting the school district's 88594  
territory to the school district's board of education, which may 88595  
then adopt a resolution, with the affirmative vote of a majority 88596  
of its members, proposing the submission to the electors of the 88597  
question of whether the district's territory shall become a part 88598

of the county school financing district and subject to the taxes 88599  
imposed by the financing district. The resolution shall set forth 88600  
the date on which the question shall be submitted to the electors, 88601  
which shall be at a general election or a special election held on 88602  
a day on which a primary election may be held on a date , as 88603  
specified in the resolution, which shall not be earlier than 88604  
ninety days after the adoption and certification of the 88605  
resolution. A copy of the resolution shall immediately be 88606  
certified to the board of elections of the proper county, which 88607  
shall make arrangements for the submission of the proposal to the 88608  
electors of the school district. The board of the joining district 88609  
shall publish notice of the election in a newspaper of general 88610  
circulation in the county once a week for two consecutive weeks, 88611  
or as provided in section 7.16 of the Revised Code, prior to the 88612  
election. Additionally, if the board of elections operates and 88613  
maintains a web site, the board of elections shall post notice of 88614  
the election on its web site for thirty days prior to the 88615  
election. The question appearing on the ballot shall read: 88616

"Shall the territory within ..... (name of the school 88617  
district proposing to join the county school financing district) 88618  
..... be added to ..... (name) ..... county school 88619  
financing district, and a property tax for the purposes of 88620  
..... (here insert purposes) ..... at a rate of taxation 88621  
not exceeding ..... (here insert the outstanding tax rate) 88622  
..... be in effect for ..... (here insert the number of 88623  
years the tax is to be in effect or "a continuing period of time," 88624  
as applicable) .....?" 88625

If the proposal is approved by a majority of the electors 88626  
voting on it, the joinder shall take effect on the first day of 88627  
July following the date of the election, and the county board of 88628  
elections shall notify the county auditor of each county in which 88629  
the school district joining its territory to the county school 88630

financing district is located. 88631

(D) The board of any city, local, or exempted village school 88632  
district whose territory is part of a county school financing 88633  
district may withdraw its territory from the county school 88634  
financing district thirty days after submitting to the governing 88635  
board that is the taxing authority of the district and the state 88636  
board a resolution proclaiming such withdrawal, adopted by a 88637  
majority vote of its members, but any county school financing 88638  
district tax levied in such territory on the effective date of the 88639  
withdrawal shall remain in effect in such territory until such tax 88640  
expires or is renewed. No board may adopt a resolution withdrawing 88641  
from a county school financing district that would take effect 88642  
during the forty-five days preceding the date of an election at 88643  
which a levy proposed under section 5705.215 of the Revised Code 88644  
is to be voted upon. 88645

(E) A city, local, or exempted village school district does 88646  
not lose its separate identity or legal existence by reason of 88647  
joining its territory to a county school financing district under 88648  
this section and an educational service center does not lose its 88649  
separate identity or legal existence by reason of creating a 88650  
county school financing district that accepts or loses territory 88651  
under this section. 88652

**Sec. 3313.38.** The board of education of a school district 88653  
that is inaccessible from the mainland at some time of the year 88654  
for any reason may purchase, erect, or rent, and maintain a 88655  
residence for a principal or teacher, when in the opinion of a 88656  
majority of the members of the board it is necessary to insure 88657  
adequate personnel for the schools of such district. To provide a 88658  
sum sufficient for the purchase price, the cost of the erection, 88659  
or the cost of renting such residence an additional tax may be 88660  
levied upon all the taxable property in the school district, in 88661

such amount as the board determines. The question of levying such 88662  
tax, and the amount thereof, shall be separately submitted to the 88663  
qualified electors of the school district at a general election or 88664  
a special election held on a day on which a primary election may 88665  
be held. Twenty days' notice thereof shall be previously given by 88666  
posting notice of such election in at least three public places in 88667  
the school district. Such notice shall state specifically the 88668  
amount to be raised and the purposes thereof. If a majority of all 88669  
votes cast at such election upon the proposition are in favor 88670  
thereof, the tax provided for shall be authorized. 88671

Upon authorization of the tax levy the members of the board 88672  
may issue notes in anticipation of such revenues to mature in not 88673  
more than two years from the date of issue and to bear interest at 88674  
not more than four per cent per annum. 88675

**Sec. 3313.911.** The state board of education may adopt a 88676  
resolution assigning a city, exempted village, or local school 88677  
district that is not a part of a joint vocational school district 88678  
to membership in a joint vocational school district. A copy of the 88679  
resolution shall be certified to the board of education of the 88680  
joint vocational school district and the board of education of the 88681  
district proposed to be assigned. The board of education of the 88682  
joint vocational school district shall advertise a copy of the 88683  
resolution in a newspaper of general circulation in the district 88684  
proposed to be assigned once each week for two weeks, or as 88685  
provided in section 7.16 of the Revised Code, immediately 88686  
following the certification of the resolution to the board. The 88687  
assignment shall take effect on the ninety-first day after the 88688  
state board adopts the resolution, unless prior to that date 88689  
qualified electors residing in the school district proposed for 88690  
assignment, equal in number to ten per cent of the qualified 88691  
electors of that district voting at the last general election, 88692  
file a petition against the assignment. 88693

The petition of referendum shall be filed with the treasurer 88694  
of the board of education of the district proposed to be assigned 88695  
to the joint vocational school district. The treasurer shall give 88696  
the person presenting the petition a receipt showing the time of 88697  
day, date, and purpose of the petition. The treasurer shall cause 88698  
the board of elections to determine the sufficiency of signatures 88699  
on the petition and if the signatures are found to be sufficient, 88700  
shall present the petition to the board of education of the 88701  
district. The board of education shall promptly certify the 88702  
question to the board of elections for the purpose of having the 88703  
question placed on the ballot at the next general, ~~primary,~~ 88704  
election or special election held on a day on which a primary 88705  
election may be held, occurring not earlier than sixty days after 88706  
the date of the certification. 88707

Only those qualified electors residing in the district 88708  
proposed for assignment to the joint vocational school district 88709  
are qualified to vote on the question. If a majority of the 88710  
electors voting on the question vote against the assignment, it 88711  
shall not take place, and the state board of education shall 88712  
require the district to contract with the joint vocational school 88713  
district or another school district as authorized by section 88714  
3313.91 of the Revised Code. 88715

If a majority of the electors voting on the question do not 88716  
vote against the assignment, the assignment shall take immediate 88717  
effect, and the board of education of the joint vocational school 88718  
district shall notify the county auditor of the county in which 88719  
the school district becoming a part of the joint vocational school 88720  
district is located to have any outstanding levy of the joint 88721  
vocational school district spread over the territory of the school 88722  
district that has become a part of the joint vocational school 88723  
district. 88724

The assignment of a school district to a joint vocational 88725

school district pursuant to this section is subject to any 88726  
agreements made between the board of education of the assigned 88727  
school district and the board of education of the joint vocational 88728  
school district. Such an agreement may include provisions for a 88729  
payment by the assigned school district to the joint vocational 88730  
school district of an amount to be contributed toward the cost of 88731  
the existing facilities of the joint vocational school district. 88732

**Sec. 3318.06.** (A) After receipt of the conditional approval 88733  
of the Ohio facilities construction commission, the school 88734  
district board by a majority of all of its members shall, if it 88735  
desires to proceed with the project, declare all of the following 88736  
by resolution: 88737

(1) That by issuing bonds in an amount equal to the school 88738  
district's portion of the basic project cost the district is 88739  
unable to provide adequate classroom facilities without assistance 88740  
from the state; 88741

(2) Unless the school district board has resolved to transfer 88742  
money in accordance with section 3318.051 of the Revised Code or 88743  
to apply the proceeds of a property tax or the proceeds of an 88744  
income tax, or a combination of proceeds from such taxes, as 88745  
authorized under section 3318.052 of the Revised Code, that to 88746  
qualify for such state assistance it is necessary to do either of 88747  
the following: 88748

(a) Levy a tax outside the ten-mill limitation the proceeds 88749  
of which shall be used to pay the cost of maintaining the 88750  
classroom facilities included in the project; 88751

(b) Earmark for maintenance of classroom facilities from the 88752  
proceeds of an existing permanent improvement tax levied under 88753  
section 5705.21 of the Revised Code, if such tax can be used for 88754  
maintenance, an amount equivalent to the amount of the additional 88755  
tax otherwise required under this section and sections 3318.05 and 88756

3318.08 of the Revised Code. 88757

(3) That the question of any tax levy specified in a 88758  
resolution described in division (A)(2)(a) of this section, if 88759  
required, shall be submitted to the electors of the school 88760  
district at the next general election or special election held on 88761  
a day on which a primary election may be held, ~~if there be a~~ 88762  
~~general or primary election occurring~~ not less than ninety and not 88763  
more than one hundred ten days after the day of the adoption of 88764  
such resolution ~~or, if not, at a special election to be held at a~~ 88765  
~~time specified in the resolution which shall be not less than~~ 88766  
~~ninety days after the day of the adoption of the resolution and~~ 88767  
~~which shall be in accordance with the requirements of section~~ 88768  
~~3501.01 of the Revised Code.~~ 88769

Such resolution shall also state that the question of issuing 88770  
bonds of the board shall be combined in a single proposal with the 88771  
question of such tax levy. More than one election under this 88772  
section may be held in any one calendar year. Such resolution 88773  
shall specify both of the following: 88774

(a) That the rate which it is necessary to levy shall be at 88775  
the rate of not less than one-half mill for each one dollar of 88776  
valuation, and that such tax shall be levied for a period of 88777  
twenty-three years; 88778

(b) That the proceeds of the tax shall be used to pay the 88779  
cost of maintaining the classroom facilities included in the 88780  
project. 88781

(B) A copy of a resolution adopted under division (A) of this 88782  
section shall after its passage and not less than ninety days 88783  
prior to the date set therein for the election be certified to the 88784  
county board of elections. 88785

The resolution of the school district board, in addition to 88786  
meeting other applicable requirements of section 133.18 of the 88787

Revised Code, shall state that the amount of bonds to be issued 88788  
will be an amount equal to the school district's portion of the 88789  
basic project cost, and state the maximum maturity of the bonds 88790  
which may be any number of years not exceeding the term calculated 88791  
under section 133.20 of the Revised Code as determined by the 88792  
board. In estimating the amount of bonds to be issued, the board 88793  
shall take into consideration the amount of moneys then in the 88794  
bond retirement fund and the amount of moneys to be collected for 88795  
and disbursed from the bond retirement fund during the remainder 88796  
of the year in which the resolution of necessity is adopted. 88797

If the bonds are to be issued in more than one series, the 88798  
resolution may state, in addition to the information required to 88799  
be stated under division (B)(3) of section 133.18 of the Revised 88800  
Code, the number of series, which shall not exceed five, the 88801  
principal amount of each series, and the approximate date each 88802  
series will be issued, and may provide that no series, or any 88803  
portion thereof, may be issued before such date. Upon such a 88804  
resolution being certified to the county auditor as required by 88805  
division (C) of section 133.18 of the Revised Code, the county 88806  
auditor, in calculating, advising, and confirming the estimated 88807  
average annual property tax levy under that division, shall also 88808  
calculate, advise, and confirm by certification the estimated 88809  
average property tax levy for each series of bonds to be issued. 88810

Notice of the election shall include the fact that the tax 88811  
levy shall be at the rate of not less than one-half mill for each 88812  
one dollar of valuation for a period of twenty-three years, and 88813  
that the proceeds of the tax shall be used to pay the cost of 88814  
maintaining the classroom facilities included in the project. 88815

If the bonds are to be issued in more than one series, the 88816  
board of education, when filing copies of the resolution with the 88817  
board of elections as required by division (D) of section 133.18 88818  
of the Revised Code, may direct the board of elections to include 88819

in the notice of election the principal amount and approximate 88820  
date of each series, the maximum number of years over which the 88821  
principal of each series may be paid, the estimated additional 88822  
average property tax levy for each series, and the first calendar 88823  
year in which the tax is expected to be due for each series, in 88824  
addition to the information required to be stated in the notice 88825  
under divisions (E)(3)(a) to (e) of section 133.18 of the Revised 88826  
Code. 88827

(C)(1) Except as otherwise provided in division (C)(2) of 88828  
this section, the form of the ballot to be used at such election 88829  
shall be: 88830

"A majority affirmative vote is necessary for passage. 88831

Shall bonds be issued by the ..... (here insert name 88832  
of school district) school district to pay the local share of 88833  
school construction under the State of Ohio Classroom Facilities 88834  
Assistance Program in the principal amount of ..... (here 88835  
insert principal amount of the bond issue), to be repaid annually 88836  
over a maximum period of ..... (here insert the maximum 88837  
number of years over which the principal of the bonds may be paid) 88838  
years, and an annual levy of property taxes be made outside the 88839  
ten-mill limitation, estimated by the county auditor to average 88840  
over the repayment period of the bond issue ..... (here 88841  
insert the number of mills estimated) mills for each one dollar of 88842  
tax valuation, which amounts to ..... (rate expressed in 88843  
cents or dollars and cents, such as "thirty-six cents" or "\$0.36") 88844  
for each one hundred dollars of tax valuation to pay the annual 88845  
debt charges on the bonds and to pay debt charges on any notes 88846  
issued in anticipation of the bonds?" 88847

and, unless the additional levy 88848

of taxes is not required pursuant 88849

to division (C) of section 88850

3318.05 of the Revised Code, 88851

"Shall an additional levy of taxes be made for a period of  
 twenty-three years to benefit the ..... (here insert name  
 of school district) school district, the proceeds of which shall  
 be used to pay the cost of maintaining the classroom facilities  
 included in the project at the rate of ..... (here insert the  
 number of mills, which shall not be less than one-half mill) mills  
 for each one dollar of valuation?

	FOR THE BOND ISSUE AND TAX LEVY	
	AGAINST THE BOND ISSUE AND TAX LEVY	

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(2) If authority is sought to issue bonds in more than one  
 series and the board of education so elects, the form of the  
 ballot shall be as prescribed in section 3318.062 of the Revised  
 Code. If the board of education elects the form of the ballot  
 prescribed in that section, it shall so state in the resolution  
 adopted under this section.

(D) If it is necessary for the school district to acquire a  
 site for the classroom facilities to be acquired pursuant to  
 sections 3318.01 to 3318.20 of the Revised Code, the district  
 board may propose either to issue bonds of the board or to levy a  
 tax to pay for the acquisition of such site, and may combine the  
 question of doing so with the questions specified in division (B)  
 of this section. Bonds issued under this division for the purpose  
 of acquiring a site are a general obligation of the school  
 district and are Chapter 133. securities.

The form of that portion of the ballot to include the  
 question of either issuing bonds or levying a tax for site  
 acquisition purposes shall be one of the following:

(1) "Shall bonds be issued by the ..... (here insert  
 name of the school district) school district to pay costs of

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acquiring a site for classroom facilities under the State of Ohio 88883  
Classroom Facilities Assistance Program in the principal amount of 88884  
..... (here insert principal amount of the bond issue), to be 88885  
repaid annually over a maximum period of ..... (here insert 88886  
maximum number of years over which the principal of the bonds may 88887  
be paid) years, and an annual levy of property taxes be made 88888  
outside the ten-mill limitation, estimated by the county auditor 88889  
to average over the repayment period of the bond issue ..... 88890  
(here insert number of mills) mills for each one dollar of tax 88891  
valuation, which amount to ..... (here insert rate expressed 88892  
in cents or dollars and cents, such as "thirty-six cents" or 88893  
"\$0.36") for each one hundred dollars of valuation to pay the 88894  
annual debt charges on the bonds and to pay debt charges on any 88895  
notes issued in anticipation of the bonds?" 88896

(2) "Shall an additional levy of taxes outside the ten-mill 88897  
limitation be made for the benefit of the ..... (here insert 88898  
name of the school district) school district for the purpose of 88899  
acquiring a site for classroom facilities in the sum of ..... 88900  
(here insert annual amount the levy is to produce) estimated by 88901  
the county auditor to average ..... (here insert number of 88902  
mills) mills for each one hundred dollars of valuation, for a 88903  
period of ..... (here insert number of years the millage is to 88904  
be imposed) years?" 88905

Where it is necessary to combine the question of issuing 88906  
bonds of the school district and levying a tax as described in 88907  
division (B) of this section with the question of issuing bonds of 88908  
the school district for acquisition of a site, the question 88909  
specified in that division to be voted on shall be "For the Bond 88910  
Issues and the Tax Levy" and "Against the Bond Issues and the Tax 88911  
Levy." 88912

Where it is necessary to combine the question of issuing 88913  
bonds of the school district and levying a tax as described in 88914

division (B) of this section with the question of levying a tax 88915  
for the acquisition of a site, the question specified in that 88916  
division to be voted on shall be "For the Bond Issue and the Tax 88917  
Levies" and "Against the Bond Issue and the Tax Levies." 88918

Where the school district board chooses to combine the 88919  
question in division (B) of this section with any of the 88920  
additional questions described in divisions (A) to (D) of section 88921  
3318.056 of the Revised Code, the question specified in division 88922  
(B) of this section to be voted on shall be "For the Bond Issues 88923  
and the Tax Levies" and "Against the Bond Issues and the Tax 88924  
Levies." 88925

If a majority of those voting upon a proposition hereunder 88926  
which includes the question of issuing bonds vote in favor 88927  
thereof, and if the agreement provided for by section 3318.08 of 88928  
the Revised Code has been entered into, the school district board 88929  
may proceed under Chapter 133. of the Revised Code, with the 88930  
issuance of bonds or bond anticipation notes in accordance with 88931  
the terms of the agreement. 88932

**Sec. 3318.061.** This section applies only to school districts 88933  
eligible to receive additional assistance under division (B)(2) of 88934  
section 3318.04 of the Revised Code. 88935

The board of education of a school district in which a tax 88936  
described by division (B) of section 3318.05 and levied under 88937  
section 3318.06 of the Revised Code is in effect, may adopt a 88938  
resolution by vote of a majority of its members to extend the term 88939  
of that tax beyond the expiration of that tax as originally 88940  
approved under that section. The school district board may include 88941  
in the resolution a proposal to extend the term of that tax at the 88942  
rate of not less than one-half mill for each dollar of valuation 88943  
for a period of twenty-three years from the year in which the 88944  
school district board and the Ohio facilities construction 88945

commission enter into an agreement under division (B)(2) of 88946  
section 3318.04 of the Revised Code or in the following year, as 88947  
specified in the resolution. Such a resolution may be adopted at 88948  
any time before such an agreement is entered into and before the 88949  
tax levied pursuant to section 3318.06 of the Revised Code 88950  
expires. If the resolution is combined with a resolution to issue 88951  
bonds to pay the school district's portion of the basic project 88952  
cost, it shall conform with the requirements of divisions (A)(1), 88953  
(2), and (3) of section 3318.06 of the Revised Code, except that 88954  
the resolution also shall state that the tax levy proposed in the 88955  
resolution is an extension of an existing tax levied under that 88956  
section. A resolution proposing an extension adopted under this 88957  
section does not take effect until it is approved by a majority of 88958  
electors voting in favor of the resolution at a general, election 88959  
or a special election held on a day on which a primary, or special 88960  
election may be held, as provided in this section. 88961

A tax levy extended under this section is subject to the same 88962  
terms and limitations to which the original tax levied under 88963  
section 3318.06 of the Revised Code is subject under that section, 88964  
except the term of the extension shall be as specified in this 88965  
section. 88966

The school district board shall certify a copy of the 88967  
resolution adopted under this section to the proper county board 88968  
of elections not later than ninety days before the date set in the 88969  
resolution as the date of the election at which the question will 88970  
be submitted to electors. The notice of the election shall conform 88971  
with the requirements of division (A)(3) of section 3318.06 of the 88972  
Revised Code, except that the notice also shall state that the 88973  
maintenance tax levy is an extension of an existing tax levy. 88974

The form of the ballot shall be as follows: 88975

"Shall the existing tax levied to pay the cost of maintaining 88976  
classroom facilities constructed with the proceeds of the 88977

previously issued bonds at the rate of ..... (here insert the 88978  
number of mills, which shall not be less than one-half mill) mills 88979  
per dollar of tax valuation, be extended until ..... (here 88980  
insert the year that is twenty-three years after the year in which 88981  
the district and commission will enter into an agreement under 88982  
division (B)(2) of section 3318.04 of the Revised Code or the 88983  
following year)? 88984

	FOR EXTENDING THE EXISTING TAX LEVY	
	AGAINST EXTENDING THE EXISTING TAX LEVY	"

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Section 3318.07 of the Revised Code applies to ballot 88989  
questions under this section. 88990

**Sec. 3318.063.** If the board of education of a city, exempted 88991  
village, or local school district that has entered into an 88992  
agreement under section 3318.051 of the Revised Code to make 88993  
transfers of money in lieu of levying the tax for maintenance of 88994  
the classroom facilities included in the district's project 88995  
determines that it no longer can continue making the transfers so 88996  
agreed to and desires to rescind that agreement, the board shall 88997  
adopt the resolution to submit the question of the tax levy 88998  
prescribed in this section. 88999

The resolution shall declare that the question of a tax levy 89000  
specified in division (F) of section 3318.051 of the Revised Code 89001  
shall be submitted to the electors of the school district at the 89002  
next general election or special election held on a day on which a 89003  
primary election may be held, ~~if there be a general or primary~~ 89004  
~~election occurring~~ not less than seventy-five and not more than 89005  
ninety-five days after the day of the adoption of such resolution 89006  
~~or, if not, at a special election to be held at a time specified~~ 89007  
~~in the resolution which shall be not less than seventy-five days~~ 89008

~~after the day of the adoption of the resolution and which shall be~~ 89009  
~~in accordance with the requirements of section 3501.01 of the~~ 89010  
~~Revised Code.~~ Such resolution shall specify both of the following: 89011

(A) That the rate which it is necessary to levy shall be at 89012  
the rate of not less than one-half mill for each one dollar of 89013  
valuation, and that such tax shall be levied for the number of 89014  
years required by division (F) of section 3318.051 of the Revised 89015  
Code; 89016

(B) That the proceeds of the tax shall be used to pay the 89017  
cost of maintaining the classroom facilities included in the 89018  
project. 89019

A copy of such resolution shall after its passage and not 89020  
less than seventy-five days prior to the date set therein for the 89021  
election be certified to the county board of elections. 89022

Notice of the election shall include the fact that the tax 89023  
levy shall be at the rate of not less than one-half mill for each 89024  
one dollar of valuation for the number of years required by 89025  
division (F) of section 3318.051 of the Revised Code, and that the 89026  
proceeds of the tax shall be used to pay the cost of maintaining 89027  
the classroom facilities included in the project. 89028

The form of the ballot to be used at such election shall be: 89029

"Shall a levy of taxes be made for a period of ..... 89030  
(here insert the number of years, which shall not be less than the 89031  
number required by division (F) of section 3318.051 of the Revised 89032  
Code) years to benefit the ..... (here insert name of 89033  
school district) school district, the proceeds of which shall be 89034  
used to pay the cost of maintaining the classroom facilities 89035  
included in the project at the rate of ..... (here insert the 89036  
number of mills, which shall not be less than one-half mill) mills 89037  
for each one dollar of valuation? 89038

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	FOR THE TAX LEVY	89040
	AGAINST THE TAX LEVY	89041

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**Sec. 3318.361.** A school district board opting to qualify for state assistance pursuant to section 3318.36 of the Revised Code through levying the tax specified in division (D)(2)(a) or (D)(4) of that section shall declare by resolution that the question of a tax levy specified in division (D)(2)(a) or (4), as applicable, of section 3318.36 of the Revised Code shall be submitted to the electors of the school district at the next general election or special election held on a day on which a primary election may be held, ~~if there be a general or primary election occurring~~ not less than ninety and not more than one hundred ten days after the day of the adoption of such resolution ~~or, if not, at a special election to be held at a time specified in the resolution which shall be not less than ninety days after the day of the adoption of the resolution and which shall be in accordance with the requirements of section 3501.01 of the Revised Code.~~ Such resolution shall specify both of the following:

(A) That the rate which it is necessary to levy shall be at the rate of not less than one-half mill for each one dollar of valuation, and that such tax shall be levied for a period of twenty-three years;

(B) That the proceeds of the tax shall be used to pay the cost of maintaining the classroom facilities included in the project.

A copy of such resolution shall after its passage and not less than ninety days prior to the date set therein for the election be certified to the county board of elections.

Notice of the election shall include the fact that the tax levy shall be at the rate of not less than one-half mill for each

one dollar of valuation for a period of twenty-three years, and 89071  
that the proceeds of the tax shall be used to pay the cost of 89072  
maintaining the classroom facilities included in the project. 89073

The form of the ballot to be used at such election shall be: 89074

"Shall a levy of taxes be made for a period of twenty-three 89075  
years to benefit the ..... (here insert name of school 89076  
district) school district, the proceeds of which shall be used to 89077  
pay the cost of maintaining the classroom facilities included in 89078  
the project at the rate of ..... (here insert the number of 89079  
mills, which shall not be less than one-half mill) mills for each 89080  
one dollar of valuation? 89081

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

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**Sec. 3354.02.** A community college district may be created 89086  
with the approval of the Ohio board of regents pursuant to 89087  
standards established by the board. The standards shall take into 89088  
consideration such factors as the population of the proposed 89089  
district, the present and potential pupil enrollment, the present 89090  
and potential higher education facilities in the district, and 89091  
such other factors as pertain to the educational needs of the 89092  
district. The Ohio board of regents may undertake or contract for 89093  
a study to be made relative to the establishment of a community 89094  
college district. 89095

The attorney general shall be the attorney for each community 89096  
college district and shall provide legal advice in all matters 89097  
relating to its powers and duties. 89098

A proposal to create a community college district may be 89099  
presented to the Ohio board of regents in any of the following 89100

ways: 89101

(A) The board of county commissioners of any county, having a 89102  
population of not less than seventy-five thousand, may, by 89103  
resolution approved by two-thirds of its members, propose the 89104  
creation of a community college district consisting of the whole 89105  
territory of such county. 89106

(B) The boards of county commissioners of any two or more 89107  
contiguous counties, which together have a combined population of 89108  
not less than seventy-five thousand, may, by a resolution approved 89109  
by two-thirds of the members of each such board, together and 89110  
jointly propose the creation of a community college district 89111  
consisting of the whole territories of such counties together. 89112

(C) Qualified electors residing in a county or in two or more 89113  
contiguous counties may execute a petition proposing the creation 89114  
of a community college district comprised of the territory of a 89115  
county or two or more contiguous counties, respectively. Such 89116  
petition shall be presented to the board of elections of the most 89117  
populous county in which the proposed community college district 89118  
is situated, and shall be signed by at least two per cent of the 89119  
total number of resident electors who voted in the most recent 89120  
election for governor in the territory of such proposed district. 89121  
Such petition shall set forth the necessity for the district, a 89122  
demonstration that it will be conducive to the public convenience 89123  
and welfare, and a description of the territory to be included in 89124  
the proposed district. 89125

Upon receiving a petition duly executed pursuant to this 89126  
division, the board of elections of the most populous county shall 89127  
certify the fact of such petition to the election boards of the 89128  
other counties, if any, to be included in such district. The 89129  
proposal to create such district shall be placed on the ballot by 89130  
the board of elections and submitted to vote in each affected 89131  
county or group of contiguous counties, at the next ~~primary or~~ 89132

general election or special election held on a day on which a 89133  
primary election may be held, occurring more than seventy-five 89134  
days after the filing of such petition. ~~If there is no primary or~~ 89135  
~~general election occurring within ninety days after the filing of~~ 89136  
~~such petition, the board of elections of the most populous county~~ 89137  
~~shall fix the date of a special election to be held in each~~ 89138  
~~affected county, or group of contiguous counties, such date to be~~ 89139  
~~not less than seventy five days after the filing of the petition~~ 89140  
~~and to be consistent with the requirements of section 3501.01 of~~ 89141  
~~the Revised Code.~~ If a majority of the electors voting on the 89142  
proposition in the proposed community college district vote in 89143  
favor thereof, the board of elections of the most populous county 89144  
in which the proposed district is situated shall certify such fact 89145  
to the Ohio board of regents. 89146

(D) No county shall be included in the territory of more than 89147  
one community college district. 89148

A community college district may also be created under 89149  
division (D) of section 3358.02 of the Revised Code. 89150

**Sec. 3354.12.** (A) Upon the request by resolution approved by 89151  
the board of trustees of a community college district, and upon 89152  
certification to the board of elections not less than ninety days 89153  
prior to ~~the~~ a general election or a special election held on a 89154  
day on which a primary election may be held, the boards of 89155  
elections of the county or counties comprising such district shall 89156  
place upon the ballot in their respective counties the question of 89157  
levying a tax on all the taxable property in the community college 89158  
district outside the ten-mill limitation, for a specified period 89159  
of years or for a continuing period of time, to provide funds for 89160  
any one or more of the following purposes: the acquisition of 89161  
sites, the erection, furnishing, and equipment of buildings, the 89162  
acquisition, construction, or improvement of any property which 89163

the board of trustees of a community college district is 89164  
authorized to acquire, construct, or improve and which has an 89165  
estimated life of usefulness of five years or more as certified by 89166  
the fiscal officer, and the payment of operating costs. ~~Not more~~ 89167  
~~than two special elections shall be held in any one calendar year.~~ 89168  
Levies for a continuing period of time adopted under this section 89169  
may be reduced in accordance with section 5705.261 of the Revised 89170  
Code. 89171

If such proposal is to be or include the renewal of an 89172  
existing levy at the expiration thereof, the ballot for such 89173  
election shall state whether it is a renewal of a tax; a renewal 89174  
of a stated number of mills and an increase of a stated number of 89175  
mills, or a renewal of a part of an existing levy with a reduction 89176  
of a stated number of mills; the year of the tax duplicate on 89177  
which such renewal will first be made; and if earlier, the year of 89178  
the tax duplicate on which such additional levy will first be 89179  
made, which may include the tax duplicate for the current year 89180  
unless the election is to be held after the first Tuesday after 89181  
the first Monday in November of the current tax year. The ballot 89182  
shall also state the period of years for such levy or that it is 89183  
for a continuing period of time. If a levy for a continuing period 89184  
of time provides for but is not limited to current expenses, the 89185  
resolution of the board of trustees providing for the election on 89186  
such levy shall apportion the annual rate of the levy between 89187  
current expenses and the other purpose or purposes. Such 89188  
apportionment need not be the same for each year of the levy, but 89189  
the respective portions of the rate actually levied each year for 89190  
current expenses and the other purpose or purposes shall be 89191  
limited by such apportionment. The portion of the rate apportioned 89192  
to the other purpose or purposes shall be reduced as provided in 89193  
division (B) of this section. 89194

If a majority of the electors in such district voting on such 89195

question approve thereof, the county auditor or auditors of the 89196  
county or counties comprising such district shall annually, for 89197  
the applicable years, place such levy on the tax duplicate in such 89198  
district, in an amount determined by the board of trustees, but 89199  
not to exceed the amount set forth in the proposition approved by 89200  
the electors. 89201

The boards of trustees of a community college district shall 89202  
establish a special fund for all revenue derived from any tax 89203  
levied pursuant to this section. 89204

The boards of elections of the county or counties comprising 89205  
the district shall cause to be published in a newspaper of general 89206  
circulation in each such county an advertisement of the proposed 89207  
tax levy question once a week for two consecutive weeks, or as 89208  
provided in section 7.16 of the Revised Code, prior to the 89209  
election at which the question is to appear on the ballot. If a 89210  
board of elections operates and maintains a web site, that board 89211  
also shall post the advertisement on its web site for thirty days 89212  
prior to that election. 89213

After the approval of such levy by vote, the board of 89214  
trustees of a community college district may anticipate a fraction 89215  
of the proceeds of such levy and from time to time issue 89216  
anticipation notes having such maturity or maturities that the 89217  
aggregate principal amount of all such notes maturing in any 89218  
calendar year shall not exceed seventy-five per cent of the 89219  
anticipated proceeds from such levy for such year, and that no 89220  
note shall mature later than the thirty-first day of December of 89221  
the tenth calendar year following the calendar year in which such 89222  
note is issued. Each issue of notes shall be sold as provided in 89223  
Chapter 133. of the Revised Code. 89224

The amount of bonds or anticipatory notes authorized pursuant 89225  
to Chapter 3354. of the Revised Code, may include sums to repay 89226  
moneys previously borrowed, advanced, or granted and expended for 89227

the purposes of such bond or anticipatory note issues, whether 89228  
such moneys were advanced from the available funds of the 89229  
community college district or by other persons, and the community 89230  
college district may restore and repay to such funds or persons 89231  
from the proceeds of such issues the moneys so borrowed, advanced 89232  
or granted. 89233

All operating costs of such community college may be paid out 89234  
of any gift or grant from the state, pursuant to division (K) of 89235  
section 3354.09 of the Revised Code; out of student fees and 89236  
tuition collected pursuant to division (G) of section 3354.09 of 89237  
the Revised Code; or out of unencumbered funds from any other 89238  
source of the community college income not prohibited by law. 89239

(B) Prior to the application of section 319.301 of the 89240  
Revised Code, the rate of a levy that is limited to, or to the 89241  
extent that it is apportioned to, purposes other than current 89242  
expenses shall be reduced in the same proportion in which the 89243  
district's total valuation increases during the life of the levy 89244  
because of additions to such valuation that have resulted from 89245  
improvements added to the tax list and duplicate. 89246

**Sec. 3357.02.** A technical college district may be created 89247  
with the approval of the Ohio board of regents pursuant to 89248  
standards established by it. Such standards shall take into 89249  
consideration such factors as the population of the proposed 89250  
district, the present and potential pupil enrollment, present and 89251  
potential higher education facilities in the district, and such 89252  
other factors as may pertain to the educational needs of the 89253  
district. The Ohio board of regents may undertake a study or 89254  
contract for a study to be made relative to its establishment or 89255  
application of such standards. 89256

The attorney general shall be the attorney for each technical 89257  
college district and shall provide legal advice in all matters 89258

relating to its powers and duties. 89259

A proposal to create a technical college district may be 89260  
presented to the Ohio board of regents in any of the following 89261  
ways: 89262

(A) The board of education of a city school district may by 89263  
resolution approved by a majority of its members propose the 89264  
creation of a technical college district consisting of the whole 89265  
territory of such district. 89266

(B) The boards of two or more contiguous city, exempted 89267  
village, or local school districts or educational service centers 89268  
may by resolutions approved by a majority of the members of each 89269  
participating board propose the creation of a technical college 89270  
district consisting of the whole territories of all the 89271  
participating school districts and educational service centers. 89272

(C) The governing board of any educational service center may 89273  
by resolution approved by a majority of its members propose the 89274  
creation of a technical college district consisting of the whole 89275  
territory of such educational service center. 89276

(D) The governing boards of any two or more contiguous 89277  
educational service centers may by resolutions approved by a 89278  
majority of the members of each participating board, propose the 89279  
creation of a technical college district consisting of the whole 89280  
territories of such educational service centers. 89281

(E) Qualified electors residing in a city school district, in 89282  
a county, in two or more contiguous school districts, or in two or 89283  
more contiguous counties may execute a petition proposing the 89284  
creation of a technical college district comprised of the 89285  
territory of the city school district, educational service center, 89286  
two or more contiguous school districts or educational service 89287  
centers, or two or more contiguous counties, respectively. Such 89288  
petition shall be presented to the board of elections of the most 89289

populous county in which the technical college district is 89290  
situated and shall bear the signatures of at least two per cent of 89291  
the total number of resident electors who voted in the most recent 89292  
election for governor in the territory of such proposed district. 89293  
Such petition shall set forth the necessity for the district, a 89294  
demonstration that it will be conducive to the public convenience 89295  
and welfare, and a description of the territory to be included in 89296  
the proposed district. 89297

Upon receiving a petition duly executed pursuant to division 89298  
(E) of this section, the board of elections of the most populous 89299  
county shall certify the fact of such petition to the boards of 89300  
elections of the other counties, if any, in which any of the 89301  
territory of the proposed district is situated. The proposal to 89302  
create a technical college district shall be placed on the ballot 89303  
by the board of elections and submitted to vote in each affected 89304  
city school district, county, or group of contiguous school 89305  
districts or counties, at the next ~~primary or~~ general election or 89306  
special election held on a day on which a primary election may be 89307  
held, occurring more than ninety days after the filing of such 89308  
petition. ~~If there is no primary or general election occurring~~ 89309  
~~within one hundred five days after the filing of such petition,~~ 89310  
~~the board of elections of the most populous county shall fix the~~ 89311  
~~date of a special election to be held in each affected city school~~ 89312  
~~district, county, or group of contiguous school districts or~~ 89313  
~~counties, such date to be not less than ninety days after the~~ 89314  
~~filing of the petition.~~ If a majority of electors voting on the 89315  
proposition in the proposed technical college district vote in 89316  
favor thereof, the board of elections of the most populous county 89317  
in which the proposed district is situated shall certify such fact 89318  
to the Ohio board of regents. 89319

**Sec. 3357.11.** For the purposes of purchasing a site or 89320  
enlargement thereof, and for the erection and equipment of 89321

buildings, or for the purpose of enlarging, improving, or 89322  
rebuilding existing facilities, the board of trustees of a 89323  
technical college district shall determine the amount of bonds to 89324  
be issued and such other matters as pertain thereto, and may when 89325  
authorized by the vote of the electors of the district, issue and 89326  
sell such bonds as provided in Chapter 133. of the Revised Code. 89327  
Such board of trustees shall have the same authority and be 89328  
subject to the same procedure as provided in such chapter in the 89329  
case where the board of education proposes a bond issue for the 89330  
purposes noted in this section. 89331

At any time the board of trustees of a technical college 89332  
district by a vote of two-thirds of all its members may declare by 89333  
resolution the necessity of a tax outside the ten-mill limitation 89334  
for a period of years not to exceed ten years, to provide funds 89335  
for one or more of the following purposes: for operation and 89336  
maintenance, for purchasing a site or enlargement thereof, for the 89337  
erection and construction or equipment of buildings, or for the 89338  
purpose of enlarging or improving or rebuilding thereon. A copy of 89339  
such resolution shall be certified to the board of elections of 89340  
the county or counties in which such technical college district is 89341  
situated, for the purpose of placing the proposal on the ballot at 89342  
~~an~~ a general election or a special election held on a day on which 89343  
a primary election ~~to~~ may be held at , occurring on a date 89344  
designated by such board of trustees, ~~which date shall be~~ 89345  
~~eonsistent with the requirements of section 3501.01 of the Revised~~ 89346  
~~Code,~~ but which shall not be earlier than ninety days after the 89347  
adoption and certification of such resolution. If a majority of 89348  
the electors in such district voting on such question vote in 89349  
favor of such levy, the resolution shall go into immediate effect. 89350  
The trustees shall certify their action to the auditors of the 89351  
county or counties in which such technical college district is 89352  
situated, who shall annually thereafter place such levy on the tax 89353  
duplicate in such district in the amount set forth in the 89354

proposition approved by the voters. 89355

After the approval of such levy by vote the board of trustees 89356  
of a technical college district may anticipate a fraction of the 89357  
proceeds of such levy and from time to time, during the life of 89358  
such levy, issue anticipation notes in an amount not to exceed 89359  
seventy-five per cent of the estimated proceeds of such levy to be 89360  
collected in each year over a period of five years after the date 89361  
of the issuance of such notes, less an amount equal to the 89362  
proceeds of such levy previously obligated for each year by the 89363  
issuance of anticipation notes, provided, that the total amount 89364  
maturing in any one year shall not exceed seventy-five per cent of 89365  
the anticipated proceeds of such levy for that year. 89366

Each issue of notes shall be sold as provided in Chapter 133. 89367  
of the Revised Code and shall mature serially in substantially 89368  
equal amounts, during each remaining year of the levy, not to 89369  
exceed five, after their issuance. 89370

All necessary expenses for the operation of such technical 89371  
college may be paid from any gifts, from grants of the state or 89372  
federal government, from student fees and tuition collected 89373  
pursuant to division (G) of section 3357.09 of the Revised Code, 89374  
or from unencumbered funds from any other source of the technical 89375  
college income, not prohibited by law. 89376

**Sec. 3381.03.** Any county, or any two or more counties, 89377  
municipal corporations, or townships, or any combination of these 89378  
may create a regional arts and cultural district by the adoption 89379  
of a resolution or ordinance by the board of county commissioners 89380  
of each county, the legislative authority of each municipal 89381  
corporation, and the board of township trustees of each township 89382  
that desires to create or to join in the creation of the district. 89383  
The resolution or ordinance shall state all of the following: 89384

(A) The purposes for the creation of the district; 89385

(B) The counties, municipal corporations, or townships that are to be included in the district; 89386  
89387

(C) The official name by which the district shall be known; 89388

(D) The location of the principal office of the district or the manner in which the location shall be selected; 89389  
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(E) Subject to section 3381.05 of the Revised Code, the number, term, and compensation, which shall not exceed the sum of fifty dollars for each board and committee meeting attended by a member, of the members of the board of trustees of the district; 89391  
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(F) Subject to section 3381.05 of the Revised Code, the manner in which members of the board of trustees of the district shall be appointed; the method of filling vacancies; and the period, if any, for which a trustee continues in office after expiration of the trustee's term pending the appointment of the trustee's successor; 89395  
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(G) The manner of apportioning expenses of the district among the participating counties, municipal corporations, and townships. 89401  
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The resolution or ordinance may also provide that the authority of the districts to make grants under section 3381.20 of the Revised Code may be totally or partially delegated to one or more area arts councils, as defined in section 757.03 of the Revised Code, located within the district. 89403  
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The district provided for in the resolution or ordinance shall be created upon the adoption of the resolution or ordinance by the board of county commissioners of each county, the legislative authority of each municipal corporation, and the board of township trustees of each township enumerated in the resolution or ordinance. The resolution or ordinance may be amended to include additional counties, municipal corporations, or townships or for any other purpose by the adoption of an amendment by the board of county commissioners of each county, the legislative 89408  
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authority of each municipal corporation, and the board of township trustees of each township that has created or joined or proposes to join the district.

After each county, municipal corporation, and township has adopted a resolution or ordinance approving inclusion of additional counties, municipal corporations, or townships in the district, a copy of the resolution or ordinance shall be filed with the clerk of the board of the county commissioners of each county, the clerk of the legislative authority of each municipal corporation, and the fiscal officer of the board of trustees of each township proposed to be included in the district. The inclusion is effective when all such filing is completed unless the district to which territory is to be added has authority to levy an ad valorem tax on property within its territory, in which event the inclusion shall become effective upon voter approval of the joinder and the tax. The board of trustees shall promptly certify the proposal to the board or boards of elections for the purpose of having the proposal placed on the ballot at the next general election or special election held on a day on which a primary election ~~that occurs~~ may be held, occurring not less than sixty days after the date of the meeting of the board of trustees, ~~or at a special election held on a date specified in the certification that is not less than sixty days after the date of the meeting of the board.~~ If territory of more than one county, municipal corporation, or township is to be added to the regional arts and cultural district, the electors of the territories of the counties, municipal corporations, or townships which are to be added shall vote as a district, and the outcome of the election shall be determined by the vote cast in the entire district. Upon certification of a proposal to the board or boards of elections pursuant to this section, the board or boards of elections shall make the necessary arrangements for the submission of the questions to the electors of the territory to be added to the

district, and the election shall be held, canvassed, and certified 89450  
in the manner provided for the submission of tax levies under 89451  
section 5705.19 of the Revised Code, except that the question 89452  
appearing on the ballot shall read: 89453

"Shall the territory within the ..... (name or 89454  
names of political subdivisions to be joined) be added to 89455  
..... (name) regional arts and cultural 89456  
district? And shall a(n) ..... (here insert type of 89457  
tax or taxes) at a rate of taxation not to exceed ..... (here 89458  
insert maximum tax rate or rates) be levied for purposes of such 89459  
district?" 89460

If the question is approved by a majority of the electors 89461  
voting on the question, the joinder is effective immediately, and 89462  
the district may extend the levy of the tax against all the 89463  
taxable property within the territory that has been added. If the 89464  
question is approved at a general election ~~or at a special~~ 89465  
~~election occurring prior to a general election but after the~~ 89466  
~~fifteenth day of July in any calendar year~~, the district may amend 89467  
its budget and resolution adopted pursuant to section 5705.34 of 89468  
the Revised Code, and the levy shall be placed on the current tax 89469  
list and duplicate and collected as other taxes are collected from 89470  
all taxable property within the territory of the district, 89471  
including the territory added as a result of the election. 89472

The territory of a district shall be coextensive with the 89473  
territory of the counties, municipal corporations, and townships 89474  
included within the district, provided that the same territory may 89475  
not be included in more than one regional arts and cultural 89476  
district, and provided, that if a district includes only a portion 89477  
of an entire county, a district may be created in the remaining 89478  
portion of the same county by resolution of the board of county 89479  
commissioners acting alone or in conjunction with municipal 89480  
corporations and townships as provided in this section. 89481

Sec. 3501.022. (A) Notwithstanding any section of the Revised Code to the contrary except as authorized under section 5705.214 or 5748.07 of the Revised Code, no question or issue proposing either of the following may be placed on the ballot at a special election held in August: 89482  
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(1) To levy, renew, replace, increase, decrease, or repeal any tax; 89487  
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(2) To create, dissolve, or change the territorial boundaries of a political subdivision or other entity authorized to submit to the electors a question described in division (A)(1) of this section. 89489  
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(B) A board of elections may not accept a resolution or ordinance proposing to submit to the electors a question or issue described in division (A) of this section at a special election held in August. 89493  
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**Sec. 4301.421.** (A) For the purposes of section 307.696 of the Revised Code, to pay the expenses of administering the tax, and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, or for those purposes and to provide revenues to the county for permanent improvements, the board of county commissioners may levy a tax on the sale of beer at a rate not to exceed sixteen cents per gallon, on the sale of cider at a rate not to exceed twenty-four cents per gallon, and on the sale of wine and mixed beverages at a rate not to exceed thirty-two cents per gallon. The tax shall be imposed on all beer, cider, wine, and mixed beverages sold for resale at retail in the county, and on all beer, cider, wine, and mixed beverages sold at retail in the county by the manufacturer, bottler, importer, or other person upon which the tax has not been paid. The tax shall not be levied on the sale of 89497  
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wine to be used for known sacramental purposes. The tax may be 89512  
levied for any number of years not exceeding twenty. The tax shall 89513  
be in addition to the taxes imposed by sections 4301.42, 4301.43, 89514  
4301.432, and 4305.01 of the Revised Code. The tax shall not be 89515  
considered a cost in any computation required under rules of the 89516  
liquor control commission regulating minimum prices or mark-ups. 89517  
89518

Only one sale of the same article shall be used in computing, 89519  
reporting, and paying the amount of tax due. 89520

The tax shall be levied pursuant to a resolution of the 89521  
county commissioners approved by a majority of the electors in the 89522  
county voting on the question of levying the tax, which resolution 89523  
shall specify the rate of the tax, the number of years the tax 89524  
will be levied, and the purposes for which the tax is levied. The 89525  
election may be held on the date of a general election or a 89526  
special election held on a day on which a primary election or 89527  
special election may be held, occurring not sooner than ninety 89528  
days after the date the board certifies its resolution to the 89529  
board of elections. If approved by the electors, the tax shall 89530  
take effect on the first day of the month specified in the 89531  
resolution but not sooner than the first day of the month that is 89532  
at least sixty days after the certification of the election 89533  
results by the board of elections. A copy of the resolution 89534  
levying the tax and the certification of the board of elections 89535  
shall be certified to the tax commissioner at least sixty days 89536  
prior to the date on which the tax is to become effective. 89537

A resolution under this section may be joined on the ballot 89538  
as a single question with a resolution adopted under section 89539  
307.697 or 5743.024 of the Revised Code to levy a tax for the same 89540  
purposes and for the purpose of paying the expenses of 89541  
administering the tax. The form of the ballot in an election held 89542  
pursuant to this section shall be as prescribed in section 307.697 89543

of the Revised Code. 89544

(B) The board of county commissioners of a county in which a 89545  
tax is imposed under this section on the effective date of the 89546  
amendment of this section by H.B. 59 of the 130th general 89547  
assembly, September 29, 2013, may levy a tax for the purpose of 89548  
section 307.673 of the Revised Code regardless of whether or not 89549  
the cooperative agreement authorized under that section has been 89550  
entered into prior to the day the resolution adopted under 89551  
division (B)(1) or (2) of this section is adopted, for the purpose 89552  
of reimbursing a county for costs incurred in the construction of 89553  
a sports facility pursuant to an agreement entered into by the 89554  
county under section 307.696 of the Revised Code, or for the 89555  
purpose of paying the costs of capital repairs of and improvements 89556  
to a sports facility. The tax shall be levied and approved in one 89557  
of the manners prescribed by division (B)(1) or (2) of this 89558  
section. 89559

(1) The tax may be levied pursuant to a resolution adopted by 89560  
a majority of the members of the board of county commissioners not 89561  
later than September 2, 1995. A board of county commissioners 89562  
approving a tax under division (B)(1) of this section may approve 89563  
a tax under division (D)(1) of section 307.697 or division (C)(1) 89564  
of section 5743.024 of the Revised Code at the same time. Subject 89565  
to the resolution being submitted to a referendum under sections 89566  
305.31 to 305.41 of the Revised Code, the resolution shall take 89567  
effect immediately, but the tax levied pursuant to the resolution 89568  
shall not be levied prior to the day following the last day that 89569  
any tax previously levied pursuant to this division may be levied. 89570

(2) The tax may be levied pursuant to a resolution adopted by 89571  
a majority of the members of the board of county commissioners not 89572  
later than September 1, 2015, and approved by a majority of the 89573  
electors of the county voting on the question of levying the tax. 89574  
The board of county commissioners shall certify a copy of the 89575

resolution to the board of elections immediately upon adopting a 89576  
resolution under division (D)(2) of this section. The election may 89577  
be held on the date of a general election or a special election 89578  
held on a day on which a primary election may be held, occurring 89579  
not sooner than ninety days after the date the board certifies its 89580  
resolution to the board of elections. The form of the ballot shall 89581  
be as prescribed by division (C) of section 307.697 of the Revised 89582  
Code, except that the phrase "paying not more than one-half of the 89583  
costs of providing a sports facility together with related 89584  
redevelopment and economic development projects" shall be replaced 89585  
by the phrase "paying the costs of constructing, renovating, 89586  
improving, or repairing a sports facility and reimbursing a county 89587  
for costs incurred by the county in the construction of a sports 89588  
facility," and the phrase ", beginning ..... (here insert the 89589  
earliest date the tax would take effect)" shall be appended after 89590  
"years." A board of county commissioners submitting the question 89591  
of a tax under division (B)(2) of this section may submit the 89592  
question of a tax under division (D)(2) of section 307.697 or 89593  
division (C)(2) of section 5743.024 of the Revised Code as a 89594  
single question, and the form of the ballot shall include each of 89595  
the proposed taxes. 89596

If approved by a majority of electors voting on the question, 89597  
the tax shall take effect on the day specified on the ballot, 89598  
which shall not be earlier than the day following the last day 89599  
that any tax previously levied pursuant to this division may be 89600  
levied. 89601

The rate of a tax levied pursuant to division (B)(1) or (2) 89602  
of this section shall not exceed the rate specified in division 89603  
(A) of this section. A tax levied pursuant to division (B)(1) or 89604  
(2) of this section may be levied for any number of years not 89605  
exceeding twenty. 89606

A board of county commissioners adopting a resolution under 89607

division (B)(1) or (2) of this section shall certify a copy of the 89608  
resolution to the tax commissioner immediately upon adoption of 89609  
the resolution. 89610

(C) No tax shall be levied under division (A) of this section 89611  
on or after September 23, 2008. This division does not apply to a 89612  
tax levied under division (B) of this section, and does not 89613  
prevent the collection of any tax levied under this section before 89614  
September 23, 2008, so long as that tax remains effective. 89615

**Sec. 4301.424.** (A) For the purpose of section 351.26 of the 89616  
Revised Code and to pay any or all of the charge the board of 89617  
elections makes against the county to hold the election on the 89618  
question of levying the tax, the board of county commissioners, in 89619  
the manner prescribed by division (A) of section 351.26 of the 89620  
Revised Code, may levy a tax on each gallon of spirituous liquor; 89621  
on the sale of beer; and on the sale of wine and mixed beverages. 89622  
The tax on spirituous liquor shall be imposed on spirituous liquor 89623  
sold to or purchased by liquor permit holders for resale, and sold 89624  
at retail by the division of liquor control, in the county at a 89625  
rate not greater than three dollars per gallon; the tax on beer, 89626  
wine, and mixed beverages shall be imposed on all beer, wine, and 89627  
mixed beverages sold for resale at retail in the county, and on 89628  
all beer, wine, and mixed beverages sold at retail in the county 89629  
by the manufacturer, bottler, importer, or other person and upon 89630  
which the tax has not been paid. The rate of the tax on beer shall 89631  
not exceed sixteen cents per gallon, and the rate of the tax on 89632  
wine and mixed beverages shall not exceed thirty-two cents per 89633  
gallon. Only one sale of the same article shall be used in 89634  
computing, reporting, and paying the amount of tax due. The tax 89635  
may be levied for any number of years not exceeding twenty. 89636

The tax shall be levied pursuant to a resolution of the board 89637  
of county commissioners adopted as prescribed by division (A) of 89638

section 351.26 of the Revised Code and approved by a majority of 89639  
the electors in the county voting on the question of levying the 89640  
tax. The resolution shall specify the rates of the tax, the number 89641  
of years the tax will be levied, and the purposes for which the 89642  
tax is levied. Such election may be held on the date of a general 89643  
election or a special election held on a day on which a primary 89644  
election may be held, occurring not sooner than ninety days after 89645  
the date the board certifies its resolution to the board of 89646  
elections. If approved by the electors, the tax takes effect on 89647  
the first day of the month specified in the resolution but not 89648  
sooner than the first day of the month that is at least sixty days 89649  
after the certification of the election results by the board of 89650  
elections. A copy of the resolution levying the tax shall be 89651  
certified to the division of liquor control and the tax 89652  
commissioner at least sixty days prior to the date on which the 89653  
tax is to become effective. 89654

(B) A resolution under this section may be joined on the 89655  
ballot as a single question with a resolution adopted under 89656  
section 5743.026 of the Revised Code to levy a tax for the same 89657  
purposes, and for the purpose of paying the expenses of 89658  
administering that tax. 89659

(C) The form of the ballot in an election held on the 89660  
question of levying a tax proposed pursuant to this section shall 89661  
be as prescribed by section 351.26 of the Revised Code. 89662

(D) No tax shall be levied under this section on or after 89663  
September 23, 2008. This division does not prevent the collection 89664  
of any tax levied under this section before that date so long as 89665  
that tax remains effective. 89666

**Sec. 5705.191.** The taxing authority of any subdivision, other 89667  
than the board of education of a school district or the taxing 89668  
authority of a county school financing district, by a vote of 89669

two-thirds of all its members, may declare by resolution that the 89670  
amount of taxes that may be raised within the ten-mill limitation 89671  
by levies on the current tax duplicate will be insufficient to 89672  
provide an adequate amount for the necessary requirements of the 89673  
subdivision, and that it is necessary to levy a tax in excess of 89674  
such limitation for any of the purposes in section 5705.19 of the 89675  
Revised Code, or to supplement the general fund for the purpose of 89676  
making appropriations for one or more of the following purposes: 89677  
public assistance, human or social services, relief, welfare, 89678  
hospitalization, health, and support of general hospitals, and 89679  
that the question of such additional tax levy shall be submitted 89680  
to the electors of the subdivision at a general, election or a 89681  
special election held on a day on which a primary, ~~or special~~ 89682  
election ~~to~~ may be held, occurring at a time therein specified. In 89683  
the case of a qualifying library levy for the support of a library 89684  
association or private corporation, the question of the levy shall 89685  
be submitted to the electors of the association library district. 89686  
Such resolution shall not include a levy on the current tax list 89687  
and duplicate unless such election is to be held at or prior to 89688  
the general election day of the current tax year. Such resolution 89689  
shall conform to the requirements of section 5705.19 of the 89690  
Revised Code, except that a levy to supplement the general fund 89691  
for the purposes of public assistance, human or social services, 89692  
relief, welfare, hospitalization, health, or the support of 89693  
general or tuberculosis hospitals may not be for a longer period 89694  
than ten years. All other levies under this section may not be for 89695  
a longer period than five years unless a longer period is 89696  
permitted by section 5705.19 of the Revised Code, and the 89697  
resolution shall specify the date of holding such election, which 89698  
shall not be earlier than ninety days after the adoption and 89699  
certification of such resolution. The resolution shall go into 89700  
immediate effect upon its passage and no publication of the same 89701  
is necessary other than that provided for in the notice of 89702

election. A copy of such resolution, immediately after its 89703  
passage, shall be certified to the board of elections of the 89704  
proper county or counties in the manner provided by section 89705  
5705.25 of the Revised Code, and such section shall govern the 89706  
arrangements for the submission of such question and other matters 89707  
with respect to such election, to which section 5705.25 of the 89708  
Revised Code refers, excepting that such election shall be held on 89709  
the date of the general election or the special election held on a 89710  
day on which a primary election may be held, as specified in the 89711  
resolution, ~~which shall be consistent with the requirements of~~ 89712  
~~section 3501.01 of the Revised Code,~~ provided that only one 89713  
~~special~~ election for the submission of such question may be held 89714  
in any one calendar year ~~and provided that a special election may~~ 89715  
~~be held upon the same day a primary election is held.~~ Publication 89716  
of notice of that election shall be made in a newspaper of general 89717  
circulation in the county once a week for two consecutive weeks, 89718  
or as provided in section 7.16 of the Revised Code, prior to the 89719  
election. If the board of elections operates and maintains a web 89720  
site, the board of elections shall post notice of the election on 89721  
its web site for thirty days prior to the election. 89722

If a majority of the electors voting on the question vote in 89723  
favor thereof, the taxing authority of the subdivision may make 89724  
the necessary levy within such subdivision or, in the case of a 89725  
qualifying library levy for the support of a library association 89726  
or private corporation, within the association library district, 89727  
at the additional rate or at any lesser rate outside the ten-mill 89728  
limitation on the tax list and duplicate for the purpose stated in 89729  
the resolution. Such tax levy shall be included in the next annual 89730  
tax budget that is certified to the county budget commission. 89731

After the approval of such a levy by the electors, the taxing 89732  
authority of the subdivision may anticipate a fraction of the 89733  
proceeds of such levy and issue anticipation notes. In the case of 89734

a continuing levy that is not levied for the purpose of current 89735  
expenses, notes may be issued at any time after approval of the 89736  
levy in an amount not more than fifty per cent of the total 89737  
estimated proceeds of the levy for the succeeding ten years, less 89738  
an amount equal to the fraction of the proceeds of the levy 89739  
previously anticipated by the issuance of anticipation notes. In 89740  
the case of a levy for a fixed period that is not for the purpose 89741  
of current expenses, notes may be issued at any time after 89742  
approval of the levy in an amount not more than fifty per cent of 89743  
the total estimated proceeds of the levy throughout the remaining 89744  
life of the levy, less an amount equal to the fraction of the 89745  
proceeds of the levy previously anticipated by the issuance of 89746  
anticipation notes. In the case of a levy for current expenses, 89747  
notes may be issued after the approval of the levy by the electors 89748  
and prior to the time when the first tax collection from the levy 89749  
can be made. Such notes may be issued in an amount not more than 89750  
fifty per cent of the total estimated proceeds of the levy 89751  
throughout the term of the levy in the case of a levy for a fixed 89752  
period, or fifty per cent of the total estimated proceeds for the 89753  
first ten years of the levy in the case of a continuing levy. 89754

No anticipation notes that increase the net indebtedness of a 89755  
county may be issued without the prior consent of the board of 89756  
county commissioners of that county. The notes shall be issued as 89757  
provided in section 133.24 of the Revised Code, shall have 89758  
principal payments during each year after the year of their 89759  
issuance over a period not exceeding the life of the levy 89760  
anticipated, and may have a principal payment in the year of their 89761  
issuance. 89762

"Taxing authority" and "subdivision" have the same meanings 89763  
as in section 5705.01 of the Revised Code. 89764

This section is supplemental to and not in derogation of 89765  
sections 5705.20, 5705.21, and 5705.22 of the Revised Code. 89766

Sec. 5705.192. (A) For the purposes of this section only, 89767  
"taxing authority" includes a township board of park commissioners 89768  
appointed under section 511.18 of the Revised Code. 89769

(B) A taxing authority may propose to replace an existing 89770  
levy that the taxing authority is authorized to levy, regardless 89771  
of the section of the Revised Code under which the authority is 89772  
granted, except a school district emergency levy proposed pursuant 89773  
to sections 5705.194 to 5705.197 of the Revised Code. The taxing 89774  
authority may propose to replace the existing levy in its entirety 89775  
at the rate at which it is authorized to be levied; may propose to 89776  
replace a portion of the existing levy at a lesser rate; or may 89777  
propose to replace the existing levy in its entirety and increase 89778  
the rate at which it is levied. If the taxing authority proposes 89779  
to replace an existing levy, the proposed levy shall be called a 89780  
replacement levy and shall be so designated on the ballot. Except 89781  
as otherwise provided in this division, a replacement levy shall 89782  
be limited to the purpose of the existing levy, and shall appear 89783  
separately on the ballot from, and shall not be conjoined with, 89784  
the renewal of any other existing levy. In the case of an existing 89785  
school district levy imposed under section 5705.21 of the Revised 89786  
Code for the purpose specified in division (F) of section 5705.19 89787  
of the Revised Code, or in the case of an existing school district 89788  
levy imposed under section 5705.217 of the Revised Code for the 89789  
acquisition, construction, enlargement, renovation, and financing 89790  
of permanent improvements, the replacement for that existing levy 89791  
may be for the same purpose or for the purpose of general 89792  
permanent improvements as defined in section 5705.21 of the 89793  
Revised Code. The replacement for an existing levy imposed under 89794  
division (L) of section 5705.19 or section 5705.222 of the Revised 89795  
Code may be for any purpose authorized for a levy imposed under 89796  
section 5705.222 of the Revised Code. 89797

The resolution proposing a replacement levy shall specify the 89798

purpose of the levy; its proposed rate expressed in mills; whether 89799  
the proposed rate is the same as the rate of the existing levy, a 89800  
reduction, or an increase; the extent of any reduction or increase 89801  
expressed in mills; the first calendar year in which the levy will 89802  
be due; and the term of the levy, expressed in years or, if 89803  
applicable, that it will be levied for a continuing period of 89804  
time. 89805

The sections of the Revised Code governing the maximum rate 89806  
and term of the existing levy, the contents of the resolution that 89807  
proposed the levy, the adoption of the resolution, the 89808  
arrangements for the submission of the question of the levy, and 89809  
notice of the election also govern the respective provisions of 89810  
the proposal to replace the existing levy, except as provided in 89811  
divisions (B)(1) to (4) of this section: 89812

(1) In the case of an existing school district levy that is 89813  
imposed under section 5705.21 of the Revised Code for the purpose 89814  
specified in division (F) of section 5705.19 of the Revised Code 89815  
or under section 5705.217 of the Revised Code for the acquisition, 89816  
construction, enlargement, renovation, and financing of permanent 89817  
improvements, and that is to be replaced by a levy for general 89818  
permanent improvements, the term of the replacement levy may be 89819  
for a continuing period of time. 89820

(2) The date on which the election is held shall be as 89821  
follows: 89822

(a) For the replacement of a levy with a fixed term of years, 89823  
the date of the general election held during the last year the 89824  
existing levy may be extended on the real and public utility 89825  
property tax list and duplicate, or the date of ~~any~~ either the 89826  
general election or the special election held on a day on which a 89827  
primary election may be held, occurring in the ensuing year; 89828

(b) For the replacement of a levy imposed for a continuing 89829

period of time, the date of ~~any~~ a general election or a special 89830  
election held on a day on which a primary election may be held, 89831  
occurring in any year after the year the levy to be replaced is 89832  
first approved by the electors, except that only one election on 89833  
the question of replacing the levy may be held during any calendar 89834  
year. 89835

The failure by the electors to approve a proposal to replace 89836  
a levy imposed for a continuing period of time does not terminate 89837  
the existing continuing levy. 89838

(3) In the case of an existing school district levy imposed 89839  
under division (B) of section 5705.21, division (C) of section 89840  
5705.212, or division ~~(J)~~(I) of section 5705.218 of the Revised 89841  
Code, the rates allocated to the qualifying school district and to 89842  
partnering community schools each may be increased or decreased or 89843  
remain the same, and the total rate may be increased, decreased, 89844  
or remain the same. 89845

(4) In the case of an existing levy imposed under division 89846  
(L) of section 5705.19 of the Revised Code, the term may be for 89847  
any number of years not exceeding ten or for a continuing period 89848  
of time. 89849

(C) The form of the ballot at the election on the question of 89850  
a replacement levy shall be as follows: 89851

"A replacement of a tax for the benefit of ..... (name 89852  
of subdivision or public library) for the purpose of ..... 89853  
(the purpose stated in the resolution) at a rate not exceeding 89854  
..... mills for each one dollar of valuation, which amounts 89855  
to ..... (rate expressed in dollars and cents) for each one 89856  
hundred dollars in valuation, for ..... (number of years levy 89857  
is to run, or that it will be levied for a continuous period of 89858  
time) 89859

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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If the replacement levy is proposed by a qualifying school district to replace an existing tax levied under division (B) of section 5705.21, division (C)(1) of section 5705.212, or division ~~(J)~~(I) of section 5705.218 of the Revised Code, the form of the ballot shall be modified by adding, after the phrase "each one dollar of valuation," the following: "(of which ..... mills is to be allocated to partnering community schools)."

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If the proposal is to replace an existing levy and increase the rate of the existing levy, the form of the ballot shall be changed by adding the words "..... mills of an existing levy and an increase of ..... mills, to constitute" after the words "a replacement of." If the proposal is to replace only a portion of an existing levy, the form of the ballot shall be changed by adding the words "a portion of an existing levy, being a reduction of ..... mills, to constitute" after the words "a replacement of." If the existing levy is imposed under division (B) of section 5705.21, division (C)(1) of section 5705.212, or division ~~(J)~~(I) of section 5705.218 of the Revised Code, the form of the ballot also shall state the portion of the total increased rate or of the total rate as reduced that is to be allocated to partnering community schools.

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If the tax is to be placed on the tax list of the current tax year, the form of the ballot shall be modified by adding at the end of the form the phrase ", commencing in ..... (first year the replacement tax is to be levied), first due in calendar year ..... (first calendar year in which the tax shall be due)."

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The question covered by the resolution shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition submitted at the same election, other than

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the election of officers. More than one such question may be 89893  
submitted at the same election. 89894

(D) Two or more existing levies, or any portion of those 89895  
levies, may be combined into one replacement levy, so long as all 89896  
of the existing levies are for the same purpose and either all are 89897  
due to expire the same year or all are for a continuing period of 89898  
time. The question of combining all or portions of those existing 89899  
levies into the replacement levy shall appear as one ballot 89900  
proposition before the electors. If the electors approve the 89901  
ballot proposition, all or the stated portions of the existing 89902  
levies are replaced by one replacement levy. 89903

(E) A levy approved in excess of the ten-mill limitation 89904  
under this section shall be certified to the tax commissioner. In 89905  
the first year of a levy approved under this section, the levy 89906  
shall be extended on the tax lists after the February settlement 89907  
succeeding the election at which the levy was approved. If the 89908  
levy is to be placed on the tax lists of the current year, as 89909  
specified in the resolution providing for its submission, the 89910  
result of the election shall be certified immediately after the 89911  
canvass by the board of elections to the taxing authority, which 89912  
shall forthwith make the necessary levy and certify it to the 89913  
county auditor, who shall extend it on the tax lists for 89914  
collection. After the first year, the levy shall be included in 89915  
the annual tax budget that is certified to the county budget 89916  
commission. 89917

If notes are authorized to be issued in anticipation of the 89918  
proceeds of the existing levy, notes may be issued in anticipation 89919  
of the proceeds of the replacement levy, and such issuance is 89920  
subject to the terms and limitations governing the issuance of 89921  
notes in anticipation of the proceeds of the existing levy. 89922

(F) This section does not authorize a tax to be levied in any 89923  
year after the year in which revenue is not needed for the purpose 89924

for which the tax is levied. 89925

**Sec. 5705.194.** The board of education of any city, local, 89926  
exempted village, cooperative education, or joint vocational 89927  
school district at any time may declare by resolution that the 89928  
revenue that will be raised by all tax levies which the district 89929  
is authorized to impose, when combined with state and federal 89930  
revenues, will be insufficient to provide for the emergency 89931  
requirements of the school district or to avoid an operating 89932  
deficit, and that it is therefore necessary to levy an additional 89933  
tax in excess of the ten-mill limitation. The resolution shall be 89934  
confined to a single purpose and shall specify that purpose. If 89935  
the levy is proposed to renew all or a portion of the proceeds 89936  
derived from one or more existing levies imposed pursuant to this 89937  
section, it shall be called a renewal levy and shall be so 89938  
designated on the ballot. If two or more existing levies are to be 89939  
included in a single renewal levy but are not scheduled to expire 89940  
in the same year, the resolution shall specify that the existing 89941  
levies to be renewed shall not be levied after the year preceding 89942  
the year in which the renewal levy is first imposed. 89943  
Notwithstanding the original purpose of any one or more existing 89944  
levies that are to be in any single renewal levy, the purpose of 89945  
the renewal levy may be either to avoid an operating deficit or to 89946  
provide for the emergency requirements of the school district. The 89947  
resolution shall further specify the amount of money it is 89948  
necessary to raise for the specified purpose for each calendar 89949  
year the millage is to be imposed; if a renewal levy, whether the 89950  
levy is to renew all, or a portion of, the proceeds derived from 89951  
one or more existing levies; and the number of years in which the 89952  
millage is to be in effect, which may include a levy upon the 89953  
current year's tax list. The number of years may be any number not 89954  
exceeding ten. 89955

The question shall be submitted at a general election or a 89956

special election ~~held~~ on a ~~date~~ day on which a primary election 89957  
may be held, as specified in the resolution. The date shall not be 89958  
earlier than eighty days after the adoption and certification of 89959  
the resolution to the county auditor ~~and shall be consistent with~~ 89960  
~~the requirements of section 3501.01 of the Revised Code.~~ A 89961  
resolution for a renewal levy shall not be placed on the ballot 89962  
unless the question is submitted ~~on a date on which~~ either at a 89963  
general election or a special election held on a day on which a 89964  
primary election may be held ~~under division (D) of section 3501.01~~ 89965  
~~of the Revised Code, except for the first Tuesday after the first~~ 89966  
~~Monday in August, occurring~~ during the last year the levy to be 89967  
renewed may be extended on the real and public utility property 89968  
tax list and duplicate, or at any such election held in the 89969  
ensuing year, except that if the resolution proposes renewing two 89970  
or more existing levies, the question shall be submitted on the 89971  
date of ~~the~~ a general election or a special election held on a day 89972  
on which a primary election may be held during , occurring in the 89973  
last year at least one of the levies to be renewed may be extended 89974  
on ~~that~~ the tax list and duplicate, or at any such election held 89975  
during the ensuing year. For purposes of this section and sections 89976  
5705.197 and 5705.199 of the Revised Code, a levy shall be 89977  
considered to be an "existing levy" through the year following the 89978  
last year it can be placed on the real and public utility property 89979  
tax list and duplicate. 89980

~~The submission of questions to the electors under this~~ 89981  
~~section is subject to the limitation on the number of election~~ 89982  
~~dates established by section 5705.214 of the Revised Code.~~ 89983

The resolution shall go into immediate effect upon its 89984  
passage, and no publication of the resolution shall be necessary 89985  
other than that provided for in the notice of election. A copy of 89986  
the resolution shall immediately after its passing be certified to 89987  
the county auditor of the proper county. Section 5705.195 of the 89988

Revised Code shall govern the arrangements for the submission of 89989  
questions to the electors under this section and other matters 89990  
concerning the election. Publication of notice of the election 89991  
shall be made in one newspaper of general circulation in the 89992  
county once a week for two consecutive weeks, or as provided in 89993  
section 7.16 of the Revised Code, prior to the election. If the 89994  
board of elections operates and maintains a web site, the board of 89995  
elections shall post notice of the election on its web site for 89996  
thirty days prior to the election. If a majority of the electors 89997  
voting on the question submitted in an election vote in favor of 89998  
the levy, the board of education of the school district may make 89999  
the additional levy necessary to raise the amount specified in the 90000  
resolution for the purpose stated in the resolution. The tax levy 90001  
shall be included in the next tax budget that is certified to the 90002  
county budget commission. 90003

After the approval of the levy and prior to the time when the 90004  
first tax collection from the levy can be made, the board of 90005  
education may anticipate a fraction of the proceeds of the levy 90006  
and issue anticipation notes in an amount not exceeding the total 90007  
estimated proceeds of the levy to be collected during the first 90008  
year of the levy. 90009

The notes shall be issued as provided in section 133.24 of 90010  
the Revised Code, shall have principal payments during each year 90011  
after the year of their issuance over a period not to exceed five 90012  
years, and may have principal payment in the year of their 90013  
issuance. 90014

**Sec. 5705.199.** (A) At any time the board of education of a 90015  
city, local, exempted village, cooperative education, or joint 90016  
vocational school district, by a vote of two-thirds of all its 90017  
members, may declare by resolution that the revenue that will be 90018  
raised by all tax levies that the district is authorized to 90019

impose, when combined with state and federal revenues, will be 90020  
insufficient to provide for the necessary requirements of the 90021  
school district, and that it is therefore necessary to levy a tax 90022  
in excess of the ten-mill limitation for the purpose of providing 90023  
for the necessary requirements of the school district. Such a levy 90024  
shall be proposed as a substitute for all or a portion of one or 90025  
more existing levies imposed under sections 5705.194 to 5705.197 90026  
of the Revised Code or under this section, by levying a tax as 90027  
follows: 90028

(1) In the initial year the levy is in effect, the levy shall 90029  
be in a specified amount of money equal to the aggregate annual 90030  
dollar amount of proceeds derived from the levy or levies, or 90031  
portion thereof, being substituted. 90032

(2) In each subsequent year the levy is in effect, the levy 90033  
shall be in a specified amount of money equal to the sum of the 90034  
following: 90035

(a) The dollar amount of the proceeds derived from the levy 90036  
in the prior year; and 90037

(b) The dollar amount equal to the product of the total 90038  
taxable value of all taxable real property in the school district 90039  
in the then-current year, excluding carryover property as defined 90040  
in section 319.301 of the Revised Code, multiplied by the annual 90041  
levy, expressed in mills for each one dollar of valuation, that 90042  
was required to produce the annual dollar amount of the levy under 90043  
this section in the prior year; provided, that the amount under 90044  
division (A)(2)(b) of this section shall not be less than zero. 90045

(B) The resolution proposing the substitute levy shall 90046  
specify the annual dollar amount the levy is to produce in its 90047  
initial year; the first calendar year in which the levy will be 90048  
due; and the term of the levy expressed in years, which may be any 90049  
number not exceeding ten, or for a continuing period of time. The 90050

resolution shall specify the date of holding the election, which 90051  
shall not be earlier than ninety days after certification of the 90052  
resolution to the board of elections, and which shall be 90053  
~~consistent with the requirements of section 3501.01 of the Revised~~ 90054  
~~Code~~ the date of a general election or a special election held on 90055  
a day on which a primary election may be held. If two or more 90056  
existing levies are to be included in a single substitute levy, 90057  
but are not scheduled to expire in the same year, the resolution 90058  
shall specify that the existing levies to be substituted shall not 90059  
be levied after the year preceding the year in which the 90060  
substitute levy is first imposed. 90061

The resolution shall go into immediate effect upon its 90062  
passage, and no publication of the resolution shall be necessary 90063  
other than that provided for in the notice of election. A copy of 90064  
the resolution shall immediately after its passage be certified to 90065  
the county auditor in the manner provided by section 5705.195 of 90066  
the Revised Code, and sections 5705.194 and 5705.196 of the 90067  
Revised Code shall govern the arrangements for the submission of 90068  
the question and other matters concerning the notice of election 90069  
and the election, except as may be provided otherwise in this 90070  
section. 90071

(C) The form of the ballot to be used at the election on the 90072  
question of a levy under this section shall be as follows: 90073

"Shall a tax levy substituting for an existing levy be 90074  
imposed by the ..... (here insert name of school district) 90075  
for the purpose of providing for the necessary requirements of the 90076  
school district in the initial sum of ..... (here insert the 90077  
annual dollar amount the levy is to produce in its initial year), 90078  
and a levy of taxes be made outside of the ten-mill limitation 90079  
estimated by the county auditor to require ..... (here insert 90080  
number of mills) mills for each one dollar of valuation, which 90081  
amounts to ..... (here insert rate expressed in dollars and 90082

cents) for each one hundred dollars of valuation for the initial 90083  
year of the tax, for a period of ..... (here insert the 90084  
number of years the levy is to be imposed, or that it will be 90085  
levied for a continuing period of time), commencing in ..... 90086  
(first year the tax is to be levied), first due in calendar year 90087  
..... (first calendar year in which the tax shall be due), 90088  
with the sum of such tax to increase only if and as new land or 90089  
real property improvements not previously taxed by the school 90090  
district are added to its tax list? 90091

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

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If the levy submitted is a proposal to substitute all or a 90096  
portion of more than one existing levy, the form of the ballot may 90097  
be changed so long as the ballot reflects the number of levies to 90098  
be substituted and that none of the existing levies to be 90099  
substituted will be levied after the year preceding the year in 90100  
which the substitute levy is first imposed. The form of the ballot 90101  
shall be modified by substituting the statement "Shall a tax levy 90102  
substituting for an existing levy" with "Shall a tax levy 90103  
substituting for existing levies" and adding the following 90104  
statement after "added to its tax list?" and before "For the Tax 90105  
Levy": 90106

"If approved, any remaining tax years on any of the 90107  
..... (here insert the number of existing levies) existing 90108  
levies will not be collected after ..... (here insert the 90109  
current tax year or, if not the current tax year, the applicable 90110  
tax year)." 90111

~~(D) The submission of questions to the electors under this 90112  
section is subject to the limitation on the number of election 90113~~

~~dates established by section 5705.214 of the Revised Code.~~ 90114

~~(E)~~ If a majority of the electors voting on the question so 90115  
submitted in an election vote in favor of the levy, the board of 90116  
education may make the necessary levy within the school district 90117  
at the rate and for the purpose stated in the resolution. The tax 90118  
levy shall be included in the next tax budget that is certified to 90119  
the county budget commission. 90120

~~(F)~~(E) A levy for a continuing period of time may be 90121  
decreased pursuant to section 5705.261 of the Revised Code. 90122

~~(G)~~(F) A levy under this section substituting for all or a 90123  
portion of one or more existing levies imposed under sections 90124  
5705.194 to 5705.197 of the Revised Code or under this section 90125  
shall be treated as having renewed the levy or levies being 90126  
substituted for purposes of the payments made under sections 90127  
5751.20 to 5751.22 of the Revised Code. 90128

~~(H)~~(G) After the approval of a levy on the current tax list 90129  
and duplicate, and prior to the time when the first tax collection 90130  
from the levy can be made, the board of education may anticipate a 90131  
fraction of the proceeds of the levy and issue anticipation notes 90132  
in a principal amount not exceeding fifty per cent of the total 90133  
estimated proceeds of the levy to be collected during the first 90134  
year of the levy. The notes shall be issued as provided in section 90135  
133.24 of the Revised Code, shall have principal payments during 90136  
each year after the year of their issuance over a period not to 90137  
exceed five years, and may have a principal payment in the year of 90138  
their issuance. 90139

**Sec. 5705.21.** (A) At any time, the board of education of any 90140  
city, local, exempted village, cooperative education, or joint 90141  
vocational school district, by a vote of two-thirds of all its 90142  
members, may declare by resolution that the amount of taxes that 90143  
may be raised within the ten-mill limitation by levies on the 90144

current tax duplicate will be insufficient to provide an adequate 90145  
amount for the necessary requirements of the school district, that 90146  
it is necessary to levy a tax in excess of such limitation for one 90147  
of the purposes specified in division (A), (D), (F), (H), or (DD) 90148  
of section 5705.19 of the Revised Code, for general permanent 90149  
improvements, for the purpose of operating a cultural center, for 90150  
the purpose of providing for school safety and security, or for 90151  
the purpose of providing education technology, and that the 90152  
question of such additional tax levy shall be submitted to the 90153  
electors of the school district at a general election or a special 90154  
election held on a day ~~to~~ on which a primary election may be held, 90155  
as specified in the resolution. In the case of a qualifying 90156  
library levy for the support of a library association or private 90157  
corporation, the question shall be submitted to the electors of 90158  
the association library district. If the resolution states that 90159  
the levy is for the purpose of operating a cultural center, the 90160  
ballot shall state that the levy is "for the purpose of operating 90161  
the..... (name of cultural center)." 90162

As used in this division, "cultural center" means a 90163  
freestanding building, separate from a public school building, 90164  
that is open to the public for educational, musical, artistic, and 90165  
cultural purposes; "education technology" means, but is not 90166  
limited to, computer hardware, equipment, materials, and 90167  
accessories, equipment used for two-way audio or video, and 90168  
software; "general permanent improvements" means permanent 90169  
improvements without regard to the limitation of division (F) of 90170  
section 5705.19 of the Revised Code that the improvements be a 90171  
specific improvement or a class of improvements that may be 90172  
included in a single bond issue; and "providing for school safety 90173  
and security" includes but is not limited to providing for 90174  
permanent improvements to provide or enhance security, employment 90175  
of or contracting for the services of safety personnel, providing 90176

mental health services and counseling, or providing training in 90177  
safety and security practices and responses. 90178

A resolution adopted under this division shall be confined to 90179  
a single purpose and shall specify the amount of the increase in 90180  
rate that it is necessary to levy, the purpose of the levy, and 90181  
the number of years during which the increase in rate shall be in 90182  
effect. The number of years may be any number not exceeding five 90183  
or, if the levy is for current expenses of the district or for 90184  
general permanent improvements, for a continuing period of time. 90185

(B)(1) The board of education of a qualifying school 90186  
district, by resolution, may declare that it is necessary to levy 90187  
a tax in excess of the ten-mill limitation for the purpose of 90188  
paying the current expenses of partnering community schools and, 90189  
if any of the levy proceeds are so allocated, of the district. A 90190  
qualifying school district that is not a municipal school district 90191  
may allocate all of the levy proceeds to partnering community 90192  
schools. A municipal school district shall allocate a portion of 90193  
the levy proceeds to the current expenses of the district. The 90194  
resolution shall declare that the question of the additional tax 90195  
levy shall be submitted to the electors of the school district at 90196  
a general election or a special election held on a day ~~to~~ on which 90197  
a primary election may be held, as specified in the resolution. 90198  
The resolution shall state the purpose of the levy, the rate of 90199  
the tax expressed in mills per dollar of taxable value, the number 90200  
of such mills to be levied for the current expenses of the 90201  
partnering community schools and the number of such mills, if any, 90202  
to be levied for the current expenses of the school district, the 90203  
number of years the tax will be levied, and the first year the tax 90204  
will be levied. The number of years the tax may be levied may be 90205  
any number not exceeding ten years, or for a continuing period of 90206  
time. 90207

The levy of a tax for the current expenses of a partnering 90208

community school under this section and the distribution of 90209  
proceeds from the tax by a qualifying school district to 90210  
partnering community schools is hereby determined to be a proper 90211  
public purpose. 90212

(2)(a) If any portion of the levy proceeds are to be 90213  
allocated to the current expenses of the qualifying school 90214  
district, the form of the ballot at an election held pursuant to 90215  
division (B) of this section shall be as follows: 90216

"Shall a levy be imposed by the..... (insert the name of 90217  
the qualifying school district) for the purpose of current 90218  
expenses of the school district and of partnering community 90219  
schools at a rate not exceeding..... (insert the number of mills) 90220  
mills for each one dollar of valuation, of which..... (insert the 90221  
number of mills to be allocated to partnering community schools) 90222  
mills is to be allocated to partnering community schools), which 90223  
amounts to..... (insert the rate expressed in dollars and cents) 90224  
for each one hundred dollars of valuation, for..... (insert the 90225  
number of years the levy is to be imposed, or that it will be 90226  
levied for a continuing period of time), beginning..... (insert 90227  
first year the tax is to be levied), which will first be payable 90228  
in calendar year..... (insert the first calendar year in which 90229  
the tax would be payable)? 90230

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

(b) If all of the levy proceeds are to be allocated to the 90233  
current expenses of partnering community schools, the form of the 90234  
ballot shall be as follows: 90235

"Shall a levy be imposed by the..... (insert the name of 90236  
the qualifying school district) for the purpose of current 90237  
expenses of partnering community schools at a rate not 90238  
exceeding..... (insert the number of mills) mills for each one 90239  
dollar of valuation which amounts to..... (insert the rate 90240

expressed in dollars and cents) for each one hundred dollars of 90241  
valuation, for..... (insert the number of years the levy is to be 90242  
imposed, or that it will be levied for a continuing period of 90243  
time), beginning..... (insert first year the tax is to be 90244  
levied), which will first be payable in calendar year..... 90245  
(insert the first calendar year in which the tax would be 90246  
payable)? 90247

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

(3) Upon each receipt of a tax distribution by the qualifying 90250  
school district, the board of education shall credit the portion 90251  
allocated to partnering community schools to the partnering 90252  
community schools fund. All income from the investment of money in 90253  
the partnering community schools fund shall be credited to that 90254  
fund. 90255

(a) If the qualifying school district is a municipal school 90256  
district, the board of education shall distribute the partnering 90257  
community schools amount among the then qualifying community 90258  
schools not more than forty-five days after the school district 90259  
receives and deposits each tax distribution. From each tax 90260  
distribution, each such partnering community school shall receive 90261  
a portion of the partnering community schools amount in the 90262  
proportion that the number of its resident students bears to the 90263  
aggregate number of resident students of all such partnering 90264  
community schools as of the date of receipt and deposit of the tax 90265  
distribution. 90266

(b) If the qualifying school district is not a municipal 90267  
school district, the board of education may distribute all or a 90268  
portion of the amount in the partnering community schools fund 90269  
during a fiscal year to partnering community schools on or before 90270  
the first day of June of the preceding fiscal year. Each such 90271  
partnering community school shall receive a portion of the amount 90272

distributed by the board from the partnering community schools 90273  
fund during the fiscal year in the proportion that the number of 90274  
its resident students bears to the aggregate number of resident 90275  
students of all such partnering community schools as of the date 90276  
the school district received and deposited the most recent tax 90277  
distribution. On or before the fifteenth day of June of each 90278  
fiscal year, the board of education shall announce an estimated 90279  
allocation to partnering community schools for the ensuing fiscal 90280  
year. The board is not required to allocate to partnering 90281  
community schools the entire partnering community schools amount 90282  
in the fiscal year in which a tax distribution is received and 90283  
deposited in the partnering community schools fund. The estimated 90284  
allocation shall be published on the web site of the school 90285  
district and expressed as a dollar amount per resident student. 90286  
The actual allocation to community schools in a fiscal year need 90287  
not conform to the estimate published by the school district so 90288  
long if the estimate was made in good faith. 90289

Distributions by a school district under division (B)(3)(b) 90290  
of this section shall be made in accordance with distribution 90291  
agreements entered into by the board of education and each 90292  
partnering community school eligible for distributions under this 90293  
division. The distribution agreements shall be certified to the 90294  
department of education each fiscal year before the thirtieth day 90295  
of July. Each agreement shall provide for at least three 90296  
distributions by the school district to the partnering community 90297  
school during the fiscal year and shall require the initial 90298  
distribution be made on or before the thirtieth day of July. 90299

(c) For the purposes of division (B) of this section, the 90300  
number of resident students shall be the number of such students 90301  
reported under section 3317.03 of the Revised Code and established 90302  
by the department of education as of the date of receipt and 90303  
deposit of the tax distribution. 90304

(4) To the extent an agreement whereby the qualifying school district and a community school endorse each other's programs is necessary for the community school to qualify as a partnering community school under division (B)(6)(b) of this section, the board of education of the school district shall certify to the department of education the agreement along with the determination that such agreement satisfies the requirements of that division. The board's determination is conclusive.

(5) For the purposes of Chapter 3317. of the Revised Code or other laws referring to the "taxes charged and payable" for a school district, the taxes charged and payable for a qualifying school district that levies a tax under division (B) of this section includes only the taxes charged and payable under that levy for the current expenses of the school district, and does not include the taxes charged and payable for the current expenses of partnering community schools. The taxes charged and payable for the current expenses of partnering community schools shall not affect the calculation of "state education aid" as defined in section 5751.20 of the Revised Code.

(6) As used in division (B) of this section:

(a) "Qualifying school district" means a municipal school district, as defined in section 3311.71 of the Revised Code or a school district that contains within its territory a partnering community school.

(b) "Partnering community school" means a community school established under Chapter 3314. of the Revised Code that is located within the territory of the qualifying school district and meets one of the following criteria:

(i) If the qualifying school district is a municipal school district, the community school is sponsored by the district or is a party to an agreement with the district whereby the district and

the community school endorse each other's programs; 90336

(ii) If the qualifying school district is not a municipal 90337  
school district, the community school is sponsored by a sponsor 90338  
that was rated as "exemplary" in the ratings most recently 90339  
published under section 3314.016 of the Revised Code before the 90340  
resolution proposing the levy is certified to the board of 90341  
elections. 90342

(c) "Partnering community schools amount" means the product 90343  
obtained, as of the receipt and deposit of the tax distribution, 90344  
by multiplying the amount of a tax distribution by a fraction, the 90345  
numerator of which is the number of mills per dollar of taxable 90346  
value of the property tax to be allocated to partnering community 90347  
schools, and the denominator of which is the total number of mills 90348  
per dollar of taxable value authorized by the electors in the 90349  
election held under division (B) of this section, each as set 90350  
forth in the resolution levying the tax. If the resolution 90351  
allocates all of the levy proceeds to partnering community 90352  
schools, the "partnering schools amount" equals the amount of the 90353  
tax distribution. 90354

(d) "Partnering community schools fund" means a separate fund 90355  
established by the board of education of a qualifying school 90356  
district for the deposit of partnering community school amounts 90357  
under this section. 90358

(e) "Resident student" means a student enrolled in a 90359  
partnering community school who is entitled to attend school in 90360  
the qualifying school district under section 3313.64 or 3313.65 of 90361  
the Revised Code. 90362

(f) "Tax distribution" means a distribution of proceeds of 90363  
the tax authorized by division (B) of this section under section 90364  
321.24 of the Revised Code and distributions that are attributable 90365  
to that tax under sections 323.156 and 4503.068 of the Revised 90366

Code or other applicable law. 90367

(C) A resolution adopted under this section shall specify the 90368  
date of holding the election, as authorized under this section, 90369  
which shall not be earlier than ninety days after the adoption and 90370  
certification of the resolution ~~and which shall be consistent with~~ 90371  
~~the requirements of section 3501.01 of the Revised Code.~~ 90372

A resolution adopted under this section may propose to renew 90373  
one or more existing levies imposed under division (A) or (B) of 90374  
this section or to increase or decrease a single levy imposed 90375  
under either such division. 90376

If the board of education imposes one or more existing levies 90377  
for the purpose specified in division (F) of section 5705.19 of 90378  
the Revised Code, the resolution may propose to renew one or more 90379  
of those existing levies, or to increase or decrease a single such 90380  
existing levy, for the purpose of general permanent improvements. 90381

If the resolution proposes to renew two or more existing 90382  
levies, the levies shall be levied for the same purpose. The 90383  
resolution shall identify those levies and the rates at which they 90384  
are levied. The resolution also shall specify that the existing 90385  
levies shall not be extended on the tax lists after the year 90386  
preceding the year in which the renewal levy is first imposed, 90387  
regardless of the years for which those levies originally were 90388  
authorized to be levied. 90389

If the resolution proposes to renew an existing levy imposed 90390  
under division (B) of this section, the rates allocated to the 90391  
qualifying school district and to partnering community schools 90392  
each may be increased or decreased or remain the same, and the 90393  
total rate may be increased, decreased, or remain the same. The 90394  
resolution and notice of election shall specify the number of the 90395  
mills to be levied for the current expenses of the partnering 90396  
community schools and the number of the mills, if any, to be 90397

levied for the current expenses of the qualifying school district. 90398

A resolution adopted under this section shall go into 90399  
immediate effect upon its passage, and no publication of the 90400  
resolution shall be necessary other than that provided for in the 90401  
notice of election. A copy of the resolution shall immediately 90402  
after its passing be certified to the board of elections of the 90403  
proper county in the manner provided by section 5705.25 of the 90404  
Revised Code. That section shall govern the arrangements for the 90405  
submission of such question and other matters concerning the 90406  
election to which that section refers, including publication of 90407  
notice of the election, except that the election shall be held on 90408  
the date specified in the resolution. In the case of a resolution 90409  
adopted under division (B) of this section, the publication of 90410  
notice of that election shall state the number of the mills, if 90411  
any, to be levied for the current expenses of partnering community 90412  
schools and the number of the mills to be levied for the current 90413  
expenses of the qualifying school district. If a majority of the 90414  
electors voting on the question so submitted in an election vote 90415  
in favor of the levy, the board of education may make the 90416  
necessary levy within the school district or, in the case of a 90417  
qualifying library levy for the support of a library association 90418  
or private corporation, within the association library district, 90419  
at the additional rate, or at any lesser rate in excess of the 90420  
ten-mill limitation on the tax list, for the purpose stated in the 90421  
resolution. A levy for a continuing period of time may be reduced 90422  
pursuant to section 5705.261 of the Revised Code. The tax levy 90423  
shall be included in the next tax budget that is certified to the 90424  
county budget commission. 90425

(D)(1) After the approval of a levy on the current tax list 90426  
and duplicate for current expenses, for recreational purposes, for 90427  
community centers provided for in section 755.16 of the Revised 90428  
Code, or for a public library of the district under division (A) 90429

of this section, and prior to the time when the first tax 90430  
collection from the levy can be made, the board of education may 90431  
anticipate a fraction of the proceeds of the levy and issue 90432  
anticipation notes in a principal amount not exceeding fifty per 90433  
cent of the total estimated proceeds of the levy to be collected 90434  
during the first year of the levy. 90435

(2) After the approval of a levy for general permanent 90436  
improvements for a specified number of years or for permanent 90437  
improvements having the purpose specified in division (F) of 90438  
section 5705.19 of the Revised Code, the board of education may 90439  
anticipate a fraction of the proceeds of the levy and issue 90440  
anticipation notes in a principal amount not exceeding fifty per 90441  
cent of the total estimated proceeds of the levy remaining to be 90442  
collected in each year over a period of five years after the 90443  
issuance of the notes. 90444

The notes shall be issued as provided in section 133.24 of 90445  
the Revised Code, shall have principal payments during each year 90446  
after the year of their issuance over a period not to exceed five 90447  
years, and may have a principal payment in the year of their 90448  
issuance. 90449

(3) After approval of a levy for general permanent 90450  
improvements for a continuing period of time, the board of 90451  
education may anticipate a fraction of the proceeds of the levy 90452  
and issue anticipation notes in a principal amount not exceeding 90453  
fifty per cent of the total estimated proceeds of the levy to be 90454  
collected in each year over a specified period of years, not 90455  
exceeding ten, after the issuance of the notes. 90456

The notes shall be issued as provided in section 133.24 of 90457  
the Revised Code, shall have principal payments during each year 90458  
after the year of their issuance over a period not to exceed ten 90459  
years, and may have a principal payment in the year of their 90460  
issuance. 90461

(4) After the approval of a levy on the current tax list and duplicate under division (B) of this section, and prior to the time when the first tax collection from the levy can be made, the board of education may anticipate a fraction of the proceeds of the levy for the current expenses of the school district and issue anticipation notes in a principal amount not exceeding fifty per cent of the estimated proceeds of the levy to be collected during the first year of the levy and allocated to the school district. The portion of the levy proceeds to be allocated to partnering community schools under that division shall not be included in the estimated proceeds anticipated under this division and shall not be used to pay debt charges on any anticipation notes.

The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

~~(E) The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code.~~

~~(F)~~ The board of education of any school district that levies a tax under this section for the purpose of providing for school safety and security may report to the department of education how the district is using revenue from that tax.

**Sec. 5705.211.** (A) As used in this section:

(1) "Adjusted charge-off increase" for a tax year means two and two-tenths per cent of the cumulative carryover property value increase.

(2) "Cumulative carryover property value increase" means the sum of the increases in carryover value certified under division

(B)(2) of section 3317.015 of the Revised Code and included in a 90492  
school district's total taxable value in the computation of 90493  
recognized valuation under division (B) of that section for all 90494  
fiscal years from the fiscal year that ends in the first tax year 90495  
a levy under this section is extended on the tax list of real and 90496  
public utility property until and including the fiscal year that 90497  
ends in the current tax year. 90498

(3) "Taxes charged and payable" means the taxes charged and 90499  
payable from a tax levy extended on the real and public utility 90500  
property tax list and the general list of personal property before 90501  
any reduction under section 319.302, 323.152, or 323.158 of the 90502  
Revised Code. 90503

(B) The board of education of a city, local, or exempted 90504  
village school district may adopt a resolution proposing the levy 90505  
of a tax in excess of the ten-mill limitation for the purpose of 90506  
paying the current operating expenses of the district. If the 90507  
resolution is approved as provided in division (D) of this 90508  
section, the tax may be levied at such a rate each tax year that 90509  
the total taxes charged and payable from the levy equals the 90510  
adjusted charge-off increase for the tax year or equals a lesser 90511  
amount as prescribed under division (C) of this section. The tax 90512  
may be levied for a continuing period of time or for a specific 90513  
number of years, but not fewer than five years, as provided in the 90514  
resolution. The tax may not be placed on the tax list for a tax 90515  
year beginning before the first day of January following adoption 90516  
of the resolution. A board of education may not adopt a resolution 90517  
under this section proposing to levy a tax under this section 90518  
concurrently with any other tax levied by the board under this 90519  
section. 90520

(C) After the first year a tax is levied under this section, 90521  
the rate of the tax in any year shall not exceed the rate, 90522  
estimated by the county auditor, that would cause the sums levied 90523

from the tax against carryover property to exceed one hundred four 90524  
per cent of the sums levied from the tax against carryover 90525  
property in the preceding year. A board of education imposing a 90526  
tax under this section may specify in the resolution imposing the 90527  
tax that the percentage shall be less than one hundred four per 90528  
cent, but the percentage shall not be less than one hundred per 90529  
cent. At any time after a resolution adopted under this section is 90530  
approved by a majority of electors as provided in division (D) of 90531  
this section, the board of education, by resolution, may decrease 90532  
the percentage specified in the resolution levying the tax. 90533

(D) A resolution adopted under this section shall state that 90534  
the purpose of the tax is to pay current operating expenses of the 90535  
district, and shall specify the first year in which the tax is to 90536  
be levied, the number of years the tax will be levied or that it 90537  
will be levied for a continuing period of time, and the election 90538  
at which the question of the tax is to appear on the ballot, which 90539  
shall be a general election or a special election ~~consistent with~~ 90540  
~~the requirements of section 3501.01 of the Revised Code held on a~~ 90541  
day on which a primary election may be held. If the board of 90542  
education specifies a percentage less than one hundred four per 90543  
cent pursuant to division (C) of this section, the percentage 90544  
shall be specified in the resolution. 90545

Upon adoption of the resolution, the board of education may 90546  
certify a copy of the resolution to the proper county board of 90547  
elections. The copy of the resolution shall be certified to the 90548  
board of elections not later than ninety days before the day of 90549  
the election at which the question of the tax is to appear on the 90550  
ballot. Upon receiving a timely certified copy of such a 90551  
resolution, the board of elections shall make the necessary 90552  
arrangements for the submission of the question to the electors of 90553  
the school district, and the election shall be conducted, 90554  
canvassed, and certified in the same manner as regular elections 90555

in the school district for the election of members of the board of education. Notice of the election shall be published in a newspaper of general circulation in the school district once per week for four consecutive weeks or as provided in section 7.16 of the Revised Code. The notice shall state that the purpose of the tax is for the current operating expenses of the school district, the first year the tax is to be levied, the number of years the tax is to be levied or that it is to be levied for a continuing period of time, that the tax is to be levied each year in an amount estimated to offset decreases in state base cost funding caused by appreciation in real estate values, and that the estimated additional tax in any year shall not exceed the previous year's by more than four per cent, or a lesser percentage specified in the resolution levying the tax, except for increases caused by the addition of new taxable property.

The question shall be submitted as a separate proposition but may be printed on the same ballot with any other proposition submitted at the same election other than the election of officers.

The form of the ballot shall be substantially as follows:

"An additional tax for the benefit of (name of school district) for the purpose of paying the current operating expenses of the district, for ..... (number of years or for continuing period of time), at a rate sufficient to offset any reduction in basic state funding caused by appreciation in real estate values? This levy will permit variable annual growth in revenue up to ..... (amount specified by school district) per cent for the duration of the levy.

	For the tax levy
	Against the tax levy

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If a majority of the electors of the school district voting on the question vote in favor of the question, the board of elections shall certify the results of the election to the board of education and to the tax commissioner immediately after the canvass.

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(E) When preparing any estimate of the contemplated receipts from a tax levied pursuant to this section for the purposes of sections 5705.28 to 5705.40 of the Revised Code, and in preparing to certify the tax under section 5705.34 of the Revised Code, a board of education authorized to levy such a tax shall use information supplied by the department of education to determine the adjusted charge-off increase for the tax year for which that certification is made. If the board levied a tax under this section in the preceding tax year, the sum to be certified for collection from the tax shall not exceed the sum that would exceed the limitation imposed under division (C) of this section. At the request of the board of education or the treasurer of the school district, the county auditor shall assist the board of education in determining the rate or sum that may be levied under this section.

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The board of education shall certify the sum authorized to be levied to the county auditor, and, for the purpose of the county auditor determining the rate at which the tax is to be levied in the tax year, the sum so certified shall be the sum to be raised by the tax unless the sum exceeds the limitation imposed by division (C) of this section. A tax levied pursuant to this section shall not be levied at a rate in excess of the rate estimated by the county auditor to produce the sum certified by the board of education before the reductions under sections 319.302, 323.152, and 323.158 of the Revised Code. Notwithstanding section 5705.34 of the Revised Code, a board of education

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authorized to levy a tax under this section shall certify the tax 90619  
to the county auditor before the first day of October of the tax 90620  
year in which the tax is to be levied, or at a later date as 90621  
approved by the tax commissioner. 90622

**Sec. 5705.212.** (A)(1) The board of education of any school 90623  
district, at any time and by a vote of two-thirds of all of its 90624  
members, may declare by resolution that the amount of taxes that 90625  
may be raised within the ten-mill limitation will be insufficient 90626  
to provide an adequate amount for the present and future 90627  
requirements of the school district, that it is necessary to levy 90628  
not more than five taxes in excess of that limitation for current 90629  
expenses, and that each of the proposed taxes first will be levied 90630  
in a different year, over a specified period of time. The board 90631  
shall identify the taxes proposed under this section as follows: 90632  
the first tax to be levied shall be called the "original tax." 90633  
Each tax subsequently levied shall be called an "incremental tax." 90634  
The rate of each incremental tax shall be identical, but the rates 90635  
of such incremental taxes need not be the same as the rate of the 90636  
original tax. The resolution also shall state that the question of 90637  
these additional taxes shall be submitted to the electors of the 90638  
school district at a general election or a special election held 90639  
on a day on which a primary election may be held. The resolution 90640  
shall specify separately for each tax proposed: the amount of the 90641  
increase in rate that it is necessary to levy, expressed 90642  
separately for the original tax and each incremental tax; that the 90643  
purpose of the levy is for current expenses; the number of years 90644  
during which the original tax shall be in effect; a specification 90645  
that the last year in which the original tax is in effect shall 90646  
also be the last year in which each incremental tax shall be in 90647  
effect; and the year in which each tax first is proposed to be 90648  
levied. The original tax may be levied for any number of years not 90649  
exceeding ten, or for a continuing period of time. The resolution 90650

shall specify the date of holding the ~~special~~ election, which 90651  
shall not be earlier than ninety days after the adoption and 90652  
certification of the resolution ~~and shall be consistent with the~~ 90653  
~~requirements of section 3501.01 of the Revised Code.~~ 90654

(2) The board of education, by a vote of two-thirds of all of 90655  
its members, may adopt a resolution proposing to renew taxes 90656  
levied other than for a continuing period of time under division 90657  
(A)(1) of this section. Such a resolution shall provide for 90658  
levying a tax and specify all of the following: 90659

(a) That the tax shall be called and designated on the ballot 90660  
as a renewal levy; 90661

(b) The rate of the renewal tax, which shall be a single rate 90662  
that combines the rate of the original tax and each incremental 90663  
tax into a single rate. The rate of the renewal tax shall not 90664  
exceed the aggregate rate of the original and incremental taxes. 90665

(c) The number of years, not to exceed ten, that the renewal 90666  
tax will be levied, or that it will be levied for a continuing 90667  
period of time; 90668

(d) That the purpose of the renewal levy is for current 90669  
expenses; 90670

(e) Subject to the certification and notification 90671  
requirements of section 5705.251 of the Revised Code, that the 90672  
question of the renewal levy shall be submitted to the electors of 90673  
the school district at the general election held during the last 90674  
year the original tax may be extended on the real and public 90675  
utility property tax list and duplicate or at a the general 90676  
election or the special election held on a day on which a primary 90677  
election may be held, occurring during the ensuing year. 90678

(3) A resolution adopted under division (A)(1) or (2) of this 90679  
section shall go into immediate effect upon its adoption and no 90680  
publication of the resolution is necessary other than that 90681

provided for in the notice of election. Immediately after its 90682  
adoption, a copy of the resolution shall be certified to the board 90683  
of elections of the proper county in the manner provided by 90684  
division (A) of section 5705.251 of the Revised Code, and that 90685  
division shall govern the arrangements for the submission of the 90686  
question and other matters concerning the election to which that 90687  
section refers. The election shall be held on the date specified 90688  
in the resolution. If a majority of the electors voting on the 90689  
question so submitted in an election vote in favor of the taxes or 90690  
a renewal tax, the board of education, if the original or a 90691  
renewal tax is authorized to be levied for the current year, 90692  
immediately may make the necessary levy within the school district 90693  
at the authorized rate, or at any lesser rate in excess of the 90694  
ten-mill limitation, for the purpose stated in the resolution. No 90695  
tax shall be imposed prior to the year specified in the resolution 90696  
as the year in which it is first proposed to be levied. The rate 90697  
of the original tax and the rate of each incremental tax shall be 90698  
cumulative, so that the aggregate rate levied in any year is the 90699  
sum of the rates of both the original tax and all incremental 90700  
taxes levied in or prior to that year under the same proposal. A 90701  
tax levied for a continuing period of time under this section may 90702  
be reduced pursuant to section 5705.261 of the Revised Code. 90703

(B) Notwithstanding section 133.30 of the Revised Code, after 90704  
the approval of a tax to be levied in the current or the 90705  
succeeding year and prior to the time when the first tax 90706  
collection from that levy can be made, the board of education may 90707  
anticipate a fraction of the proceeds of the levy and issue 90708  
anticipation notes in an amount not to exceed fifty per cent of 90709  
the total estimated proceeds of the levy to be collected during 90710  
the first year of the levy. The notes shall be sold as provided in 90711  
Chapter 133. of the Revised Code. If anticipation notes are 90712  
issued, they shall mature serially and in substantially equal 90713  
amounts during each year over a period not to exceed five years; 90714

and the amount necessary to pay the interest and principal as the 90715  
anticipation notes mature shall be deemed appropriated for those 90716  
purposes from the levy, and appropriations from the levy by the 90717  
board of education shall be limited each fiscal year to the 90718  
balance available in excess of that amount. 90719

If the auditor of state has certified a deficit pursuant to 90720  
section 3313.483 of the Revised Code, the notes authorized under 90721  
this section may be sold in accordance with Chapter 133. of the 90722  
Revised Code, except that the board may sell the notes after 90723  
providing a reasonable opportunity for competitive bidding. 90724

(C)(1) The board of education of a qualifying school 90725  
district, at any time and by a vote of two-thirds of all its 90726  
members, may declare by resolution that it is necessary to levy 90727  
not more than five taxes in excess of the ten-mill limitation for 90728  
the current expenses of partnering community schools and, if any 90729  
of the levy proceeds are so allocated, of the school district, and 90730  
that each of the proposed taxes first will be levied in a 90731  
different year, over a specified period of time. A qualifying 90732  
school district that is not a municipal school district may 90733  
allocate all of the levy proceeds to partnering community schools. 90734  
A municipal school district shall allocate a portion of the levy 90735  
proceeds to the current expenses of the district. The board shall 90736  
identify the taxes proposed under this division in the same manner 90737  
as in division (A)(1) of this section. The rate of each 90738  
incremental tax shall be identical, but the rates of such 90739  
incremental taxes need not be the same as the rate of the original 90740  
tax. In addition to the specifications required of the resolution 90741  
in division (A) of this section, the resolution shall state the 90742  
number of the mills to be levied each year for the current 90743  
expenses of the partnering community schools and the number of the 90744  
mills, if any, to be levied each year for the current expenses of 90745  
the school district. The number of mills for the current expenses 90746

of partnering community schools shall be the same for each of the 90747  
incremental taxes, and the number of mills for the current 90748  
expenses of the qualifying school district shall be the same for 90749  
each of the incremental taxes. 90750

The levy of taxes for the current expenses of a partnering 90751  
community school under division (C) of this section and the 90752  
distribution of proceeds from the tax by a qualifying school 90753  
district to partnering community schools is hereby determined to 90754  
be a proper public purpose. 90755

(2) The board of education, by a vote of two-thirds of all of 90756  
its members, may adopt a resolution proposing to renew taxes 90757  
levied other than for a continuing period of time under division 90758  
(C)(1) of this section. In such a renewal levy, the rates 90759  
allocated to the qualifying school district and to partnering 90760  
community schools each may be increased or decreased or remain the 90761  
same, and the total rate may be increased, decreased, or remain 90762  
the same. In addition to the requirements of division (A)(2) of 90763  
this section, the resolution shall state the number of the mills 90764  
to be levied for the current expenses of the partnering community 90765  
schools and the number of the mills to be levied for the current 90766  
expenses of the school district. 90767

(3) A resolution adopted under division (C)(1) or (2) of this 90768  
section is subject to the rules and procedures prescribed by 90769  
division (A)(3) of this section. 90770

(4) The proceeds of each tax levied under division (C)(1) or 90771  
(2) of this section shall be credited and distributed in the 90772  
manner prescribed by division (B)(3) of section 5705.21 of the 90773  
Revised Code, and divisions (B)(4), (5), and (6) of that section 90774  
apply to taxes levied under division (C) of this section. 90775

(5) Notwithstanding section 133.30 of the Revised Code, after 90776  
the approval of a tax to be levied under division (C)(1) or (2) of 90777

this section, in the current or succeeding year and prior to the 90778  
time when the first tax collection from that levy can be made, the 90779  
board of education may anticipate a fraction of the proceeds of 90780  
the levy for the current expenses of the qualifying school 90781  
district and issue anticipation notes in a principal amount not 90782  
exceeding fifty per cent of the estimated proceeds of the levy to 90783  
be collected during the first year of the levy and allocated to 90784  
the school district. The portion of levy proceeds to be allocated 90785  
to partnering community schools shall not be included in the 90786  
estimated proceeds anticipated under this division and shall not 90787  
be used to pay debt charges on any anticipation notes. 90788

The notes shall be sold as provided in Chapter 133. of the 90789  
Revised Code. If anticipation notes are issued, they shall mature 90790  
serially and in substantially equal amounts during each year over 90791  
a period not to exceed five years. The amount necessary to pay the 90792  
interest and principal as the anticipation notes mature shall be 90793  
deemed appropriated for those purposes from the levy, and 90794  
appropriations from the levy by the board of education shall be 90795  
limited each fiscal year to the balance available in excess of 90796  
that amount. 90797

If the auditor of state has certified a deficit pursuant to 90798  
section 3313.483 of the Revised Code, the notes authorized under 90799  
this section may be sold in accordance with Chapter 133. of the 90800  
Revised Code, except that the board may sell the notes after 90801  
providing a reasonable opportunity for competitive bidding. 90802

As used in division (C) of this section, "qualifying school 90803  
district" and "partnering community schools" have the same 90804  
meanings as in section 5705.21 of the Revised Code. 90805

~~(D) The submission of questions to the electors under this 90806  
section is subject to the limitation on the number of election 90807  
dates established by section 5705.214 of the Revised Code. 90808~~

Sec. 5705.213. (A)(1) The board of education of any school 90809  
district, at any time and by a vote of two-thirds of all of its 90810  
members, may declare by resolution that the amount of taxes that 90811  
may be raised within the ten-mill limitation will be insufficient 90812  
to provide an adequate amount for the present and future 90813  
requirements of the school district and that it is necessary to 90814  
levy a tax in excess of that limitation for current expenses. The 90815  
resolution also shall state that the question of the additional 90816  
tax shall be submitted to the electors of the school district at a 90817  
general election or a special election held on a day on which a 90818  
primary election may be held. The resolution shall specify, for 90819  
each year the levy is in effect, the amount of money that the levy 90820  
is proposed to raise, which may, for years after the first year 90821  
the levy is made, be expressed in terms of a dollar or percentage 90822  
increase over the prior year's amount. The resolution also shall 90823  
specify that the purpose of the levy is for current expenses, the 90824  
number of years during which the tax shall be in effect which may 90825  
be for any number of years not exceeding ten, and the year in 90826  
which the tax first is proposed to be levied. The resolution shall 90827  
specify the date of holding the ~~special~~ election, which shall not 90828  
be earlier than ninety-five days after the adoption and 90829  
certification of the resolution to the county auditor and not 90830  
earlier than ninety days after certification to the board of 90831  
elections. ~~The date of the election shall be consistent with the~~ 90832  
~~requirements of section 3501.01 of the Revised Code.~~ 90833

(2) The board of education, by a vote of two-thirds of all of 90834  
its members, may adopt a resolution proposing to renew a tax 90835  
levied under division (A)(1) of this section. Such a resolution 90836  
shall provide for levying a tax and specify all of the following: 90837

(a) That the tax shall be called and designated on the ballot 90838  
as a renewal levy; 90839

(b) The amount of the renewal tax, which shall be no more  
than the amount of tax levied during the last year the tax being  
renewed is authorized to be in effect;

(c) The number of years, not to exceed ten, that the renewal  
tax will be levied, or that it will be levied for a continuing  
period of time;

(d) That the purpose of the renewal levy is for current  
expenses;

(e) Subject to the certification and notification  
requirements of section 5705.251 of the Revised Code, that the  
question of the renewal levy shall be submitted to the electors of  
the school district at the general election held during the last  
year the tax being renewed may be extended on the real and public  
utility property tax list and duplicate or at a the general  
election or the special election held on a day on which a primary  
election may be held, occurring during the ensuing year.

(3) A resolution adopted under division (A)(1) or (2) of this  
section shall go into immediate effect upon its adoption and no  
publication of the resolution is necessary other than that  
provided for in the notice of election. Immediately after its  
adoption, a copy of the resolution shall be certified to the  
county auditor of the proper county, who shall, within five days,  
calculate and certify to the board of education the estimated  
levy, for the first year, and for each subsequent year for which  
the tax is proposed to be in effect. The estimates shall be made  
both in mills for each dollar of valuation, and in dollars and  
cents for each one hundred dollars of valuation. In making the  
estimates, the auditor shall assume that the amount of the tax  
list remains throughout the life of the levy, the same as the tax  
list for the current year. If the tax list for the current year is  
not determined, the auditor shall base the auditor's estimates on  
the estimated amount of the tax list for the current year as

submitted to the county budget commission. 90872

If the board desires to proceed with the submission of the 90873  
question, it shall certify its resolution, with the estimated tax 90874  
levy expressed in mills and dollars and cents per hundred dollars 90875  
of valuation for each year that the tax is proposed to be in 90876  
effect, to the board of elections of the proper county in the 90877  
manner provided by division (A) of section 5705.251 of the Revised 90878  
Code. Section 5705.251 of the Revised Code shall govern the 90879  
arrangements for the submission of the question and other matters 90880  
concerning the election to which that section refers. The election 90881  
shall be held on the date specified in the resolution. If a 90882  
majority of the electors voting on the question so submitted in an 90883  
election vote in favor of the tax, and if the tax is authorized to 90884  
be levied for the current year, the board of education immediately 90885  
may make the additional levy necessary to raise the amount 90886  
specified in the resolution or a lesser amount for the purpose 90887  
stated in the resolution. 90888

~~(4) The submission of questions to the electors under this 90889  
section is subject to the limitation on the number of election 90890  
dates established by section 5705.214 of the Revised Code. 90891~~

(B) Notwithstanding sections 133.30 and 133.301 of the 90892  
Revised Code, after the approval of a tax to be levied in the 90893  
current or the succeeding year and prior to the time when the 90894  
first tax collection from that levy can be made, the board of 90895  
education may anticipate a fraction of the proceeds of the levy 90896  
and issue anticipation notes in an amount not to exceed fifty per 90897  
cent of the total estimated proceeds of the levy to be collected 90898  
during the first year of the levy. The notes shall be sold as 90899  
provided in Chapter 133. of the Revised Code. If anticipation 90900  
notes are issued, they shall mature serially and in substantially 90901  
equal amounts during each year over a period not to exceed five 90902  
years; and the amount necessary to pay the interest and principal 90903

as the anticipation notes mature shall be deemed appropriated for 90904  
those purposes from the levy, and appropriations from the levy by 90905  
the board of education shall be limited each fiscal year to the 90906  
balance available in excess of that amount. 90907

If the auditor of state has certified a deficit pursuant to 90908  
section 3313.483 of the Revised Code, the notes authorized under 90909  
this section may be sold in accordance with Chapter 133. of the 90910  
Revised Code, except that the board may sell the notes after 90911  
providing a reasonable opportunity for competitive bidding. 90912

Sec. 5705.214. Notwithstanding any section of the Revised 90913  
Code to the contrary, the board of education of a school district 90914  
may submit a proposal to levy a property tax on the ballot at a 90915  
special election held in August if the resolution or ordinance 90916  
proposing the tax declares that the purpose of such tax, in 90917  
addition to any other purpose authorized for that tax under the 90918  
Revised Code, is to prevent the conditions that would qualify the 90919  
school district for a fiscal emergency declaration as described in 90920  
division (B) of section 3316.03 of the Revised Code. This 90921  
additional purpose shall be included in the election notice 90922  
advertising the levy and in the levy's ballot language. 90923

**Sec. 5705.217.** (A) The board of education of a city, local, 90924  
or exempted village school district, at any time by a vote of 90925  
two-thirds of all its members, may declare by resolution that the 90926  
amount of taxes that can be raised within the ten-mill limitation 90927  
will be insufficient to provide an adequate amount for the present 90928  
and future requirements of the school district; that it is 90929  
necessary to levy an additional tax in excess of that limitation 90930  
for the purposes of providing funds for current operating expenses 90931  
and for general permanent improvements as defined in section 90932  
5705.21 of the Revised Code; and that the question of the tax 90933  
shall be submitted to the electors of the district at a general 90934

election or a special election held on a day on which a primary election may be held. The tax may be levied for a specified number of years not exceeding five or for a continuing period of time. The resolution shall specify the proposed tax rate, the first year the tax will be levied, and the number of years it will be levied, or that it will be levied for a continuing period of time. The resolution shall apportion the annual rate of the tax between current operating expenses and permanent improvements. The apportionment may but need not be the same for each year of the tax, but the respective portions of the rate actually levied each year for current operating expenses and permanent improvements shall be limited by the apportionment.

The resolution shall specify the date of holding the ~~special~~ election, which shall not be earlier than ninety days after certification of the resolution to the board of elections ~~and shall be consistent with the requirements of section 3501.01 of the Revised Code.~~ The resolution shall go into immediate effect upon its passage, and no publication of it is necessary other than that provided in the notice of election. The board of education shall certify a copy of the resolution to the board of elections immediately after its adoption. Section 5705.25 of the Revised Code governs the arrangements and form of the ballot for the submission of the question to the electors.

If a majority of the electors voting on the question vote in favor of the tax, the board of education may make the levy at the additional rate, or at any lesser rate in excess of the ten-mill limitation. If the tax is for a continuing period of time, it may be decreased in accordance with section 5705.261 of the Revised Code.

A board of education may adopt a resolution to renew one or more existing levies imposed under this section, or to increase or decrease the rate of a tax levied under this section, for the

purpose of providing funds for either current expenses and general 90967  
permanent improvements or solely for general permanent 90968  
improvements. 90969

(B)(1) After the approval of a tax for current operating 90970  
expenses under this section and prior to the time the first 90971  
collection and distribution from the levy can be made, the board 90972  
of education may anticipate a fraction of the proceeds of such 90973  
levy and issue anticipation notes in a principal amount not 90974  
exceeding fifty per cent of the total estimated proceeds of the 90975  
tax to be collected during the first year of the levy. 90976

(2) After the approval of a tax for general permanent 90977  
improvements levied under this section for a specified number of 90978  
years, the board of education may anticipate a fraction of the 90979  
proceeds of such tax and issue anticipation notes in a principal 90980  
amount not exceeding fifty per cent of the total estimated 90981  
proceeds of the tax remaining to be collected in each year over a 90982  
specified period of years, not exceeding the number of years for 90983  
which the tax was levied, after issuance of the notes. 90984

(3) After the approval of a tax for general permanent 90985  
improvements levied under this section for a continuing period of 90986  
time, the board of education may anticipate a fraction of the 90987  
proceeds of such tax and issue anticipation notes in a principal 90988  
amount not exceeding fifty per cent of the total estimated 90989  
proceeds of the tax to be collected in each year over a specified 90990  
period of years, not exceeding ten, after issuance of the notes. 90991

Anticipation notes under this section shall be issued as 90992  
provided in section 133.24 of the Revised Code. Notes issued under 90993  
division (B)(1) or (2) of this section shall have principal 90994  
payments during each year after the year of their issuance over a 90995  
period not to exceed five years, and may have a principal payment 90996  
in the year of their issuance. Notes issued under division (B)(3) 90997  
of this section shall have principal payments during each year 90998

after the year of their issuance over a period not to exceed ten 90999  
years, and may have a principal payment in the year of their 91000  
issuance. 91001

~~(C) The submission of a question to the electors under this 91002  
section is subject to the limitation on the number of elections 91003  
that can be held in a year under section 5705.214 of the Revised 91004  
Code. 91005~~

**Sec. 5705.218.** (A) The board of education of a city, local, 91006  
or exempted village school district, at any time by a vote of 91007  
two-thirds of all its members, may declare by resolution that it 91008  
may be necessary for the school district to issue general 91009  
obligation bonds for permanent improvements. The resolution shall 91010  
state all of the following: 91011

(1) The necessity and purpose of the bond issue; 91012

(2) The date of the ~~special~~ election at which the question 91013  
shall be submitted to the electors, which shall be the date of a 91014  
general election or a special election held on a day on which a 91015  
primary election may be held; 91016

(3) The amount, approximate date, estimated rate of interest, 91017  
and maximum number of years over which the principal of the bonds 91018  
may be paid; 91019

(4) The necessity of levying a tax outside the ten-mill 91020  
limitation to pay debt charges on the bonds and any anticipatory 91021  
securities. 91022

On adoption of the resolution, the board shall certify a copy 91023  
of it to the county auditor. The county auditor promptly shall 91024  
estimate and certify to the board the average annual property tax 91025  
rate required throughout the stated maturity of the bonds to pay 91026  
debt charges on the bonds, in the same manner as under division 91027  
(C) of section 133.18 of the Revised Code. 91028

(B) After receiving the county auditor's certification under 91029  
division (A) of this section, the board of education of the city, 91030  
local, or exempted village school district, by a vote of 91031  
two-thirds of all its members, may declare by resolution that the 91032  
amount of taxes that can be raised within the ten-mill limitation 91033  
will be insufficient to provide an adequate amount for the present 91034  
and future requirements of the school district; that it is 91035  
necessary to issue general obligation bonds of the school district 91036  
for permanent improvements and to levy an additional tax in excess 91037  
of the ten-mill limitation to pay debt charges on the bonds and 91038  
any anticipatory securities; that it is necessary for a specified 91039  
number of years or for a continuing period of time to levy 91040  
additional taxes in excess of the ten-mill limitation to provide 91041  
funds for the acquisition, construction, enlargement, renovation, 91042  
and financing of permanent improvements or to pay for current 91043  
operating expenses, or both; and that the question of the bonds 91044  
and taxes shall be submitted to the electors of the school 91045  
district at a general election or a special election held on a day 91046  
on which a primary election may be held, which shall not be 91047  
earlier than ninety days after certification of the resolution to 91048  
the board of elections, ~~and the date of which shall be consistent~~ 91049  
~~with section 3501.01 of the Revised Code.~~ The resolution shall 91050  
specify all of the following: 91051

(1) The county auditor's estimate of the average annual 91052  
property tax rate required throughout the stated maturity of the 91053  
bonds to pay debt charges on the bonds; 91054

(2) The proposed rate of the tax, if any, for current 91055  
operating expenses, the first year the tax will be levied, and the 91056  
number of years it will be levied, or that it will be levied for a 91057  
continuing period of time; 91058

(3) The proposed rate of the tax, if any, for permanent 91059  
improvements, the first year the tax will be levied, and the 91060

number of years it will be levied, or that it will be levied for a 91061  
continuing period of time. 91062

The resolution shall apportion the annual rate of the tax 91063  
between current operating expenses and permanent improvements, if 91064  
both taxes are proposed. The apportionment may but need not be the 91065  
same for each year of the tax, but the respective portions of the 91066  
rate actually levied each year for current operating expenses and 91067  
permanent improvements shall be limited by the apportionment. The 91068  
resolution shall go into immediate effect upon its passage, and no 91069  
publication of it is necessary other than that provided in the 91070  
notice of election. The board of education shall certify a copy of 91071  
the resolution, along with copies of the auditor's estimate and 91072  
its resolution under division (A) of this section, to the board of 91073  
elections immediately after its adoption. 91074

(C) The board of elections shall make the arrangements for 91075  
the submission to the electors of the school district of the 91076  
question proposed under division (B) or ~~(J)~~(I) of this section, 91077  
and the election shall be conducted, canvassed, and certified in 91078  
the same manner as regular elections in the district for the 91079  
election of county officers. The resolution shall be put before 91080  
the electors as one ballot question, with a favorable vote 91081  
indicating approval of the bond issue, the levy to pay debt 91082  
charges on the bonds and any anticipatory securities, the current 91083  
operating expenses levy, the permanent improvements levy, and the 91084  
levy for the current expenses of a qualifying school district and 91085  
of partnering community schools, as those levies may be proposed. 91086  
The board of elections shall publish notice of the election in a 91087  
newspaper of general circulation in the school district once a 91088  
week for two consecutive weeks, or as provided in section 7.16 of 91089  
the Revised Code, prior to the election. If a board of elections 91090  
operates and maintains a web site, that board also shall post 91091  
notice of the election on its web site for thirty days prior to 91092

the election. The notice of election shall state all of the	91093
following:	91094
(1) The principal amount of the proposed bond issue;	91095
(2) The permanent improvements for which the bonds are to be issued;	91096 91097
(3) The maximum number of years over which the principal of the bonds may be paid;	91098 91099
(4) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;	91100 91101 91102
(5) The proposed rate of the additional tax, if any, for current operating expenses and, if the question is proposed under division <del>(J)</del> (I) of this section, the portion of the rate to be allocated to the school district and the portion to be allocated to partnering community schools;	91103 91104 91105 91106 91107
(6) The number of years the current operating expenses tax will be in effect, or that it will be in effect for a continuing period of time;	91108 91109 91110
(7) The proposed rate of the additional tax, if any, for permanent improvements;	91111 91112
(8) The number of years the permanent improvements tax will be in effect, or that it will be in effect for a continuing period of time;	91113 91114 91115
(9) The time and place of the <del>special</del> election.	91116
(D) The form of the ballot for an election under this section is as follows:	91117 91118
"Shall the ..... school district be authorized to do the following:	91119 91120
(1) Issue bonds for the purpose of ..... in the	91121

principal amount of \$....., to be repaid annually over a maximum 91122  
 period of ..... years, and levy a property tax outside the 91123  
 ten-mill limitation, estimated by the county auditor to average 91124  
 over the bond repayment period ..... mills for each one dollar of 91125  
 tax valuation, which amounts to ..... (rate expressed in cents or 91126  
 dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 91127  
 tax valuation, to pay the annual debt charges on the bonds, and to 91128  
 pay debt charges on any notes issued in anticipation of those 91129  
 bonds?" 91130

If either a levy for permanent improvements or a levy for 91131  
 current operating expenses is proposed, or both are proposed, the 91132  
 ballot also shall contain the following language, as appropriate: 91133

"(2) Levy an additional property tax to provide funds for the 91134  
 acquisition, construction, enlargement, renovation, and financing 91135  
 of permanent improvements at a rate not exceeding ..... mills 91136  
 for each one dollar of tax valuation, which amounts to ..... 91137  
 (rate expressed in cents or dollars and cents) for each \$100 of 91138  
 tax valuation, for ..... (number of years of the levy, or a 91139  
 continuing period of time)? 91140

(3) Levy an additional property tax to pay current operating 91141  
 expenses at a rate not exceeding ..... mills for each one dollar 91142  
 of tax valuation, which amounts to ..... (rate expressed in 91143  
 cents or dollars and cents) for each \$100 of tax valuation, for 91144  
 ..... (number of years of the levy, or a continuing period of 91145  
 time)? 91146

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)	
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)	"

91147  
 91148  
 91149  
 91150

If the question is proposed under division ~~(J)~~(L) of this 91151  
 section, the form of the ballot shall be modified as prescribed by 91152

division ~~(J)~~(I)(4) of this section. 91153

(E) The board of elections promptly shall certify the results 91154  
of the election to the tax commissioner and the county auditor of 91155  
the county in which the school district is located. If a majority 91156  
of the electors voting on the question vote for it, the board of 91157  
education may proceed with issuance of the bonds and with the levy 91158  
and collection of the property tax or taxes at the additional rate 91159  
or any lesser rate in excess of the ten-mill limitation. Any 91160  
securities issued by the board of education under this section are 91161  
Chapter 133. securities, as that term is defined in section 133.01 91162  
of the Revised Code. 91163

(F)(1) After the approval of a tax for current operating 91164  
expenses under this section and prior to the time the first 91165  
collection and distribution from the levy can be made, the board 91166  
of education may anticipate a fraction of the proceeds of such 91167  
levy and issue anticipation notes in a principal amount not 91168  
exceeding fifty per cent of the total estimated proceeds of the 91169  
tax to be collected during the first year of the levy. 91170

(2) After the approval of a tax under this section for 91171  
permanent improvements having a specific purpose, the board of 91172  
education may anticipate a fraction of the proceeds of such tax 91173  
and issue anticipation notes in a principal amount not exceeding 91174  
fifty per cent of the total estimated proceeds of the tax 91175  
remaining to be collected in each year over a period of five years 91176  
after issuance of the notes. 91177

(3) After the approval of a tax under this section for 91178  
general permanent improvements as defined under section 5705.21 of 91179  
the Revised Code, the board of education may anticipate a fraction 91180  
of the proceeds of such tax and issue anticipation notes in a 91181  
principal amount not exceeding fifty per cent of the total 91182  
estimated proceeds of the tax to be collected in each year over a 91183  
specified period of years, not exceeding ten, after issuance of 91184

the notes. 91185

Anticipation notes under this section shall be issued as 91186  
provided in section 133.24 of the Revised Code. Notes issued under 91187  
division (F)(1) or (2) of this section shall have principal 91188  
payments during each year after the year of their issuance over a 91189  
period not to exceed five years, and may have a principal payment 91190  
in the year of their issuance. Notes issued under division (F)(3) 91191  
of this section shall have principal payments during each year 91192  
after the year of their issuance over a period not to exceed ten 91193  
years, and may have a principal payment in the year of their 91194  
issuance. 91195

(G) A tax for current operating expenses or for permanent 91196  
improvements levied under this section for a specified number of 91197  
years may be renewed or replaced in the same manner as a tax for 91198  
current operating expenses or for permanent improvements levied 91199  
under section 5705.21 of the Revised Code. A tax for current 91200  
operating expenses or for permanent improvements levied under this 91201  
section for a continuing period of time may be decreased in 91202  
accordance with section 5705.261 of the Revised Code. 91203

~~(H) The submission of a question to the electors under this 91204  
section is subject to the limitation on the number of elections 91205  
that can be held in a year under section 5705.214 of the Revised 91206  
Code. 91207~~

~~(I)~~ A school district board of education proposing a ballot 91208  
measure under this section to generate local resources for a 91209  
project under the school building assistance expedited local 91210  
partnership program under section 3318.36 of the Revised Code may 91211  
combine the questions under division (D) of this section with a 91212  
question for the levy of a property tax to generate moneys for 91213  
maintenance of the classroom facilities acquired under that 91214  
project as prescribed in section 3318.361 of the Revised Code. 91215

~~(J)~~(I)(1) After receiving the county auditor's certification 91216  
under division (A) of this section, the board of education of a 91217  
qualifying school district, by a vote of two-thirds of all its 91218  
members, may declare by resolution that it is necessary to levy a 91219  
tax in excess of the ten-mill limitation for the purpose of paying 91220  
the current expenses of the school district and of partnering 91221  
community schools, as defined in section 5705.21 of the Revised 91222  
Code; that it is necessary to issue general obligation bonds of 91223  
the school district for permanent improvements of the district and 91224  
to levy an additional tax in excess of the ten-mill limitation to 91225  
pay debt charges on the bonds and any anticipatory securities; and 91226  
that the question of the bonds and taxes shall be submitted to the 91227  
electors of the school district at a general election or a special 91228  
election held on a day on which a primary election may be held, 91229  
~~which shall~~ occurring not be earlier than ninety days after 91230  
certification of the resolution to the board of elections, ~~and the~~ 91231  
~~date of which shall be consistent with section 3505.01 of the~~ 91232  
~~Revised Code.~~ 91233

The levy of taxes for the current expenses of a partnering 91234  
community school under division ~~(J)~~(I) of this section and the 91235  
distribution of proceeds from the tax by a qualifying school 91236  
district to partnering community schools is hereby determined to 91237  
be a proper public purpose. 91238

(2) The tax for the current expenses of the school district 91239  
and of partnering community schools is subject to the requirements 91240  
of divisions (B)(3), (4), and (5) of section 5705.21 of the 91241  
Revised Code. 91242

(3) In addition to the required specifications of the 91243  
resolution under division (B) of this section, the resolution 91244  
shall express the rate of the tax in mills per dollar of taxable 91245  
value, state the number of the mills to be levied for the current 91246  
expenses of the partnering community schools and the number of the 91247

mills to be levied for the current expenses of the school 91248  
district, specify the number of years (not exceeding ten) the tax 91249  
will be levied or that it will be levied for a continuing period 91250  
of time, and state the first year the tax will be levied. 91251

The resolution shall go into immediate effect upon its 91252  
passage, and no publication of it is necessary other than that 91253  
provided in the notice of election. The board of education shall 91254  
certify a copy of the resolution, along with copies of the 91255  
auditor's estimate and its resolution under division (A) of this 91256  
section, to the board of elections immediately after its adoption. 91257

(4) The form of the ballot shall be modified by replacing the 91258  
ballot form set forth in division (D)(3) of this section with the 91259  
following: 91260

"Levy an additional property tax for the purpose of the 91261  
current expenses of the school district and of partnering 91262  
community schools at a rate not exceeding ..... (insert the 91263  
number of mills) mills for each one dollar of valuation (of which 91264  
..... (insert the number of mills to be allocated to partnering 91265  
community schools) mills is to be allocated to partnering 91266  
community schools), which amounts to ..... (insert the rate 91267  
expressed in dollars and cents) for each one hundred dollars of 91268  
valuation, for ..... (insert the number of years the levy is to 91269  
be imposed, or that it will be levied for a continuing period of 91270  
time)? 91271

	FOR THE BOND ISSUE AND LEVY (OR LEVIES)
	AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)

91272  
91273  
" 91274

(5) After the approval of a tax for the current expenses of 91275  
the school district and of partnering community schools under 91276  
division ~~(J)~~(L) of this section, and prior to the time the first 91277  
collection and distribution from the levy can be made, the board 91278

of education may anticipate a fraction of the proceeds of the levy 91279  
for the current expenses of the school district and issue 91280  
anticipation notes in a principal amount not exceeding fifty per 91281  
cent of the estimated proceeds of the levy to be collected during 91282  
the first year of the levy and allocated to the school district. 91283  
The portion of levy proceeds to be allocated to partnering 91284  
community schools shall not be included in the estimated proceeds 91285  
anticipated under this division and shall not be used to pay debt 91286  
charges on any anticipation notes. 91287

The notes shall be issued as provided in section 133.24 of 91288  
the Revised Code, shall have principal payments during each year 91289  
after the year of their issuance over a period not to exceed five 91290  
years, and may have a principal payment in the year of their 91291  
issuance. 91292

(6) A tax for the current expenses of the school district and 91293  
of partnering community schools levied under division ~~(J)~~(I) of 91294  
this section for a specified number of years may be renewed or 91295  
replaced in the same manner as a tax for the current expenses of a 91296  
school district and of partnering community schools levied under 91297  
division (B) of section 5705.21 of the Revised Code. A tax for the 91298  
current expenses of the school district and of partnering 91299  
community schools levied under this division for a continuing 91300  
period of time may be decreased in accordance with section 91301  
5705.261 of the Revised Code. 91302

(7) The proceeds from the issuance of the general obligation 91303  
bonds under division ~~(J)~~(I) of this section shall be used solely 91304  
to pay for permanent improvements of the school district and not 91305  
for permanent improvements of partnering community schools. 91306

**Sec. 5705.219.** (A) As used in this section: 91307

(1) "Eligible school district" means a city, local, or 91308  
exempted village school district in which the taxes charged and 91309

payable for current expenses on residential/agricultural real 91310  
property in the tax year preceding the year in which the levy 91311  
authorized by this section will be submitted for elector approval 91312  
or rejection are greater than two per cent of the taxable value of 91313  
the residential/agricultural real property. 91314

(2) "Residential/agricultural real property" and 91315  
"nonresidential/agricultural real property" means the property 91316  
classified as such under section 5713.041 of the Revised Code. 91317

(3) "Effective tax rate" and "taxes charged and payable" have 91318  
the same meanings as in division (B) of section 319.301 of the 91319  
Revised Code. 91320

(B) On or after January 1, 2010, but before January 1, 2015, 91321  
the board of education of an eligible school district, by a vote 91322  
of two-thirds of all its members, may adopt a resolution proposing 91323  
to convert existing levies imposed for the purpose of current 91324  
expenses into a levy raising a specified amount of tax money by 91325  
repealing all or a portion of one or more of those existing levies 91326  
and imposing a levy in excess of the ten-mill limitation that will 91327  
raise a specified amount of money for current expenses of the 91328  
district. 91329

The board of education shall certify a copy of the resolution 91330  
to the tax commissioner not later than one hundred five days 91331  
before the election upon which the repeal and levy authorized by 91332  
this section will be proposed to the electors. Within ten days 91333  
after receiving the copy of the resolution, the tax commissioner 91334  
shall determine each of the following and certify the 91335  
determinations to the board of education: 91336

(1) The dollar amount to be raised by the proposed levy, 91337  
which shall be the product of: 91338

(a) The difference between the aggregate effective tax rate 91339  
for residential/agricultural real property for the tax year 91340

preceding the year in which the repeal and levy will be proposed 91341  
to the electors and twenty mills per dollar of taxable value; 91342

(b) The total taxable value of all property on the tax list 91343  
of real and public utility property for the tax year preceding the 91344  
year in which the repeal and levy will be proposed to the 91345  
electors. 91346

(2) The estimated tax rate of the proposed levy. 91347

(3) The existing levies and any portion of an existing levy 91348  
to be repealed upon approval of the question. Levies shall be 91349  
repealed in reverse chronological order from most recently imposed 91350  
to least recently imposed until the sum of the effective tax rates 91351  
repealed for residential/agricultural real property is equal to 91352  
the difference calculated in division (B)(1)(a) of this section. 91353

(4) The sum of the following: 91354

(a) The total taxable value of nonresidential/agricultural 91355  
real property for the tax year preceding the year in which the 91356  
repeal and levy will be proposed to the electors multiplied by the 91357  
difference between (i) the aggregate effective tax rate for 91358  
nonresidential/agricultural real property for the existing levies 91359  
and any portion of an existing levy to be repealed and (ii) the 91360  
amount determined under division (B)(1)(a) of this section, but 91361  
not less than zero; 91362

(b) The total taxable value of public utility tangible 91363  
personal property for the tax year preceding the year in which the 91364  
repeal and levy will be proposed to the electors multiplied by the 91365  
difference between (i) the aggregate voted tax rate for the 91366  
existing levies and any portion of an existing levy to be repealed 91367  
and (ii) the amount determined under division (B)(1)(a) of this 91368  
section, but not less than zero. 91369

(C) Upon receipt of the certification from the tax 91370  
commissioner under division (B) of this section, a majority of the 91371

members of the board of education may adopt a resolution proposing 91372  
the repeal of the existing levies as identified in the 91373  
certification and the imposition of a levy in excess of the 91374  
ten-mill limitation that will raise annually the amount certified 91375  
by the commissioner. If the board determines that the tax should 91376  
be for an amount less than that certified by the commissioner, the 91377  
board may request that the commissioner redetermine the rate under 91378  
division (B)(2) of this section on the basis of the lesser amount 91379  
the levy is to raise as specified by the board. The amount 91380  
certified under division (B)(4) and the levies to be repealed as 91381  
certified under division (B)(3) of this section shall not be 91382  
redetermined. Within ten days after receiving a timely request 91383  
specifying the lesser amount to be raised by the levy, the 91384  
commissioner shall redetermine the rate and recertify it to the 91385  
board as otherwise provided in division (B) of this section. Only 91386  
one such request may be made by the board of education of an 91387  
eligible school district. 91388

The resolution shall state the first calendar year in which 91389  
the levy will be due; the existing levies and any portion of an 91390  
existing levy that will be repealed, as certified by the 91391  
commissioner; the term of the levy expressed in years, which may 91392  
be any number not exceeding ten, or that it will be levied for a 91393  
continuing period of time; and the date of the election, which 91394  
shall be the date of a ~~primary~~ or general election or a special 91395  
election held on a day on which a primary election may be held. 91396

Immediately upon its passage, the resolution shall go into 91397  
effect and shall be certified by the board of education to the 91398  
county auditor of the proper county. The county auditor and the 91399  
board of education shall proceed as required under section 91400  
5705.195 of the Revised Code. No publication of the resolution is 91401  
necessary other than that provided for in the notice of election. 91402  
Section 5705.196 of the Revised Code shall govern the matters 91403

concerning the election. ~~The submission of a question to the~~ 91404  
~~electors under this section is subject to the limitation on the~~ 91405  
~~number of election dates established by section 5705.214 of the~~ 91406  
~~Revised Code.~~ 91407

(D) The form of the ballot to be used at the election 91408  
provided for in this section shall be as follows: 91409

"Shall the existing levy of ..... (insert the voted 91410  
millage rate of the levy to be repealed), currently being charged 91411  
against residential and agricultural property by the ..... 91412  
(insert the name of school district) at a rate of ..... 91413  
(insert the residential/agricultural real property effective tax 91414  
rate of the levy being repealed) for the purpose of ..... 91415  
(insert the purpose of the existing levy) be repealed, and shall a 91416  
levy be imposed by the ..... (insert the name of school 91417  
district) in excess of the ten-mill limitation for the necessary 91418  
requirements of the school district in the sum of ..... 91419  
(insert the annual amount the levy is to produce), estimated by 91420  
the tax commissioner to require ..... (insert the number of 91421  
mills) mills for each one dollar of valuation, which amounts to 91422  
..... (insert the rate expressed in dollars and cents) for 91423  
each one hundred dollars of valuation for the initial year of the 91424  
tax, for a period of ..... (insert the number of years the 91425  
levy is to be imposed, or that it will be levied for a continuing 91426  
period of time), commencing in ..... (insert the first year 91427  
the tax is to be levied), first due in calendar year ..... 91428  
(insert the first calendar year in which the tax shall be due)? 91429

91430

	FOR THE REPEAL AND TAX
	AGAINST THE REPEAL AND TAX

91431

"

91432

91433

If the question submitted is a proposal to repeal all or a 91434

portion of more than one existing levy, the form of the ballot 91435  
shall be modified by substituting the statement "shall the 91436  
existing levy of" with "shall existing levies of" and inserting 91437  
the aggregate voted and aggregate effective tax rates to be 91438  
repealed. 91439

(E) If a majority of the electors voting on the question 91440  
submitted in an election vote in favor of the repeal and levy, the 91441  
result shall be certified immediately after the canvass by the 91442  
board of elections to the board of education. The board of 91443  
education may make the levy necessary to raise the amount 91444  
specified in the resolution for the purpose stated in the 91445  
resolution and shall certify it to the county auditor, who shall 91446  
extend it on the current year tax lists for collection. After the 91447  
first year, the levy shall be included in the annual tax budget 91448  
that is certified to the county budget commission. 91449

(F) A levy imposed under this section for a continuing period 91450  
of time may be decreased or repealed pursuant to section 5705.261 91451  
of the Revised Code. If a levy imposed under this section is 91452  
decreased, the amount calculated under division (B)(4) of this 91453  
section and paid under section 5705.2110 of the Revised Code shall 91454  
be decreased by the same proportion as the levy is decreased. If 91455  
the levy is repealed, no further payments shall be made to the 91456  
district under that section. 91457

(G) At any time, the board of education, by a vote of 91458  
two-thirds of all of its members, may adopt a resolution to renew 91459  
a tax levied under this section. The resolution shall provide for 91460  
levying the tax and specifically all of the following: 91461

(1) That the tax shall be called, and designated on the 91462  
ballot as, a renewal levy; 91463

(2) The amount of the renewal tax, which shall be no more 91464  
than the amount of tax previously collected; 91465

(3) The number of years, not to exceed ten, that the renewal tax will be levied, or that it will be levied for a continuing period of time; 91466  
91467  
91468

(4) That the purpose of the renewal tax is for current expenses. 91469  
91470

The board shall certify a copy of the resolution to the board of elections not later than ninety days before the date of the election at which the question is to be submitted, which shall be the date of a ~~primary or~~ general election or a special election held on a day on which a primary election may be held. 91471  
91472  
91473  
91474  
91475

(H) The form of the ballot to be used at the election on the question of renewing a levy under this section shall be as follows: 91476  
91477  
91478

"Shall a tax levy renewing an existing levy of ..... (insert the annual dollar amount the levy is to produce each year), estimated to require ..... (insert the number of mills) mills for each one dollar of valuation be imposed by the ..... (insert the name of school district) for the purpose of current expenses for a period of ..... (insert the number of years the levy is to be imposed, or that it will be levied for a continuing period of time), commencing in ..... (insert the first year the tax is to be levied), first due in calendar year ..... (insert the first calendar year in which the tax shall be due)? 91479  
91480  
91481  
91482  
91483  
91484  
91485  
91486  
91487  
91488  
91489

	FOR THE RENEWAL OF THE TAX LEVY	
	AGAINST THE RENEWAL OF THE TAX LEVY	"

91490  
91491  
91492  
91493

If the levy submitted is to be for less than the amount of money previously collected, the form of the ballot shall be modified to add "and reducing" after "renewing" and to add before 91494  
91495  
91496

"estimated to require" the statement "be approved at a tax rate 91497  
necessary to produce ..... (insert the lower annual dollar 91498  
amount the levy is to produce each year)." 91499

**Sec. 5705.2111.** (A) If the board of directors of a regional 91500  
student education district created under section 3313.83 of the 91501  
Revised Code desires to levy a tax in excess of the ten-mill 91502  
limitation throughout the district for the purpose of funding the 91503  
services to be provided by the district to students enrolled in 91504  
the school districts of which the district is composed and their 91505  
immediate family members, the board shall propose the levy to each 91506  
of the boards of education of those school districts. The proposal 91507  
shall specify the rate or amount of the tax, the number of years 91508  
the tax will be levied or that it will be levied for a continuing 91509  
period of time, and that the aggregate rate of the tax shall not 91510  
exceed three mills per dollar of taxable value in the regional 91511  
student education district. 91512

(B)(1) If a majority of the boards of education of the school 91513  
districts of which the regional student education district is 91514  
composed approves the proposal for the tax levy, the board of 91515  
directors of the regional student education district may adopt a 91516  
resolution approved by a majority of the board's full membership 91517  
declaring the necessity of levying the proposed tax in excess of 91518  
the ten-mill limitation throughout the district for the purpose of 91519  
funding the services to be provided by the district to students 91520  
enrolled in the school districts of which the district is composed 91521  
and their immediate family members. The resolution shall provide 91522  
for the question of the tax to be submitted to the electors of the 91523  
district at a general, election or a special election held on a 91524  
day on which a primary, ~~or special~~ election on a day to may be 91525  
held, as specified in the resolution ~~that is consistent with the~~ 91526  
~~requirements of section 3501.01 of the Revised Code and that~~ 91527  
~~occurs~~ , occurring at least ninety days after the resolution is 91528

certified to the board of elections. The resolution shall specify 91529  
the rate or amount of the tax and the number of years the tax will 91530  
be levied or that the tax will be levied for a continuing period 91531  
of time. The aggregate rate of tax levied by a regional student 91532  
education district under this section at any time shall not exceed 91533  
three mills per dollar of taxable value in the district. A tax 91534  
levied under this section may be renewed, subject to section 91535  
5705.25 of the Revised Code, or replaced as provided in section 91536  
5705.192 of the Revised Code. 91537

(2) The resolution shall take effect immediately upon 91538  
passage, and no publication of the resolution is necessary other 91539  
than that provided in the notice of election. The resolution shall 91540  
be certified and submitted in the manner provided under section 91541  
5705.25 of the Revised Code, and that section governs the 91542  
arrangements governing submission of the question and other 91543  
matters concerning the election. 91544

**Sec. 5705.2112.** (A) As used in this section and section 91545  
5705.2113 of the Revised Code: 91546

(1) "Qualifying partnership" has the same meaning as in 91547  
section 3318.71 of the Revised Code. 91548

(2) "Fiscal board" means the board of education of the school 91549  
district that is selected as the fiscal agent of a qualifying 91550  
partnership under division (D) of section 3318.71 of the Revised 91551  
Code. 91552

(3) "Participating school district" means a city, local, 91553  
exempted village, cooperative education, or joint vocational 91554  
school district that is a party to the qualifying partnership 91555  
agreement described in section 3318.71 of the Revised Code. 91556

(4) "Tax distribution" means a distribution of proceeds of 91557  
the tax authorized by this section under section 321.24 of the 91558

Revised Code and distributions that are attributable to that tax 91559  
under sections 323.156 and 4503.068 of the Revised Code or other 91560  
applicable law. 91561

(5) "Acquisition of classroom facilities" has the same 91562  
meaning as in section 3318.01 of the Revised Code. 91563

(B) The fiscal board of a qualifying partnership may levy a 91564  
tax under this section in excess of the ten-mill limitation for 91565  
the purpose of funding the acquisition of classroom facilities 91566  
that benefit the qualifying partnership. The tax is subject to the 91567  
approval of the electors of all participating school districts. 91568  
Before proposing the tax to such electors, the fiscal board shall 91569  
obtain identical resolutions adopted by two-thirds of the members 91570  
of the board of education of each participating school district. 91571  
The resolutions shall specify all of the following: 91572

(1) The rate of the levy; 91573

(2) The purpose of the levy, which shall be confined to the 91574  
acquisition of classroom facilities; 91575

(3) The number of years during which the levy shall be in 91576  
effect, which shall be for any number of years not exceeding ten; 91577

(4) That the question of the levy shall be submitted to the 91578  
electors of each participating school district at a general 91579  
election or a special election held on a day on which a primary 91580  
election may be held; 91581

(5) The date that such ~~special~~ election shall be held, which 91582  
shall not be earlier than ninety days after the resolutions are 91583  
certified to the board or boards of elections under division (C) 91584  
of this section ~~and which shall be consistent with the~~ 91585  
~~requirements of section 3501.01 of the Revised Code.~~ 91586

(C) A resolution adopted under division (B) of this section 91587  
shall go into immediate effect upon its passage, and no 91588

publication of the resolution shall be necessary other than that 91589  
provided for in the notice of election. Upon passing such a 91590  
resolution, the board of education of a participating school 91591  
district shall certify a copy of the resolution to the fiscal 91592  
board of the qualifying partnership. Once the fiscal board 91593  
receives an identical resolution from each participating school 91594  
district, the fiscal board shall certify copies of such 91595  
resolutions to the board of elections of the proper county or 91596  
counties in the manner provided by section 5705.25 of the Revised 91597  
Code. That section shall govern the arrangements for the 91598  
submission of the levy to the electors of each participating 91599  
school district and other matters concerning the election to which 91600  
that section refers, including publication of notice of the 91601  
election, except that the election shall be held on the date 91602  
specified in the resolutions and the notice shall be published in 91603  
newspapers of general circulation in all the participating school 91604  
districts. 91605

The question of the levy shall be submitted as a single 91606  
ballot issue to the electors of all the participating school 91607  
districts. If a majority of all such electors voting on the 91608  
question so submitted in the election vote in favor of the levy, 91609  
the fiscal board may make the necessary levy within the territory 91610  
of the participating school districts at the additional rate, or 91611  
at any lesser rate in excess of the ten-mill limitation on the tax 91612  
list, for the purpose stated in the resolutions. 91613

~~The submission of questions to the electors under this 91614  
section is subject to the limitation on the number of election 91615  
dates established by section 5705.214 of the Revised Code. 91616~~

(D) Each tax distribution shall be deposited to a special 91617  
fund, established for the purposes described in the resolutions 91618  
proposing the tax levy, in the county treasury of the county in 91619  
which the fiscal board of the qualifying partnership is located. 91620

The fiscal board shall be the custodian of the amounts deposited 91621  
to such fund and shall have the same rights and responsibilities 91622  
with respect to the fund as boards of education do with respect to 91623  
other levy revenues. 91624

(E) The levy of a tax under this section for the purpose of 91625  
funding the acquisition of classroom facilities benefiting a 91626  
qualifying partnership is hereby determined to be a proper public 91627  
purpose. For the purposes of Chapter 3317. of the Revised Code or 91628  
other laws referring to the "taxes charged and payable" for a 91629  
school district, the taxes charged and payable for a levy 91630  
authorized under this section are not included in the taxes 91631  
charged and payable for any participating school district. The 91632  
taxes charged and payable for a levy authorized under this section 91633  
shall not affect the calculation of "state education aid," as 91634  
defined in section 5751.20 of the Revised Code, for any 91635  
participating school district. 91636

(F)(1) After the approval of a levy under this section for a 91637  
specified number of years, the fiscal board of a qualifying 91638  
partnership may anticipate a fraction of the proceeds of the levy 91639  
and issue anticipation notes in a principal amount not exceeding 91640  
seventy-five per cent of the total estimated proceeds of the levy 91641  
remaining to be collected in each year over a period of ten years 91642  
after the issuance of the notes. 91643

The notes shall be issued as provided in section 133.24 of 91644  
the Revised Code, shall have principal payments during each year 91645  
after the year of their issuance over a period not to exceed ten 91646  
years, and may have a principal payment in the year of their 91647  
issuance. 91648

(2) The fiscal board of a qualifying partnership is a "taxing 91649  
authority" for the purposes of Chapter 133. of the Revised Code 91650  
with respect to the tax and securities authorized under this 91651  
section, and the treasurer of the school district serving as the 91652

fiscal board is the fiscal officer for the purposes of that 91653  
chapter. 91654

**Sec. 5705.221.** (A) At any time, the board of county 91655  
commissioners of any county by a majority vote of the full 91656  
membership may declare by resolution and certify to the board of 91657  
elections of the county that the amount of taxes which may be 91658  
raised within the ten-mill limitation by levies on the current tax 91659  
duplicate will be insufficient to provide the necessary 91660  
requirements of the county's alcohol, drug addiction, and mental 91661  
health service district established pursuant to Chapter 340. of 91662  
the Revised Code, or the county's contribution to a joint-county 91663  
district of which the county is a part, and that it is necessary 91664  
to levy a tax in excess of such limitation for the operation of 91665  
community addiction services providers and community mental health 91666  
services providers and the acquisition, construction, renovation, 91667  
financing, maintenance, and operation of alcohol and drug 91668  
addiction facilities and mental health facilities. 91669

Such resolution shall conform to section 5705.19 of the 91670  
Revised Code, except that the increased rate may be in effect for 91671  
any number of years not exceeding ten. 91672

The resolution shall be certified and submitted in the manner 91673  
provided in section 5705.25 of the Revised Code, ~~except that it~~ . 91674  
The resolution may be placed on the ballot ~~in any~~ at a general 91675  
election or a special election held on a day on which a primary 91676  
election may be held, and shall be certified to the board of 91677  
elections not less than ninety days before the election at which 91678  
it will be voted upon. 91679

If the majority of the electors voting on a levy to 91680  
supplement general fund appropriations for the support of the 91681  
comprehensive community addiction and mental health services 91682  
providers vote in favor of the levy, the board may levy a tax 91683

within the county at the additional rate outside the ten-mill 91684  
limitation during the specified or continuing period, for the 91685  
purpose stated in the resolution. 91686

(B) When electors have approved a tax levy under this 91687  
section, the board of county commissioners may anticipate a 91688  
fraction of the proceeds of the levy and, from time to time, issue 91689  
anticipation notes in accordance with section 5705.191 or 5705.193 91690  
of the Revised Code. 91691

(C) The county auditor who is the fiscal officer of the 91692  
alcohol, drug addiction, and mental health service district, upon 91693  
receipt of a resolution from the board of alcohol, drug addiction, 91694  
and mental health services, shall establish for the district a 91695  
capital improvements account or a reserve balance account, or 91696  
both, as specified in the resolution. The capital improvements 91697  
account shall be a contingency fund for the necessary acquisition, 91698  
replacement, renovation, or construction of facilities and movable 91699  
and fixed equipment. Upon the request of the board, funds not 91700  
needed to pay for current expenses may be appropriated to the 91701  
capital improvements account, in amounts such that the account 91702  
does not exceed twenty-five per cent of the replacement value of 91703  
all capital facilities and equipment currently used by the board 91704  
for programs and services. Other funds which are available for 91705  
current capital expenses from federal, state, or local sources may 91706  
also be appropriated to this account. 91707

The reserve balance account shall contain those funds that 91708  
are not needed to pay for current operating expenses and not 91709  
deposited in the capital improvements account but that will be 91710  
needed to pay for operating expenses in the future. Upon the 91711  
request of a board, such funds shall be appropriated to the 91712  
reserve balance account. Payments from the capital improvements 91713  
account and the reserve balance account shall be made by the 91714  
county treasurer who is the custodian of funds for the district 91715

upon warrants issued by the county auditor who is the fiscal 91716  
officer of the district pursuant to orders of the board. 91717

**Sec. 5705.222.** (A) At any time the board of county 91718  
commissioners of any county by a majority vote of the full 91719  
membership may declare by resolution and certify to the board of 91720  
elections of the county that the amount of taxes which may be 91721  
raised within the ten-mill limitation by levies on the current tax 91722  
duplicate will be insufficient to provide the necessary 91723  
requirements of the county board of developmental disabilities 91724  
established pursuant to Chapter 5126. of the Revised Code and that 91725  
it is necessary to levy a tax in excess of such limitation for the 91726  
operation of community programs and services authorized by county 91727  
boards of developmental disabilities, for the acquisition, 91728  
construction, renovation, financing, maintenance, and operation of 91729  
developmental disabilities facilities, or for both of such 91730  
purposes. 91731

The resolution shall conform to section 5705.19 of the 91732  
Revised Code, except that the increased rate may be in effect for 91733  
any number of years not exceeding ten or for a continuing period 91734  
of time. 91735

The resolution shall be certified and submitted in the manner 91736  
provided in section 5705.25 of the Revised Code, ~~except that it~~ . 91737  
The resolution may be placed on the ballot ~~in any~~ at a general 91738  
election or at a special election held on a day on which a primary 91739  
election may be held, and shall be certified to the board of 91740  
elections not less than ninety days before the election at which 91741  
it will be voted upon. 91742

If the majority of the electors voting on a levy for the 91743  
support of the programs and services of the county board of 91744  
developmental disabilities vote in favor of the levy, the board of 91745  
county commissioners may levy a tax within the county at the 91746

additional rate outside the ten-mill limitation during the 91747  
specified or continuing period, for the purpose stated in the 91748  
resolution. 91749

The county board of developmental disabilities, within its 91750  
budget and with the approval of the board of county commissioners 91751  
through annual appropriations, shall use the proceeds of a levy 91752  
approved under this section or division (L) of section 5705.19 of 91753  
the Revised Code solely for the purposes authorized by that 91754  
section or division. 91755

A board of county commissioners that levies a tax under this 91756  
section or for the purpose authorized by division (L) of section 91757  
5705.19 of the Revised Code, by a majority vote of the full 91758  
membership, may adopt a resolution to renew such a levy, or renew 91759  
two or more such levies as a single ballot question, in the manner 91760  
provided by section 5705.25 of the Revised Code for the renewal of 91761  
existing levies. The purpose of the renewal levy may be for any of 91762  
the purposes authorized for a levy imposed under this section or 91763  
division (L) of section 5705.19 of the Revised Code. The term of 91764  
the renewal levy may be for any number of years not exceeding ten 91765  
or for a continuing period of time. 91766

(B) When electors have approved a tax levy under this 91767  
section, the county commissioners may anticipate a fraction of the 91768  
proceeds of the levy and issue anticipation notes in accordance 91769  
with section 5705.191 or 5705.193 of the Revised Code. 91770

(C) The county auditor, upon receipt of a resolution from the 91771  
county board of developmental disabilities, shall establish a 91772  
capital improvements account or a reserve balance account, or 91773  
both, as specified in the resolution. The capital improvements 91774  
account shall be a contingency account for the necessary 91775  
acquisition, replacement, renovation, or construction of 91776  
facilities and movable and fixed equipment. Upon the request of 91777  
the county board of developmental disabilities, moneys not needed 91778

to pay for current expenses may be appropriated to this account, 91779  
in amounts such that this account does not exceed twenty-five per 91780  
cent of the replacement value of all capital facilities and 91781  
equipment currently used by the county board of developmental 91782  
disabilities for developmental disabilities programs and services. 91783  
Other moneys available for current capital expenses from federal, 91784  
state, or local sources may also be appropriated to this account. 91785

The reserve balance account shall contain those moneys that 91786  
are not needed to pay for current operating expenses and not 91787  
deposited in the capital improvements account but that will be 91788  
needed to pay for operating expenses in the future. Upon the 91789  
request of a county board of developmental disabilities, the board 91790  
of county commissioners may appropriate moneys to the reserve 91791  
balance account. 91792

**Sec. 5705.23.** The board of library trustees of any county, 91793  
municipal corporation, school district, or township public library 91794  
by a vote of two-thirds of all its members may at any time declare 91795  
by resolution that the amount of taxes which may be raised within 91796  
the ten-mill limitation by levies on the current tax duplicate 91797  
will be insufficient to provide an adequate amount for the 91798  
necessary requirements of the public library, that it is necessary 91799  
to levy a tax in excess of such limitation for current expenses of 91800  
the public library or for the construction of any specific 91801  
permanent improvement or class of improvements which the board of 91802  
library trustees is authorized to make or acquire and which could 91803  
be included in a single issue of bonds, and that the question of 91804  
such additional tax levy shall be submitted by the taxing 91805  
authority of the political subdivision to whose jurisdiction the 91806  
board is subject, to the electors of the subdivision, or, in the 91807  
case of a qualifying library levy, to the electors residing within 91808  
the boundaries of the library district ~~on the day specified by~~ 91809  
~~division (E) of section 3501.01 of the Revised Code for the~~ 91810

~~holding of at a general election or a special election held on a~~ 91811  
~~day on which a primary election or at an election on another day~~ 91812  
~~to be specified in the resolution. No more than two elections~~ 91813  
~~shall may be held under authority of this section in any one~~ 91814  
~~calendar year.~~ Such resolution shall conform to section 5705.19 of 91815  
the Revised Code, except that the tax levy may be in effect for 91816  
any specified number of years or for a continuing period of time, 91817  
as set forth in the resolution, and the resolution shall specify 91818  
the date of holding the election, which shall not be earlier than 91819  
ninety days after the adoption and certification of the resolution 91820  
to the taxing authority of the political subdivision to whose 91821  
jurisdiction the board is subject, ~~and which shall be consistent~~ 91822  
~~with the requirements of section 3501.01 of the Revised Code.~~ The 91823  
resolution shall not include a levy on the current tax list and 91824  
duplicate unless the election is to be held at or prior to the 91825  
first Tuesday after the first Monday in November of the current 91826  
tax year. 91827

Upon receipt of the resolution, the taxing authority of the 91828  
political subdivision to whose jurisdiction the board is subject 91829  
shall adopt a resolution providing for the submission of such 91830  
additional tax levy to the electors of the subdivision, or, in the 91831  
case of a qualifying library levy, to the electors residing within 91832  
the boundaries of the library district on the date specified in 91833  
the resolution of the board of library trustees. The resolution 91834  
adopted by the taxing authority shall otherwise conform to the 91835  
resolution certified to it by the board. The resolution of the 91836  
taxing authority shall be certified to the board of elections of 91837  
the proper county not less than ninety days before the date of 91838  
such election. Such resolution shall go into immediate effect upon 91839  
its passage, and no publication of the resolution shall be 91840  
necessary other than that provided in the notice of election. 91841  
Section 5705.25 of the Revised Code shall govern the arrangements 91842  
for the submission of such question and other matters concerning 91843

the election, to which that section refers, except that such 91844  
election shall be held on the date specified in the resolution. If 91845  
a majority of the electors voting on the question so submitted in 91846  
an election vote in favor of such levy, the taxing authority may 91847  
forthwith make the necessary levy within the subdivision or, in 91848  
the case of a qualifying library levy, within the boundaries of 91849  
the library district at the additional rate in excess of the 91850  
ten-mill limitation on the tax list, for the purpose stated in 91851  
such resolutions. Such tax levy shall be included in the next 91852  
annual tax budget that is certified to the county budget 91853  
commission. The proceeds of any library levy in excess of the 91854  
ten-mill limitation shall be used for purposes of the board in 91855  
accordance with the law applicable to the board. 91856

After the approval of a levy on the current tax list and 91857  
duplicate to provide an increase in current expenses, and prior to 91858  
the time when the first tax collection from such levy can be made, 91859  
the taxing authority at the request of the board of library 91860  
trustees may anticipate a fraction of the proceeds of such levy 91861  
and issue anticipation notes in an amount not exceeding fifty per 91862  
cent of the total estimated proceeds of the levy to be collected 91863  
during the first year of the levy. 91864

After the approval of a levy to provide revenues for the 91865  
construction or acquisition of any specific permanent improvement 91866  
or class of improvements, the taxing authority at the request of 91867  
the board of library trustees may anticipate a fraction of the 91868  
proceeds of such levy and issue anticipation notes in a principal 91869  
amount not exceeding fifty per cent of the total estimated 91870  
proceeds of the levy to be collected in each year over a period of 91871  
ten years after the issuance of such notes. 91872

The notes shall be issued as provided in section 133.24 of 91873  
the Revised Code, shall have principal payments during each year 91874  
after the year of their issuance over a period not to exceed ten 91875

years, and may have a principal payment in the year of their 91876  
issuance. 91877

Any levy approved by the electors of a library district shall 91878  
be made within the library district only. 91879

**Sec. 5705.233.** (A) As used in this section, "criminal justice 91880  
facility" means any facility located within the county in which a 91881  
tax is levied under this section and for which the board of 91882  
commissioners of such county may make an appropriation under 91883  
section 307.45 of the Revised Code. 91884

(B) The board of county commissioners of any county, at any 91885  
time, may declare by resolution that it may be necessary for the 91886  
county to issue general obligation bonds for permanent 91887  
improvements to a criminal justice facility, including the 91888  
acquisition, construction, enlargement, renovation, or maintenance 91889  
of such a facility. The resolution shall state all of the 91890  
following: 91891

(1) The necessity and purpose of the bond issue; 91892

(2) The date of the ~~general or special~~ election at which the 91893  
question shall be submitted to the electors, which shall be the 91894  
day of a general election or a special election held on a day on 91895  
which a primary election may be held; 91896

(3) The amount, approximate date, estimated rate of interest, 91897  
and maximum number of years over which the principal of the bonds 91898  
may be paid; 91899

(4) The necessity of levying a tax outside the ten-mill 91900  
limitation to pay debt charges on the bonds and any anticipatory 91901  
securities. 91902

On adoption of the resolution, the board of county 91903  
commissioners shall certify a copy of it to the county auditor. 91904  
The county auditor promptly shall estimate and certify to the 91905

board the average annual property tax rate required throughout the 91906  
stated maturity of the bonds to pay debt charges on the bonds, in 91907  
the same manner as under division (C) of section 133.18 of the 91908  
Revised Code. Division (B) of section 5705.03 of the Revised Code 91909  
does not apply to tax levy proceedings initiated under this 91910  
section. 91911

(C) After receiving the county auditor's certification under 91912  
division (B) of this section, the board of county commissioners 91913  
may declare by resolution that the amount of taxes that can be 91914  
raised within the ten-mill limitation will be insufficient to 91915  
provide an adequate amount for the present and future criminal 91916  
justice requirements of the county; that it is necessary to issue 91917  
general obligation bonds of the county for permanent improvements 91918  
to a criminal justice facility and to levy an additional tax in 91919  
excess of the ten-mill limitation to pay debt charges on the bonds 91920  
and any anticipatory securities; that it is necessary for a 91921  
specified number of years or for a continuing period of time to 91922  
levy additional taxes in excess of the ten-mill limitation to 91923  
provide funds for the acquisition, construction, enlargement, 91924  
renovation, maintenance, and financing of permanent improvements 91925  
to such a criminal justice facility or to pay for operating 91926  
expenses of the facility and other criminal justice services for 91927  
which the board may make an appropriation under section 307.45 of 91928  
the Revised Code, or both; and that the question of the bonds and 91929  
taxes shall be submitted to the electors of the county at a 91930  
general election or a special election held on a day on which a 91931  
primary election may be held, which shall not be earlier than 91932  
ninety days after certification of the resolution to the board of 91933  
elections, ~~and the date of which shall be consistent with section~~ 91934  
~~3501.01 of the Revised Code~~. The resolution shall specify all of 91935  
the following: 91936

(1) The county auditor's estimate of the average annual 91937

property tax rate required throughout the stated maturity of the 91938  
bonds to pay debt charges on the bonds; 91939

(2) The proposed rate of the tax, if any, for operating 91940  
expenses and criminal justice services, the first year the tax 91941  
will be levied, and the number of years it will be levied, or that 91942  
it will be levied for a continuing period of time; 91943

(3) The proposed rate of the tax, if any, for permanent 91944  
improvements to a criminal justice facility, the first year the 91945  
tax will be levied, and the number of years it will be levied, or 91946  
that it will be levied for a continuing period of time. 91947

The resolution shall go into immediate effect upon its 91948  
passage, and no publication of it is necessary other than that 91949  
provided in the notice of election. The board of county 91950  
commissioners shall certify a copy of the resolution, along with 91951  
copies of the auditor's estimate and its resolution under division 91952  
(B) of this section, to the board of elections immediately after 91953  
its adoption. 91954

(D) The board of elections shall make the arrangements for 91955  
the submission of the question proposed under division (C) of this 91956  
section to the electors of the county, and the election shall be 91957  
conducted, canvassed, and certified in the same manner as regular 91958  
elections in the county for the election of county officers. The 91959  
resolution shall be put before the electors as one ballot 91960  
question, with a favorable vote indicating approval of the bond 91961  
issue, the levy to pay debt charges on the bonds and any 91962  
anticipatory securities, the operating expenses and criminal 91963  
justice services levy, and the permanent improvements levy, as 91964  
those levies may be proposed. The board of elections shall publish 91965  
notice of the election in a newspaper of general circulation in 91966  
the county once a week for two consecutive weeks, or as provided 91967  
in section 7.16 of the Revised Code, before the election. If a 91968  
board of elections operates and maintains a web site, that board 91969

also shall post notice of the election on its web site for thirty	91970
days before the election. The notice of election shall state all	91971
of the following:	91972
(1) The principal amount of the proposed bond issue;	91973
(2) The permanent improvements for which the bonds are to be	91974
issued;	91975
(3) The maximum number of years over which the principal of	91976
the bonds may be paid;	91977
(4) The estimated additional average annual property tax rate	91978
to pay the debt charges on the bonds, as certified by the county	91979
auditor;	91980
(5) The proposed rate of the additional tax, if any, for	91981
operating expenses and criminal justice services;	91982
(6) The number of years the operating expenses or criminal	91983
justice services tax will be in effect, or that it will be in	91984
effect for a continuing period of time;	91985
(7) The proposed rate of the additional tax, if any, for	91986
permanent improvements;	91987
(8) The number of years the permanent improvements tax will	91988
be in effect, or that it will be in effect for a continuing period	91989
of time;	91990
(9) The time and place of the election.	91991
(E) The form of the ballot for an election under this section	91992
is as follows:	91993
"Shall ..... be authorized to do the following:	91994
(1) Issue bonds for the purpose of ..... in the	91995
principal amount of \$....., to be repaid annually over a maximum	91996
period of ..... years, and levy a property tax outside the	91997
ten-mill limitation, estimated by the county auditor to average	91998

over the bond repayment period ..... mills for each one dollar of 91999  
tax valuation, which amounts to ..... (rate expressed in cents or 92000  
dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of 92001  
tax valuation, to pay the annual debt charges on the bonds, and to 92002  
pay debt charges on any notes issued in anticipation of those 92003  
bonds?" 92004

If either a levy for permanent improvements or a levy for 92005  
operating expenses and criminal justice services is proposed, or 92006  
both are proposed, the ballot also shall contain the following 92007  
language, as appropriate: 92008

"(2) Levy an additional property tax to provide funds for the 92009  
acquisition, construction, enlargement, renovation, maintenance, 92010  
and financing of permanent improvements to a criminal justice 92011  
facility at a rate not exceeding ..... mills for each one dollar 92012  
of tax valuation, which amounts to ..... (rate expressed in 92013  
cents or dollars and cents) for each \$100 of tax valuation, for 92014  
..... (number of years of the levy, or a continuing period of 92015  
time)? 92016

(3) Levy an additional property tax to pay operating expenses 92017  
of a criminal justice facility and provide other criminal justice 92018  
services at a rate not exceeding ..... mills for each one dollar 92019  
of tax valuation, which amounts to ..... (rate expressed in 92020  
cents or dollars and cents) for each \$100 of tax valuation, for 92021  
..... (number of years of the levy, or a continuing period of 92022  
time)? 92023

FOR THE BOND ISSUE AND LEVY (OR LEVIES) 92024

AGAINST THE BOND ISSUE AND LEVY (OR LEVIES)" 92025

(F) The board of elections promptly shall certify the results 92026  
of the election to the tax commissioner and the county auditor. If 92027  
a majority of the electors voting on the question vote for it, the 92028  
board of county commissioners may proceed with issuance of the 92029

bonds and the levy and collection of the property tax for the debt 92030  
service on the bonds and any anticipatory securities in the same 92031  
manner and subject to the same limitations as for securities 92032  
issued under section 133.18 of the Revised Code, and with the levy 92033  
and collection of the property tax or taxes for operating expenses 92034  
and criminal justice services and for permanent improvements at 92035  
the additional rate or any lesser rate in excess of the ten-mill 92036  
limitation. Any securities issued by the board of commissioners 92037  
under this section are Chapter 133. securities, as that term is 92038  
defined in section 133.01 of the Revised Code. 92039

(G)(1) After the approval of a tax for operating expenses and 92040  
criminal justice services under this section and before the time 92041  
the first collection and distribution from the levy can be made, 92042  
the board of county commissioners may anticipate a fraction of the 92043  
proceeds of the levy and issue anticipation notes in a principal 92044  
amount not exceeding fifty per cent of the total estimated 92045  
proceeds of the tax to be collected during the first year of the 92046  
levy. 92047

(2) After the approval of a tax under this section for 92048  
permanent improvements to a criminal justice facility, the board 92049  
of county commissioners may anticipate a fraction of the proceeds 92050  
of the tax and issue anticipation notes in a principal amount not 92051  
exceeding fifty per cent of the total estimated proceeds of the 92052  
tax remaining to be collected in each year over a period of five 92053  
years after issuance of the notes. 92054

Anticipation notes under this section shall be issued as 92055  
provided in section 133.24 of the Revised Code. Notes issued under 92056  
division (G) of this section shall have principal payments during 92057  
each year after the year of their issuance over a period not to 92058  
exceed five years, and may have a principal payment in the year of 92059  
their issuance. 92060

(H) A tax for operating expenses and criminal justice 92061

services or for permanent improvements levied under this section 92062  
for a specified number of years may be renewed or replaced in the 92063  
same manner as a tax for current operating expenses or permanent 92064  
improvements levied under section 5705.19 of the Revised Code. A 92065  
tax levied under this section for a continuing period of time may 92066  
be decreased in accordance with section 5705.261 of the Revised 92067  
Code. 92068

**Sec. 5705.24.** The board of county commissioners of any 92069  
county, at any time and in any year, after providing the normal 92070  
and customary percentage of the total general fund appropriations 92071  
for the support of children services and the care and placement of 92072  
children, by vote of two-thirds of all the members of said board 92073  
may declare by resolution that the amount of taxes which may be 92074  
raised within the ten-mill limitation will be insufficient to 92075  
provide an adequate amount for the support of such children 92076  
services, and that it is necessary to levy a tax in excess of the 92077  
ten-mill limitation to supplement such general fund appropriations 92078  
for such purpose. Taxes collected from a levy imposed under this 92079  
section may be expended for any operating or capital improvement 92080  
expenditure necessary for the support of children services and the 92081  
care and placement of children. 92082

Such resolution shall conform to the requirements of section 92083  
5705.19 of the Revised Code, except that the levy may be for any 92084  
number of years not exceeding ten. The resolution shall be 92085  
certified to the board of elections not less than ninety days 92086  
before the ~~general, primary, or special~~ election upon which it 92087  
will be voted, and which shall be a general election or a special 92088  
election held on a day on which a primary election may be held. 92089  
The resolution shall be submitted in the manner provided in 92090  
section 5705.25 of the Revised Code, ~~except that it may be placed~~ 92091  
~~on the ballot in any such election.~~ 92092

If the majority of the electors voting on a levy to supplement general fund appropriations for the support of children services and the care and placement of children vote in favor thereof, the board may levy a tax within such county at the additional rate outside the ten-mill limitation during the period and for the purpose stated in the resolution or at any less rate or for any of the said years.

After the approval of such levy and prior to the time when the first tax collection from such levy can be made, the board of county commissioners may anticipate a fraction of the proceeds of such levy and issue anticipation notes in a principal amount not to exceed fifty per cent of the total estimated proceeds of the levy throughout its life.

Such notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not exceeding the life of the levy, and may have a principal payment in the year of their issuance.

**Sec. 5705.25.** (A) A copy of any resolution adopted as provided in section 5705.19 or 5705.2111 of the Revised Code shall be certified by the taxing authority to the board of elections of the proper county not less than ninety days before the general election in any year, and the board shall submit the proposal to the electors of the subdivision at the succeeding November election. In the case of a qualifying library levy, the board shall submit the question to the electors of the library district or association library district. Except as otherwise provided in this division, a resolution to renew an existing levy, regardless of the section of the Revised Code under which the tax was imposed, shall not be placed on the ballot unless the question is submitted at the general election held during the last year the

tax to be renewed may be extended on the real and public utility 92124  
property tax list and duplicate, or at ~~any~~ the general election or 92125  
at the special election held on a day on which a primary election 92126  
may be held, occurring in the ensuing year. The limitation of the 92127  
foregoing sentence does not apply to a resolution to renew and 92128  
increase or to renew part of an existing levy that was imposed 92129  
under section 5705.191 of the Revised Code to supplement the 92130  
general fund for the purpose of making appropriations for one or 92131  
more of the following purposes: for public assistance, human or 92132  
social services, relief, welfare, hospitalization, health, and 92133  
support of general hospitals. The limitation of the second 92134  
preceding sentence also does not apply to a resolution that 92135  
proposes to renew two or more existing levies imposed under 92136  
section 5705.222 or division (L) of section 5705.19 of the Revised 92137  
Code, or under section 5705.21 or 5705.217 of the Revised Code, in 92138  
which case the question shall be submitted on the date of the 92139  
general election or the special election held on a day on which a 92140  
primary election may be held, occurring during the last year at 92141  
least one of the levies to be renewed may be extended on the real 92142  
and public utility property tax list and duplicate, or at any such 92143  
election held during the ensuing year. For purposes of this 92144  
section, a levy shall be considered to be an "existing levy" 92145  
through the year following the last year it can be placed on that 92146  
tax list and duplicate. 92147

The board shall make the necessary arrangements for the 92148  
submission of such questions to the electors of such subdivision, 92149  
library district, or association library district, and the 92150  
election shall be conducted, canvassed, and certified in the same 92151  
manner as regular elections in such subdivision, library district, 92152  
or association library district for the election of county 92153  
officers. Notice of the election shall be published in a newspaper 92154  
of general circulation in the subdivision, library district, or 92155  
association library district once a week for two consecutive 92156

weeks, or as provided in section 7.16 of the Revised Code, prior 92157  
to the election. If the board of elections operates and maintains 92158  
a web site, the board of elections shall post notice of the 92159  
election on its web site for thirty days prior to the election. 92160  
The notice shall state the purpose, the proposed increase in rate 92161  
expressed in dollars and cents for each one hundred dollars of 92162  
valuation as well as in mills for each one dollar of valuation, 92163  
the number of years during which the increase will be in effect, 92164  
the first month and year in which the tax will be levied, and the 92165  
time and place of the election. 92166

(B) The form of the ballots cast at an election held pursuant 92167  
to division (A) of this section shall be as follows: 92168

"An additional tax for the benefit of (name of subdivision or 92169  
public library) ..... for the purpose of (purpose stated in 92170  
the resolution) ..... at a rate not exceeding ..... mills 92171  
for each one dollar of valuation, which amounts to (rate expressed 92172  
in dollars and cents) ..... for each one hundred dollars of 92173  
valuation, for ..... (life of indebtedness or number of years the 92174  
levy is to run). 92175

	For the Tax Levy
	Against the Tax Levy

"

92176  
92177  
92178  
92179

(C) If the levy is to be in effect for a continuing period of 92180  
time, the notice of election and the form of ballot shall so state 92181  
instead of setting forth a specified number of years for the levy. 92182

If the tax is to be placed on the current tax list, the form 92183  
of the ballot shall be modified by adding, after the statement of 92184  
the number of years the levy is to run, the phrase ", commencing 92185  
in ..... (first year the tax is to be levied), first due in 92186  
calendar year ..... (first calendar year in which the tax 92187

shall be due)." 92188

If the levy submitted is a proposal to renew, increase, or 92189  
decrease an existing levy, the form of the ballot specified in 92190  
division (B) of this section may be changed by substituting for 92191  
the words "An additional" at the beginning of the form, the words 92192  
"A renewal of a" in case of a proposal to renew an existing levy 92193  
in the same amount; the words "A renewal of ..... mills and an 92194  
increase of ..... mills to constitute a" in the case of an 92195  
increase; or the words "A renewal of part of an existing levy, 92196  
being a reduction of ..... mills, to constitute a" in the case of 92197  
a decrease in the proposed levy. 92198

If the levy submitted is a proposal to renew two or more 92199  
existing levies imposed under section 5705.222 or division (L) of 92200  
section 5705.19 of the Revised Code, or under section 5705.21 or 92201  
5705.217 of the Revised Code, the form of the ballot specified in 92202  
division (B) of this section shall be modified by substituting for 92203  
the words "an additional tax" the words "a renewal of ....(insert 92204  
the number of levies to be renewed) existing taxes." 92205

If the levy submitted is a levy under section 5705.72 of the 92206  
Revised Code or a proposal to renew, increase, or decrease an 92207  
existing levy imposed under that section, the name of the 92208  
subdivision shall be "the unincorporated area of ..... (name 92209  
of township)." 92210

The question covered by such resolution shall be submitted as 92211  
a separate proposition but may be printed on the same ballot with 92212  
any other proposition submitted at the same election, other than 92213  
the election of officers. More than one such question may be 92214  
submitted at the same election. 92215

(D) A levy voted in excess of the ten-mill limitation under 92216  
this section shall be certified to the tax commissioner. In the 92217  
first year of the levy, it shall be extended on the tax lists 92218

after the February settlement succeeding the election. If the 92219  
additional tax is to be placed upon the tax list of the current 92220  
year, as specified in the resolution providing for its submission, 92221  
the result of the election shall be certified immediately after 92222  
the canvass by the board of elections to the taxing authority, who 92223  
shall make the necessary levy and certify it to the county 92224  
auditor, who shall extend it on the tax lists for collection. 92225  
After the first year, the tax levy shall be included in the annual 92226  
tax budget that is certified to the county budget commission. 92227

**Sec. 5705.251.** (A) A copy of a resolution adopted under 92228  
section 5705.212 or 5705.213 of the Revised Code shall be 92229  
certified by the board of education to the board of elections of 92230  
the proper county not less than ninety days before the date of the 92231  
election specified in the resolution, ~~and the~~ which shall be a 92232  
general election or a special election held on a day on which a 92233  
primary election may be held. The board of elections shall submit 92234  
the proposal to the electors of the school district at ~~a special~~ 92235  
~~the specified~~ election ~~to be held on that date.~~ The board of 92236  
elections shall make the necessary arrangements for the submission 92237  
of the question or questions to the electors of the school 92238  
district, and the election shall be conducted, canvassed, and 92239  
certified in the same manner as regular elections in the school 92240  
district for the election of county officers. Notice of the 92241  
election shall be published in a newspaper of general circulation 92242  
in the subdivision once a week for two consecutive weeks, or as 92243  
provided in section 7.16 of the Revised Code, prior to the 92244  
election. If the board of elections operates and maintains a web 92245  
site, the board of elections shall post notice of the election on 92246  
its web site for thirty days prior to the election. 92247

(1) In the case of a resolution adopted under section 92248  
5705.212 of the Revised Code, the notice shall state separately, 92249  
for each tax being proposed, the purpose; the proposed increase in 92250

rate, expressed in dollars and cents for each one hundred dollars 92251  
of valuation as well as in mills for each one dollar of valuation; 92252  
the number of years during which the increase will be in effect; 92253  
and the first calendar year in which the tax will be due. For an 92254  
election on the question of a renewal levy, the notice shall state 92255  
the purpose; the proposed rate, expressed in dollars and cents for 92256  
each one hundred dollars of valuation as well as in mills for each 92257  
one dollar of valuation; and the number of years the tax will be 92258  
in effect. If the resolution is adopted under division (C) of that 92259  
section, the rate of each tax being proposed shall be expressed as 92260  
both the total rate and the portion of the total rate to be 92261  
allocated to the qualifying school district and the portion to be 92262  
allocated to partnering community schools. 92263

(2) In the case of a resolution adopted under section 92264  
5705.213 of the Revised Code, the notice shall state the purpose; 92265  
the amount proposed to be raised by the tax in the first year it 92266  
is levied; the estimated average additional tax rate for the first 92267  
year it is proposed to be levied, expressed in mills for each one 92268  
dollar of valuation and in dollars and cents for each one hundred 92269  
dollars of valuation; the number of years during which the 92270  
increase will be in effect; and the first calendar year in which 92271  
the tax will be due. The notice also shall state the amount by 92272  
which the amount to be raised by the tax may be increased in each 92273  
year after the first year. The amount of the allowable increase 92274  
may be expressed in terms of a dollar increase over, or a 92275  
percentage of, the amount raised by the tax in the immediately 92276  
preceding year. For an election on the question of a renewal levy, 92277  
the notice shall state the purpose; the amount proposed to be 92278  
raised by the tax; the estimated tax rate, expressed in mills for 92279  
each one dollar of valuation and in dollars and cents for each one 92280  
hundred dollars of valuation; and the number of years the tax will 92281  
be in effect. 92282

In any case, the notice also shall state the time and place of the election. 92283  
 92284

(B)(1) The form of the ballot in an election on taxes proposed under section 5705.212 of the Revised Code shall be as follows: 92285  
 92286  
 92287

"Shall the ..... school district be authorized to levy taxes for current expenses, the aggregate rate of which may increase in ..... (number) increment(s) of not more than ..... mill(s) for each dollar of valuation, from an original rate of ..... mill(s) for each dollar of valuation, which amounts to ..... (rate expressed in dollars and cents) for each one hundred dollars of valuation, to a maximum rate of ..... mill(s) for each dollar of valuation, which amounts to ..... (rate expressed in dollars and cents) for each one hundred dollars of valuation? The original tax is first proposed to be levied in ..... (the first year of the tax), and the incremental tax in ..... (the first year of the increment) (if more than one incremental tax is proposed in the resolution, the first year that each incremental tax is proposed to be levied shall be stated in the preceding format, and the increments shall be referred to as the first, second, third, or fourth increment, depending on their number). The aggregate rate of tax so authorized will ..... (insert either, "expire with the original rate of tax which shall be in effect for ..... years" or "be in effect for a continuing period of time"). 92288  
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 92307

	FOR THE TAX LEVIES
	AGAINST THE TAX LEVIES

"

If the tax is proposed by a qualifying school district under division (C)(1) of section 5705.212 of the Revised Code, the form 92308  
 92309  
 92310  
 92311  
 92312  
 92313

of the ballot shall be modified by adding, after the phrase "each 92314  
dollar of valuation," the following: "(of which ..... mills is to 92315  
be allocated to partnering community schools)." 92316

(2) The form of the ballot in an election on the question of 92317  
a renewal levy under section 5705.212 of the Revised Code shall be 92318  
as follows: 92319

"Shall the ..... school district be authorized to renew a 92320  
tax for current expenses at a rate not exceeding ..... mills 92321  
for each dollar of valuation, which amounts to ..... (rate 92322  
expressed in dollars and cents) for each one hundred dollars of 92323  
valuation, for ..... (number of years the levy shall be in 92324  
effect, or a continuing period of time)? 92325

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

92326  
92327  
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92329  
If the tax is proposed by a qualifying school district under 92330  
division (C)(2) of section 5705.212 of the Revised Code and the 92331  
total rate and the rates allocated to the school district and 92332  
partnering community schools are to remain the same as those of 92333  
the levy being renewed, the form of the ballot shall be modified 92334  
by adding, after the phrase "each dollar of valuation," the 92335  
following: "(of which ..... mills is to be allocated to 92336  
partnering community schools)." If the total rate is to be 92337  
increased, the form of the ballot shall state that the proposal is 92338  
to renew the existing tax with an increase in rate and shall state 92339  
the increase in rate, the total rate resulting from the increase, 92340  
and, of that rate, the portion of the rate to be allocated to 92341  
partnering community schools. If the total rate is to be 92342  
decreased, the form of the ballot shall state that the proposal is 92343  
to renew a part of the existing tax and shall state the reduction 92344

in rate, the total rate resulting from the decrease, and, of that 92345  
rate, the portion of the rate to be allocated to partnering 92346  
community schools. 92347

(3) If a tax proposed by a ballot form prescribed in division 92348  
(B)(1) or (2) of this section is to be placed on the current tax 92349  
list, the form of the ballot shall be modified by adding, after 92350  
the statement of the number of years the levy is to be in effect, 92351  
the phrase ", commencing in ..... (first year the tax is to 92352  
be levied), first due in calendar year ..... (first calendar 92353  
year in which the tax shall be due)." 92354

(C) The form of the ballot in an election on a tax proposed 92355  
under section 5705.213 of the Revised Code shall be as follows: 92356

"Shall the ..... school district be authorized to levy the 92357  
following tax for current expenses? The tax will first be levied 92358  
in ..... (year) to raise ..... (dollars). In the ..... (number 92359  
of years) following years, the tax will increase by not more than 92360  
..... (per cent or dollar amount of increase) each year, so that, 92361  
during ..... (last year of the tax), the tax will raise 92362  
approximately ..... (dollars). The county auditor estimates that 92363  
the rate of the tax per dollar of valuation will be ..... 92364  
mill(s), which amounts to \$...... per one hundred dollars of 92365  
valuation, both during ..... (first year of the tax) and ..... 92366  
mill(s), which amounts to \$...... per one hundred dollars of 92367  
valuation, during ..... (last year of the tax). The tax will not 92368  
be levied after ..... (year). 92369

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

92370  
92371  
92372  
92373  
The form of the ballot in an election on the question of a 92374  
renewal levy under section 5705.213 of the Revised Code shall be 92375

as follows: 92376

"Shall the ..... school district be authorized to renew a 92377  
tax for current expenses which will raise ..... (dollars), 92378  
estimated by the county auditor to be ..... mills for each 92379  
dollar of valuation, which amounts to ..... (rate expressed in 92380  
dollars and cents) for each one hundred dollars of valuation? The 92381  
tax shall be in effect for ..... (the number of years the levy 92382  
shall be in effect, or a continuing period of time). 92383

	FOR THE TAX LEVY	
	AGAINST THE TAX LEVY	"

92384  
92385  
92386  
92387

If the tax is to be placed on the current tax list, the form 92388  
of the ballot shall be modified by adding, after the statement of 92389  
the number of years the levy is to be in effect, the phrase ", 92390  
commencing in ..... (first year the tax is to be levied), 92391  
first due in calendar year ..... (first calendar year in 92392  
which the tax shall be due)." 92393

(D) The question covered by a resolution adopted under 92394  
section 5705.212 or 5705.213 of the Revised Code shall be 92395  
submitted as a separate question, but may be printed on the same 92396  
ballot with any other question submitted at the same election, 92397  
other than the election of officers. More than one question may be 92398  
submitted at the same election. 92399

(E) Taxes voted in excess of the ten-mill limitation under 92400  
division (B) or (C) of this section shall be certified to the tax 92401  
commissioner. If an additional tax is to be placed upon the tax 92402  
list of the current year, as specified in the resolution providing 92403  
for its submission, the result of the election shall be certified 92404  
immediately after the canvass by the board of elections to the 92405  
board of education. The board of education immediately shall make 92406

the necessary levy and certify it to the county auditor, who shall 92407  
extend it on the tax list for collection. After the first year, 92408  
the levy shall be included in the annual tax budget that is 92409  
certified to the county budget commission. 92410

**Sec. 5705.261.** The question of decrease of an increased rate 92411  
of levy approved for a continuing period of time by the voters of 92412  
a subdivision or, in the case of a qualifying library levy, the 92413  
voters of the library district or association library district, 92414  
may be initiated by the filing of a petition with the board of 92415  
elections of the proper county not less than ninety days before 92416  
the general election in any year requesting that an election be 92417  
held on such question. Such petition shall state the amount of the 92418  
proposed decrease in the rate of levy and shall be signed by 92419  
qualified electors residing in the subdivision, library district, 92420  
or association library district equal in number to at least ten 92421  
per cent of the total number of votes cast in the subdivision, 92422  
library district, or association library district for the office 92423  
of governor at the most recent general election for that office. 92424  
Only one such petition may be filed during each five-year period 92425  
following the election at which the voters approved the increased 92426  
rate for a continuing period of time. 92427

After determination by it that such petition is valid, the 92428  
board of elections shall submit the question to the electors of 92429  
the subdivision, library district, or association library district 92430  
at the succeeding general election. The election shall be 92431  
conducted, canvassed, and certified in the same manner as regular 92432  
elections in such subdivision, library district, or association 92433  
library district for county offices. Notice of the election shall 92434  
be published in a newspaper of general circulation in the district 92435  
once a week for two consecutive weeks, or as provided in section 92436  
7.16 of the Revised Code, prior to the election. If the board of 92437  
elections operates and maintains a web site, the board of 92438

elections shall post notice of the election on its web site for 92439  
thirty days prior to the election. The notice shall state the 92440  
purpose, the amount of the proposed decrease in rate, and the time 92441  
and place of the election. The form of the ballot cast at such 92442  
election shall be prescribed by the secretary of state. The 92443  
question covered by such petition shall be submitted as a separate 92444  
proposition but it may be printed on the same ballot with any 92445  
other propositions submitted at the same election other than the 92446  
election of officers. If a majority of the qualified electors 92447  
voting on the question of a decrease at such election approve the 92448  
proposed decrease in rate, the result of the election shall be 92449  
certified immediately after the canvass by the board of elections 92450  
to the appropriate taxing authority, which shall thereupon, after 92451  
the current year, cease to levy such increased rate or levy such 92452  
tax at such reduced rate upon the duplicate of the subdivision, 92453  
library district, or association library district. If notes have 92454  
been issued in anticipation of the collection of such levy, the 92455  
taxing authority shall continue to levy and collect under 92456  
authority of the election authorizing the original levy such 92457  
amounts as will be sufficient to pay the principal of and interest 92458  
on such anticipation notes as the same fall due. 92459

In the case of a levy for the current expenses of a 92460  
qualifying school district and of partnering community schools 92461  
imposed under section 5705.192, division (B) of section 5705.21, 92462  
division (C) of section 5705.212, or division ~~(J)~~ (I) of section 92463  
5705.218 of the Revised Code for a continuing period of time, the 92464  
rate allocated to the school district and to partnering community 92465  
schools shall each be decreased by a number of mills per dollar 92466  
that is proportionate to the decrease in the rate of the levy in 92467  
proportion to the rate at which the levy was imposed before the 92468  
decrease. 92469

**Sec. 5705.55.** (A) The board of directors of a lake facilities 92470

authority, by a vote of two-thirds of all its members, may at any 92471  
time declare by resolution that the amount of taxes which may be 92472  
raised within the ten-mill limitation by levies on the current tax 92473  
duplicate will be insufficient to provide an adequate amount for 92474  
the necessary requirements of the authority, that it is necessary 92475  
to levy a tax in excess of such limitation for any of the purposes 92476  
specified in divisions (A), (B), (F), and (H) of section 5705.19 92477  
of the Revised Code, and that the question of such additional tax 92478  
levy shall be submitted by the board to the electors residing 92479  
within the boundaries of the impacted lake district on the day of 92480  
a ~~primary or~~ general election or a special election held on a day 92481  
on which a primary election may be held. The resolution shall 92482  
conform to section 5705.19 of the Revised Code, except that the 92483  
tax levy may be in effect for no more than five years, as set 92484  
forth in the resolution, unless the levy is for the payment of 92485  
debt charges, and the total number of mills levied for each dollar 92486  
of taxable valuation that may be levied under this section for any 92487  
tax year shall not exceed one mill. If the levy is for the payment 92488  
of debt charges, the levy shall be for the life of the bond 92489  
indebtedness. 92490

The resolution shall specify the date of holding the 92491  
election, which shall not be earlier than ninety days after the 92492  
adoption and certification of the resolution to the board of 92493  
elections. The resolution shall not include a levy on the current 92494  
tax list and duplicate unless the election is to be held at or 92495  
prior to the first Tuesday after the first Monday in November of 92496  
the current tax year. 92497

The resolution shall be certified to the board of elections 92498  
of the proper county or counties not less than ninety days before 92499  
the date of the election. The resolution shall go into immediate 92500  
effect upon its passage, and no publication of the resolution 92501  
shall be necessary other than that provided in the notice of 92502

election. Section 5705.25 of the Revised Code shall govern the 92503  
arrangements for the submission of such question and other matters 92504  
concerning the election, to which that section refers, except that 92505  
the election shall be held on the date specified in the 92506  
resolution. If a majority of the electors voting on the question 92507  
so submitted in an election vote in favor of the levy, the board 92508  
of directors may forthwith make the necessary levy within the 92509  
boundaries of the impacted lake district at the additional rate in 92510  
excess of the ten-mill limitation on the tax list, for the purpose 92511  
stated in the resolution. The tax levy shall be included in the 92512  
next annual tax budget that is certified to the county budget 92513  
commission. 92514

(B) The form of the ballot in an election held on the 92515  
question of levying a tax proposed pursuant to this section shall 92516  
be as follows or in any other form acceptable to the secretary of 92517  
state: 92518

"A tax for the benefit of (name of lake facilities authority) 92519  
..... for the purpose of ..... at a rate not exceeding 92520  
..... mills for each one dollar of valuation, which amounts to 92521  
(rate expressed in dollars and cents) ..... for each one 92522  
hundred dollars of valuation, for ..... (life of 92523  
indebtedness or number of years the levy is to run). 92524

	For the Tax Levy	
	Against the Tax Levy	"

(C) On approval of the levy, notes may be issued in 92525  
anticipation of the collection of the proceeds of the tax levy, 92526  
other than the proceeds to be received for the payment of bond 92527  
debt charges, in the amount and manner and at the times as are 92528  
provided in section 5705.193 of the Revised Code, for the issuance 92529  
92530  
92531  
92532  
92533

of notes by a county in anticipation of the proceeds of a tax 92534  
levy. The lake facilities authority may borrow money in 92535  
anticipation of the collection of current revenues as provided in 92536  
section 133.10 of the Revised Code. 92537

(D) If a tax is levied under this section in a tax year, no 92538  
other taxing authority of a subdivision or taxing unit, including 92539  
a port authority, may levy a tax on property in the impacted lake 92540  
district in the same tax year if the purpose of the levy is 92541  
substantially the same as the purpose for which the lake 92542  
facilities authority of the impacted lake district was created. 92543

**Sec. 5705.72.** (A) As used in this section and in section 92544  
5705.25 of the Revised Code with regard to a levy submitted under 92545  
this section, "electors" means electors of the unincorporated area 92546  
of a township. 92547

(B) The board of trustees of any township that withdraws or 92548  
proposes by resolution to withdraw the unincorporated area of the 92549  
township from a regional transit authority under section 306.55 of 92550  
the Revised Code, by vote of two-thirds of all the members of the 92551  
board of trustees, may declare by resolution that the amount of 92552  
taxes that may be raised within the ten-mill limitation will be 92553  
insufficient to provide transportation services to the 92554  
unincorporated area of the township and that it is necessary to 92555  
levy a tax in excess of that limitation within the unincorporated 92556  
area of that township for the purpose of providing transportation 92557  
services for the movement of persons within, from, or to the 92558  
unincorporated area of that township. 92559

The resolution shall specify the necessary amount of the 92560  
increase in rate to levy, the purpose of such increase, and the 92561  
number of years, not exceeding ten, during which the rate increase 92562  
shall be in effect, which may or may not include a levy upon the 92563  
tax list of the current year. 92564

The resolution shall be submitted to the proper county board 92565  
of elections not less than ninety days before the date of the 92566  
election at which the question will appear on the ballot and in 92567  
the manner provided by section 5705.25 of the Revised Code, ~~except~~ 92568  
~~that the.~~ The question may be submitted to electors at a general 92569  
election or a special election held on a ~~date consistent with~~ 92570  
~~section 3501.01 of the Revised Code~~ day on which a primary 92571  
election may be held. 92572

A resolution adopted by the board of trustees of a township 92573  
under this section may be combined with a resolution for the 92574  
withdrawal of the unincorporated area of the township from a 92575  
regional transit authority as provided in section 306.55 of the 92576  
Revised Code, by vote of two-thirds of all members of the board. 92577  
The board may certify the combined resolution to the board of 92578  
elections as a combined question. The question appearing on the 92579  
ballot shall be as provided in section 5705.252 of the Revised 92580  
Code. 92581

When electors have approved a tax levy under this section, 92582  
the board of township trustees may anticipate a fraction of the 92583  
proceeds of the levy and issue anticipation notes as authorized by 92584  
section 5705.191 of the Revised Code for a current expense levy 92585  
with a fixed term, and may anticipate the collection of current 92586  
revenue under section 133.10 of the Revised Code. 92587

**Sec. 5739.021.** (A) For the purpose of providing additional 92588  
general revenues for the county, supporting criminal and 92589  
administrative justice services in the county, funding a regional 92590  
transportation improvement project under section 5595.06 of the 92591  
Revised Code, or any combination of the foregoing, and to pay the 92592  
expenses of administering such levy, any county may levy a tax at 92593  
the rate of not more than one per cent upon every retail sale made 92594  
in the county, except sales of watercraft and outboard motors 92595

required to be titled pursuant to Chapter 1548. of the Revised 92596  
Code and sales of motor vehicles, and may increase the rate of an 92597  
existing tax to not more than one per cent. The rate of any tax 92598  
levied pursuant to this section shall be a multiple of one-fourth 92599  
or one-tenth of one per cent. 92600

The tax shall be levied and the rate increased pursuant to a 92601  
resolution of the board of county commissioners. The resolution 92602  
shall state the purpose for which the tax is to be levied and the 92603  
number of years for which the tax is to be levied, or that it is 92604  
for a continuing period of time. If the tax is to be levied for 92605  
the purpose of providing additional general revenues and for the 92606  
purpose of supporting criminal and administrative justice 92607  
services, the resolution shall state the rate or amount of the tax 92608  
to be apportioned to each such purpose. The rate or amount may be 92609  
different for each year the tax is to be levied, but the rates or 92610  
amounts actually apportioned each year shall not be different from 92611  
that stated in the resolution for that year. If the resolution is 92612  
adopted as an emergency measure necessary for the immediate 92613  
preservation of the public peace, health, or safety, it must 92614  
receive an affirmative vote of all of the members of the board of 92615  
county commissioners and shall state the reasons for such 92616  
necessity. The board shall deliver a certified copy of the 92617  
resolution to the tax commissioner, not later than the sixty-fifth 92618  
day prior to the date on which the tax is to become effective, 92619  
which shall be the first day of the calendar quarter. 92620

Prior to the adoption of any resolution under this section, 92621  
the board of county commissioners shall conduct two public 92622  
hearings on the resolution, the second hearing to be not less than 92623  
three nor more than ten days after the first. Notice of the date, 92624  
time, and place of the hearings shall be given by publication in a 92625  
newspaper of general circulation in the county, or as provided in 92626  
section 7.16 of the Revised Code, once a week on the same day of 92627

the week for two consecutive weeks, the second publication being 92628  
not less than ten nor more than thirty days prior to the first 92629  
hearing. 92630

Except as provided in division (B)(3) of this section, the 92631  
resolution shall be subject to a referendum as provided in 92632  
sections 305.31 to 305.41 of the Revised Code. 92633

If a petition for a referendum is filed, the county auditor 92634  
with whom the petition was filed shall, within five days, notify 92635  
the board of county commissioners and the tax commissioner of the 92636  
filing of the petition by certified mail. If the board of 92637  
elections with which the petition was filed declares the petition 92638  
invalid, the board of elections, within five days, shall notify 92639  
the board of county commissioners and the tax commissioner of that 92640  
declaration by certified mail. If the petition is declared to be 92641  
invalid, the effective date of the tax or increased rate of tax 92642  
levied by this section shall be the first day of a calendar 92643  
quarter following the expiration of sixty-five days from the date 92644  
the commissioner receives notice from the board of elections that 92645  
the petition is invalid. 92646

(B)(1) A resolution that is not adopted as an emergency 92647  
measure may direct the board of elections to submit the question 92648  
of levying the tax or increasing the rate of tax to the electors 92649  
of the county at a general election or a special election held on 92650  
a day on which a primary election may be held ~~on the date~~ , as 92651  
specified by the board of county commissioners in the resolution, 92652  
provided that the election occurs not less than ninety days after 92653  
a certified copy of such resolution is transmitted to the board of 92654  
elections ~~and the election is not held in February or August of~~ 92655  
~~any year~~. Upon transmission of the resolution to the board of 92656  
elections, the board of county commissioners shall notify the tax 92657  
commissioner in writing of the levy question to be submitted to 92658  
the electors. No resolution adopted under this division shall go 92659

into effect unless approved by a majority of those voting upon it, 92660  
and, except as provided in division (B)(3) of this section, shall 92661  
become effective on the first day of a calendar quarter following 92662  
the expiration of sixty-five days from the date the tax 92663  
commissioner receives notice from the board of elections of the 92664  
affirmative vote. 92665

(2) A resolution that is adopted as an emergency measure 92666  
shall go into effect as provided in division (A) of this section, 92667  
but may direct the board of elections to submit the question of 92668  
repealing the tax or increase in the rate of the tax to the 92669  
electors of the county at the next general election in the county 92670  
occurring not less than ninety days after a certified copy of the 92671  
resolution is transmitted to the board of elections. Upon 92672  
transmission of the resolution to the board of elections, the 92673  
board of county commissioners shall notify the tax commissioner in 92674  
writing of the levy question to be submitted to the electors. The 92675  
ballot question shall be the same as that prescribed in section 92676  
5739.022 of the Revised Code. The board of elections shall notify 92677  
the board of county commissioners and the tax commissioner of the 92678  
result of the election immediately after the result has been 92679  
declared. If a majority of the qualified electors voting on the 92680  
question of repealing the tax or increase in the rate of the tax 92681  
vote for repeal of the tax or repeal of the increase, the board of 92682  
county commissioners, on the first day of a calendar quarter 92683  
following the expiration of sixty-five days after the date the 92684  
board and tax commissioner receive notice of the result of the 92685  
election, shall, in the case of a repeal of the tax, cease to levy 92686  
the tax, or, in the case of a repeal of an increase in the rate of 92687  
the tax, cease to levy the increased rate and levy the tax at the 92688  
rate at which it was imposed immediately prior to the increase in 92689  
rate. 92690

(3) If a vendor makes a sale in this state by printed catalog 92691

and the consumer computed the tax on the sale based on local rates 92692  
published in the catalog, any tax levied or repealed or rate 92693  
changed under this section shall not apply to such a sale until 92694  
the first day of a calendar quarter following the expiration of 92695  
one hundred twenty days from the date of notice by the tax 92696  
commissioner pursuant to division (H) of this section. 92697

(C) If a resolution is rejected at a referendum or if a 92698  
resolution adopted after January 1, 1982, as an emergency measure 92699  
is repealed by the electors pursuant to division (B)(2) of this 92700  
section or section 5739.022 of the Revised Code, then for one year 92701  
after the date of the election at which the resolution was 92702  
rejected or repealed the board of county commissioners may not 92703  
adopt any resolution authorized by this section as an emergency 92704  
measure. 92705

(D) The board of county commissioners, at any time while a 92706  
tax levied under this section is in effect, may by resolution 92707  
reduce the rate at which the tax is levied to a lower rate 92708  
authorized by this section. Any reduction in the rate at which the 92709  
tax is levied shall be made effective on the first day of a 92710  
calendar quarter next following the sixty-fifth day after a 92711  
certified copy of the resolution is delivered to the tax 92712  
commissioner. 92713

(E) The tax on every retail sale subject to a tax levied 92714  
pursuant to this section shall be in addition to the tax levied by 92715  
section 5739.02 of the Revised Code and any tax levied pursuant to 92716  
section 5739.023 or 5739.026 of the Revised Code. 92717

A county that levies a tax pursuant to this section shall 92718  
levy a tax at the same rate pursuant to section 5741.021 of the 92719  
Revised Code. 92720

The additional tax levied by the county shall be collected 92721  
pursuant to section 5739.025 of the Revised Code. If the 92722

additional tax or some portion thereof is levied for the purpose 92723  
of criminal and administrative justice services, the revenue from 92724  
the tax, or the amount or rate apportioned to that purpose, shall 92725  
be credited to a special fund created in the county treasury for 92726  
receipt of that revenue. 92727

Any tax levied pursuant to this section is subject to the 92728  
exemptions provided in section 5739.02 of the Revised Code and in 92729  
addition shall not be applicable to sales not within the taxing 92730  
power of a county under the Constitution of the United States or 92731  
the Ohio Constitution. 92732

(F) For purposes of this section, a copy of a resolution is 92733  
"certified" when it contains a written statement attesting that 92734  
the copy is a true and exact reproduction of the original 92735  
resolution. 92736

(G) If a board of commissioners intends to adopt a resolution 92737  
to levy a tax in whole or in part for the purpose of criminal and 92738  
administrative justice services, the board shall prepare and make 92739  
available at the first public hearing at which the resolution is 92740  
considered a statement containing the following information: 92741

(1) For each of the two preceding fiscal years, the amount of 92742  
expenditures made by the county from the county general fund for 92743  
the purpose of criminal and administrative justice services; 92744

(2) For the fiscal year in which the resolution is adopted, 92745  
the board's estimate of the amount of expenditures to be made by 92746  
the county from the county general fund for the purpose of 92747  
criminal and administrative justice services; 92748

(3) For each of the two fiscal years after the fiscal year in 92749  
which the resolution is adopted, the board's preliminary plan for 92750  
expenditures to be made from the county general fund for the 92751  
purpose of criminal and administrative justice services, both 92752  
under the assumption that the tax will be imposed for that purpose 92753

and under the assumption that the tax would not be imposed for 92754  
that purpose, and for expenditures to be made from the special 92755  
fund created under division (E) of this section under the 92756  
assumption that the tax will be imposed for that purpose. 92757

The board shall prepare the statement and the preliminary 92758  
plan using the best information available to the board at the time 92759  
the statement is prepared. Neither the statement nor the 92760  
preliminary plan shall be used as a basis to challenge the 92761  
validity of the tax in any court of competent jurisdiction, nor 92762  
shall the statement or preliminary plan limit the authority of the 92763  
board to appropriate, pursuant to section 5705.38 of the Revised 92764  
Code, an amount different from that specified in the preliminary 92765  
plan. 92766

(H) Upon receipt from a board of county commissioners of a 92767  
certified copy of a resolution required by division (A) or (D) of 92768  
this section, or from the board of elections of a notice of the 92769  
results of an election required by division (A) or (B)(1) or (2) 92770  
of this section, the tax commissioner shall provide notice of a 92771  
tax rate change in a manner that is reasonably accessible to all 92772  
affected vendors. The commissioner shall provide this notice at 92773  
least sixty days prior to the effective date of the rate change. 92774  
The commissioner, by rule, may establish the method by which 92775  
notice will be provided. 92776

(I) As used in this section, "criminal and administrative 92777  
justice services" means the exercise by the county sheriff of all 92778  
powers and duties vested in that office by law; the exercise by 92779  
the county prosecuting attorney of all powers and duties vested in 92780  
that office by law; the exercise by any court in the county of all 92781  
powers and duties vested in that court; the exercise by the clerk 92782  
of the court of common pleas, any clerk of a municipal court 92783  
having jurisdiction throughout the county, or the clerk of any 92784  
county court of all powers and duties vested in the clerk by law 92785

except, in the case of the clerk of the court of common pleas, the 92786  
titling of motor vehicles or watercraft pursuant to Chapter 1548. 92787  
or 4505. of the Revised Code; the exercise by the county coroner 92788  
of all powers and duties vested in that office by law; making 92789  
payments to any other public agency or a private, nonprofit 92790  
agency, the purposes of which in the county include the diversion, 92791  
adjudication, detention, or rehabilitation of criminals or 92792  
juvenile offenders; the operation and maintenance of any detention 92793  
facility, as defined in section 2921.01 of the Revised Code; and 92794  
the construction, acquisition, equipping, or repair of such a 92795  
detention facility, including the payment of any debt charges 92796  
incurred in the issuance of securities pursuant to Chapter 133. of 92797  
the Revised Code for the purpose of constructing, acquiring, 92798  
equipping, or repairing such a facility. 92799

**Sec. 5739.026.** (A) A board of county commissioners may levy a 92800  
tax on every retail sale in the county, except sales of watercraft 92801  
and outboard motors required to be titled pursuant to Chapter 92802  
1548. of the Revised Code and sales of motor vehicles, at a rate 92803  
of not more than one-half of one per cent and may increase the 92804  
rate of an existing tax to not more than one-half of one per cent 92805  
to pay the expenses of administering the tax and, except as 92806  
provided in division (A)(6) of this section, for any one or more 92807  
of the following purposes provided that the aggregate levy for all 92808  
such purposes does not exceed one-half of one per cent: 92809

(1) To provide additional revenues for the payment of bonds 92810  
or notes issued in anticipation of bonds issued by a convention 92811  
facilities authority established by the board of county 92812  
commissioners under Chapter 351. of the Revised Code and to 92813  
provide additional operating revenues for the convention 92814  
facilities authority; 92815

(2) To provide additional revenues for a transit authority 92816

operating in the county; 92817

(3) To provide additional revenue for the county's general 92818  
fund; 92819

(4) To provide additional revenue for permanent improvements 92820  
to be distributed by the community improvements board in 92821  
accordance with section 307.283 and to pay principal, interest, 92822  
and premium on bonds issued under section 307.284 of the Revised 92823  
Code; 92824

(5) To provide additional revenue for the acquisition, 92825  
construction, equipping, or repair of any specific permanent 92826  
improvement or any class or group of permanent improvements, which 92827  
improvement or class or group of improvements shall be enumerated 92828  
in the resolution required by division (D) of this section, and to 92829  
pay principal, interest, premium, and other costs associated with 92830  
the issuance of bonds or notes in anticipation of bonds issued 92831  
pursuant to Chapter 133. of the Revised Code for the acquisition, 92832  
construction, equipping, or repair of the specific permanent 92833  
improvement or class or group of permanent improvements; 92834

(6) To provide revenue for the implementation and operation 92835  
of a 9-1-1 system in the county. If the tax is levied or the rate 92836  
increased exclusively for such purpose, the tax shall not be 92837  
levied or the rate increased for more than five years. At the end 92838  
of the last year the tax is levied or the rate increased, any 92839  
balance remaining in the special fund established for such purpose 92840  
shall remain in that fund and be used exclusively for such purpose 92841  
until the fund is completely expended, and, notwithstanding 92842  
section 5705.16 of the Revised Code, the board of county 92843  
commissioners shall not petition for the transfer of money from 92844  
such special fund, and the tax commissioner shall not approve such 92845  
a petition. 92846

If the tax is levied or the rate increased for such purpose 92847

for more than five years, the board of county commissioners also 92848  
shall levy the tax or increase the rate of the tax for one or more 92849  
of the purposes described in divisions (A)(1) to (5) of this 92850  
section and shall prescribe the method for allocating the revenues 92851  
from the tax each year in the manner required by division (C) of 92852  
this section. 92853

(7) To provide additional revenue for the operation or 92854  
maintenance of a detention facility, as that term is defined under 92855  
division (F) of section 2921.01 of the Revised Code; 92856

(8) To provide revenue to finance the construction or 92857  
renovation of a sports facility, but only if the tax is levied for 92858  
that purpose in the manner prescribed by section 5739.028 of the 92859  
Revised Code. 92860

As used in division (A)(8) of this section: 92861

(a) "Sports facility" means a facility intended to house 92862  
major league professional athletic teams. 92863

(b) "Constructing" or "construction" includes providing 92864  
fixtures, furnishings, and equipment. 92865

(9) To provide additional revenue for the acquisition of 92866  
agricultural easements, as defined in section 5301.67 of the 92867  
Revised Code; to pay principal, interest, and premium on bonds 92868  
issued under section 133.60 of the Revised Code; and for the 92869  
supervision and enforcement of agricultural easements held by the 92870  
county; 92871

(10) To provide revenue for the provision of ambulance, 92872  
paramedic, or other emergency medical services; 92873

(11) To provide revenue for the operation of a lake 92874  
facilities authority and the remediation of an impacted watershed 92875  
by a lake facilities authority, as provided in Chapter 353. of the 92876  
Revised Code; 92877

(12) To provide additional revenue for a regional 92878  
transportation improvement project under section 5595.06 of the 92879  
Revised Code. 92880

Pursuant to section 755.171 of the Revised Code, a board of 92881  
county commissioners may pledge and contribute revenue from a tax 92882  
levied for the purpose of division (A)(5) of this section to the 92883  
payment of debt charges on bonds issued under section 755.17 of 92884  
the Revised Code. 92885

The rate of tax shall be a multiple of one-fourth or 92886  
one-tenth of one per cent, unless a portion of the rate of an 92887  
existing tax levied under section 5739.023 of the Revised Code has 92888  
been reduced, and the rate of tax levied under this section has 92889  
been increased, pursuant to section 5739.028 of the Revised Code, 92890  
in which case the aggregate of the rates of tax levied under this 92891  
section and section 5739.023 of the Revised Code shall be a 92892  
multiple of one-fourth or one-tenth of one per cent. 92893

The tax shall be levied and the rate increased pursuant to a 92894  
resolution adopted by a majority of the members of the board. The 92895  
board shall deliver a certified copy of the resolution to the tax 92896  
commissioner, not later than the sixty-fifth day prior to the date 92897  
on which the tax is to become effective, which shall be the first 92898  
day of a calendar quarter. 92899

Prior to the adoption of any resolution to levy the tax or to 92900  
increase the rate of tax exclusively for the purpose set forth in 92901  
division (A)(3) of this section, the board of county commissioners 92902  
shall conduct two public hearings on the resolution, the second 92903  
hearing to be no fewer than three nor more than ten days after the 92904  
first. Notice of the date, time, and place of the hearings shall 92905  
be given by publication in a newspaper of general circulation in 92906  
the county, or as provided in section 7.16 of the Revised Code, 92907  
once a week on the same day of the week for two consecutive weeks. 92908  
The second publication shall be no fewer than ten nor more than 92909

thirty days prior to the first hearing. Except as provided in 92910  
division (E) of this section, the resolution shall be subject to a 92911  
referendum as provided in sections 305.31 to 305.41 of the Revised 92912  
Code. If the resolution is adopted as an emergency measure 92913  
necessary for the immediate preservation of the public peace, 92914  
health, or safety, it must receive an affirmative vote of all of 92915  
the members of the board of county commissioners and shall state 92916  
the reasons for the necessity. 92917

If the tax is for more than one of the purposes set forth in 92918  
divisions (A)(1) to (7), (9), (10), and (12) of this section, or 92919  
is exclusively for one of the purposes set forth in division 92920  
(A)(1), (2), (4), (5), (6), (7), (9), (10), or (12) of this 92921  
section, the resolution shall not go into effect unless it is 92922  
approved by a majority of the electors voting on the question of 92923  
the tax. 92924

(B) The board of county commissioners shall adopt a 92925  
resolution under section 351.02 of the Revised Code creating the 92926  
convention facilities authority, or under section 307.283 of the 92927  
Revised Code creating the community improvements board, before 92928  
adopting a resolution levying a tax for the purpose of a 92929  
convention facilities authority under division (A)(1) of this 92930  
section or for the purpose of a community improvements board under 92931  
division (A)(4) of this section. 92932

(C)(1) If the tax is to be used for more than one of the 92933  
purposes set forth in divisions (A)(1) to (7), (9), (10), and (12) 92934  
of this section, the board of county commissioners shall establish 92935  
the method that will be used to determine the amount or proportion 92936  
of the tax revenue received by the county during each year that 92937  
will be distributed for each of those purposes, including, if 92938  
applicable, provisions governing the reallocation of a convention 92939  
facilities authority's allocation if the authority is dissolved 92940  
while the tax is in effect. The allocation method may provide that 92941

different proportions or amounts of the tax shall be distributed 92942  
among the purposes in different years, but it shall clearly 92943  
describe the method that will be used for each year. Except as 92944  
otherwise provided in division (C)(2) of this section, the 92945  
allocation method established by the board is not subject to 92946  
amendment during the life of the tax. 92947

(2) Subsequent to holding a public hearing on the proposed 92948  
amendment, the board of county commissioners may amend the 92949  
allocation method established under division (C)(1) of this 92950  
section for any year, if the amendment is approved by the 92951  
governing board of each entity whose allocation for the year would 92952  
be reduced by the proposed amendment. In the case of a tax that is 92953  
levied for a continuing period of time, the board may not so amend 92954  
the allocation method for any year before the sixth year that the 92955  
tax is in effect. 92956

(a) If the additional revenues provided to the convention 92957  
facilities authority are pledged by the authority for the payment 92958  
of convention facilities authority revenue bonds for as long as 92959  
such bonds are outstanding, no reduction of the authority's 92960  
allocation of the tax shall be made for any year except to the 92961  
extent that the reduced authority allocation, when combined with 92962  
the authority's other revenues pledged for that purpose, is 92963  
sufficient to meet the debt service requirements for that year on 92964  
such bonds. 92965

(b) If the additional revenues provided to the county are 92966  
pledged by the county for the payment of bonds or notes described 92967  
in division (A)(4) or (5) of this section, for as long as such 92968  
bonds or notes are outstanding, no reduction of the county's or 92969  
the community improvements board's allocation of the tax shall be 92970  
made for any year, except to the extent that the reduced county or 92971  
community improvements board allocation is sufficient to meet the 92972  
debt service requirements for that year on such bonds or notes. 92973

(c) If the additional revenues provided to the transit authority are pledged by the authority for the payment of revenue bonds issued under section 306.37 of the Revised Code, for as long as such bonds are outstanding, no reduction of the authority's allocation of tax shall be made for any year, except to the extent that the authority's reduced allocation, when combined with the authority's other revenues pledged for that purpose, is sufficient to meet the debt service requirements for that year on such bonds.

(d) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes issued under section 133.60 of the Revised Code, for so long as the bonds or notes are outstanding, no reduction of the county's allocation of the tax shall be made for any year, except to the extent that the reduced county allocation is sufficient to meet the debt service requirements for that year on the bonds or notes.

(D)(1) The resolution levying the tax or increasing the rate of tax shall state the rate of the tax or the rate of the increase; the purpose or purposes for which it is to be levied; the number of years for which it is to be levied or that it is for a continuing period of time; the allocation method required by division (C) of this section; and if required to be submitted to the electors of the county under division (A) of this section, the date of the election at which the proposal shall be submitted to the electors of the county, which shall be a general election or a special election held on a day on which a primary election may be held, occurring not less than ninety days after the certification of a copy of the resolution to the board of elections ~~and, if the tax is to be levied exclusively for the purpose set forth in division (A)(3) of this section, shall not occur in August of any year.~~ Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to

the electors. If approved by a majority of the electors, the tax 93006  
shall become effective on the first day of a calendar quarter next 93007  
following the sixty-fifth day following the date the board of 93008  
county commissioners and tax commissioner receive from the board 93009  
of elections the certification of the results of the election, 93010  
except as provided in division (E) of this section. 93011

(2)(a) A resolution specifying that the tax is to be used 93012  
exclusively for the purpose set forth in division (A)(3) of this 93013  
section that is not adopted as an emergency measure may direct the 93014  
board of elections to submit the question of levying the tax or 93015  
increasing the rate of the tax to the electors of the county at a 93016  
general election or a special election held on a day on which a 93017  
primary election may be held on the date , as specified by the 93018  
board of county commissioners in the resolution, provided that the 93019  
election occurs not less than ninety days after the resolution is 93020  
certified to the board of elections ~~and the election is not held~~ 93021  
~~in August of any year~~. Upon certification of the resolution to the 93022  
board of elections, the board of county commissioners shall notify 93023  
the tax commissioner in writing of the levy question to be 93024  
submitted to the electors. No resolution adopted under division 93025  
(D)(2)(a) of this section shall go into effect unless approved by 93026  
a majority of those voting upon it and, except as provided in 93027  
division (E) of this section, not until the first day of a 93028  
calendar quarter following the expiration of sixty-five days from 93029  
the date the tax commissioner receives notice from the board of 93030  
elections of the affirmative vote. 93031

(b) A resolution specifying that the tax is to be used 93032  
exclusively for the purpose set forth in division (A)(3) of this 93033  
section that is adopted as an emergency measure shall become 93034  
effective as provided in division (A) of this section, but may 93035  
direct the board of elections to submit the question of repealing 93036  
the tax or increase in the rate of the tax to the electors of the 93037

county at the next general election in the county occurring not 93038  
less than ninety days after the resolution is certified to the 93039  
board of elections. Upon certification of the resolution to the 93040  
board of elections, the board of county commissioners shall notify 93041  
the tax commissioner in writing of the levy question to be 93042  
submitted to the electors. The ballot question shall be the same 93043  
as that prescribed in section 5739.022 of the Revised Code. The 93044  
board of elections shall notify the board of county commissioners 93045  
and the tax commissioner of the result of the election immediately 93046  
after the result has been declared. If a majority of the qualified 93047  
electors voting on the question of repealing the tax or increase 93048  
in the rate of the tax vote for repeal of the tax or repeal of the 93049  
increase, the board of county commissioners, on the first day of a 93050  
calendar quarter following the expiration of sixty-five days after 93051  
the date the board and tax commissioner received notice of the 93052  
result of the election, shall, in the case of a repeal of the tax, 93053  
cease to levy the tax, or, in the case of a repeal of an increase 93054  
in the rate of the tax, cease to levy the increased rate and levy 93055  
the tax at the rate at which it was imposed immediately prior to 93056  
the increase in rate. 93057

(c) A board of county commissioners, by resolution, may 93058  
reduce the rate of a tax levied exclusively for the purpose set 93059  
forth in division (A)(3) of this section to a lower rate 93060  
authorized by this section. Any such reduction shall be made 93061  
effective on the first day of the calendar quarter next following 93062  
the sixty-fifth day after the tax commissioner receives a 93063  
certified copy of the resolution from the board. 93064

(E) If a vendor makes a sale in this state by printed catalog 93065  
and the consumer computed the tax on the sale based on local rates 93066  
published in the catalog, any tax levied or repealed or rate 93067  
changed under this section shall not apply to such a sale until 93068  
the first day of a calendar quarter following the expiration of 93069

one hundred twenty days from the date of notice by the tax commissioner pursuant to division (G) of this section. 93070  
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(F) The tax levied pursuant to this section shall be in addition to the tax levied by section 5739.02 of the Revised Code and any tax levied pursuant to section 5739.021 or 5739.023 of the Revised Code. 93072  
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A county that levies a tax pursuant to this section shall levy a tax at the same rate pursuant to section 5741.023 of the Revised Code. 93076  
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The additional tax levied by the county shall be collected pursuant to section 5739.025 of the Revised Code. 93079  
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Any tax levied pursuant to this section is subject to the exemptions provided in section 5739.02 of the Revised Code and in addition shall not be applicable to sales not within the taxing power of a county under the Constitution of the United States or the Ohio Constitution. 93081  
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(G) Upon receipt from a board of county commissioners of a certified copy of a resolution required by division (A) of this section, or from the board of elections a notice of the results of an election required by division (D)(1), (2)(a), (b), or (c) of this section, the tax commissioner shall provide notice of a tax rate change in a manner that is reasonably accessible to all affected vendors. The commissioner shall provide this notice at least sixty days prior to the effective date of the rate change. The commissioner, by rule, may establish the method by which notice will be provided. 93086  
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**Sec. 5739.028.** As used in this section "sports facility" and "constructing" have the same meanings as in division (A)(8) of section 5739.026 of the Revised Code. 93096  
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This section applies only to taxes levied pursuant to 93099

sections 5739.023 and 5741.022 of the Revised Code by a regional 93100  
transit authority created under section 306.31 of the Revised Code 93101  
for a continuing period of time and at an aggregate rate, on ~~the~~ 93102  
~~effective date of this section~~ July 19, 1995, greater than 93103  
one-half of one per cent on every retail sale made in the 93104  
territory of the transit authority. 93105

The board of county commissioners of the most populous county 93106  
in the territory of a regional transit authority levying a tax to 93107  
which this section applies may adopt a resolution not later than 93108  
one hundred eighty days after ~~the effective date of this section~~ 93109  
July 19, 1995 proposing to reduce the rate of such a tax and to 93110  
increase by the same extent the rate of tax levied under sections 93111  
5739.026 and 5741.023 of the Revised Code for the purpose of 93112  
constructing or renovating a sports facility. The total reduction 93113  
in the rate of taxes levied by a transit authority and the 93114  
increase in the rate of tax levied for the purpose of constructing 93115  
or renovating a sports facility shall not exceed one-tenth of one 93116  
per cent upon retail sales made in the territory of the transit 93117  
authority; provided, the amount of taxes received by the county 93118  
for the purpose of constructing or renovating a sports facility 93119  
under this section shall not exceed four million five hundred 93120  
thousand dollars in any calendar year. Any amounts received by a 93121  
county in a calendar year in excess of four million five hundred 93122  
thousand dollars pursuant to this section shall be paid to the 93123  
transit authority by the county within forty-five days following 93124  
receipt by the county. 93125

The resolution shall specify that the rate of tax levied by 93126  
the transit authority will be reduced and that a tax will be 93127  
levied at the same rate for the purpose of constructing or 93128  
renovating a sports facility; the rate by which the tax levied by 93129  
the transit authority will be reduced and by which the tax levied 93130  
for the purpose of constructing or renovating a sports facility 93131

will be increased; the date the rates levied for those purposes 93132  
will be reduced and increased, respectively; and the number of 93133  
years the rate levied by a transit authority will be reduced and 93134  
the rate levied for constructing or renovating a sports facility 93135  
will be increased. The date the rate levied by the transit 93136  
authority will be reduced and the rate levied for the purpose of 93137  
constructing or renovating a sports facility will be increased 93138  
shall not be earlier than the first day of the month that begins 93139  
at least sixty days after the day the election on the question is 93140  
conducted unless the board of county commissioners levies a tax 93141  
under one or more of sections 307.697, 4301.421, 5743.024, and 93142  
5743.323 of the Revised Code on ~~the effective date of this section~~ 93143  
July 19, 1995, in which case the date the rate levied by the 93144  
transit authority will be reduced and the rate levied for the 93145  
purpose of constructing or renovating a sports facility will be 93146  
increased shall not be earlier than the first day following the 93147  
latest day on which any of the taxes levied under one of those 93148  
sections on ~~the effective date of this amendment~~ July 19, 1995 may 93149  
be levied as prescribed by the resolution levying that tax. The 93150  
number of years the rate of the existing tax may be reduced and 93151  
the rate of tax may be levied for constructing or renovating a 93152  
sports facility may be any number of years as specified in the 93153  
resolution, or for a continuing period of time if so specified in 93154  
the resolution. 93155

Before a resolution adopted under this section may take 93156  
effect, the board of county commissioners shall submit the 93157  
resolution to the approval of the electors of the county, and the 93158  
resolution shall be approved by a majority of voters voting on the 93159  
question. Upon adoption of the resolution, the board of county 93160  
commissioners shall certify a copy of the resolution to the board 93161  
of elections of the county and to the tax commissioner, and the 93162  
board of elections shall submit the question at a general election 93163  
or a special election held on a day on which a primary election 93164

~~may be held on the date~~ , as specified by the board of county 93165  
commissioners in the resolution, provided that the election occurs 93166  
not less than seventy-five days after the resolution is certified 93167  
to the board of elections ~~and the election is not held in February~~ 93168  
~~or August of any year.~~ The board of county commissioners shall 93169  
certify the copy of the resolution to the board of elections in 93170  
the manner prescribed under section 3505.071 of the Revised Code. 93171  
The board of elections shall certify the results of the election 93172  
to the board of county commissioners and to the tax commissioner. 93173  
If the question is approved by a majority of electors voting on 93174  
the question, the rate of tax imposed under sections 5739.023 and 93175  
5741.022 of the Revised Code shall be reduced, and the rate of tax 93176  
levied for constructing or renovating a sports facility under 93177  
sections 5739.026 and 5741.023 of the Revised Code shall be 93178  
increased by the same amount, on the date specified in the 93179  
resolution. 93180

If revenue from a tax levied under sections 5739.023 and 93181  
5741.022 of the Revised Code and subject to reduction under this 93182  
section is pledged to the payment of bonds, notes, or notes in 93183  
anticipation of bonds, the board of county commissioners adopting 93184  
a resolution under this section shall provide sufficient revenue 93185  
from the tax for the repayment of debt charges on those bonds or 93186  
notes, unless an adequate substitute for payment of those charges 93187  
is provided by the transit authority. 93188

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 93189  
resolution adopted by a majority of the members of the board, levy 93190  
an excise tax not to exceed three per cent on transactions by 93191  
which lodging by a hotel is or is to be furnished to transient 93192  
guests. The board shall establish all regulations necessary to 93193  
provide for the administration and allocation of the tax. The 93194  
regulations may prescribe the time for payment of the tax, and may 93195  
provide for the imposition of a penalty or interest, or both, for 93196

late payments, provided that the penalty does not exceed ten per 93197  
cent of the amount of tax due, and the rate at which interest 93198  
accrues does not exceed the rate per annum prescribed pursuant to 93199  
section 5703.47 of the Revised Code. Except as provided in 93200  
divisions (A)(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), 93201  
and (12) of this section, the regulations shall provide, after 93202  
deducting the real and actual costs of administering the tax, for 93203  
the return to each municipal corporation or township that does not 93204  
levy an excise tax on the transactions, a uniform percentage of 93205  
the tax collected in the municipal corporation or in the 93206  
unincorporated portion of the township from each transaction, not 93207  
to exceed thirty-three and one-third per cent. The remainder of 93208  
the revenue arising from the tax shall be deposited in a separate 93209  
fund and shall be spent solely to make contributions to the 93210  
convention and visitors' bureau operating within the county, 93211  
including a pledge and contribution of any portion of the 93212  
remainder pursuant to an agreement authorized by section 307.678 93213  
or 307.695 of the Revised Code, provided that if the board of 93214  
county commissioners of an eligible county as defined in section 93215  
307.678 or 307.695 of the Revised Code adopts a resolution 93216  
amending a resolution levying a tax under this division to provide 93217  
that revenue from the tax shall be used by the board as described 93218  
in either division (D) of section 307.678 or division (H) of 93219  
section 307.695 of the Revised Code, the remainder of the revenue 93220  
shall be used as described in the resolution making that 93221  
amendment. Except as provided in division (A)(2), (3), (4), (5), 93222  
(6), (7), (8), (9), (10), or (11) or (H) of this section, on and 93223  
after May 10, 1994, a board of county commissioners may not levy 93224  
an excise tax pursuant to this division in any municipal 93225  
corporation or township located wholly or partly within the county 93226  
that has in effect an ordinance or resolution levying an excise 93227  
tax pursuant to division (B) of this section. The board of a 93228

county that has levied a tax under division (C) of this section 93229  
may, by resolution adopted within ninety days after July 15, 1985, 93230  
by a majority of the members of the board, amend the resolution 93231  
levying a tax under this division to provide for a portion of that 93232  
tax to be pledged and contributed in accordance with an agreement 93233  
entered into under section 307.695 of the Revised Code. A tax, any 93234  
revenue from which is pledged pursuant to such an agreement, shall 93235  
remain in effect at the rate at which it is imposed for the 93236  
duration of the period for which the revenue from the tax has been 93237  
so pledged. 93238

The board of county commissioners of an eligible county as 93239  
defined in section 307.695 of the Revised Code may, by resolution 93240  
adopted by a majority of the members of the board, amend a 93241  
resolution levying a tax under this division to provide that the 93242  
revenue from the tax shall be used by the board as described in 93243  
division (H) of section 307.695 of the Revised Code, in which case 93244  
the tax shall remain in effect at the rate at which it was imposed 93245  
for the duration of any agreement entered into by the board under 93246  
section 307.695 of the Revised Code, the duration during which any 93247  
securities issued by the board under that section are outstanding, 93248  
or the duration of the period during which the board owns a 93249  
project as defined in section 307.695 of the Revised Code, 93250  
whichever duration is longest. 93251

The board of county commissioners of an eligible county as 93252  
defined in section 307.678 of the Revised Code may, by resolution, 93253  
amend a resolution levying a tax under this division to provide 93254  
that revenue from the tax, not to exceed five hundred thousand 93255  
dollars each year, may be used as described in division (E) of 93256  
section 307.678 of the Revised Code. 93257

Notwithstanding division (A)(1) of this section, the board of 93258  
county commissioners of a county described in division (A)(8)(a) 93259

of this section may, by resolution, amend a resolution levying a 93260  
tax under this division to provide that all or a portion of the 93261  
revenue from the tax, including any revenue otherwise required to 93262  
be returned to townships or municipal corporations under this 93263  
division, may be used or pledged for the payment of debt service 93264  
on securities issued to pay the costs of constructing, operating, 93265  
and maintaining sports facilities described in division (A)(8)(b) 93266  
of this section. 93267

The board of county commissioners of a county described in 93268  
division (A)(9) of this section may, by resolution, amend a 93269  
resolution levying a tax under this division to provide that all 93270  
or a portion of the revenue from the tax may be used for the 93271  
purposes described in section 307.679 of the Revised Code. 93272

(2) A board of county commissioners that levies an excise tax 93273  
under division (A)(1) of this section on June 30, 1997, at a rate 93274  
of three per cent, and that has pledged revenue from the tax to an 93275  
agreement entered into under section 307.695 of the Revised Code 93276  
or, in the case of the board of county commissioners of an 93277  
eligible county as defined in section 307.695 of the Revised Code, 93278  
has amended a resolution levying a tax under division (C) of this 93279  
section to provide that proceeds from the tax shall be used by the 93280  
board as described in division (H) of section 307.695 of the 93281  
Revised Code, may, at any time by a resolution adopted by a 93282  
majority of the members of the board, amend the resolution levying 93283  
a tax under division (A)(1) of this section to provide for an 93284  
increase in the rate of that tax up to seven per cent on each 93285  
transaction; to provide that revenue from the increase in the rate 93286  
shall be used as described in division (H) of section 307.695 of 93287  
the Revised Code or be spent solely to make contributions to the 93288  
convention and visitors' bureau operating within the county to be 93289  
used specifically for promotion, advertising, and marketing of the 93290  
region in which the county is located; and to provide that the 93291

rate in excess of the three per cent levied under division (A)(1) 93292  
of this section shall remain in effect at the rate at which it is 93293  
imposed for the duration of the period during which any agreement 93294  
is in effect that was entered into under section 307.695 of the 93295  
Revised Code by the board of county commissioners levying a tax 93296  
under division (A)(1) of this section, the duration of the period 93297  
during which any securities issued by the board under division (I) 93298  
of section 307.695 of the Revised Code are outstanding, or the 93299  
duration of the period during which the board owns a project as 93300  
defined in section 307.695 of the Revised Code, whichever duration 93301  
is longest. The amendment also shall provide that no portion of 93302  
that revenue need be returned to townships or municipal 93303  
corporations as would otherwise be required under division (A)(1) 93304  
of this section. 93305

(3) A board of county commissioners that levies a tax under 93306  
division (A)(1) of this section on March 18, 1999, at a rate of 93307  
three per cent may, by resolution adopted not later than 93308  
forty-five days after March 18, 1999, amend the resolution levying 93309  
the tax to provide for all of the following: 93310

(a) That the rate of the tax shall be increased by not more 93311  
than an additional four per cent on each transaction; 93312

(b) That all of the revenue from the increase in the rate 93313  
shall be pledged and contributed to a convention facilities 93314  
authority established by the board of county commissioners under 93315  
Chapter 351. of the Revised Code on or before November 15, 1998, 93316  
and used to pay costs of constructing, maintaining, operating, and 93317  
promoting a facility in the county, including paying bonds, or 93318  
notes issued in anticipation of bonds, as provided by that 93319  
chapter; 93320

(c) That no portion of the revenue arising from the increase 93321  
in rate need be returned to municipal corporations or townships as 93322  
otherwise required under division (A)(1) of this section; 93323

(d) That the increase in rate shall not be subject to 93324  
diminution by initiative or referendum or by law while any bonds, 93325  
or notes in anticipation of bonds, issued by the authority under 93326  
Chapter 351. of the Revised Code to which the revenue is pledged, 93327  
remain outstanding in accordance with their terms, unless 93328  
provision is made by law or by the board of county commissioners 93329  
for an adequate substitute therefor that is satisfactory to the 93330  
trustee if a trust agreement secures the bonds. 93331

Division (A)(3) of this section does not apply to the board 93332  
of county commissioners of any county in which a convention center 93333  
or facility exists or is being constructed on November 15, 1998, 93334  
or of any county in which a convention facilities authority levies 93335  
a tax pursuant to section 351.021 of the Revised Code on that 93336  
date. 93337

As used in division (A)(3) of this section, "cost" and 93338  
"facility" have the same meanings as in section 351.01 of the 93339  
Revised Code, and "convention center" has the same meaning as in 93340  
section 307.695 of the Revised Code. 93341

(4)(a) A board of county commissioners that levies a tax 93342  
under division (A)(1) of this section on June 30, 2002, at a rate 93343  
of three per cent may, by resolution adopted not later than 93344  
September 30, 2002, amend the resolution levying the tax to 93345  
provide for all of the following: 93346

(i) That the rate of the tax shall be increased by not more 93347  
than an additional three and one-half per cent on each 93348  
transaction; 93349

(ii) That all of the revenue from the increase in rate shall 93350  
be pledged and contributed to a convention facilities authority 93351  
established by the board of county commissioners under Chapter 93352  
351. of the Revised Code on or before May 15, 2002, and be used to 93353  
pay costs of constructing, expanding, maintaining, operating, or 93354

promoting a convention center in the county, including paying 93355  
bonds, or notes issued in anticipation of bonds, as provided by 93356  
that chapter; 93357

(iii) That no portion of the revenue arising from the 93358  
increase in rate need be returned to municipal corporations or 93359  
townships as otherwise required under division (A)(1) of this 93360  
section; 93361

(iv) That the increase in rate shall not be subject to 93362  
diminution by initiative or referendum or by law while any bonds, 93363  
or notes in anticipation of bonds, issued by the authority under 93364  
Chapter 351. of the Revised Code to which the revenue is pledged, 93365  
remain outstanding in accordance with their terms, unless 93366  
provision is made by law or by the board of county commissioners 93367  
for an adequate substitute therefor that is satisfactory to the 93368  
trustee if a trust agreement secures the bonds. 93369

(b) Any board of county commissioners that, pursuant to 93370  
division (A)(4)(a) of this section, has amended a resolution 93371  
levying the tax authorized by division (A)(1) of this section may 93372  
further amend the resolution to provide that the revenue referred 93373  
to in division (A)(4)(a)(ii) of this section shall be pledged and 93374  
contributed both to a convention facilities authority to pay the 93375  
costs of constructing, expanding, maintaining, or operating one or 93376  
more convention centers in the county, including paying bonds, or 93377  
notes issued in anticipation of bonds, as provided in Chapter 351. 93378  
of the Revised Code, and to a convention and visitors' bureau to 93379  
pay the costs of promoting one or more convention centers in the 93380  
county. 93381

As used in division (A)(4) of this section, "cost" has the 93382  
same meaning as in section 351.01 of the Revised Code, and 93383  
"convention center" has the same meaning as in section 307.695 of 93384  
the Revised Code. 93385

(5)(a) As used in division (A)(5) of this section:	93386
(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.	93387 93388
(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.	93389 93390 93391 93392 93393 93394 93395
(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:	93396 93397 93398 93399 93400
(i) Amend a resolution previously adopted under division (A)(1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;	93401 93402 93403 93404
(ii) Amend a resolution previously adopted under division (A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.	93405 93406 93407 93408
(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.	93409 93410 93411 93412 93413 93414 93415
(6) A board of county commissioners of a county organized	93416

under a county charter adopted pursuant to Article X, Section 3, 93417  
Ohio Constitution, and that levies an excise tax under division 93418  
(A)(1) of this section at a rate of three per cent and levies an 93419  
additional excise tax under division (E) of this section at a rate 93420  
of one and one-half per cent may, by resolution adopted not later 93421  
than January 1, 2008, by a majority of the members of the board, 93422  
amend the resolution levying a tax under division (A)(1) of this 93423  
section to provide for an increase in the rate of that tax by not 93424  
more than an additional one per cent on transactions by which 93425  
lodging by a hotel is or is to be furnished to transient guests. 93426  
Notwithstanding divisions (A)(1) and (E) of this section, the 93427  
resolution shall provide that all of the revenue from the increase 93428  
in rate, after deducting the real and actual costs of 93429  
administering the tax, shall be used to pay the costs of 93430  
improving, expanding, equipping, financing, or operating a 93431  
convention center by a convention and visitors' bureau in the 93432  
county. The increase in rate shall remain in effect for the period 93433  
specified in the resolution, not to exceed ten years, and may be 93434  
extended for an additional period of time not to exceed ten years 93435  
thereafter by a resolution adopted by a majority of the members of 93436  
the board. The increase in rate shall be subject to the 93437  
regulations adopted under division (A)(1) of this section, except 93438  
that the resolution may provide that no portion of the revenue 93439  
from the increase in the rate shall be returned to townships or 93440  
municipal corporations as would otherwise be required under that 93441  
division. 93442

(7) Division (A)(7) of this section applies only to a county 93443  
with a population greater than sixty-five thousand and less than 93444  
seventy thousand according to the most recent federal decennial 93445  
census and in which, on December 31, 2006, an excise tax is levied 93446  
under division (A)(1) of this section at a rate not less than and 93447  
not greater than three per cent, and in which the most recent 93448  
increase in the rate of that tax was enacted or took effect in 93449

November 1984. 93450

The board of county commissioners of a county to which this 93451  
division applies, by resolution adopted by a majority of the 93452  
members of the board, may increase the rate of the tax by not more 93453  
than one per cent on transactions by which lodging by a hotel is 93454  
or is to be furnished to transient guests. The increase in rate 93455  
shall be for the purpose of paying expenses deemed necessary by 93456  
the convention and visitors' bureau operating in the county to 93457  
promote travel and tourism. The increase in rate shall remain in 93458  
effect for the period specified in the resolution, not to exceed 93459  
twenty years, provided that the increase in rate may not continue 93460  
beyond the time when the purpose for which the increase is levied 93461  
ceases to exist. If revenue from the increase in rate is pledged 93462  
to the payment of debt charges on securities, the increase in rate 93463  
is not subject to diminution by initiative or referendum or by law 93464  
for so long as the securities are outstanding, unless provision is 93465  
made by law or by the board of county commissioners for an 93466  
adequate substitute for that revenue that is satisfactory to the 93467  
trustee if a trust agreement secures payment of the debt charges. 93468  
The increase in rate shall be subject to the regulations adopted 93469  
under division (A)(1) of this section, except that the resolution 93470  
may provide that no portion of the revenue from the increase in 93471  
the rate shall be returned to townships or municipal corporations 93472  
as would otherwise be required under division (A)(1) of this 93473  
section. A resolution adopted under division (A)(7) of this 93474  
section is subject to referendum under sections 305.31 to 305.99 93475  
of the Revised Code. 93476

(8)(a) Division (A)(8) of this section applies only to a 93477  
county satisfying all of the following: 93478

(i) The population of the county is greater than one hundred 93479  
seventy-five thousand and less than two hundred twenty-five 93480  
thousand according to the most recent federal decennial census. 93481

(ii) An amusement park with an average yearly attendance in excess of two million guests is located in the county. 93482  
93483

(iii) On December 31, 2014, an excise tax was levied in the county under division (A)(1) of this section at a rate of three per cent. 93484  
93485  
93486

(b) The board of county commissioners of a county to which this division applies, by resolution adopted by a majority of the members of the board, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be used to pay the costs of constructing and maintaining facilities owned by the county or by a port authority created under Chapter 4582. of the Revised Code, and designed to host sporting events and expenses deemed necessary by the convention and visitors' bureau operating in the county to promote travel and tourism with reference to the sports facilities, and to pay or pledge to the payment of debt service on securities issued to pay the costs of constructing, operating, and maintaining the sports facilities. The increase in rate shall remain in effect for the period specified in the resolution. If revenue from the increase in rate is pledged to the payment of debt charges on securities, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that the resolution may provide that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section. 93487  
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(9) The board of county commissioners of a county with a population greater than seventy-five thousand and less than seventy-eight thousand, by resolution adopted by a majority of the members of the board not later than October 15, 2015, may increase the rate of the tax by not more than one per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The increase in rate shall be for the purposes described in section 307.679 of the Revised Code or for the promotion of travel and tourism in the county, including travel and tourism to sports facilities. The increase in rate shall remain in effect for the period specified in the resolution and as necessary to fulfill the county's obligations under a cooperative agreement entered into under section 307.679 of the Revised Code. If the resolution is adopted by the board before September 29, 2015, but after that enactment becomes law, the increase in rate shall become effective beginning on September 29, 2015. If revenue from the increase in rate is pledged to the payment of debt charges on securities, or to substitute for other revenues pledged to the payment of such debt, the increase in rate is not subject to diminution by initiative or referendum or by law for so long as the securities are outstanding, unless provision is made by law or by the board of county commissioners for an adequate substitute for that revenue that is satisfactory to the trustee if a trust agreement secures payment of the debt charges. The increase in rate shall be subject to the regulations adopted under division (A)(1) of this section, except that no portion of the revenue from the increase in the rate shall be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(10) Division (A)(10) of this section applies only to counties satisfying either of the following:

(a) A county that, on July 1, 2015, does not levy an excise

tax under division (A)(1) of this section and that has a 93546  
population of at least thirty-nine thousand but not more than 93547  
forty thousand according to the 2010 federal decennial census; 93548

(b) A county that, on July 1, 2015, levies an excise tax 93549  
under division (A)(1) of this section at a rate of three per cent 93550  
and that has a population of at least seventy-one thousand but not 93551  
more than seventy-five thousand according to 2010 federal 93552  
decennial census. 93553

The board of county commissioners of a county to which 93554  
division (A)(10) of this section applies, by resolution adopted by 93555  
a majority of the members of the board, may levy an excise tax at 93556  
a rate not to exceed three per cent on transactions by which 93557  
lodging by a hotel is or is to be furnished to transient guests 93558  
for the purpose of acquiring, constructing, equipping, or 93559  
repairing permanent improvements, as defined in section 133.01 of 93560  
the Revised Code. If the board does not levy a tax under division 93561  
(A)(1) of this section, the board shall establish regulations 93562  
necessary to provide for the administration of the tax, which may 93563  
prescribe the time for payment of the tax and the imposition of 93564  
penalty or interest subject to the limitations on penalty and 93565  
interest provided in division (A)(1) of this section. No portion 93566  
of the revenue shall be returned to townships or municipal 93567  
corporations in the county unless otherwise provided by resolution 93568  
of the board. The tax shall apply throughout the territory of the 93569  
county, including in any township or municipal corporation levying 93570  
an excise tax under division (B) of this section or division (A) 93571  
of section 5739.08 of the Revised Code. The levy of the tax is 93572  
subject to referendum as provided under section 305.31 of the 93573  
Revised Code. 93574

The tax shall remain in effect for the period specified in 93575  
the resolution. If revenue from the increase in rate is pledged to 93576  
the payment of debt charges on securities, the increase in rate is 93577

not subject to diminution by initiative or referendum or by law 93578  
for so long as the securities are outstanding unless provision is 93579  
made by law or by the board for an adequate substitute for that 93580  
revenue that is satisfactory to the trustee if a trust agreement 93581  
secures payment of the debt charges. 93582

(11) The board of county commissioners of an eligible county, 93583  
as defined in section 307.678 of the Revised Code, that levies an 93584  
excise tax under division (A)(1) of this section on July 1, 2017, 93585  
at a rate of three per cent may, by resolution adopted by a 93586  
majority of the members of the board, amend the resolution levying 93587  
the tax to increase the rate of the tax by not more than an 93588  
additional three per cent on each transaction. No portion of the 93589  
revenue shall be returned to townships or municipal corporations 93590  
in the county unless otherwise provided by resolution of the 93591  
board. Otherwise, the revenue from the increase in the rate shall 93592  
be distributed and used in the same manner described under 93593  
division (A)(1) of this section or distributed or used to provide 93594  
credit enhancement facilities as authorized under section 307.678 93595  
of the Revised Code. The increase in rate shall remain in effect 93596  
for the period specified in the resolution. If revenue from the 93597  
increase in rate is pledged to the payment of debt charges on 93598  
securities, the increase in rate is not subject to diminution by 93599  
initiative or referendum or by law for so long as the securities 93600  
are outstanding unless provision is made by law or by the board 93601  
for an adequate substitute for that revenue that is satisfactory 93602  
to the trustee if a trust agreement secures payment of the debt 93603  
charges. 93604

(12)(a) As used in this division: 93605

(i) "Eligible county" means a county that has a population 93606  
greater than one hundred ninety thousand and less than two hundred 93607  
thousand according to the 2010 federal decennial census and that 93608  
levies an excise tax under division (A)(1) of this section at a 93609

rate of three per cent. 93610

(ii) "Professional sports facility" means a sports facility 93611  
that is intended to house major or minor league professional 93612  
athletic teams, including a stadium, together with all parking 93613  
facilities, walkways, and other auxiliary facilities, real and 93614  
personal property, property rights, easements, and interests that 93615  
may be appropriate for, or used in connection with, the operation 93616  
of the facility. 93617

(b) Subject to division (A)(12)(c) of this section, the board 93618  
of county commissioners of an eligible county, by resolution 93619  
adopted by a majority of the members of the board, may increase 93620  
the rate of the tax by not more than one per cent on transactions 93621  
by which lodging by a hotel is or is to be furnished to transient 93622  
guests. Revenue from the increase in rate shall be used for the 93623  
purposes of paying the costs of constructing, improving, and 93624  
maintaining a professional sports facility in the county and 93625  
paying expenses considered necessary by the convention and 93626  
visitors' bureau operating in the county to promote travel and 93627  
tourism with respect to that professional sports facility. The tax 93628  
shall take effect only after the convention and visitors' bureau 93629  
enters into a contract for the construction, improvement, or 93630  
maintenance of a professional sports facility that is or will be 93631  
located on property acquired, in whole or in part, with revenue 93632  
from the increased rate, and thereafter shall remain in effect for 93633  
the period specified in the resolution. If revenue from the 93634  
increase in rate is pledged to the payment of debt charges on 93635  
securities, the increase in rate is not subject to diminution by 93636  
initiative or referendum or by law for so long as the securities 93637  
are outstanding, unless a provision is made by law or by the board 93638  
of county commissioners for an adequate substitute for that 93639  
revenue that is satisfactory to the trustee if a trust agreement 93640  
secures payment of the debt charges. The increase in rate shall be 93641

subject to the regulations adopted under division (A)(1) of this 93642  
section, except that the resolution may provide that no portion of 93643  
the revenue from the increase in the rate shall be returned to 93644  
townships or municipal corporations as would otherwise be required 93645  
under division (A)(1) of this section. 93646

(c) If, on December 31, 2019, the convention and visitors' 93647  
bureau has not entered into a contract for the construction, 93648  
improvement, or maintenance of a professional sports facility that 93649  
is or will be located on property acquired, in whole or in part, 93650  
with revenue from the increased rate, the authority to levy the 93651  
tax under division (A)(12)(b) of this section is hereby repealed 93652  
on that date. 93653

(B)(1) The legislative authority of a municipal corporation 93654  
or the board of trustees of a township that is not wholly or 93655  
partly located in a county that has in effect a resolution levying 93656  
an excise tax pursuant to division (A)(1) of this section may, by 93657  
ordinance or resolution, levy an excise tax not to exceed three 93658  
per cent on transactions by which lodging by a hotel is or is to 93659  
be furnished to transient guests. The legislative authority of the 93660  
municipal corporation or the board of trustees of the township 93661  
shall deposit at least fifty per cent of the revenue from the tax 93662  
levied pursuant to this division into a separate fund, which shall 93663  
be spent solely to make contributions to convention and visitors' 93664  
bureaus operating within the county in which the municipal 93665  
corporation or township is wholly or partly located, and the 93666  
balance of that revenue shall be deposited in the general fund. 93667  
The municipal corporation or township shall establish all 93668  
regulations necessary to provide for the administration and 93669  
allocation of the tax. The regulations may prescribe the time for 93670  
payment of the tax, and may provide for the imposition of a 93671  
penalty or interest, or both, for late payments, provided that the 93672  
penalty does not exceed ten per cent of the amount of tax due, and 93673

the rate at which interest accrues does not exceed the rate per 93674  
annum prescribed pursuant to section 5703.47 of the Revised Code. 93675  
The levy of a tax under this division is in addition to any tax 93676  
imposed on the same transaction by a municipal corporation or a 93677  
township as authorized by division (A) of section 5739.08 of the 93678  
Revised Code. 93679

(2)(a) The legislative authority of the most populous 93680  
municipal corporation located wholly or partly in a county in 93681  
which the board of county commissioners has levied a tax under 93682  
division (A)(4) of this section may amend, on or before September 93683  
30, 2002, that municipal corporation's ordinance or resolution 93684  
that levies an excise tax on transactions by which lodging by a 93685  
hotel is or is to be furnished to transient guests, to provide for 93686  
all of the following: 93687

(i) That the rate of the tax shall be increased by not more 93688  
than an additional one per cent on each transaction; 93689

(ii) That all of the revenue from the increase in rate shall 93690  
be pledged and contributed to a convention facilities authority 93691  
established by the board of county commissioners under Chapter 93692  
351. of the Revised Code on or before May 15, 2002, and be used to 93693  
pay costs of constructing, expanding, maintaining, operating, or 93694  
promoting a convention center in the county, including paying 93695  
bonds, or notes issued in anticipation of bonds, as provided by 93696  
that chapter; 93697

(iii) That the increase in rate shall not be subject to 93698  
diminution by initiative or referendum or by law while any bonds, 93699  
or notes in anticipation of bonds, issued by the authority under 93700  
Chapter 351. of the Revised Code to which the revenue is pledged, 93701  
remain outstanding in accordance with their terms, unless 93702  
provision is made by law, by the board of county commissioners, or 93703  
by the legislative authority, for an adequate substitute therefor 93704  
that is satisfactory to the trustee if a trust agreement secures 93705

the bonds. 93706

(b) The legislative authority of a municipal corporation 93707  
that, pursuant to division (B)(2)(a) of this section, has amended 93708  
its ordinance or resolution to increase the rate of the tax 93709  
authorized by division (B)(1) of this section may further amend 93710  
the ordinance or resolution to provide that the revenue referred 93711  
to in division (B)(2)(a)(ii) of this section shall be pledged and 93712  
contributed both to a convention facilities authority to pay the 93713  
costs of constructing, expanding, maintaining, or operating one or 93714  
more convention centers in the county, including paying bonds, or 93715  
notes issued in anticipation of bonds, as provided in Chapter 351. 93716  
of the Revised Code, and to a convention and visitors' bureau to 93717  
pay the costs of promoting one or more convention centers in the 93718  
county. 93719

As used in division (B)(2) of this section, "cost" has the 93720  
same meaning as in section 351.01 of the Revised Code, and 93721  
"convention center" has the same meaning as in section 307.695 of 93722  
the Revised Code. 93723

(3) The legislative authority of an eligible municipal 93724  
corporation may amend, on or before December 31, 2017, that 93725  
municipal corporation's ordinance or resolution that levies an 93726  
excise tax on transactions by which lodging by a hotel is or is to 93727  
be furnished to transient guests, to provide for the following: 93728

(a) That the rate of the tax shall be increased by not more 93729  
than an additional three per cent on each transaction; 93730

(b) That all of the revenue from the increase in rate shall 93731  
be used by the municipal corporation for economic development and 93732  
tourism-related purposes. 93733

As used in division (B)(3) of this section, "eligible 93734  
municipal corporation" means a municipal corporation that, on the 93735  
effective date of the amendment of this section by H.B. 49 of the 93736

132nd general assembly, September 29, 2017, levied a tax under 93737  
division (B)(1) of this section at a rate of three per cent and 93738  
that is located in a county that, on that date, levied a tax under 93739  
division (A) of this section at a rate of three per cent and that 93740  
has, according to the most recent federal decennial census, a 93741  
population exceeding three hundred thousand but not greater than 93742  
three hundred fifty thousand. 93743

(C) For the purposes described in section 307.695 of the 93744  
Revised Code and to cover the costs of administering the tax, a 93745  
board of county commissioners of a county where a tax imposed 93746  
under division (A)(1) of this section is in effect may, by 93747  
resolution adopted within ninety days after July 15, 1985, by a 93748  
majority of the members of the board, levy an additional excise 93749  
tax not to exceed three per cent on transactions by which lodging 93750  
by a hotel is or is to be furnished to transient guests. The tax 93751  
authorized by this division shall be in addition to any tax that 93752  
is levied pursuant to division (A) of this section, but it shall 93753  
not apply to transactions subject to a tax levied by a municipal 93754  
corporation or township pursuant to the authorization granted by 93755  
division (A) of section 5739.08 of the Revised Code. The board 93756  
shall establish all regulations necessary to provide for the 93757  
administration and allocation of the tax. The regulations may 93758  
prescribe the time for payment of the tax, and may provide for the 93759  
imposition of a penalty or interest, or both, for late payments, 93760  
provided that the penalty does not exceed ten per cent of the 93761  
amount of tax due, and the rate at which interest accrues does not 93762  
exceed the rate per annum prescribed pursuant to section 5703.47 93763  
of the Revised Code. All revenues arising from the tax shall be 93764  
expended in accordance with section 307.695 of the Revised Code. 93765  
The board of county commissioners of an eligible county as defined 93766  
in section 307.695 of the Revised Code may, by resolution adopted 93767  
by a majority of the members of the board, amend the resolution 93768  
levying a tax under this division to provide that the revenue from 93769

the tax shall be used by the board as described in division (H) of 93770  
section 307.695 of the Revised Code. A tax imposed under this 93771  
division shall remain in effect at the rate at which it is imposed 93772  
for the duration of the period during which any agreement entered 93773  
into by the board under section 307.695 of the Revised Code is in 93774  
effect, the duration of the period during which any securities 93775  
issued by the board under division (I) of section 307.695 of the 93776  
Revised Code are outstanding, or the duration of the period during 93777  
which the board owns a project as defined in section 307.695 of 93778  
the Revised Code, whichever duration is longest. 93779

(D) For the purpose of providing contributions under division 93780  
(B)(1) of section 307.671 of the Revised Code to enable the 93781  
acquisition, construction, and equipping of a port authority 93782  
educational and cultural facility in the county and, to the extent 93783  
provided for in the cooperative agreement authorized by that 93784  
section, for the purpose of paying debt service charges on bonds, 93785  
or notes in anticipation of bonds, described in division (B)(1)(b) 93786  
of that section, a board of county commissioners, by resolution 93787  
adopted within ninety days after December 22, 1992, by a majority 93788  
of the members of the board, may levy an additional excise tax not 93789  
to exceed one and one-half per cent on transactions by which 93790  
lodging by a hotel is or is to be furnished to transient guests. 93791  
The excise tax authorized by this division shall be in addition to 93792  
any tax that is levied pursuant to divisions (A), (B), and (C) of 93793  
this section, to any excise tax levied pursuant to section 5739.08 93794  
of the Revised Code, and to any excise tax levied pursuant to 93795  
section 351.021 of the Revised Code. The board of county 93796  
commissioners shall establish all regulations necessary to provide 93797  
for the administration and allocation of the tax that are not 93798  
inconsistent with this section or section 307.671 of the Revised 93799  
Code. The regulations may prescribe the time for payment of the 93800  
tax, and may provide for the imposition of a penalty or interest, 93801  
or both, for late payments, provided that the penalty does not 93802

exceed ten per cent of the amount of tax due, and the rate at 93803  
which interest accrues does not exceed the rate per annum 93804  
prescribed pursuant to section 5703.47 of the Revised Code. All 93805  
revenues arising from the tax shall be expended in accordance with 93806  
section 307.671 of the Revised Code and division (D) of this 93807  
section. The levy of a tax imposed under this division may not 93808  
commence prior to the first day of the month next following the 93809  
execution of the cooperative agreement authorized by section 93810  
307.671 of the Revised Code by all parties to that agreement. The 93811  
tax shall remain in effect at the rate at which it is imposed for 93812  
the period of time described in division (C) of section 307.671 of 93813  
the Revised Code for which the revenue from the tax has been 93814  
pledged by the county to the corporation pursuant to that section, 93815  
but, to any extent provided for in the cooperative agreement, for 93816  
no lesser period than the period of time required for payment of 93817  
the debt service charges on bonds, or notes in anticipation of 93818  
bonds, described in division (B)(1)(b) of that section. 93819

(E) For the purpose of paying the costs of acquiring, 93820  
constructing, equipping, and improving a municipal educational and 93821  
cultural facility, including debt service charges on bonds 93822  
provided for in division (B) of section 307.672 of the Revised 93823  
Code, and for any additional purposes determined by the county in 93824  
the resolution levying the tax or amendments to the resolution, 93825  
including subsequent amendments providing for paying costs of 93826  
acquiring, constructing, renovating, rehabilitating, equipping, 93827  
and improving a port authority educational and cultural performing 93828  
arts facility, as defined in section 307.674 of the Revised Code, 93829  
and including debt service charges on bonds provided for in 93830  
division (B) of section 307.674 of the Revised Code, the 93831  
legislative authority of a county, by resolution adopted within 93832  
ninety days after June 30, 1993, by a majority of the members of 93833  
the legislative authority, may levy an additional excise tax not 93834  
to exceed one and one-half per cent on transactions by which 93835

lodging by a hotel is or is to be furnished to transient guests. 93836  
The excise tax authorized by this division shall be in addition to 93837  
any tax that is levied pursuant to divisions (A), (B), (C), and 93838  
(D) of this section, to any excise tax levied pursuant to section 93839  
5739.08 of the Revised Code, and to any excise tax levied pursuant 93840  
to section 351.021 of the Revised Code. The legislative authority 93841  
of the county shall establish all regulations necessary to provide 93842  
for the administration and allocation of the tax. The regulations 93843  
may prescribe the time for payment of the tax, and may provide for 93844  
the imposition of a penalty or interest, or both, for late 93845  
payments, provided that the penalty does not exceed ten per cent 93846  
of the amount of tax due, and the rate at which interest accrues 93847  
does not exceed the rate per annum prescribed pursuant to section 93848  
5703.47 of the Revised Code. All revenues arising from the tax 93849  
shall be expended in accordance with section 307.672 of the 93850  
Revised Code and this division. The levy of a tax imposed under 93851  
this division shall not commence prior to the first day of the 93852  
month next following the execution of the cooperative agreement 93853  
authorized by section 307.672 of the Revised Code by all parties 93854  
to that agreement. The tax shall remain in effect at the rate at 93855  
which it is imposed for the period of time determined by the 93856  
legislative authority of the county. That period of time shall not 93857  
exceed fifteen years, except that the legislative authority of a 93858  
county with a population of less than two hundred fifty thousand 93859  
according to the most recent federal decennial census, by 93860  
resolution adopted by a majority of its members before the 93861  
original tax expires, may extend the duration of the tax for an 93862  
additional period of time. The additional period of time by which 93863  
a legislative authority extends a tax levied under this division 93864  
shall not exceed fifteen years. 93865

(F) The legislative authority of a county that has levied a 93866  
tax under division (E) of this section may, by resolution adopted 93867  
within one hundred eighty days after January 4, 2001, by a 93868

majority of the members of the legislative authority, amend the 93869  
resolution levying a tax under that division to provide for the 93870  
use of the proceeds of that tax, to the extent that it is no 93871  
longer needed for its original purpose as determined by the 93872  
parties to a cooperative agreement amendment pursuant to division 93873  
(D) of section 307.672 of the Revised Code, to pay costs of 93874  
acquiring, constructing, renovating, rehabilitating, equipping, 93875  
and improving a port authority educational and cultural performing 93876  
arts facility, including debt service charges on bonds provided 93877  
for in division (B) of section 307.674 of the Revised Code, and to 93878  
pay all obligations under any guaranty agreements, reimbursement 93879  
agreements, or other credit enhancement agreements described in 93880  
division (C) of section 307.674 of the Revised Code. The 93881  
resolution may also provide for the extension of the tax at the 93882  
same rate for the longer of the period of time determined by the 93883  
legislative authority of the county, but not to exceed an 93884  
additional twenty-five years, or the period of time required to 93885  
pay all debt service charges on bonds provided for in division (B) 93886  
of section 307.672 of the Revised Code and on port authority 93887  
revenue bonds provided for in division (B) of section 307.674 of 93888  
the Revised Code. All revenues arising from the amendment and 93889  
extension of the tax shall be expended in accordance with section 93890  
307.674 of the Revised Code, this division, and division (E) of 93891  
this section. 93892

(G) For purposes of a tax levied by a county, township, or 93893  
municipal corporation under this section or section 5739.08 of the 93894  
Revised Code, a board of county commissioners, board of township 93895  
trustees, or the legislative authority of a municipal corporation 93896  
may adopt a resolution or ordinance at any time specifying that 93897  
"hotel," as otherwise defined in section 5739.01 of the Revised 93898  
Code, includes the following: 93899

(1) Establishments in which fewer than five rooms are used 93900

for the accommodation of guests. 93901

(2) Establishments at which rooms are used for the 93902  
accommodation of guests regardless of whether each room is 93903  
accessible through its own keyed entry or several rooms are 93904  
accessible through the same keyed entry; and, in determining the 93905  
number of rooms, all rooms are included regardless of the number 93906  
of structures in which the rooms are situated or the number of 93907  
parcels of land on which the structures are located if the 93908  
structures are under the same ownership and the structures are not 93909  
identified in advertisements of the accommodations as distinct 93910  
establishments. For the purposes of division (G)(2) of this 93911  
section, two or more structures are under the same ownership if 93912  
they are owned by the same person, or if they are owned by two or 93913  
more persons the majority of the ownership interests of which are 93914  
owned by the same person. 93915

The resolution or ordinance may apply to a tax imposed 93916  
pursuant to this section prior to the adoption of the resolution 93917  
or ordinance if the resolution or ordinance so states, but the tax 93918  
shall not apply to transactions by which lodging by such an 93919  
establishment is provided to transient guests prior to the 93920  
adoption of the resolution or ordinance. 93921

(H)(1) As used in this division: 93922

(a) "Convention facilities authority" has the same meaning as 93923  
in section 351.01 of the Revised Code. 93924

(b) "Convention center" has the same meaning as in section 93925  
307.695 of the Revised Code. 93926

(2) Notwithstanding any contrary provision of division (D) of 93927  
this section, the legislative authority of a county with a 93928  
population of one million or more according to the most recent 93929  
federal decennial census that has levied a tax under division (D) 93930  
of this section may, by resolution adopted by a majority of the 93931

members of the legislative authority, provide for the extension of 93932  
such levy and may provide that the proceeds of that tax, to the 93933  
extent that they are no longer needed for their original purpose 93934  
as defined by a cooperative agreement entered into under section 93935  
307.671 of the Revised Code, shall be deposited into the county 93936  
general revenue fund. The resolution shall provide for the 93937  
extension of the tax at a rate not to exceed the rate specified in 93938  
division (D) of this section for a period of time determined by 93939  
the legislative authority of the county, but not to exceed an 93940  
additional forty years. 93941

(3) The legislative authority of a county with a population 93942  
of one million or more that has levied a tax under division (A)(1) 93943  
of this section may, by resolution adopted by a majority of the 93944  
members of the legislative authority, increase the rate of the tax 93945  
levied by such county under division (A)(1) of this section to a 93946  
rate not to exceed five per cent on transactions by which lodging 93947  
by a hotel is or is to be furnished to transient guests. 93948  
Notwithstanding any contrary provision of division (A)(1) of this 93949  
section, the resolution may provide that all collections resulting 93950  
from the rate levied in excess of three per cent, after deducting 93951  
the real and actual costs of administering the tax, shall be 93952  
deposited in the county general fund. 93953

(4) The legislative authority of a county with a population 93954  
of one million or more that has levied a tax under division (A)(1) 93955  
of this section may, by resolution adopted on or before August 30, 93956  
2004, by a majority of the members of the legislative authority, 93957  
provide that all or a portion of the proceeds of the tax levied 93958  
under division (A)(1) of this section, after deducting the real 93959  
and actual costs of administering the tax and the amounts required 93960  
to be returned to townships and municipal corporations with 93961  
respect to the first three per cent levied under division (A)(1) 93962  
of this section, shall be deposited in the county general fund, 93963

provided that such proceeds shall be used to satisfy any pledges 93964  
made in connection with an agreement entered into under section 93965  
307.695 of the Revised Code. 93966

(5) No amount collected from a tax levied, extended, or 93967  
required to be deposited in the county general fund under division 93968  
(H) of this section shall be contributed to a convention 93969  
facilities authority, corporation, or other entity created after 93970  
July 1, 2003, for the principal purpose of constructing, 93971  
improving, expanding, equipping, financing, or operating a 93972  
convention center unless the mayor of the municipal corporation in 93973  
which the convention center is to be operated by that convention 93974  
facilities authority, corporation, or other entity has consented 93975  
to the creation of that convention facilities authority, 93976  
corporation, or entity. Notwithstanding any contrary provision of 93977  
section 351.04 of the Revised Code, if a tax is levied by a county 93978  
under division (H) of this section, the board of county 93979  
commissioners of that county may determine the manner of 93980  
selection, the qualifications, the number, and terms of office of 93981  
the members of the board of directors of any convention facilities 93982  
authority, corporation, or other entity described in division 93983  
(H)(5) of this section. 93984

(6)(a) No amount collected from a tax levied, extended, or 93985  
required to be deposited in the county general fund under division 93986  
(H) of this section may be used for any purpose other than paying 93987  
the direct and indirect costs of constructing, improving, 93988  
expanding, equipping, financing, or operating a convention center 93989  
and for the real and actual costs of administering the tax, 93990  
unless, prior to the adoption of the resolution of the legislative 93991  
authority of the county authorizing the levy, extension, increase, 93992  
or deposit, the county and the mayor of the most populous 93993  
municipal corporation in that county have entered into an 93994  
agreement as to the use of such amounts, provided that such 93995

agreement has been approved by a majority of the mayors of the 93996  
other municipal corporations in that county. The agreement shall 93997  
provide that the amounts to be used for purposes other than paying 93998  
the convention center or administrative costs described in 93999  
division (H)(6)(a) of this section be used only for the direct and 94000  
indirect costs of capital improvements, including the financing of 94001  
capital improvements. 94002

(b) If the county in which the tax is levied has an 94003  
association of mayors and city managers, the approval of that 94004  
association of an agreement described in division (H)(6)(a) of 94005  
this section shall be considered to be the approval of the 94006  
majority of the mayors of the other municipal corporations for 94007  
purposes of that division. 94008

(7) Each year, the auditor of state shall conduct an audit of 94009  
the uses of any amounts collected from taxes levied, extended, or 94010  
deposited under division (H) of this section and shall prepare a 94011  
report of the auditor of state's findings. The auditor of state 94012  
shall submit the report to the legislative authority of the county 94013  
that has levied, extended, or deposited the tax, the speaker of 94014  
the house of representatives, the president of the senate, and the 94015  
leaders of the minority parties of the house of representatives 94016  
and the senate. 94017

(I)(1) As used in this division: 94018

(a) "Convention facilities authority" has the same meaning as 94019  
in section 351.01 of the Revised Code. 94020

(b) "Convention center" has the same meaning as in section 94021  
307.695 of the Revised Code. 94022

(2) Notwithstanding any contrary provision of division (D) of 94023  
this section, the legislative authority of a county with a 94024  
population of one million two hundred thousand or more according 94025  
to the most recent federal decennial census or the most recent 94026

annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (D) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code and after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (D) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A)(1) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A)(1) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A)(1) of this section, the resolution shall provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.

(4) The legislative authority of a county with a population

of one million two hundred thousand or more that has levied a tax 94059  
under division (A)(1) of this section may, by resolution adopted 94060  
on or before July 1, 2008, by a majority of the members of the 94061  
legislative authority, provide that all or a portion of the 94062  
proceeds of the tax levied under division (A)(1) of this section, 94063  
after deducting the real and actual costs of administering the tax 94064  
and the amounts required to be returned to townships and municipal 94065  
corporations with respect to the first three per cent levied under 94066  
division (A)(1) of this section, shall be used to satisfy any 94067  
pledges made in connection with an agreement entered into under 94068  
section 307.695 of the Revised Code or shall otherwise be used for 94069  
paying the direct and indirect costs of constructing, improving, 94070  
expanding, equipping, financing, or operating a convention center. 94071

(5) Any amount collected from a tax levied or extended under 94072  
division (I) of this section may be contributed to a convention 94073  
facilities authority created before July 1, 2005, but no amount 94074  
collected from a tax levied or extended under division (I) of this 94075  
section may be contributed to a convention facilities authority, 94076  
corporation, or other entity created after July 1, 2005, unless 94077  
the mayor of the municipal corporation in which the convention 94078  
center is to be operated by that convention facilities authority, 94079  
corporation, or other entity has consented to the creation of that 94080  
convention facilities authority, corporation, or entity. 94081

(J)(1) Except as provided in division (J)(2) of this section, 94082  
money collected by a county and distributed under this section to 94083  
a convention and visitors' bureau in existence as of June 30, 94084  
2013, the effective date of H.B. 59 of the 130th general assembly, 94085  
except for any such money pledged, as of that effective date, to 94086  
the payment of debt service charges on bonds, notes, securities, 94087  
or lease agreements, shall be used solely for tourism sales, 94088  
marketing and promotion, and their associated costs, including, 94089  
but not limited to, operational and administrative costs of the 94090

bureau, sales and marketing, and maintenance of the physical 94091  
bureau structure. 94092

(2) A convention and visitors' bureau that has entered into 94093  
an agreement under section 307.678 of the Revised Code may use 94094  
revenue it receives from a tax levied under division (A)(1) of 94095  
this section as described in division (E) of section 307.678 of 94096  
the Revised Code. 94097

(K) The board of county commissioners of a county with a 94098  
population between one hundred three thousand and one hundred 94099  
seven thousand according to the most recent federal decennial 94100  
census, by resolution adopted by a majority of the members of the 94101  
board within six months after September 15, 2014, the effective 94102  
date of H.B. 483 of the 130th general assembly, may levy a tax not 94103  
to exceed three per cent on transactions by which a hotel is or is 94104  
to be furnished to transient guests. The purpose of the tax shall 94105  
be to pay the costs of expanding, maintaining, or operating a 94106  
soldiers' memorial and the costs of administering the tax. All 94107  
revenue arising from the tax shall be credited to one or more 94108  
special funds in the county treasury and shall be spent solely for 94109  
the purposes of paying those costs. The board of county 94110  
commissioners shall adopt all rules necessary to provide for the 94111  
administration of the tax subject to the same limitations on 94112  
imposing penalty or interest under division (A)(1) of this 94113  
section. 94114

As used in this division "soldiers' memorial" means a 94115  
memorial constructed and funded under Chapter 345. of the Revised 94116  
Code. 94117

(L) A board of county commissioners of an eligible county, by 94118  
resolution adopted by a majority of the members of the board, may 94119  
levy an excise tax at the rate of up to three per cent on 94120  
transactions by which lodging by a hotel is or is to be furnished 94121  
to transient guests for the purpose of paying the costs of 94122

permanent improvements at sites at which one or more agricultural 94123  
societies conduct fairs or exhibits, paying the costs of 94124  
maintaining or operating such permanent improvements, and paying 94125  
the costs of administering the tax. A resolution adopted under 94126  
this division shall direct the board of elections to submit the 94127  
question of the proposed lodging tax to the electors of the county 94128  
at a general election or a special election held on a day on which 94129  
a primary election may be held on the date, as specified by the 94130  
board in the resolution, provided that the election occurs not 94131  
less than ninety days after a certified copy of the resolution is 94132  
transmitted to the board of elections. A resolution submitted to 94133  
the electors under this division shall not go into effect unless 94134  
it is approved by a majority of those voting upon it. The 94135  
resolution takes effect on the date the board of county 94136  
commissioners receives notification from the board of elections of 94137  
an affirmative vote. 94138

The tax shall remain in effect for the period specified in 94139  
the resolution, not to exceed five years. All revenue arising from 94140  
the tax shall be credited to one or more special funds in the 94141  
county treasury and shall be spent solely for the purposes of 94142  
paying the costs of such permanent improvements and maintaining or 94143  
operating the improvements. Revenue allocated for the use of a 94144  
county agricultural society may be credited to the county 94145  
agricultural society fund created in section 1711.16 of the 94146  
Revised Code upon appropriation by the board. If revenue is 94147  
credited to that fund, it shall be expended only as provided in 94148  
that section. 94149

The board of county commissioners shall adopt all rules 94150  
necessary to provide for the administration of the tax. The rules 94151  
may prescribe the time for payment of the tax, and may provide for 94152  
the imposition or penalty or interest, or both, for late payments, 94153  
provided that the penalty does not exceed ten per cent of the 94154

amount of tax due, and the rate at which interest accrues does not 94155  
exceed the rate per annum prescribed in section 5703.47 of the 94156  
Revised Code. 94157

As used in this division, "eligible county" means a county in 94158  
which a county agricultural society or independent agricultural 94159  
society is organized under section 1711.01 or 1711.02 of the 94160  
Revised Code, provided the agricultural society owns a facility or 94161  
site in the county at which an annual harness horse race is 94162  
conducted where one-day attendance equals at least forty thousand 94163  
attendees. 94164

(M) As used in this division, "eligible county" means a 94165  
county in which a tax is levied under division (A) of this section 94166  
at a rate of three per cent and whose territory includes a part of 94167  
Lake Erie the shoreline of which represents at least fifty per 94168  
cent of the linear length of the county's border with other 94169  
counties of this state. 94170

The board of county commissioners of an eligible county that 94171  
has entered into an agreement with a port authority in the county 94172  
under section 4582.56 of the Revised Code may levy an additional 94173  
lodging tax on transactions by which lodging by a hotel is or is 94174  
to be furnished to transient guests for the purpose of financing 94175  
lakeshore improvement projects constructed or financed by the port 94176  
authority under that section. The resolution levying the tax shall 94177  
specify the purpose of the tax, the rate of the tax, which shall 94178  
not exceed two per cent, and the number of years the tax will be 94179  
levied or that it will be levied for a continuing period of time. 94180  
The tax shall be administered pursuant to the regulations adopted 94181  
by the board under division (A) of this section, except that all 94182  
the proceeds of the tax levied under this division shall be 94183  
pledged to the payment of the costs, including debt charges, of 94184  
lakeshore improvements undertaken by a port authority pursuant to 94185  
the agreement under section 4582.56 of the Revised Code. No 94186

revenue from the tax may be used to pay the current expenses of 94187  
the port authority. 94188

A resolution levying a tax under this division is subject to 94189  
referendum under sections 305.31 to 305.41 and 305.99 of the 94190  
Revised Code. 94191

(N)(1)(a) Notwithstanding division (A) of this section, the 94192  
board of county commissioners, board of township trustees, or 94193  
legislative authority of any county, township, or municipal 94194  
corporation that levies a lodging tax on September 29, 2017, and 94195  
in which any part of a tourism development district is located on 94196  
or after that date shall amend the ordinance or resolution levying 94197  
the tax to require either of the following: 94198

(i) In the case of a tax levied by a county, that all tourism 94199  
development district lodging tax proceeds from that tax be used 94200  
exclusively to foster and develop tourism in the tourism 94201  
development district; 94202

(ii) In the case of a tax levied by a township or municipal 94203  
corporation, that all tourism development district lodging tax 94204  
proceeds from that tax be used exclusively to foster and develop 94205  
tourism in the tourism development district. 94206

(b) Notwithstanding division (A) of this section, any 94207  
ordinance or resolution levying a lodging tax adopted on or after 94208  
September 29, 2017, by a county, township, or municipal 94209  
corporation in which any part of a tourism development district is 94210  
located on or after that date shall require that all tourism 94211  
development district lodging tax proceeds from that tax be used 94212  
exclusively to foster and develop tourism in the tourism 94213  
development district. 94214

(c) A county shall not use any of the proceeds described in 94215  
division (N)(1)(a)(i) or (N)(1)(b) of this section unless the 94216  
convention and visitors' bureau operating within the county 94217

approves the manner in which such proceeds are used to foster and 94218  
develop tourism in the tourism development district. Upon 94219  
obtaining such approval, the county may pay such proceeds to the 94220  
bureau to use for the agreed-upon purpose. 94221

A municipal corporation or township shall not use any of the 94222  
proceeds described in division (N)(1)(a)(ii) or (N)(1)(b) of this 94223  
section unless the convention and visitors' bureau operating 94224  
within the municipal corporation or township approves the manner 94225  
in which such proceeds are used to foster and develop tourism in 94226  
the tourism development district. Upon obtaining such approval, 94227  
the municipal corporation or township may pay such proceeds to the 94228  
bureau to use for the agreed-upon purpose. 94229

(2)(a) Notwithstanding division (A) of this section, the 94230  
board of county commissioners of an eligible county that levies a 94231  
lodging tax on March 23, 2018, may amend the resolution levying 94232  
that tax to require that all or a portion of the proceeds of that 94233  
tax otherwise required to be spent solely to make contributions to 94234  
the convention and visitors' bureau operating within the county 94235  
shall be used to foster and develop tourism in a tourism 94236  
development district. 94237

(b) Notwithstanding division (A) of this section, the board 94238  
of county commissioners of an eligible county that adopts a 94239  
resolution levying a lodging tax on or after March 23, 2018, may 94240  
require that all or a portion of the proceeds of that tax 94241  
otherwise required to be spent solely to make contributions to the 94242  
convention and visitors' bureau operating within the county 94243  
pursuant to division (A) of this section shall be used to foster 94244  
and develop tourism in a tourism development district. 94245

(c) A county shall not use any of the proceeds in the manner 94246  
described in division (N)(2)(a) or (b) of this section unless the 94247  
convention and visitors' bureau operating within the county 94248  
approves the manner in which such proceeds are used to foster and 94249

develop tourism in the tourism development district. Upon 94250  
obtaining such approval, the county may pay such proceeds to the 94251  
bureau to use for the agreed upon purpose. 94252

(3) As used in division (N) of this section: 94253

(a) "Tourism development district" means a district 94254  
designated by a municipal corporation under section 715.014 of the 94255  
Revised Code or by a township under section 503.56 of the Revised 94256  
Code. 94257

(b) "Lodging tax" means a tax levied pursuant to this section 94258  
or section 5739.08 of the Revised Code. 94259

(c) "Tourism development district lodging tax proceeds" means 94260  
all proceeds of a lodging tax derived from transactions by which 94261  
lodging by a hotel located in a tourism development district is or 94262  
is to be provided to transient guests. 94263

(d) "Eligible county" has the same meaning as in section 94264  
307.678 of the Revised Code. 94265

**Sec. 5743.021.** (A) As used in this section, "qualifying 94266  
regional arts and cultural district" means a regional arts and 94267  
cultural district created under section 3381.04 of the Revised 94268  
Code in a county having a population of one million two hundred 94269  
thousand or more according to the 2000 federal decennial census. 94270

(B) For one or more of the purposes for which a tax may be 94271  
levied under section 3381.16 of the Revised Code and for the 94272  
purposes of paying the expenses of administering the tax and the 94273  
expenses charged by a board of elections to hold an election on a 94274  
question submitted under this section, the board of county 94275  
commissioners of a county that has within its territorial 94276  
boundaries a qualifying regional arts and cultural district may 94277  
levy a tax on the sale of cigarettes sold for resale at retail in 94278  
the county composing the district. The rate of the tax, when added 94279

to the rate of any other tax concurrently levied by the board 94280  
under this section, shall not exceed fifteen mills per cigarette, 94281  
and shall be computed on each cigarette sold. Only one sale of the 94282  
same article shall be used in computing the amount of tax due. The 94283  
tax may be levied for any number of years not exceeding ten years. 94284

The tax shall be levied pursuant to a resolution of the board 94285  
of county commissioners approved by a majority of the electors in 94286  
the county voting on the question of levying the tax. The 94287  
resolution shall specify the rate of the tax, the number of years 94288  
the tax will be levied, and the purposes for which the tax is 94289  
levied. The election may be held on the date of a general, 94290  
~~primary,~~ election or a special election held on a day on which a 94291  
primary election may be held, occurring not sooner than ninety 94292  
days after the date the board certifies its resolution to the 94293  
board of elections. If approved by the electors, the tax shall 94294  
take effect on the first day of the month specified in the 94295  
resolution but not sooner than the first day of the month that is 94296  
at least sixty days after the certification of the election 94297  
results by the board of elections. A copy of the resolution 94298  
levying the tax shall be certified to the tax commissioner at 94299  
least sixty days prior to the date on which the tax is to become 94300  
effective. 94301

(C) The form of the ballot in an election held under this 94302  
section shall be as follows, or in any other form acceptable to 94303  
the secretary of state: 94304

"For the purpose of ..... (insert the purpose or 94305  
purposes of the tax), shall an excise tax be levied throughout 94306  
..... County for the benefit of the ..... (name of the 94307  
qualifying regional arts and cultural district) on the sale of 94308  
cigarettes at wholesale at the rate of .... mills per cigarette 94309  
for ..... years? 94310

	For the tax	94312
	Against the tax	" 94313

(D) All money arising from taxes levied on behalf of each district under this section and section 5743.321 of the Revised Code shall be credited as follows:

(1) To the tax refund fund created by section 5703.052 of the Revised Code, amounts equal to the refunds from each tax levied under this section certified by the tax commissioner pursuant to section 5743.05 of the Revised Code;

(2) Following the crediting of amounts pursuant to division (D)(1) of this section:

(a) To the permissive tax distribution fund created under section 4301.423 of the Revised Code, an amount equal to ninety-eight per cent of the remainder collected;

(b) To the local excise tax administrative fund, which is hereby created in the state treasury, an amount equal to two per cent of such remainder, for use by the tax commissioner in defraying costs incurred in administering the tax.

On or before the tenth day of each month, the tax commissioner shall distribute the amount credited to the permissive tax distribution fund during the preceding month by providing for payment of the appropriate amount to the county treasurer of the county in which the tax is levied.

**Sec. 5743.024.** (A) For the purposes of section 307.696 of the Revised Code, to pay the expenses of administering the tax, and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, or for such purposes and to provide revenues to the county for permanent improvements, the board of county commissioners may levy a tax on sales of cigarettes sold for resale at retail in the

county. The tax shall not exceed two and twenty-five hundredths of 94342  
a mill per cigarette, and shall be computed on each cigarette 94343  
sold. The tax may be levied for any number of years not exceeding 94344  
twenty. Only one sale of the same article shall be used in 94345  
computing the amount of tax due. 94346

The tax shall be levied pursuant to a resolution of the 94347  
county commissioners approved by a majority of the electors in the 94348  
county voting on the question of levying the tax at a general 94349  
election or a special election held on a day on which a primary 94350  
election may be held. The resolution shall specify the rate of the 94351  
tax, the number of years the tax will be levied, and the purposes 94352  
for which the tax is levied. Such election may be held ~~on the date~~ 94353  
~~of a general or special election held~~ not sooner than ninety days 94354  
after the date the board certifies its resolution to the board of 94355  
elections. If approved by the electors, the tax shall take effect 94356  
on the first day of the month specified in the resolution but not 94357  
sooner than the first day of the month that is at least sixty days 94358  
after the certification of the election results by the board of 94359  
elections. A copy of the resolution levying the tax shall be 94360  
certified to the tax commissioner at least sixty days prior to the 94361  
date on which the tax is to become effective. 94362

A resolution under this section may be joined on the ballot 94363  
as a single question with a resolution adopted under section 94364  
307.697 or 4301.421 of the Revised Code to levy a tax for the same 94365  
purposes and for the purpose of paying the expenses of 94366  
administering the tax. The form of the ballot in an election held 94367  
pursuant to this section shall be as prescribed in section 307.697 94368  
of the Revised Code. 94369

(B) All money arising from each county's taxes levied under 94370  
this section and section 5743.323 of the Revised Code shall be 94371  
credited as follows: 94372

(1) To the tax refund fund created by section 5703.052 of the 94373

Revised Code, amounts equal to the refunds from each tax levied 94374  
under this section certified by the tax commissioner pursuant to 94375  
section 5743.05 of the Revised Code; 94376

(2) Following the crediting of amounts pursuant to division 94377  
(B)(1) of this section: 94378

(a) To the permissive tax distribution fund created by 94379  
division (B)(1) of section 4301.423 of the Revised Code, an amount 94380  
equal to ninety-eight per cent of the remainder collected; 94381

(b) To the local excise tax administrative fund, which is 94382  
hereby created in the state treasury, an amount equal to two per 94383  
cent of such remainder, for use by the tax commissioner in 94384  
defraying costs incurred in administering the tax. 94385

On or before the tenth day of each month, the tax 94386  
commissioner shall distribute the amount credited to the 94387  
permissive tax distribution fund during the preceding month by 94388  
providing for payment of the appropriate amount to the county 94389  
treasurer of each county levying the tax. 94390

(C) The board of county commissioners of a county in which a 94391  
tax is imposed under this section on the effective date of the 94392  
amendment of this section by H.B. 59 of the 130th general 94393  
assembly, September 29, 2013, may levy a tax for the purpose of 94394  
section 307.673 of the Revised Code regardless of whether or not 94395  
the cooperative agreement authorized under that section has been 94396  
entered into prior to the day the resolution adopted under 94397  
division (C)(1) or (2) of this section is adopted, for the purpose 94398  
of reimbursing a county for costs incurred in the construction of 94399  
a sports facility pursuant to an agreement entered into by the 94400  
county under section 307.696 of the Revised Code, or for the 94401  
purpose of paying the costs of capital repairs of and improvements 94402  
to a sports facility. The tax shall be levied and approved in one 94403  
of the manners prescribed by division (C)(1) or (2) of this 94404

section. 94405

(1) The tax may be levied pursuant to a resolution adopted by 94406  
a majority of the members of the board of county commissioners not 94407  
later than forty-five days after July 19, 1995. A board of county 94408  
commissioners approving a tax under division (C)(1) of this 94409  
section may approve a tax under division (D)(1) of section 307.697 94410  
or division (B)(1) of section 4301.421 of the Revised Code at the 94411  
same time. Subject to the resolution being submitted to a 94412  
referendum under sections 305.31 to 305.41 of the Revised Code, 94413  
the resolution shall take effect immediately, but the tax levied 94414  
pursuant to the resolution shall not be levied prior to the day 94415  
following the last day that any tax previously levied pursuant to 94416  
this division may be levied. 94417

(2) The tax may be levied pursuant to a resolution adopted by 94418  
a majority of the members of the board of county commissioners not 94419  
later than September 1, 2015, and approved by a majority of the 94420  
electors of the county voting on the question of levying the tax 94421  
at a general election or a special election held on a day on which 94422  
a primary election may be held. The board of county commissioners 94423  
shall certify a copy of the resolution to the board of elections 94424  
immediately upon adopting a resolution under division (C)(2) of 94425  
this section. The election may be held ~~on the date of a general or~~ 94426  
~~special election held~~ not sooner than ninety days after the date 94427  
the board certifies its resolution to the board of elections. The 94428  
form of the ballot shall be as prescribed by division (C) of 94429  
section 307.697 of the Revised Code, except that the phrase 94430  
"paying not more than one-half of the costs of providing a sports 94431  
facility together with related redevelopment and economic 94432  
development projects" shall be replaced by the phrase "paying the 94433  
costs of constructing, renovating, improving, or repairing a 94434  
sports facility and reimbursing a county for costs incurred by the 94435  
county in the construction of a sports facility," and the phrase 94436

", beginning ..... (here insert the earliest date the tax would take effect)" shall be appended after "years." A board of county commissioners submitting the question of a tax under division (C)(2) of this section may submit the question of a tax under division (D)(2) of section 307.697 or division (B)(2) of section 4301.421 of the Revised Code as a single question, and the form of the ballot shall include each of the proposed taxes.

If approved by a majority of electors voting on the question, the tax shall take effect on the day specified on the ballot, which shall not be earlier than the day following the last day that any tax previously levied pursuant to this division may be levied.

The rate of a tax levied pursuant to division (C)(1) or (2) of this section shall not exceed the rate specified in division (A) of this section. A tax levied pursuant to division (C)(1) or (2) of this section may be levied for any number of years not exceeding twenty.

A board of county commissioners adopting a resolution under this division shall certify a copy of the resolution to the tax commissioner immediately upon adoption of the resolution.

(D) No tax shall be levied under division (A) of this section on or after September 23, 2008. This division does not apply to a tax levied under division (C) of this section, and does not prevent the collection of any tax levied under this section before September 23, 2008, so long as that tax remains effective.

**Sec. 5743.026.** For the purposes of section 351.26 of the Revised Code, to pay the expenses of administering the tax, and to pay any or all of the charge the board of elections makes against the county to hold the election on the question of levying the tax, the board of county commissioners, in the manner prescribed by division (A) of section 351.26 of the Revised Code, may levy a

tax on sales of cigarettes sold for resale at retail in the 94468  
county. The rate of the tax shall not exceed two and twenty-five 94469  
hundredths mills per cigarette, and shall be computed on each 94470  
cigarette sold. The tax may be levied for any number of years not 94471  
to exceed twenty. Only one sale of the same article shall be used 94472  
in computing the amount of tax due. 94473

The tax shall be levied pursuant to a resolution of the board 94474  
of county commissioners adopted as prescribed by division (A) of 94475  
section 351.26 of the Revised Code and approved by a majority of 94476  
the electors in the county voting on the question of levying the 94477  
tax at a general election or a special election held on a day on 94478  
which a primary election may be held. The resolution shall specify 94479  
the rate of the tax, the number of years the tax will be levied, 94480  
and the purposes for which the tax is levied. Such election may be 94481  
held ~~on the date of a general or special election held~~ not sooner 94482  
than ninety days after the date the board certifies its resolution 94483  
to the board of elections. If approved by voters, the tax shall 94484  
take effect on the first day of the month specified in the 94485  
resolution but not sooner than the first day of the month that is 94486  
at least sixty days after the certification of the election 94487  
results by the board of elections. A copy of the resolution 94488  
levying the tax shall be certified to the tax commissioner at 94489  
least sixty days prior to the date on which the tax is to become 94490  
effective. 94491

A resolution under this section may be joined on the ballot 94492  
as a single question with a resolution adopted under section 94493  
4301.424 of the Revised Code to levy a tax for the same purposes 94494  
and for the purpose of paying the expenses of administering the 94495  
tax. The form of the ballot in an election held pursuant to this 94496  
section shall be as prescribed in section 351.26 of the Revised 94497  
Code. 94498

The treasurer of state shall credit all moneys arising from 94499

each tax levied under this section and section 5743.324 of the Revised Code in the same manner prescribed by section 5743.024 of the Revised Code for the crediting of money arising from taxes levied under that section, except that the tax commissioner shall distribute the amount credited to the permissive tax distribution fund by providing for payment of the appropriate amount to the county treasurer of the county in which the tax is levied, who shall credit the payment to the fund or account designated by the board of directors of the convention facilities authority levying the tax.

**Sec. 5748.02.** (A) The board of education of any school district, except a joint vocational school district, may declare, by resolution, the necessity of raising annually a specified amount of money for school district purposes. The resolution shall specify whether the income that is to be subject to the tax is taxable income of individuals and estates as defined in divisions (E)(1)(a) and (2) of section 5748.01 of the Revised Code or taxable income of individuals as defined in division (E)(1)(b) of that section. A copy of the resolution shall be certified to the tax commissioner no later than one hundred days prior to the date of the election at which the board intends to propose a levy under this section. Upon receipt of the copy of the resolution, the tax commissioner shall estimate both of the following:

(1) The property tax rate that would have to be imposed in the current year by the district to produce an equivalent amount of money;

(2) The income tax rate that would have had to have been in effect for the current year to produce an equivalent amount of money from a school district income tax.

Within ten days of receiving the copy of the board's resolution, the commissioner shall prepare these estimates and

certify them to the board. Upon receipt of the certification, the 94531  
board may adopt a resolution proposing an income tax under 94532  
division (B) of this section at the estimated rate contained in 94533  
the certification rounded to the nearest one-fourth of one per 94534  
cent. The commissioner's certification applies only to the board's 94535  
proposal to levy an income tax at the election for which the board 94536  
requested the certification. If the board intends to submit a 94537  
proposal to levy an income tax at any other election, it shall 94538  
request another certification for that election in the manner 94539  
prescribed in this division. 94540

(B)(1) Upon the receipt of a certification from the tax 94541  
commissioner under division (A) of this section, a majority of the 94542  
members of a board of education may adopt a resolution proposing 94543  
the levy of an annual tax for school district purposes on school 94544  
district income. The proposed levy may be for a continuing period 94545  
of time or for a specified number of years. The resolution shall 94546  
set forth the purpose for which the tax is to be imposed, the rate 94547  
of the tax, which shall be the rate set forth in the 94548  
commissioner's certification rounded to the nearest one-fourth of 94549  
one per cent, the number of years the tax will be levied or that 94550  
it will be levied for a continuing period of time, the date on 94551  
which the tax shall take effect, which shall be the first day of 94552  
January of any year following the year in which the question is 94553  
submitted, and the date of the election at which the proposal 94554  
shall be submitted to the electors of the district, which shall be 94555  
on the date of a ~~primary, general, election~~ or a special election 94556  
held on a day on which a primary election the date of which is 94557  
~~consistent with section 3501.01 of the Revised Code~~ may be held. 94558  
The resolution shall specify whether the income that is to be 94559  
subject to the tax is taxable income of individuals and estates as 94560  
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 94561  
Revised Code or taxable income of individuals as defined in 94562  
division (E)(1)(b) of that section. The specification shall be the 94563

same as the specification in the resolution adopted and certified 94564  
under division (A) of this section. 94565

If the tax is to be levied for current expenses and permanent 94566  
improvements, the resolution shall apportion the annual rate of 94567  
the tax. The apportionment may be the same or different for each 94568  
year the tax is levied, but the respective portions of the rate 94569  
actually levied each year for current expenses and for permanent 94570  
improvements shall be limited by the apportionment. 94571

If the board of education currently imposes an income tax 94572  
pursuant to this chapter that is due to expire and a question is 94573  
submitted under this section for a proposed income tax to take 94574  
effect upon the expiration of the existing tax, the board may 94575  
specify in the resolution that the proposed tax renews the 94576  
expiring tax. Two or more expiring income taxes may be renewed 94577  
under this paragraph if the taxes are due to expire on the same 94578  
date. If the tax rate being proposed is no higher than the total 94579  
tax rate imposed by the expiring tax or taxes, the resolution may 94580  
state that the proposed tax is not an additional income tax. 94581

(2) A board of education adopting a resolution under division 94582  
(B)(1) of this section proposing a school district income tax for 94583  
a continuing period of time and limited to the purpose of current 94584  
expenses may propose in that resolution to reduce the rate or 94585  
rates of one or more of the school district's property taxes 94586  
levied for a continuing period of time in excess of the ten-mill 94587  
limitation for the purpose of current expenses. The reduction in 94588  
the rate of a property tax may be any amount, expressed in mills 94589  
per one dollar in valuation, not exceeding the rate at which the 94590  
tax is authorized to be levied. The reduction in the rate of a tax 94591  
shall first take effect for the tax year that includes the day on 94592  
which the school district income tax first takes effect, and shall 94593  
continue for each tax year that both the school district income 94594  
tax and the property tax levy are in effect. 94595

In addition to the matters required to be set forth in the resolution under division (B)(1) of this section, a resolution containing a proposal to reduce the rate of one or more property taxes shall state for each such tax the maximum rate at which it currently may be levied and the maximum rate at which the tax could be levied after the proposed reduction, expressed in mills per one dollar in valuation, and that the tax is levied for a continuing period of time.

If a board of education proposes to reduce the rate of one or more property taxes under division (B)(2) of this section, the board, when it makes the certification required under division (A) of this section, shall designate the specific levy or levies to be reduced, the maximum rate at which each levy currently is authorized to be levied, and the rate by which each levy is proposed to be reduced. The tax commissioner, when making the certification to the board under division (A) of this section, also shall certify the reduction in the total effective tax rate for current expenses for each class of property that would have resulted if the proposed reduction in the rate or rates had been in effect the previous tax year. As used in this paragraph, "effective tax rate" has the same meaning as in section 323.08 of the Revised Code.

(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Immediately after its adoption and at least ninety days prior to the election at which the question will appear on the ballot, a copy of the resolution shall be certified to the board of elections of the proper county, which shall submit the proposal to the electors on the date specified in the resolution. The form of the ballot shall be as provided in section 5748.03 of the Revised Code. Publication of

notice of the election shall be made in a newspaper of general 94628  
circulation in the county once a week for two consecutive weeks, 94629  
or as provided in section 7.16 of the Revised Code, prior to the 94630  
election. If the board of elections operates and maintains a web 94631  
site, the board of elections shall post notice of the election on 94632  
its web site for thirty days prior to the election. The notice 94633  
shall contain the time and place of the election and the question 94634  
to be submitted to the electors. The question covered by the 94635  
resolution shall be submitted as a separate proposition, but may 94636  
be printed on the same ballot with any other proposition submitted 94637  
at the same election, other than the election of officers. 94638

~~(D) No board of education shall submit the question of a tax 94639  
on school district income to the electors of the district more 94640  
than twice in any calendar year. If a board submits the question 94641  
twice in any calendar year, one of the elections on the question 94642  
shall be held on the date of the general election. 94643~~

~~(E)~~(1) No board of education may submit to the electors of 94644  
the district the question of a tax on school district income on 94645  
the taxable income of individuals as defined in division (E)(1)(b) 94646  
of section 5748.01 of the Revised Code if that tax would be in 94647  
addition to an existing tax on the taxable income of individuals 94648  
and estates as defined in divisions (E)(1)(a) and (2) of that 94649  
section. 94650

(2) No board of education may submit to the electors of the 94651  
district the question of a tax on school district income on the 94652  
taxable income of individuals and estates as defined in divisions 94653  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code if that 94654  
tax would be in addition to an existing tax on the taxable income 94655  
of individuals as defined in division (E)(1)(b) of that section. 94656

**Sec. 5748.021.** A board of education that levies a tax under 94657  
section 5748.02 of the Revised Code on the school district income 94658

of individuals and estates as defined in divisions (G) and 94659  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code may 94660  
declare, at any time, by a resolution adopted by a majority of its 94661  
members, the necessity of raising annually a specified amount of 94662  
money for school district purposes by replacing the existing tax 94663  
with a tax on the school district income of individuals as defined 94664  
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 94665  
Revised Code. The specified amount of money to be raised annually 94666  
may be the same as, or more or less than, the amount of money 94667  
raised annually by the existing tax. 94668

The board shall certify a copy of the resolution to the tax 94669  
commissioner not later than the eighty-fifth day before the date 94670  
of the election at which the board intends to propose the 94671  
replacement to the electors of the school district. Not later than 94672  
the tenth day after receiving the resolution, the tax commissioner 94673  
shall estimate the tax rate that would be required in the school 94674  
district annually to raise the amount of money specified in the 94675  
resolution. The tax commissioner shall certify the estimate to the 94676  
board. 94677

Upon receipt of the tax commissioner's estimate, the board 94678  
may propose, by a resolution adopted by a majority of its members, 94679  
to replace the existing tax on the school district income of 94680  
individuals and estates as defined in divisions (G) and (E)(1)(a) 94681  
and (2) of section 5748.01 of the Revised Code with the levy of an 94682  
annual tax on the school district income of individuals as defined 94683  
in divisions (G)(1) and (E)(1)(b) of section 5748.01 of the 94684  
Revised Code. In the resolution, the board shall specify the rate 94685  
of the replacement tax, whether the replacement tax is to be 94686  
levied for a specified number of years or for a continuing time, 94687  
the specific school district purposes for which the replacement 94688  
tax is to be levied, the date on which the replacement tax will 94689  
begin to be levied, the date of the election at which the question 94690

of the replacement is to be submitted to the electors of the 94691  
school district, that the existing tax will cease to be levied and 94692  
the replacement tax will begin to be levied if the replacement is 94693  
approved by a majority of the electors voting on the replacement, 94694  
and that if the replacement is not approved by a majority of the 94695  
electors voting on the replacement the existing tax will remain in 94696  
effect under its original authority for the remainder of its 94697  
previously approved term. The resolution goes into immediate 94698  
effect upon its adoption. Publication of the resolution is not 94699  
necessary, and the information that will be provided in the notice 94700  
of election is sufficient notice. At least seventy-five days 94701  
before the date of the election at which the question of the 94702  
replacement will be submitted to the electors of the school 94703  
district, the board shall certify a copy of the resolution to the 94704  
board of elections. 94705

The replacement tax shall have the same specific school 94706  
district purposes as the existing tax, and its rate shall be the 94707  
same as the tax commissioner's estimate rounded to the nearest 94708  
one-fourth of one per cent. The replacement tax shall begin to be 94709  
levied on the first day of January of the year following the year 94710  
in which the question of the replacement is submitted to and 94711  
approved by the electors of the school district or on the first 94712  
day of January of a later year, as specified in the resolution. 94713  
The date of the election shall be the date of ~~an otherwise~~ 94714  
~~scheduled primary~~, a general election or a special election held 94715  
on a day on which a primary election may be held. 94716

The board of elections shall make arrangements to submit the 94717  
question of the replacement to the electors of the school district 94718  
on the date specified in the resolution. The board of elections 94719  
shall publish notice of the election on the question of the 94720  
replacement in one newspaper of general circulation in the school 94721  
district once a week for four consecutive weeks or as provided in 94722

section 7.16 of the Revised Code. The notice shall set forth the question to be submitted to the electors and the time and place of the election thereon.

The question shall be submitted to the electors of the school district as a separate proposition, but may be printed on the same ballot with other propositions that are submitted at the same election, other than the election of officers. The form of the ballot shall be substantially as follows:

"Shall the existing tax of ..... (state the rate) on the school district income of individuals and estates imposed by ..... (state the name of the school district) be replaced by a tax of ..... (state the rate) on the earned income of individuals residing in the school district for ..... (state the number of years the tax is to be in effect or that it will be in effect for a continuing time), beginning ..... (state the date the new tax will take effect), for the purpose of ..... (state the specific school district purposes of the tax)? If the new tax is not approved, the existing tax will remain in effect under its original authority, for the remainder of its previously approved term.

	For replacing the existing tax with the new tax
	Against replacing the existing tax with the new tax

The board of elections shall conduct and canvass the election in the same manner as regular elections in the school district for the election of county officers. The board shall certify the results of the election to the board of education and to the tax commissioner. If a majority of the electors voting on the question vote in favor of the replacement, the existing tax shall cease to be levied, and the replacement tax shall begin to be levied, on the date specified in the ballot question. If a majority of the

electors voting on the question vote against the replacement, the 94753  
existing tax shall continue to be levied under its original 94754  
authority, for the remainder of its previously approved term. 94755

~~A board of education may not submit the question of replacing 94756  
a tax more than twice in a calendar year. If a board submits the 94757  
question more than once, one of the elections at which the 94758  
question is submitted shall be on the date of a general election. 94759~~

If a board of education later intends to renew a replacement 94760  
tax levied under this section, it shall repeat the procedure 94761  
outlined in this section to do so, the replacement tax then being 94762  
levied being the "existing tax" and the renewed replacement tax 94763  
being the "replacement tax." 94764

Sec. 5748.07. Notwithstanding any section of the Revised Code 94765  
to the contrary, the board of education of a school district may 94766  
submit a proposal to levy a tax under this chapter on the ballot 94767  
at a special election held in August if the resolution or 94768  
ordinance proposing the tax declares that the purpose of such tax, 94769  
in addition to any other purpose authorized for that tax under 94770  
this chapter, is to prevent the conditions that would qualify the 94771  
school district for a fiscal emergency declaration as described in 94772  
division (B) of section 3316.03 of the Revised Code. This 94773  
additional purpose shall be included in the election notice 94774  
advertising the tax and in the tax's ballot language. 94775

**Sec. 5748.08.** (A) The board of education of a city, local, or 94776  
exempted village school district, at any time by a vote of 94777  
two-thirds of all its members, may declare by resolution that it 94778  
may be necessary for the school district to do all of the 94779  
following: 94780

(1) Raise a specified amount of money for school district 94781  
purposes by levying an annual tax on school district income; 94782

(2) Issue general obligation bonds for permanent 94783  
improvements, stating in the resolution the necessity and purpose 94784  
of the bond issue and the amount, approximate date, estimated rate 94785  
of interest, and maximum number of years over which the principal 94786  
of the bonds may be paid; 94787

(3) Levy a tax outside the ten-mill limitation to pay debt 94788  
charges on the bonds and any anticipatory securities; 94789

(4) Submit the question of the school district income tax and 94790  
bond issue to the electors of the district at a general election 94791  
or a special election held on a day on which a primary election 94792  
may be held. 94793

The resolution shall specify whether the income that is to be 94794  
subject to the tax is taxable income of individuals and estates as 94795  
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 94796  
Revised Code or taxable income of individuals as defined in 94797  
division (E)(1)(b) of that section. 94798

On adoption of the resolution, the board shall certify a copy 94799  
of it to the tax commissioner and the county auditor no later than 94800  
one hundred five days prior to the date of the ~~special~~ election at 94801  
which the board intends to propose the income tax and bond issue. 94802  
Not later than ten days of receipt of the resolution, the tax 94803  
commissioner, in the same manner as required by division (A) of 94804  
section 5748.02 of the Revised Code, shall estimate the rates 94805  
designated in divisions (A)(1) and (2) of that section and certify 94806  
them to the board. Not later than ten days of receipt of the 94807  
resolution, the county auditor shall estimate and certify to the 94808  
board the average annual property tax rate required throughout the 94809  
stated maturity of the bonds to pay debt charges on the bonds, in 94810  
the same manner as under division (C) of section 133.18 of the 94811  
Revised Code. 94812

(B) On receipt of the tax commissioner's and county auditor's 94813

certifications prepared under division (A) of this section, the 94814  
board of education of the city, local, or exempted village school 94815  
district, by a vote of two-thirds of all its members, may adopt a 94816  
resolution proposing for a specified number of years or for a 94817  
continuing period of time the levy of an annual tax for school 94818  
district purposes on school district income and declaring that the 94819  
amount of taxes that can be raised within the ten-mill limitation 94820  
will be insufficient to provide an adequate amount for the present 94821  
and future requirements of the school district; that it is 94822  
necessary to issue general obligation bonds of the school district 94823  
for specified permanent improvements and to levy an additional tax 94824  
in excess of the ten-mill limitation to pay the debt charges on 94825  
the bonds and any anticipatory securities; and that the question 94826  
of the bonds and taxes shall be submitted to the electors of the 94827  
school district at a general election or a special election held 94828  
on a day on which a primary election may be held, which shall not 94829  
be earlier than ninety days after certification of the resolution 94830  
to the board of elections, ~~and the date of which shall be~~ 94831  
~~consistent with section 3501.01 of the Revised Code.~~ The 94832  
resolution shall specify all of the following: 94833

(1) The purpose for which the school district income tax is 94834  
to be imposed and the rate of the tax, which shall be the rate set 94835  
forth in the tax commissioner's certification rounded to the 94836  
nearest one-fourth of one per cent; 94837

(2) Whether the income that is to be subject to the tax is 94838  
taxable income of individuals and estates as defined in divisions 94839  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 94840  
taxable income of individuals as defined in division (E)(1)(b) of 94841  
that section. The specification shall be the same as the 94842  
specification in the resolution adopted and certified under 94843  
division (A) of this section. 94844

(3) The number of years the tax will be levied, or that it 94845

will be levied for a continuing period of time; 94846

(4) The date on which the tax shall take effect, which shall 94847  
be the first day of January of any year following the year in 94848  
which the question is submitted; 94849

(5) The county auditor's estimate of the average annual 94850  
property tax rate required throughout the stated maturity of the 94851  
bonds to pay debt charges on the bonds. 94852

(C) A resolution adopted under division (B) of this section 94853  
shall go into immediate effect upon its passage, and no 94854  
publication of the resolution shall be necessary other than that 94855  
provided for in the notice of election. Immediately after its 94856  
adoption and at least ninety days prior to the election at which 94857  
the question will appear on the ballot, the board of education 94858  
shall certify a copy of the resolution, along with copies of the 94859  
auditor's estimate and its resolution under division (A) of this 94860  
section, to the board of elections of the proper county. The board 94861  
of education shall make the arrangements for the submission of the 94862  
question to the electors of the school district, and the election 94863  
shall be conducted, canvassed, and certified in the same manner as 94864  
regular elections in the district for the election of county 94865  
officers. 94866

The resolution shall be put before the electors as one ballot 94867  
question, with a majority vote indicating approval of the school 94868  
district income tax, the bond issue, and the levy to pay debt 94869  
charges on the bonds and any anticipatory securities. The board of 94870  
elections shall publish the notice of the election in a newspaper 94871  
of general circulation in the school district once a week for two 94872  
consecutive weeks, or as provided in section 7.16 of the Revised 94873  
Code, prior to the election. If the board of elections operates 94874  
and maintains a web site, it also shall post notice of the 94875  
election on its web site for thirty days prior to the election. 94876  
The notice of election shall state all of the following: 94877

(1) The questions to be submitted to the electors;	94878
(2) The rate of the school district income tax;	94879
(3) The principal amount of the proposed bond issue;	94880
(4) The permanent improvements for which the bonds are to be issued;	94881 94882
(5) The maximum number of years over which the principal of the bonds may be paid;	94883 94884
(6) The estimated additional average annual property tax rate to pay the debt charges on the bonds, as certified by the county auditor;	94885 94886 94887
(7) The time and place of the <del>special</del> election.	94888
(D) The form of the ballot on a question submitted to the electors under this section shall be as follows:	94889 94890
"Shall the ..... school district be authorized to do both of the following:	94891 94892
(1) Impose an annual income tax of ..... (state the proposed rate of tax) on the school district income of individuals and of estates, for ..... (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning ..... (state the date the tax would first take effect), for the purpose of ..... (state the purpose of the tax)?	94893 94894 94895 94896 94897 94898 94899
(2) Issue bonds for the purpose of ..... in the principal amount of \$....., to be repaid annually over a maximum period of ..... years, and levy a property tax outside the ten-mill limitation estimated by the county auditor to average over the bond repayment period ..... mills for each one dollar of tax valuation, which amounts to ..... (rate expressed in cents or dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of tax valuation, to pay the annual debt charges on the bonds, and to	94900 94901 94902 94903 94904 94905 94906 94907

pay debt charges on any notes issued in anticipation of those 94908  
 bonds? 94909

	FOR THE INCOME TAX AND BOND ISSUE	
	AGAINST THE INCOME TAX AND BOND ISSUE	"

94910  
 94911  
 94912  
 94913

(E) If the question submitted to electors proposes a school 94914  
 district income tax only on the taxable income of individuals as 94915  
 defined in division (E)(1)(b) of section 5748.01 of the Revised 94916  
 Code, the form of the ballot shall be modified by stating that the 94917  
 tax is to be levied on the "earned income of individuals residing 94918  
 in the school district" in lieu of the "school district income of 94919  
 individuals and of estates." 94920

(F) The board of elections promptly shall certify the results 94921  
 of the election to the tax commissioner and the county auditor of 94922  
 the county in which the school district is located. If a majority 94923  
 of the electors voting on the question vote in favor of it, the 94924  
 income tax and the applicable provisions of Chapter 5747. of the 94925  
 Revised Code shall take effect on the date specified in the 94926  
 resolution, and the board of education may proceed with issuance 94927  
 of the bonds and with the levy and collection of the property 94928  
 taxes to pay debt charges on the bonds, at the additional rate or 94929  
 any lesser rate in excess of the ten-mill limitation. Any 94930  
 securities issued by the board of education under this section are 94931  
 Chapter 133. securities, as that term is defined in section 133.01 94932  
 of the Revised Code. 94933

(G) After approval of a question under this section, the 94934  
 board of education may anticipate a fraction of the proceeds of 94935  
 the school district income tax in accordance with section 5748.05 94936  
 of the Revised Code. Any anticipation notes under this division 94937  
 shall be issued as provided in section 133.24 of the Revised Code, 94938

shall have principal payments during each year after the year of 94939  
their issuance over a period not to exceed five years, and may 94940  
have a principal payment in the year of their issuance. 94941

(H) The question of repeal of a school district income tax 94942  
levied for more than five years may be initiated and submitted in 94943  
accordance with section 5748.04 of the Revised Code. 94944

~~(I) No board of education shall submit a question under this 94945  
section to the electors of the school district more than twice in 94946  
any calendar year. If a board submits the question twice in any 94947  
calendar year, one of the elections on the question shall be held 94948  
on the date of the general election. 94949~~

**Sec. 5748.09.** (A) The board of education of a city, local, or 94950  
exempted village school district, at any time by a vote of 94951  
two-thirds of all its members, may declare by resolution that it 94952  
may be necessary for the school district to do all of the 94953  
following: 94954

(1) Raise a specified amount of money for school district 94955  
purposes by levying an annual tax on school district income; 94956

(2) Levy an additional property tax in excess of the ten-mill 94957  
limitation for the purpose of providing for the necessary 94958  
requirements of the district, stating in the resolution the amount 94959  
of money to be raised each year for such purpose; 94960

(3) Submit the question of the school district income tax and 94961  
property tax to the electors of the district at a general election 94962  
or a special election held on a day on which a primary election 94963  
may be held. 94964

The resolution shall specify whether the income that is to be 94965  
subject to the tax is taxable income of individuals and estates as 94966  
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 94967  
Revised Code or taxable income of individuals as defined in 94968

division (E)(1)(b) of that section. 94969

On adoption of the resolution, the board shall certify a copy 94970  
of it to the tax commissioner and the county auditor not later 94971  
than one hundred days prior to the date of the special election at 94972  
which the board intends to propose the income tax and property 94973  
tax. Not later than ten days after receipt of the resolution, the 94974  
tax commissioner, in the same manner as required by division (A) 94975  
of section 5748.02 of the Revised Code, shall estimate the rates 94976  
designated in divisions (A)(1) and (2) of that section and certify 94977  
them to the board. Not later than ten days after receipt of the 94978  
resolution, the county auditor, in the same manner as required by 94979  
section 5705.195 of the Revised Code, shall make the calculation 94980  
specified in that section and certify it to the board. 94981

(B) On receipt of the tax commissioner's and county auditor's 94982  
certifications prepared under division (A) of this section, the 94983  
board of education of the city, local, or exempted village school 94984  
district, by a vote of two-thirds of all its members, may adopt a 94985  
resolution declaring that the amount of taxes that can be raised 94986  
by all tax levies the district is authorized to impose, when 94987  
combined with state and federal revenues, will be insufficient to 94988  
provide an adequate amount for the present and future requirements 94989  
of the school district, and that it is therefore necessary to 94990  
levy, for a specified number of years or for a continuing period 94991  
of time, an annual tax for school district purposes on school 94992  
district income, and to levy, for a specified number of years not 94993  
exceeding ten or for a continuing period of time, an additional 94994  
property tax in excess of the ten-mill limitation for the purpose 94995  
of providing for the necessary requirements of the district, and 94996  
declaring that the question of the school district income tax and 94997  
property tax shall be submitted to the electors of the school 94998  
district at a general election or at a special election held on a 94999  
day on which a primary election may be held, which shall not be 95000

earlier than ninety days after certification of the resolution to 95001  
the board of elections, ~~and the date of which shall be consistent~~ 95002  
~~with section 3501.01 of the Revised Code.~~ The resolution shall 95003  
specify all of the following: 95004

(1) The purpose for which the school district income tax is 95005  
to be imposed and the rate of the tax, which shall be the rate set 95006  
forth in the tax commissioner's certification rounded to the 95007  
nearest one-fourth of one per cent; 95008

(2) Whether the income that is to be subject to the tax is 95009  
taxable income of individuals and estates as defined in divisions 95010  
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 95011  
taxable income of individuals as defined in division (E)(1)(b) of 95012  
that section. The specification shall be the same as the 95013  
specification in the resolution adopted and certified under 95014  
division (A) of this section. 95015

(3) The number of years the school district income tax will 95016  
be levied, or that it will be levied for a continuing period of 95017  
time; 95018

(4) The date on which the school district income tax shall 95019  
take effect, which shall be the first day of January of any year 95020  
following the year in which the question is submitted; 95021

(5) The amount of money it is necessary to raise for the 95022  
purpose of providing for the necessary requirements of the 95023  
district for each year the property tax is to be imposed; 95024

(6) The number of years the property tax will be levied, or 95025  
that it will be levied for a continuing period of time; 95026

(7) The tax list upon which the property tax shall be first 95027  
levied, which may be the current year's tax list; 95028

(8) The amount of the average tax levy, expressed in dollars 95029  
and cents for each one hundred dollars of valuation as well as in 95030

mills for each one dollar of valuation, estimated by the county auditor under division (A) of this section. 95031  
95032

(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Immediately after its adoption and at least ninety days prior to the election at which the question will appear on the ballot, the board of education shall certify a copy of the resolution, along with copies of the county auditor's certification and the resolution under division (A) of this section, to the board of elections of the proper county. The board of ~~education~~ elections shall make the arrangements for the submission of the question to the electors of the school district, and the election shall be conducted, canvassed, and certified in the same manner as regular elections in the district for the election of county officers. 95033  
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95045  
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The resolution shall be put before the electors as one ballot question, with a majority vote indicating approval of the school district income tax and the property tax. The board of elections shall publish the notice of the election in a newspaper of general circulation in the school district once a week for two consecutive weeks, or as provided in section 7.16 of the Revised Code, prior to the election. If the board of elections operates and maintains a web site, also shall post notice of the election on its web site for thirty days prior to the election. The notice of election shall state all of the following: 95047  
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95049  
95050  
95051  
95052  
95053  
95054  
95055  
95056

(1) The questions to be submitted to the electors as a single ballot question; 95057  
95058

(2) The rate of the school district income tax; 95059

(3) The number of years the school district income tax will be levied or that it will be levied for a continuing period of 95060  
95061

time; 95062

(4) The annual proceeds of the proposed property tax levy for 95063  
the purpose of providing for the necessary requirements of the 95064  
district; 95065

(5) The number of years during which the property tax levy 95066  
shall be levied, or that it shall be levied for a continuing 95067  
period of time; 95068

(6) The estimated average additional tax rate of the property 95069  
tax, expressed in dollars and cents for each one hundred dollars 95070  
of valuation as well as in mills for each one dollar of valuation, 95071  
outside the limitation imposed by Section 2 of Article XII, Ohio 95072  
Constitution, as certified by the county auditor; 95073

(7) The time and place of the ~~special~~ election. 95074

(D) The form of the ballot on a question submitted to the 95075  
electors under this section shall be as follows: 95076

"Shall the ..... school district be authorized to do both of 95077  
the following: 95078

(1) Impose an annual income tax of ..... (state the proposed 95079  
rate of tax) on the school district income of individuals and of 95080  
estates, for ..... (state the number of years the tax would be 95081  
levied, or that it would be levied for a continuing period of 95082  
time), beginning ..... (state the date the tax would first take 95083  
effect), for the purpose of ..... (state the purpose of the 95084  
tax)? 95085

(2) Impose a property tax levy outside of the ten-mill 95086  
limitation for the purpose of providing for the necessary 95087  
requirements of the district in the sum of ..... 95088  
(here insert annual amount the levy is to produce), estimated by 95089  
the county auditor to average ..... (here insert number 95090  
of mills) mills for each one dollar of valuation, which amounts to 95091

..... (here insert rate expressed in dollars and cents) 95092  
 for each one hundred dollars of valuation, for ..... 95093  
 (state the number of years the tax is to be imposed or that it 95094  
 will be imposed for a continuing period of time), commencing in 95095  
 ..... (first year the tax is to be levied), first due in 95096  
 calendar year ..... (first calendar year in which the tax 95097  
 shall be due)? 95098

	FOR THE INCOME TAX AND PROPERTY TAX	
	AGAINST THE INCOME TAX AND PROPERTY TAX	"

95099  
 95100  
 95101  
 95102

If the question submitted to electors proposes a school 95103  
 district income tax only on the taxable income of individuals as 95104  
 defined in division (E)(1)(b) of section 5748.01 of the Revised 95105  
 Code, the form of the ballot shall be modified by stating that the 95106  
 tax is to be levied on the "earned income of individuals residing 95107  
 in the school district" in lieu of the "school district income of 95108  
 individuals and of estates." 95109

(E) The board of elections promptly shall certify the results 95110  
 of the election to the tax commissioner and the county auditor of 95111  
 the county in which the school district is located. If a majority 95112  
 of the electors voting on the question vote in favor of it: 95113

(1) The income tax and the applicable provisions of Chapter 95114  
 5747. of the Revised Code shall take effect on the date specified 95115  
 in the resolution. 95116

(2) The board of education of the school district may make 95117  
 the additional property tax levy necessary to raise the amount 95118  
 specified on the ballot for the purpose of providing for the 95119  
 necessary requirements of the district. The property tax levy 95120

shall be included in the next tax budget that is certified to the county budget commission.

(F)(1) After approval of a question under this section, the board of education may anticipate a fraction of the proceeds of the school district income tax in accordance with section 5748.05 of the Revised Code. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(2) After the approval of a question under this section and prior to the time when the first tax collection from the property tax levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in an amount not exceeding the total estimated proceeds of the levy to be collected during the first year of the levy. Any anticipation notes under this division shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

(G)(1) The question of repeal of a school district income tax levied for more than five years may be initiated and submitted in accordance with section 5748.04 of the Revised Code.

(2) A property tax levy for a continuing period of time may be reduced in the manner provided under section 5705.261 of the Revised Code.

~~(H) No board of education shall submit a question under this section to the electors of the school district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held~~

~~on the date of the general election.~~ 95152

(I) If the electors of the school district approve a question 95153  
under this section, and if the last calendar year the school 95154  
district income tax is in effect and the last calendar year of 95155  
collection of the property tax are the same, the board of 95156  
education of the school district may propose to submit under this 95157  
section the combined question of a school district income tax to 95158  
take effect upon the expiration of the existing income tax and a 95159  
property tax to be first collected in the calendar year after the 95160  
calendar year of last collection of the existing property tax, and 95161  
specify in the resolutions adopted under this section that the 95162  
proposed taxes would renew the existing taxes. The form of the 95163  
ballot on a question submitted to the electors under division 95164  
(I)(H) of this section shall be as follows: 95165

"Shall the ..... school district be authorized to do both 95166  
of the following: 95167

(1) Impose an annual income tax of ..... (state the 95168  
proposed rate of tax) on the school district income of individuals 95169  
and of estates to renew an income tax expiring at the end of 95170  
..... (state the last year the existing income tax may be 95171  
levied) for ..... (state the number of years the tax would be 95172  
levied, or that it would be levied for a continuing period of 95173  
time), beginning ..... (state the date the tax would first take 95174  
effect), for the purpose of ..... (state the purpose of the 95175  
tax)? 95176

(2) Impose a property tax levy renewing an existing levy 95177  
outside of the ten-mill limitation for the purpose of providing 95178  
for the necessary requirements of the district in the sum of 95179  
..... (here insert annual amount the levy is to 95180  
produce), estimated by the county auditor to average 95181  
..... (here insert number of mills) mills for each one 95182  
dollar of valuation, which amounts to ..... (here 95183

insert rate expressed in dollars and cents) for each one hundred 95184  
dollars of valuation, for ..... (state the number of years 95185  
the tax is to be imposed or that it will be imposed for a 95186  
continuing period of time), commencing in ..... (first year 95187  
the tax is to be levied), first due in calendar year ..... 95188  
(first calendar year in which the tax shall be due)? 95189

	FOR THE INCOME TAX AND PROPERTY TAX	
	AGAINST THE INCOME TAX AND PROPERTY TAX	"

95190  
95191  
95192  
95193

If the question submitted to electors proposes a school 95194  
district income tax only on the taxable income of individuals as 95195  
defined in division (E)(1)(b) of section 5748.01 of the Revised 95196  
Code, the form of the ballot shall be modified by stating that the 95197  
tax is to be levied on the "earned income of individuals residing 95198  
in the school district" in lieu of the "school district income of 95199  
individuals and of estates." 95200

The question of a renewal levy under this division shall not 95201  
be placed on the ballot unless the question is submitted ~~on a date~~ 95202  
~~on which~~ at a general election or a special election held on a day 95203  
on which a primary election may be held ~~under section 3501.01 of~~ 95204  
~~the Revised Code, except for the first Tuesday after the first~~ 95205  
~~Monday in February and August, occurring~~ during the last year the 95206  
property tax levy to be renewed may be extended on the real and 95207  
public utility property tax list and duplicate, or at any such 95208  
election held in the ensuing year. 95209

~~(J)~~(I) If the electors of the school district approve a 95210  
question under this section, the board of education of the school 95211  
district may propose to renew either or both of the existing taxes 95212

as individual ballot questions in accordance with section 5748.02 95213  
of the Revised Code for the school district income tax, or section 95214  
5705.194 of the Revised Code for the property tax. 95215

**Section 130.21.** That existing sections 133.06, 133.18, 95216  
306.32, 306.321, 306.322, 306.70, 307.695, 307.697, 323.17, 95217  
349.14, 505.14, 505.20, 505.47, 511.27, 511.28, 511.34, 703.20, 95218  
707.30, 715.38, 715.691, 715.70, 715.71, 715.72, 718.04, 718.09, 95219  
718.10, 1545.041, 1545.21, 3311.21, 3311.213, 3311.22, 3311.231, 95220  
3311.26, 3311.50, 3313.38, 3313.911, 3318.06, 3318.061, 3318.063, 95221  
3318.361, 3354.02, 3354.12, 3357.02, 3357.11, 3381.03, 4301.421, 95222  
4301.424, 5705.191, 5705.192, 5705.194, 5705.199, 5705.21, 95223  
5705.211, 5705.212, 5705.213, 5705.217, 5705.218, 5705.219, 95224  
5705.2111, 5705.2112, 5705.221, 5705.222, 5705.23, 5705.233, 95225  
5705.24, 5705.25, 5705.251, 5705.261, 5705.55, 5705.72, 5739.021, 95226  
5739.026, 5739.028, 5739.09, 5743.021, 5743.024, 5743.026, 95227  
5748.02, 5748.021, 5748.08, and 5748.09 of the Revised Code are 95228  
hereby repealed. 95229

**Section 130.22.** That section 5705.214 of the Revised Code is 95230  
hereby repealed. 95231

**Section 130.23.** Sections 130.20 to 130.22 of this act apply 95232  
to elections held on or after the one hundredth day after the 95233  
effective date of those sections. 95234

**Section 201.10.** Except as otherwise provided in this act, all 95235  
appropriation items in this act are appropriated out of any moneys 95236  
in the state treasury to the credit of the designated fund that 95237  
are not otherwise appropriated. For all appropriations made in 95238  
this act, the amounts in the first column are for fiscal year 2020 95239  
and the amounts in the second column are for fiscal year 2021. 95240

<b>Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO</b>				95241
Dedicated Purpose Fund Group				95242
4J80	889601	CPA Education	\$ 525,000 \$	525,000 95243
		Assistance		
4K90	889609	Operating Expenses	\$ 1,236,965 \$	1,291,139 95244
TOTAL DPF Dedicated Purpose Fund				95245
Group				\$ 1,761,965 \$ 1,816,139 95246
TOTAL ALL BUDGET FUND GROUPS				\$ 1,761,965 \$ 1,816,139 95247
 <b>Section 205.10. ADJ ADJUTANT GENERAL</b>				95249
General Revenue Fund				95250
GRF	745401	Ohio Military Reserve	\$ 11,939 \$	11,939 95251
GRF	745404	Air National Guard	\$ 1,805,346 \$	1,773,954 95252
GRF	745407	National Guard	\$ 388,000 \$	388,000 95253
		Benefits		
GRF	745409	Central	\$ 5,123,132 \$	5,184,396 95254
		Administration		
GRF	745499	Army National Guard	\$ 3,644,419 \$	3,620,908 95255
TOTAL GRF General Revenue Fund				\$ 10,972,836 \$ 10,979,197 95256
Dedicated Purpose Fund Group				95257
5340	745612	Property Operations	\$ 900,000 \$	900,000 95258
		Management		
5360	745605	Marksmanship	\$ 115,000 \$	115,000 95259
		Activities		
5360	745620	Camp Perry and	\$ 874,054 \$	874,054 95260
		Buckeye Inn		
		Operations		
5370	745604	Ohio National Guard	\$ 190,000 \$	190,000 95261
		Facilities		
		Maintenance		
5LY0	745626	Military Medal of	\$ 5,000 \$	5,000 95262

		Distinction				
5U80	745613	Community Match	\$	350,000	\$	350,000 95263
		Armories				
TOTAL DPF		Dedicated Purpose Fund	\$	2,434,054	\$	2,434,054 95264
Group						
Federal Fund Group						95265
3420	745616	Army National Guard	\$	26,262,967	\$	26,252,590 95266
		Service Agreement				
3E80	745628	Air National Guard	\$	16,276,986	\$	16,276,984 95267
		Operations and				
		Maintenance				
3R80	745603	Counter Drug	\$	15,000	\$	15,000 95268
		Operations				
TOTAL FED		Federal Fund Group	\$	42,554,953	\$	42,544,574 95269
TOTAL ALL BUDGET FUND GROUPS			\$	55,961,843	\$	55,957,825 95270

**Section 205.20. NATIONAL GUARD BENEFITS** 95272

The foregoing appropriation item 745407, National Guard 95273  
 Benefits, shall be used for purposes of sections 5919.31 and 95274  
 5919.33 of the Revised Code, and for administrative costs of the 95275  
 associated programs. 95276

If necessary, in order to pay benefits in a timely manner 95277  
 pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 95278  
 Adjutant General may request the Director of Budget and Management 95279  
 transfer appropriation from any appropriation item used by the 95280  
 Adjutant General to appropriation item 745407, National Guard 95281  
 Benefits. Such amounts are hereby appropriated. The Adjutant 95282  
 General may subsequently seek Controlling Board approval to 95283  
 restore the appropriation in the appropriation item from which 95284  
 such a transfer was made. 95285

For active duty members of the Ohio National Guard who died 95286  
 after October 7, 2001, while performing active duty, the death 95287

benefit, pursuant to section 5919.33 of the Revised Code, shall be 95288  
paid to the beneficiary or beneficiaries designated on the 95289  
member's Servicemembers' Group Life Insurance Policy. 95290

STATE ACTIVE DUTY COSTS 95291

Of the foregoing appropriation item 745409, Central 95292  
Administration, \$50,000 in each fiscal year shall be used for the 95293  
purpose of paying expenses related to state active duty of members 95294  
of the Ohio organized militia, in accordance with a proclamation 95295  
of the Governor. Expenses include, but are not limited to, the 95296  
cost of equipment, supplies, and services, as determined by the 95297  
Adjutant General's Department. On June 1 of each fiscal year, if 95298  
it is determined by the Adjutant General that any portion of this 95299  
\$50,000 in that fiscal year will not be used for state active duty 95300  
expenses, those amounts may be encumbered by the Adjutant General 95301  
for maintenance expenses. If before the end of that fiscal year, 95302  
state active duty expenses occur, these encumbrances should be 95303  
canceled by the Adjutant General to pay for expenses related to 95304  
state active duty. 95305

CYBER RANGE 95306

The Adjutant General's Department, in conjunction and 95307  
collaboration with the Department of Administrative Services, the 95308  
Department of Public Safety, the Department of Higher Education, 95309  
and the Department of Education shall establish and maintain a 95310  
cyber range. The Adjutant General's Department may work with 95311  
federal agencies to assist in accomplishing this objective. The 95312  
cyber range shall: (1) provide cyber training and education to 95313  
K-12 students, higher education students, Ohio National Guardsmen, 95314  
federal employees, and state and local government employees, and 95315  
(2) provide for emergency preparedness exercises and training. The 95316  
state agencies identified in this paragraph may procure any 95317  
necessary goods and services including, but not limited to, 95318  
contracted services, hardware, networking services, maintenance 95319

costs, and the training and management costs of a cyber range. 95320  
These state agencies shall determine the amount of funds each 95321  
agency will contribute from available funds and appropriations 95322  
enacted herein in order to establish and maintain a cyber range. 95323

Of the foregoing appropriation item 745409, Central 95324  
Administration, up to \$2,000,000 in each fiscal year shall be used 95325  
by the Adjutant General's Department for the purposes of 95326  
establishing and maintaining the cyber range. 95327

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 95328

General Revenue Fund 95329

GRF 100412 Unemployment Insurance \$ 0 \$ 1,817,900 95330

System Lease Rental  
Payments

GRF 100413 EDCS Lease Rental \$ 11,843,800 \$ 13,716,500 95331

Payments

GRF 100414 MARCS Lease Rental \$ 6,768,900 \$ 6,769,600 95332

Payments

GRF 100415 OAKS Lease Rental \$ 2,440,300 \$ 2,444,500 95333

Payments

GRF 100416 STARS Lease Rental \$ 3,846,000 \$ 5,097,800 95334

Payments

GRF 100447 Administrative \$ 86,914,500 \$ 94,266,800 95335

Buildings Lease Rental  
Bond Payments

GRF 100456 State IT Services \$ 2,249,158 \$ 2,249,773 95336

GRF 100457 Equal Opportunity \$ 2,178,704 \$ 2,178,704 95337

Services

GRF 100459 Ohio Business Gateway \$ 15,527,621 \$ 14,527,621 95338

GRF 100469 Aronoff Center \$ 270,000 \$ 270,000 95339

Building Maintenance

GRF 100501 MARCS Fee Offset \$ 1,000,000 \$ 1,000,000 95340

GRF 130321	State Agency Support	\$	18,494,092	\$	18,513,941	95341
	Services					
TOTAL GRF	General Revenue Fund	\$	151,533,075	\$	162,853,139	95342
	Dedicated Purpose Fund Group					95343
5L70 100610	Professional	\$	1,650,000	\$	1,650,000	95344
	Development					
5MV0 100662	Theater Equipment	\$	50,000	\$	50,000	95345
	Maintenance					
5NM0 100663	911 Program	\$	717,060	\$	715,522	95346
5V60 100619	Employee Educational	\$	1,245,000	\$	1,245,000	95347
	Development					
TOTAL DPF	Dedicated Purpose Fund	\$	3,662,060	\$	3,660,522	95348
	Group					
	Internal Service Activity Fund Group					95349
1120 100616	DAS Administration	\$	12,667,391	\$	13,100,541	95350
1150 100632	Central Service Agency	\$	956,061	\$	975,025	95351
1170 100644	General Services	\$	18,265,815	\$	21,460,060	95352
	Division - Operating					
1220 100637	Fleet Management	\$	18,650,951	\$	23,315,522	95353
1250 100622	Human Resources	\$	18,612,217	\$	18,718,045	95354
	Division - Operating					
1250 100657	Benefits Communication	\$	607,577	\$	615,521	95355
1280 100620	Office of Collective	\$	4,283,998	\$	4,385,893	95356
	Bargaining					
1300 100606	Risk Management	\$	15,370,845	\$	15,389,803	95357
	Reserve					
1320 100631	DAS Building	\$	49,173,190	\$	49,384,799	95358
	Management					
1330 100607	IT Services Delivery	\$	162,248,367	\$	162,665,093	95359
1880 100649	Equal Opportunity	\$	1,836,834	\$	1,264,515	95360
	Division - Operating					
2100 100612	State Printing	\$	29,092,749	\$	28,295,851	95361

2290	100630	IT Governance	\$	32,125,970	\$	32,602,191	95362
2290	100640	Consolidated IT Purchases	\$	69,348,000	\$	74,348,000	95363
4270	100602	Investment Recovery	\$	1,662,341	\$	1,662,341	95364
4N60	100617	Major IT Purchases	\$	3,288,990	\$	5,736,219	95365
5C20	100605	MARCS Administration	\$	27,207,396	\$	26,484,493	95366
5EB0	100635	OAKS Support Organization	\$	55,382,093	\$	58,807,701	95367
5EB0	100656	OAKS Updates and Developments	\$	6,423,624	\$	6,359,539	95368
5JQ0	100658	Professionals Licensing System	\$	9,996,303	\$	8,723,135	95369
5KZ0	100659	Building Improvement	\$	3,449,500	\$	2,862,000	95370
5LJ0	100661	IT Development	\$	21,500,000	\$	21,500,000	95371
5PC0	100665	Enterprise Applications	\$	111,095,956	\$	111,263,921	95372
TOTAL ISA Internal Service Activity							95373
Fund Group			\$	673,246,168	\$	689,920,208	95374
Fiduciary Fund Group							95375
5UH0	100670	Enterprise Transactions	\$	1,150,000	\$	1,150,000	95376
TOTAL FID Fiduciary Fund Group			\$	1,150,000	\$	1,150,000	95377
Federal Fund Group							95378
3AJ0	100623	Information Technology Grants	\$	10,000	\$	10,000	95379
TOTAL FED Federal Fund Group			\$	10,000	\$	10,000	95380
TOTAL ALL BUDGET FUND GROUPS			\$	829,601,303	\$	857,593,869	95381

**Section 207.20.** UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL PAYMENTS 95383  
95384

The foregoing appropriation item 100412, Unemployment Insurance System Lease Rental Payments, shall be used to make 95385  
95386

payments during the period from July 1, 2019, through June 30, 95387  
2021, pursuant to leases and agreements entered into under Chapter 95388  
125. of the Revised Code, as supplemented by Section 701.40 of 95389  
H.B. 529 of the 132nd General Assembly, with respect to financing 95390  
the costs associated with the acquisition, development, 95391  
implementation, and integration of the Unemployment Insurance 95392  
System. 95393

EDCS LEASE RENTAL PAYMENTS 95394

The foregoing appropriation item 100413, EDCS Lease Rental 95395  
Payments, shall be used to make payments during the period from 95396  
July 1, 2019, through June 30, 2021, pursuant to leases and 95397  
agreements entered into under Chapter 125. of the Revised Code, as 95398  
supplemented by Section 701.10 of H.B. 529 of the 132nd General 95399  
Assembly and other prior acts of the General Assembly, with 95400  
respect to financing the costs associated with the acquisition, 95401  
development, implementation, and integration of the Enterprise 95402  
Data Center Solutions (EDCS) information technology initiative. 95403

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 95404

The foregoing appropriation item 100414, MARCS Lease Rental 95405  
Payments, shall be used to make payments during the period from 95406  
July 1, 2019, through June 30, 2021, pursuant to leases and 95407  
agreements entered into under Chapter 125. of the Revised Code, as 95408  
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 95409  
General Assembly and other prior acts of the General Assembly, 95410  
with respect to financing the costs associated with the 95411  
acquisition, development, implementation, and integration of the 95412  
Multi-Agency Radio Communications System (MARCS) upgrade. 95413

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 95414

The foregoing appropriation item 100415, OAKS Lease Rental 95415  
Payments, shall be used to make payments during the period from 95416  
July 1, 2019, through June 30, 2021, pursuant to leases and 95417

agreements entered into under Chapter 125. of the Revised Code, as 95418  
supplemented by Section 701.10 of H.B. 529 of the 132nd General 95419  
Assembly and other prior acts of the General Assembly, with 95420  
respect to financing the costs associated with the acquisition, 95421  
development, implementation, and integration of the Ohio 95422  
Administrative Knowledge System (OAKS). 95423

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 95424  
PAYMENTS 95425

The foregoing appropriation item 100416, STARS Lease Rental 95426  
Payments, shall be used to make payments during the period from 95427  
July 1, 2019, through June 30, 2021, pursuant to leases and 95428  
agreements entered into under Chapter 125. of the Revised Code, as 95429  
supplemented by Section 701.30 of H.B. 529 of the 132nd General 95430  
Assembly and other prior acts of the General Assembly, with 95431  
respect to financing the costs associated with the acquisition, 95432  
development, implementation, and integration of the State Taxation 95433  
Accounting and Revenue System (STARS). 95434

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 95435

The foregoing appropriation item 100447, Administrative 95436  
Buildings Lease Rental Bond Payments, shall be used to meet all 95437  
payments during the period from July 1, 2019, through June 30, 95438  
2021, by the Department of Administrative Services pursuant to 95439  
leases and agreements under Chapters 152. and 154. of the Revised 95440  
Code. These appropriations are the source of funds pledged for 95441  
bond service charges on related obligations issued under Chapters 95442  
152. and 154. of the Revised Code. 95443

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 95444

The Director of Administrative Services, in consultation with 95445  
the Multi-Agency Radio Communication System (MARCS) Steering 95446  
Committee and the Director of Budget and Management, shall 95447  
determine the share of debt service payments attributable to 95448

spending for MARCS components that are not specific to any one 95449  
agency and that shall be charged to the Public Safety - Highway 95450  
Purposes Fund (Fund 5TM0). Such share of debt service payments 95451  
shall be calculated for MARCS capital disbursements made beginning 95452  
July 1, 1997. Within thirty days of any payment made from 95453  
appropriation item 100447, Administrative Buildings Lease Rental 95454  
Bond Payments, the Director of Administrative Services shall 95455  
certify to the Director of Budget and Management the amount of 95456  
this share. On or before June 30 of each fiscal year, the Director 95457  
of Budget and Management may transfer an amount up to the amount 95458  
certified for that fiscal year to the General Revenue Fund from 95459  
the Public Safety - Highway Purposes Fund (Fund 5TM0) established 95460  
in section 4501.06 of the Revised Code. 95461

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 95462  
FUND 95463

The foregoing appropriation item 130321, State Agency Support 95464  
Services, may be used to provide funding for the cost of property 95465  
appraisals or building studies that the Department of 95466  
Administrative Services may be required to obtain for property 95467  
that is being sold by the state or property under consideration to 95468  
be renovated or purchased by the state. 95469

Notwithstanding section 125.28 of the Revised Code, the 95470  
foregoing appropriation item 130321, State Agency Support 95471  
Services, also may be used to pay the operating expenses of state 95472  
facilities maintained by the Department of Administrative Services 95473  
that are not billed to building tenants, or other costs associated 95474  
with the Voinovich Center in Youngstown, Ohio. These expenses may 95475  
include, but are not limited to, the costs for vacant space and 95476  
space undergoing renovation, and the rent expenses of tenants that 95477  
are relocated because of building renovations. These payments may 95478  
be processed by the Department of Administrative Services through 95479  
intrastate transfer vouchers and placed into the Building 95480

Management Fund (Fund 1320). 95481

At least once per year, the portion of appropriation item 95482  
130321, State Agency Support Services, that is not used for the 95483  
regular expenses of the appropriation item may be processed by the 95484  
Department of Administrative Services through intrastate transfer 95485  
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 95486

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 95487

Upon the request of the Director of Administrative Services, 95488  
the Director of Budget and Management may transfer unobligated 95489  
cash in the MARCS Administration Fund (Fund 5C20) to the General 95490  
Revenue Fund to reimburse the General Revenue Fund for lease 95491  
rental payments made on behalf of the MARCS upgrade. 95492

**Section 207.30. PROFESSIONAL DEVELOPMENT FUND** 95493

The foregoing appropriation item 100610, Professional 95494  
Development, shall be used to make payments from the Professional 95495  
Development Fund (Fund 5L70) under section 124.182 of the Revised 95496  
Code. If it is determined by the Director of Budget and Management 95497  
that additional amounts are necessary, the amounts are hereby 95498  
appropriated. 95499

911 PROGRAM 95500

The foregoing appropriation item 100663, 911 Program, shall 95501  
be used by the Department of Administrative Services to pay the 95502  
administrative, marketing, and educational costs of the Statewide 95503  
Emergency Services Internet Protocol Network program. 95504

EMPLOYEE EDUCATIONAL DEVELOPMENT 95505

The foregoing appropriation item 100619, Employee Educational 95506  
Development, shall be used to make payments from the Employee 95507  
Educational Development Fund (Fund 5V60) under section 124.86 of 95508  
the Revised Code. The fund shall be used to pay the costs of 95509  
administering educational programs under existing collective 95510

bargaining agreements with District 1199, the Health Care and 95511  
Social Service Union, Service Employees International Union; State 95512  
Council of Professional Educators; Ohio Education Association and 95513  
National Education Association; the Fraternal Order of Police Ohio 95514  
Labor Council, Unit 2; and the Ohio State Troopers Association, 95515  
Units 1 and 15. 95516

If it is determined by the Director of Budget and Management 95517  
that additional amounts are necessary, the amounts are hereby 95518  
appropriated. 95519

**Section 207.40. GENERAL SERVICE CHARGES** 95520

The Department of Administrative Services, with the approval 95521  
of the Director of Budget and Management, shall establish charges 95522  
for recovering the costs of administering the programs funded by 95523  
the General Services Fund (Fund 1170) and the State Printing Fund 95524  
(Fund 2100). 95525

**COLLECTIVE BARGAINING ARBITRATION EXPENSES** 95526

The Department of Administrative Services may seek 95527  
reimbursement from state agencies for the actual costs and 95528  
expenses the Department incurs in the collective bargaining 95529  
arbitration process. The reimbursements shall be processed through 95530  
intrastate transfer vouchers and credited to the Collective 95531  
Bargaining Fund (Fund 1280). 95532

**EQUAL OPPORTUNITY PROGRAM** 95533

The Department of Administrative Services, with the approval 95534  
of the Director of Budget and Management, shall establish charges 95535  
for recovering the costs of administering the activities supported 95536  
by the State EEO Fund (Fund 1880). These charges shall be 95537  
deposited to the credit of Fund 1880 upon payment made by state 95538  
agencies, state-supported or state-assisted institutions of higher 95539  
education, tax-supported agencies, municipal corporations, and 95540

other political subdivisions of the state, for services rendered. 95541

CONSOLIDATED IT PURCHASES 95542

The foregoing appropriation item 100640, Consolidated IT 95543  
Purchases, shall be used by the Department of Administrative 95544  
Services acting as the purchasing agent for one or more government 95545  
entities under the authority of division (G) of section 125.18 of 95546  
the Revised Code to make information technology purchases at a 95547  
lower aggregate cost than each individual government entity could 95548  
have obtained independently for that information technology 95549  
purchase. 95550

INVESTMENT RECOVERY FUND 95551

Notwithstanding division (B) of section 125.14 of the Revised 95552  
Code, cash balances in the Investment Recovery Fund (Fund 4270) 95553  
may be used to support the operating expenses of the Federal 95554  
Surplus Operating Program created in sections 125.84 to 125.90 of 95555  
the Revised Code. 95556

Notwithstanding division (B) of section 125.14 of the Revised 95557  
Code, the Director of Budget and Management, at the request of the 95558  
Director of Administrative Services, shall transfer up to 95559  
\$3,800,000 of cash in excess of needs from the Investment Recovery 95560  
Fund (Fund 4270) to the Enterprise Applications Fund (Fund 5PC0) 95561  
during the biennium beginning July 1, 2019, and ending June 30, 95562  
2021, to pay the operating and maintenance expenses of the Ohio 95563  
Business Gateway. 95564

MAJOR IT PURCHASES CHARGES 95565

Effective July 1, 2019, the Director of Budget and Management 95566  
shall cancel any existing encumbrances against appropriation item 95567  
100617, Major IT Purchases, and reestablish them against 95568  
appropriation item 100640, Consolidated IT Purchases. The 95569  
reestablished encumbrance amounts are hereby appropriated. Any 95570  
business commenced but not completed under appropriation item 95571

100617, Major IT Purchases, by July 1, 2019, shall be completed 95572  
under appropriation item 100640, Consolidated IT Purchases, in the 95573  
same manner, and with the same effect, as if completed with regard 95574  
to appropriation item 100617, Major IT Purchases. 95575

On July 1, 2019, or as soon as possible thereafter, the 95576  
Director of Administrative Services shall certify to the Director 95577  
of Budget and Management the amount of cash in the Major 95578  
Information Technology Purchases Fund (Fund 4N60) that was 95579  
received from agencies for actual expenditures. The Director of 95580  
Budget and Management shall transfer the certified amount of cash 95581  
from the Major Information Technology Purchases Fund (Fund 4N60) 95582  
to the IT Governance Fund (Fund 2290). 95583

Upon the request of the Director of Administrative Services, 95584  
the Director of Budget and Management may transfer up to the 95585  
amount collected for statewide indirect costs attributable to debt 95586  
service paid for the enterprise data center solutions project from 95587  
the General Revenue Fund to the Major Information Technology 95588  
Purchases Fund (Fund 4N60). 95589

PROFESSIONS LICENSING SYSTEM 95590

The foregoing appropriation item, 100658, Ohio Professionals 95591  
Licensing System, shall be used to purchase the equipment, 95592  
products, and services necessary to update and maintain an 95593  
automated licensing system for the professional licensing boards. 95594

The Department of Administrative Services shall establish 95595  
charges for recovering the costs of ongoing maintenance of the 95596  
system that are not otherwise recovered under section 125.18 of 95597  
the Revised Code. The charges shall be billed to state agencies, 95598  
boards, and commissions using the state's enterprise electronic 95599  
licensing system and deposited via intrastate transfer vouchers to 95600  
the credit of the Professions Licensing System Fund (Fund 5JQ0). 95601

**Section 207.45. BUILDING IMPROVEMENT FUND** 95602

The foregoing appropriation item 100659, Building 95603  
Improvement, shall be used to make payments from the Building 95604  
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 95605  
required in facilities maintained by the Department of 95606  
Administrative Services. The Department of Administrative Services 95607  
shall conduct or contract for regular assessments of these 95608  
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 95609  
the cost of the repairs and improvements that are recommended to 95610  
occur within the next five years, with the following exception 95611  
described below. 95612

Upon request of the Director of Administrative Services, the 95613  
Director of Budget and Management may permit a cash transfer from 95614  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 95615  
of operating and maintaining facilities managed by the Department 95616  
of Administrative Services that are not charged to tenants during 95617  
the same fiscal year. 95618

Should the cash balance in Fund 1320 be determined to be 95619  
sufficient, the Director of Administrative Services may request 95620  
that the Director of Budget and Management transfer cash from Fund 95621  
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 95622  
made under this section plus applicable interest. 95623

**INFORMATION TECHNOLOGY DEVELOPMENT** 95624

The foregoing appropriation item 100661, IT Development, 95625  
shall be used by the Department of Administrative Services to pay 95626  
the costs of modernizing the state's information technology 95627  
management and investment practices away from a limited, 95628  
agency-specific focus in favor of a statewide methodology 95629  
supporting development of enterprise solutions. This appropriation 95630  
item may be used to pay the costs of enterprise information 95631  
technology initiatives affecting state agencies or their 95632

customers. 95633

Notwithstanding any provision of law to the contrary, the 95634  
Department of Administrative Services, with the approval of the 95635  
Director of Budget and Management, may charge state agencies an 95636  
information technology development assessment based on state 95637  
agencies' information technology expenditures or other methodology 95638  
and may assess fees or charges to entities that are not state 95639  
agencies to offset the cost of specific technology events or 95640  
services. The revenue from these assessments, fees, or charges 95641  
shall be deposited into the Information Technology Development 95642  
Fund (Fund 5LJ0), which is hereby created. 95643

Upon the request of the Director of Administrative Services, 95644  
the Director of Budget and Management may transfer up to 95645  
\$4,000,000 in cash in each fiscal year from the General Revenue 95646  
Fund to the Information Technology Development Fund (Fund 5LJ0) to 95647  
support the operations of the Office of InnovateOhio. 95648

ENTERPRISE APPLICATIONS 95649

The foregoing appropriation item 100665, Enterprise 95650  
Applications, shall be used for the operation and management of 95651  
information technology applications that support state agencies' 95652  
objectives. Charges billed to benefiting agencies shall be 95653  
deposited to the credit of the Enterprise Applications Fund (Fund 95654  
5PC0). 95655

CASH TRANSFER FROM THE DIRECTOR'S OFFICE FUND TO THE LOCAL 95656  
GOVERNMENT INNOVATION FUND 95657

On July 1, 2019, or as soon as possible thereafter, the 95658  
Director of Budget and Management shall transfer \$38,555.24 cash 95659  
from the Director's Office Fund (Fund 1120) to the Local 95660  
Government Innovation Fund (Fund 5KN0). This amount represents the 95661  
unexpended balance of a grant received from the Local Government 95662  
Innovation Fund (Fund 5KN0) and appropriated under Fund 1120 95663

appropriation item 100667, Local Government Efficiency Programs. 95664

**Section 207.50.** ENTERPRISE IT STRATEGY IMPLEMENTATION 95665

The Director of Administrative Services shall determine and 95666  
implement strategies that benefit the enterprise by improving 95667  
efficiency, reducing costs, or enhancing capacity of information 95668  
technology (IT) services. Such improvements and efficiencies may 95669  
result in the consolidation and transfer of such services. As 95670  
determined to be necessary for successful implementation of this 95671  
section and notwithstanding any provision of law to the contrary, 95672  
the Director of Administrative Services may request the Director 95673  
of Budget and Management to consolidate or transfer IT-specific 95674  
budget authority between agencies or within an agency as necessary 95675  
to implement enterprise IT cost containment strategies and related 95676  
efficiencies. Once the Director of Budget and Management is 95677  
satisfied that the proposed initiative is cost advantageous to the 95678  
enterprise, the Director of Budget and Management may transfer 95679  
appropriations, funds, and cash as needed to implement the 95680  
proposed initiative. The establishment of any new fund or 95681  
additional appropriation as a result of this section shall be 95682  
subject to Controlling Board approval. 95683

The Director of Budget and Management and the Director of 95684  
Administrative Services may transfer any employees, assets, and 95685  
liabilities, including, but not limited to, records, contracts, 95686  
and agreements in order to facilitate the improvements determined 95687  
in accordance with this section. 95688

**Section 209.10.** AGE DEPARTMENT OF AGING 95689

General Revenue Fund 95690

GRF 490321 Operating Expenses \$ 1,551,161 \$ 1,514,690 95691

GRF 490410 Long-Term Care \$ 1,846,979 \$ 3,112,901 95692

Ombudsman

GRF	490411	Senior Community Services	\$	8,152,696	\$	8,144,480	95693
GRF	490414	Alzheimer's and Other Dementia Respite	\$	2,495,245	\$	2,495,245	95694
GRF	490506	National Senior Service Corps	\$	222,792	\$	222,792	95695
GRF	656423	Long-Term Care Budget - State	\$	5,073,618	\$	5,325,896	95696
TOTAL GRF	General Revenue Fund		\$	19,342,491	\$	20,816,004	95697
Dedicated Purpose Fund Group							95698
4800	490606	Senior Community Outreach and Education	\$	372,523	\$	372,523	95699
4C40	490609	Regional Long-Term Care Ombudsman Program	\$	1,000,000	\$	1,000,000	95700
5BA0	490620	Ombudsman Support	\$	1,500,000	\$	1,500,000	95701
5K90	490613	Long-Term Care Consumers Guide	\$	1,350,000	\$	1,350,000	95702
5MT0	490627	Board of Executives of Long-Term Services and Supports	\$	800,000	\$	800,000	95703
5T40	656625	Health Care Grants - State	\$	200,000	\$	200,000	95704
5TI0	656624	Provider Certification	\$	120,000	\$	120,000	95705
5W10	490616	Resident Services Coordinator Program	\$	344,700	\$	344,700	95706
TOTAL DPF	Dedicated Purpose Fund Group		\$	5,687,223	\$	5,687,223	95707
Federal Fund Group							95708
3220	490618	Federal Aging Grants	\$	8,700,000	\$	8,700,000	95709
							95710

3C40 656623	Long-Term Care Budget	\$	5,341,281	\$	5,477,117	95711
	- Federal					
3M40 490612	Federal Independence	\$	58,655,080	\$	58,655,080	95712
	Services					
TOTAL FED	Federal Fund Group	\$	72,696,361	\$	72,832,197	95713
TOTAL ALL BUDGET	FUND GROUPS	\$	97,726,075	\$	99,335,424	95714

**Section 209.20. LONG-TERM CARE** 95716

Pursuant to an interagency agreement, the Department of 95717  
Medicaid may designate the Department of Aging to perform 95718  
assessments under section 5165.04 of the Revised Code. The 95719  
Department of Aging shall provide long-term care consultations 95720  
under section 173.42 of the Revised Code to assist individuals in 95721  
planning for their long-term health care needs. 95722

The Department of Aging shall administer the Medicaid 95723  
waiver-funded PASSPORT Home Care Program, the Assisted Living 95724  
Program, and PACE as delegated by the Department of Medicaid in an 95725  
interagency agreement. 95726

**PERFORMANCE-BASED REIMBURSEMENT** 95727

The Department of Aging may design and utilize a payment 95728  
method for PASSPORT administrative agency operations that includes 95729  
a pay-for-performance incentive component that is earned by a 95730  
PASSPORT administrative agency when defined consumer and policy 95731  
outcomes are achieved. 95732

**Section 209.30. MYCARE OHIO** 95733

The authority of the Office of the State Long-Term Care 95734  
Ombudsman as described in sections 173.14 to 173.28 of the Revised 95735  
Code extends to MyCare Ohio during the period of the federal 95736  
financial alignment demonstration program. 95737

**SENIOR COMMUNITY SERVICES** 95738

The foregoing appropriation item 490411, Senior Community Services, may be used for programs, services, and activities designated by the Department of Aging, including, but not limited to, home-delivered and congregate meals, transportation services, personal care services, respite services, adult day services, home repair, care coordination, prevention and disease self-management, and decision support systems. The Department may also use these funds to provide grants to community organizations to support and expand evidence-based/informed programming. Service priority shall be given to low income, high need, and/or cognitively impaired persons 60 years of age and over.

NATIONAL SENIOR SERVICE CORPS

The foregoing appropriation item 490506, National Senior Service Corps, may be used by the Department of Aging to fund grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS

The foregoing appropriation item 490627, Board of Executives of Long-Term Services and Supports, may be used by the Board of Executives of Long-Term Services and Supports to administer and enforce Chapter 4751. of the Revised Code and rules adopted under it.

**Section 209.40.** PASSPORT PROGRAM PAYMENT RATES 95770

Notwithstanding section 5164.77 of the Revised Code, the base 95771  
and unit payment rates for the following services provided under 95772  
the Medicaid-funded and state-funded components of the PASSPORT 95773  
program during fiscal years 2020 and 2021 shall be at least two 95774  
and seven tenths per cent higher than the rates for the services 95775  
in effect on June 30, 2019: 95776

(A) Home care attendant services; 95777

(B) Personal care services; 95778

(C) Waiver nursing services. 95779

**Section 209.50.** PASSPORT PAYMENT RATES FOR HOME-DELIVERED 95780  
MEALS 95781

The payment rates for home-delivered meals provided under the 95782  
PASSPORT program during the period beginning July 1, 2019, and 95783  
ending July 1, 2021, shall be the following: 95784

(A) For each meal delivered daily on a per-meal delivery 95785  
basis by a volunteer or employee of the provider, \$7.19; 95786

(B) For each meal delivered in a chilled or frozen format on 95787  
a weekly delivery basis by a volunteer or employee of the 95788  
provider, \$6.99; 95789

(C) For each meal delivered in a chilled or frozen format on 95790  
a weekly basis by a common carrier used by the provider, \$6.50. 95791

**Section 209.60.** ASSISTED LIVING PROGRAM PAYMENT RATES 95792

Notwithstanding section 5164.77 of the Revised Code, the 95793  
payment rates for each tier of assisted living services provided 95794  
under the Medicaid-funded and state-funded components of the 95795  
Assisted Living Program during fiscal years 2020 and 2021 shall be 95796  
at least two and seven tenths per cent higher than the rates for 95797

the services in effect on June 30, 2019. 95798

**Section 211.10.** AGR DEPARTMENT OF AGRICULTURE 95799

General Revenue Fund 95800

GRF 700401 Animal Health Programs \$ 3,785,399 \$ 3,700,399 95801

GRF 700403 Dairy Division \$ 1,208,067 \$ 1,178,459 95802

GRF 700404 Ohio Proud \$ 99,159 \$ 100,771 95803

GRF 700406 Consumer Protection \$ 1,369,703 \$ 1,320,696 95804

Lab

GRF 700407 Food Safety \$ 1,385,046 \$ 1,340,046 95805

GRF 700409 Farmland Preservation \$ 74,686 \$ 74,686 95806

GRF 700410 Plant Industry \$ 152,468 \$ 147,468 95807

GRF 700412 Weights and Measures \$ 614,723 \$ 614,723 95808

GRF 700415 Poultry Inspection \$ 811,427 \$ 811,428 95809

GRF 700417 Soil and Water \$ 20,000,000 \$ 20,000,000 95810

Phosphorus Program

GRF 700418 Livestock Regulation \$ 1,145,071 \$ 1,145,071 95811

Program

GRF 700424 Livestock Testing and \$ 117,493 \$ 117,493 95812

Inspections

GRF 700426 Dangerous and \$ 582,340 \$ 604,060 95813

Restricted Animals

GRF 700427 High Volume Breeder \$ 1,235,767 \$ 1,235,767 95814

Kennel Control

GRF 700428 Soil and Water \$ 3,543,482 \$ 3,543,482 95815

Division

GRF 700499 Meat Inspection \$ 6,172,407 \$ 5,882,091 95816

Program - State Share

GRF 700501 County Agricultural \$ 379,673 \$ 379,673 95817

Societies

GRF 700509 Soil and Water \$ 11,833,016 \$ 11,833,016 95818

District Support

TOTAL GRF	General Revenue Fund	\$	54,509,927	\$	54,029,329	95819	
Dedicated Purpose Fund Group						95820	
4900	700651	License Plates -	\$	17,500	\$	17,500	95821
		Sustainable					
		Agriculture					
4940	700612	Agricultural	\$	253,000	\$	253,000	95822
		Commodity Marketing					
		Program					
4960	700626	Ohio Grape Industries	\$	1,543,223	\$	1,550,000	95823
4970	700627	Grain Warehouse	\$	491,590	\$	500,000	95824
		Program					
4C90	700605	Commercial Feed and	\$	2,367,396	\$	2,426,251	95825
		Seed					
4D20	700609	Auction Education	\$	50,000	\$	50,000	95826
4E40	700606	Utility Radiological	\$	97,610	\$	101,130	95827
		Safety					
4P70	700610	Food Safety	\$	1,022,005	\$	1,043,743	95828
		Inspection					
4R00	700636	Ohio Proud Marketing	\$	30,500	\$	30,500	95829
4R20	700637	Dairy Industry	\$	1,800,246	\$	1,852,950	95830
		Inspection					
4T60	700611	Poultry and Meat	\$	120,000	\$	120,000	95831
		Inspection					
5780	700620	Ride Inspection	\$	1,827,551	\$	1,944,585	95832
5B80	700629	Auctioneers	\$	350,449	\$	361,450	95833
5BV0	700660	Heidelberg Water	\$	250,000	\$	250,000	95834
		Quality Lab					
5BV0	700661	Soil and Water	\$	8,000,000	\$	8,000,000	95835
		Districts					
5FC0	700648	Plant Pest Program	\$	1,468,037	\$	1,515,298	95836
5H20	700608	Metrology Lab and	\$	975,000	\$	975,000	95837
		Scale Certification					
5L80	700604	Livestock Management	\$	274,814	\$	275,000	95838

		Program					
5MA0	700657	Dangerous and Restricted Animals	\$	7,000	\$	7,000	95839
5MR0	700658	High Volume Breeders and Kennels	\$	320,000	\$	320,000	95840
5MS0	700659	Captive Deer	\$	40,000	\$	40,000	95841
5QW0	700653	Watershed Assistance	\$	515,000	\$	515,000	95842
6520	700634	Animal, Consumer, and ATL Labs	\$	5,396,151	\$	5,466,896	95843
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	4,859,314	\$	5,000,000	95844
6H20	700670	H2Ohio	\$	30,300,000	\$	0	95845
TOTAL DPF Dedicated Purpose							95846
Fund Group			\$	62,376,386	\$	32,615,303	95847
Internal Service Activity Fund Group							95848
5DA0	700644	Laboratory Administration Support	\$	1,200,807	\$	1,204,626	95849
5GH0	700655	Administrative Support	\$	5,403,892	\$	5,524,048	95850
TOTAL ISA Internal Service Activity							95851
Fund Group			\$	6,604,699		6,728,674	95852
Capital Projects Fund Group							95853
7057	700632	Clean Ohio Agricultural Easement Operating	\$	589,960	\$	610,000	95854
TOTAL CPF Capital Projects Fund Group			\$	589,960	\$	610,000	95855
Federal Fund Group							95856
3260	700618	Meat Inspection Program - Federal	\$	5,036,419	\$	5,194,424	95857

		Share				
3360	700617	Ohio Farm Loan -	\$	351,743	\$	360,000 95858
		Revolving				
3820	700601	Federal Cooperative	\$	7,000,000	\$	7,000,000 95859
		Contracts				
3AB0	700641	Agricultural Easement	\$	342,419	\$	350,000 95860
3J40	700607	Federal	\$	1,209,234	\$	1,209,234 95861
		Administrative				
		Programs				
3R20	700614	Federal Plant	\$	6,020,619	\$	6,095,972 95862
		Industry				
TOTAL FED	Federal Fund Group		\$	19,960,434	\$	20,209,630 95863
TOTAL ALL BUDGET FUND GROUPS			\$	144,041,406	\$	114,192,936 95864

**Section 211.20.** SOIL AND WATER PHOSPHORUS PROGRAM 95866

The Department of Agriculture shall establish programs to 95867  
 assist in reducing total phosphorus and dissolved reactive 95868  
 phosphorus in the Western Lake Erie Basin. The programs shall give 95869  
 priority to those subwatersheds determined to be highest in total 95870  
 phosphorus and dissolved reactive phosphorus nutrient loading. 95871

The foregoing appropriation item 700417, Soil and Water 95872  
 Phosphorus Program, shall be used to support the programs 95873  
 described above, which may include but not be limited to, the 95874  
 following: (1) equipment for subsurface placement of nutrients 95875  
 into the soil; (2) equipment for nutrient placement based on 95876  
 geographic information system data; (3) soil testing; (4) 95877  
 implementation of variable rate technology; (5) equipment 95878  
 implementing manure transformation and manure conversion 95879  
 technologies; (6) tributary monitoring; (7) water management and 95880  
 edge-of-field drainage management; and (8) an agricultural 95881  
 phosphorus reduction revolving loan program. Not more than forty 95882  
 per cent of the foregoing appropriation item 700417, Soil and 95883  
 Water Phosphorus Program, shall be used for any single activity. 95884

DANGEROUS AND RESTRICTED WILD ANIMALS	95885
The foregoing appropriation item 700426, Dangerous and	95886
Restricted Animals, shall be used to administer the Dangerous and	95887
Restricted Wild Animal Permitting Program.	95888
COUNTY AGRICULTURAL SOCIETIES	95889
The foregoing appropriation item 700501, County Agricultural	95890
Societies, shall be used to reimburse county and independent	95891
agricultural societies for expenses related to Junior Fair	95892
activities.	95893
SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE	95894
BASIN	95895
Of the foregoing appropriation item 700509, Soil and Water	95896
District Support, \$350,000 in each fiscal year shall be used by	95897
the Department of Agriculture for a program to support soil and	95898
water conservation districts in the Western Lake Erie Basin in	95899
complying with provisions of Sub. S.B. 1 of the 131st General	95900
Assembly. The Department shall approve a soil and water district's	95901
application for funding under the program if the application	95902
demonstrates that funding will be used for, but not limited to,	95903
providing technical assistance, developing applicable nutrient or	95904
manure management plans, hiring and training of soil and water	95905
conservation district staff on best conservation practices, or	95906
other activities the Director determines appropriate to assist	95907
farmers in the Western Lake Erie Basin in complying with the	95908
provisions of Sub. S.B. 1 of the 131st General Assembly.	95909
Of the foregoing appropriation item 700509, Soil and Water	95910
District Support, \$3,500,000 in each fiscal year shall be used to	95911
support county soil and water conservation districts in the	95912
Western Lake Erie Basin for staffing costs and to assist in soil	95913
testing and nutrient management plan development, including manure	95914
transformation and manure conversion technologies, enhanced filter	95915

strips, water management, and other conservation support. 95916

SOIL AND WATER DISTRICTS 95917

In addition to state payments to soil and water conservation 95918  
districts authorized by section 940.15 of the Revised Code, the 95919  
Department of Agriculture may use appropriation item 700661, Soil 95920  
and Water Districts, to pay any soil and water conservation 95921  
district an annual amount not to exceed \$40,000 upon receipt of a 95922  
request and justification from the district and approval by the 95923  
Ohio Soil and Water Conservation Commission. The county auditor 95924  
shall credit the payments to the special fund established under 95925  
section 940.12 of the Revised Code for use by the local soil and 95926  
water conservation district. The amounts received by each district 95927  
shall be expended for the purposes of the district. 95928

H2OHIO FUND 95929

The foregoing appropriation item 700670, H2Ohio, shall be 95930  
used by the Department of Agriculture to support best management 95931  
practices for farmers including but not limited to assistance with 95932  
equipment purchases and soil testing. In addition, the foregoing 95933  
appropriation item 700760, H2Ohio, may be used to fund 95934  
improvements and protection of state waterways in support of water 95935  
quality priorities and management in accordance with section 95936  
126.60 of the Revised Code. 95937

On July 1, 2020, or as soon as possible thereafter, the 95938  
Director of Agriculture may certify to the Director of Budget and 95939  
Management an amount up to the unexpended, unencumbered balance of 95940  
the foregoing appropriation item, 700670, H2Ohio, at the end of 95941  
fiscal year 2020 to be reappropriated in fiscal year 2021. The 95942  
amount certified is hereby reappropriated to the same 95943  
appropriation item for fiscal year 2021. 95944

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 95945

The foregoing appropriation item 700632, Clean Ohio 95946

Agricultural Easement Operating, shall be used by the Department 95947  
of Agriculture in administering Clean Ohio Agricultural Easement 95948  
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 95949  
5301.67 to 5301.70 of the Revised Code. 95950

**Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY** 95951

Dedicated Purpose Fund Group 95952

4Z90 898602 Small Business \$ 208,813 \$ 208,813 95953  
Ombudsman

5700 898601 Operating Expenses \$ 565,364 \$ 583,395 95954

5A00 898603 Small Business \$ 450,000 \$ 450,000 95955  
Assistance

TOTAL DPF Dedicated Purpose Fund \$ 1,224,177 \$ 1,242,208 95956  
Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,224,177 \$ 1,242,208 95957

**Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT** 95959

AUTHORITY TRUST ACCOUNT 95960

Notwithstanding any other provision of law to the contrary, 95961  
the Air Quality Development Authority may reimburse the Air 95962  
Quality Development Authority trust account established under 95963  
section 3706.10 of the Revised Code from all operating funds of 95964  
the agency for expenses pertaining to the administration and 95965  
shared costs incurred by the Air Quality Development Authority in 95966  
the execution of responsibilities as prescribed in Chapter 3706. 95967  
of the Revised Code. The reimbursement shall be made by voucher 95968  
and completed in accordance with the administrative indirect costs 95969  
allocation plan approved by the Office of Budget and Management. 95970

**Section 215.10. ARC ARCHITECTS BOARDS** 95971

Dedicated Purpose Fund Group 95972

4K90 891609 Operating \$ 638,611 \$ 646,294 95973

TOTAL DPF Dedicated Purpose Fund				95974
Group	\$	638,611	\$ 646,294	95975
TOTAL ALL BUDGET FUND GROUPS	\$	638,611	\$ 646,294	95976

**Section 217.10. ART OHIO ARTS COUNCIL** 95978

General Revenue Fund 95979

GRF 370321 Operating Expenses \$ 1,947,031 \$ 2,042,828 95980

GRF 370502 State Program \$ 13,730,750 \$ 13,730,750 95981

Subsidies

TOTAL GRF General Revenue Fund \$ 15,677,781 \$ 15,773,578 95982

Dedicated Purpose Fund Group 95983

4600 370602 Arts Council Program \$ 377,942 \$ 385,000 95984

Support

4B70 370603 Percent for Art \$ 165,000 \$ 165,000 95985

Acquisitions

TOTAL DPF Dedicated Purpose Fund \$ 542,942 \$ 550,000 95986

Group

Federal Fund Group 95987

3140 370601 Federal Support \$ 1,250,000 \$ 1,250,000 95988

TOTAL FED Federal Fund Group \$ 1,250,000 \$ 1,250,000 95989

TOTAL ALL BUDGET FUND GROUPS \$ 17,470,723 \$ 17,573,578 95990

STATE PROGRAM SUBSIDIES 95991

Notwithstanding any provision of law to the contrary, of the 95992

foregoing appropriation item 370502, State Program Subsidies, at 95993

least \$2,000,000 in each fiscal year shall be used by the Ohio 95994

Arts Council to award grants for arts-related educational 95995

programming for kindergarten through twelfth grade students. 95996

FEDERAL SUPPORT 95997

Notwithstanding any provision of law to the contrary, the 95998

foregoing appropriation item 370601, Federal Support, shall be 95999

used by the Ohio Arts Council for subsidies only, and not for its 96000

administrative costs, unless the Council is required to use a 96001  
 portion of the funds for administrative costs under conditions of 96002  
 the federal grant. 96003

**Section 219.10. ATH ATHLETIC COMMISSION** 96004

Dedicated Purpose Fund Group 96005

4K90 175609 Operating Expenses \$ 331,169 \$ 331,822 96006

TOTAL DPF Dedicated Purpose Fund \$ 331,169 \$ 331,822 96007

Group

TOTAL ALL BUDGET FUND GROUPS \$ 331,169 \$ 331,822 96008

**Section 221.10. AGO ATTORNEY GENERAL** 96010

General Revenue Fund 96011

GRF 055321 Operating Expenses \$ 60,646,591 \$ 62,958,461 96012

GRF 055405 Law-Related Education \$ 68,950 \$ 68,950 96013

GRF 055406 BCIRS Lease Rental \$ 2,515,100 \$ 2,513,400 96014

Payments

GRF 055411 County Sheriffs' Pay \$ 983,341 \$ 1,000,554 96015

Supplement

GRF 055415 County Prosecutors' \$ 1,247,225 \$ 1,278,630 96016

Pay Supplement

GRF 055431 Drug Abuse Response \$ 1,500,000 \$ 1,500,000 96017

Team Grants

GRF 055501 Rape Crisis Centers \$ 4,450,000 \$ 4,450,000 96018

GRF 055502 School Safety \$ 12,000,000 \$ 12,000,000 96019

Training Grants

GRF 055504 Domestic Violence \$ 1,000,000 \$ 1,000,000 96020

Programs

TOTAL GRF General Revenue Fund \$ 84,411,207 \$ 86,769,995 96021

Dedicated Purpose Fund Group 96022

1060 055612 Attorney General \$ 58,426,184 \$ 60,018,182 96023

Operating

4020	055616	Victims of Crime	\$	20,624,291	\$	20,624,291	96024
4170	055621	Domestic Violence Shelter	\$	25,000	\$	25,000	96025
4180	055615	Charitable Foundations	\$	8,286,000	\$	8,286,000	96026
4190	055623	Claims Section	\$	41,500,000	\$	42,600,000	96027
4200	055603	Attorney General Antitrust	\$	2,432,925	\$	2,432,925	96028
4210	055617	Police Officers' Training Academy Fee	\$	2,182,062	\$	2,250,000	96029
4L60	055606	DARE Programs	\$	3,814,289	\$	3,814,289	96030
4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751	96031
4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	2,500,000	\$	2,500,000	96032
5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325	96033
5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000	96034
5LR0	055655	Peace Officer Training - Casino	\$	5,355,079	\$	5,529,409	96035
5MP0	055657	Peace Officer Training Commission	\$	325,000	\$	325,000	96036
5TL0	055659	Organized Crime Law Enforcement Trust	\$	100,000	\$	100,000	96037
6310	055637	Consumer Protection Enforcement	\$	9,276,000	\$	9,276,000	96038
6590	055641	Solid and Hazardous Waste Background Investigations	\$	328,728	\$	328,728	96039
U087	055402	Tobacco Settlement Oversight, Administration, and	\$	2,650,000	\$	2,650,000	96040

Enforcement			
TOTAL DPF Dedicated Purpose Fund			96041
Group	\$ 158,944,634	\$ 161,878,900	96042
Internal Service Activity Fund Group			96043
1950 055660 Workers' Compensation	\$ 7,416,045	\$ 6,898,040	96044
Section			
TOTAL ISA Internal Service Activity	\$ 7,416,045	\$ 6,898,040	96045
Fund Group			
Holding Account Fund Group			96046
R004 055631 General Holding	\$ 1,000,000	\$ 1,000,000	96047
Account			
R005 055632 Antitrust Settlements	\$ 1,000,000	\$ 1,000,000	96048
R018 055630 Consumer Frauds	\$ 1,000,000	\$ 1,000,000	96049
R042 055601 Organized Crime	\$ 750,000	\$ 750,000	96050
Commission			
Distributions			
R054 055650 Collection Payment	\$ 4,500,000	\$ 4,500,000	96051
Redistribution			
TOTAL HLD Holding Account			96052
Fund Group	\$ 8,250,000	\$ 8,250,000	96053
Federal Fund Group			96054
3060 055620 Medicaid Fraud	\$ 8,961,419	\$ 8,961,419	96055
Control			
3830 055634 Crime Victims	\$ 109,971,344	\$ 110,000,000	96056
Assistance			
3E50 055638 Attorney General	\$ 4,017,209	\$ 4,020,999	96057
Pass-Through Funds			
3FV0 055656 Crime Victim	\$ 4,600,000	\$ 4,600,000	96058
Compensation			
3R60 055613 Attorney General	\$ 2,799,999	\$ 2,799,999	96059
Federal Funds			
TOTAL FED Federal Fund Group	\$ 130,349,971	\$ 130,382,417	96060



The foregoing appropriation item 055411, County Sheriffs' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055411, County Sheriffs' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county sheriffs as required by section 325.06 of the Revised Code.

COUNTY PROSECUTORS' PAY SUPPLEMENT

The foregoing appropriation item 055415, County Prosecutors' Pay Supplement, shall be used for the purpose of supplementing the annual compensation of certain county prosecutors as required by section 325.111 of the Revised Code.

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from appropriation item 055321, Operating Expenses, to appropriation item 055415, County Prosecutors' Pay Supplement. Any appropriation so transferred shall be used to supplement the annual compensation of county prosecutors as required by section 325.111 of the Revised Code.

**Section 221.30. BATTERED WOMEN'S SHELTER**

Of the foregoing appropriation item 055501, Rape Crisis Centers, \$50,000 in each fiscal year shall be distributed to the Battered Women's Shelter of Summit and Medina counties for the cost of operating the commercial kitchen located at its Market Street Facility.

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM

The Attorney General shall maintain the Drug Abuse Response

Team Grant Program for the purpose of replicating or expanding 96122  
successful law enforcement programs that address the opioid 96123  
epidemic similar to the Drug Abuse Response Team established by 96124  
the Lucas County Sheriff's Department, and the Quick Response 96125  
Teams established in Colerain Township's Department of Public 96126  
Safety in Hamilton County and Summit County. Any grants awarded by 96127  
this grant program may include requirements for private or 96128  
nonprofit matching support. 96129

The foregoing appropriation item 055431, Drug Abuse Response 96130  
Team Grants, shall be used by the Attorney General to fund grants 96131  
to law enforcement or other government agencies; the primary 96132  
purpose of the grants shall be to replicate or expand successful 96133  
law enforcement programs that address the opioid epidemic similar 96134  
to the Drug Abuse Response Team established by the Lucas County 96135  
Sheriff's Department and the Quick Response Teams established in 96136  
Colerain Township's Department of Public Safety in Hamilton County 96137  
and Summit County. 96138

Each recipient of a grant under this program shall, within 96139  
six months of the end date of the grant, submit a written report 96140  
describing the outcomes that resulted from the grant to the 96141  
Governor, the President of the Senate, the Speaker of the House of 96142  
Representatives, the Minority Leader of the Senate, and the 96143  
Minority Leader of the House of Representatives. 96144

DOMESTIC VIOLENCE PROGRAMS 96145

The foregoing appropriation item 055504, Domestic Violence 96146  
Programs, shall be used by the Attorney General for the purpose of 96147  
funding domestic violence programs as defined in section 109.46 of 96148  
the Revised Code. 96149

WORKERS' COMPENSATION SECTION 96150

The Workers' Compensation Fund (Fund 1950) is entitled to 96151  
receive quarterly payments from the Bureau of Workers' 96152

Compensation and the Ohio Industrial Commission to fund legal 96153  
services provided to the Bureau of Workers' Compensation and the 96154  
Ohio Industrial Commission during the fiscal year. 96155

In addition, the Bureau of Workers' Compensation shall 96156  
transfer payments for the support of the Workers' Compensation 96157  
Fraud Unit. 96158

All amounts shall be mutually agreed upon by the Attorney 96159  
General, the Bureau of Workers' Compensation, and the Ohio 96160  
Industrial Commission. 96161

GENERAL HOLDING ACCOUNT 96162

The foregoing appropriation item 055631, General Holding 96163  
Account, shall be used to distribute moneys under the terms of 96164  
relevant court orders or other settlements received in a variety 96165  
of cases involving the Office of the Attorney General. If it is 96166  
determined that additional amounts are necessary for this purpose, 96167  
the amounts are hereby appropriated. 96168

ANTITRUST SETTLEMENTS 96169

The foregoing appropriation item 055632, Antitrust 96170  
Settlements, shall be used to distribute moneys under the terms of 96171  
relevant court orders or other out of court settlements in 96172  
antitrust cases or antitrust matters involving the Office of the 96173  
Attorney General. If it is determined that additional amounts are 96174  
necessary for this purpose, the amounts are hereby appropriated. 96175

CONSUMER FRAUDS 96176

The foregoing appropriation item 055630, Consumer Frauds, 96177  
shall be used for distribution of moneys from court-ordered 96178  
judgments against sellers in actions brought by the Office of the 96179  
Attorney General under sections 1334.08 and 4549.48 and division 96180  
(B) of section 1345.07 of the Revised Code. These moneys shall be 96181  
used to provide restitution to consumers victimized by the fraud 96182

that generated the court-ordered judgments. If it is determined 96183  
that additional amounts are necessary for this purpose, the 96184  
amounts are hereby appropriated. 96185

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 96186

The foregoing appropriation item 055601, Organized Crime 96187  
Commission Distributions, shall be used by the Organized Crime 96188  
Investigations Commission, as provided by section 177.011 of the 96189  
Revised Code, to reimburse political subdivisions for the expenses 96190  
the political subdivisions incur when their law enforcement 96191  
officers participate in an organized crime task force. If it is 96192  
determined that additional amounts are necessary for this purpose, 96193  
the amounts are hereby appropriated. 96194

COLLECTION PAYMENT REDISTRIBUTION 96195

The foregoing appropriation item 055650, Collection Payment 96196  
Redistribution, shall be used for the purpose of allocating the 96197  
revenue where debtors mistakenly paid the client agencies instead 96198  
of the Attorney General's Collections Enforcement Section. If it 96199  
is determined that additional amounts are necessary for this 96200  
purpose, the amounts are hereby appropriated. 96201

**Section 223.10.** AUD AUDITOR OF STATE 96202

General Revenue Fund 96203

GRF 070403 Fiscal \$ 700,000 \$ 700,000 96204

Watch/Emergency  
Technical Assistance

GRF 070401 Audit Management and \$ 11,998,471 \$ 12,209,612 96205

Services

GRF 070402 Performance Audits \$ 1,750,000 \$ 1,600,000 96206

GRF 070404 Fraud/Corruption \$ 2,550,000 \$ 2,550,000 96207

Audits and  
Investigation

GRF	070412	Local Government	\$	13,300,000	\$	13,300,000	96208
		Audit Support					
TOTAL GRF		General Revenue Fund	\$	30,298,471	\$	30,359,612	96209
		Dedicated Purpose Fund Group					96210
1090	070601	Public Audit Expense	\$	11,184,958	\$	11,545,067	96211
		- Intrastate					
4220	070602	Public Audit Expense	\$	34,477,707	\$	35,053,886	96212
		- Local Government					
5840	070603	Training Program	\$	475,000	\$	475,000	96213
5JZ0	070606	LEAP Revolving Loans	\$	250,000	\$	250,000	96214
6750	070605	Uniform Accounting	\$	4,191,269	\$	4,228,178	96215
		Network					
5VP0	070611	Local Government	\$	10,000,000	\$	10,000,000	96216
		Audit Support Fund					
TOTAL DPF		Dedicated Purpose Fund					96217
Group			\$	60,578,934	\$	61,552,131	96218
TOTAL ALL BUDGET FUND GROUPS			\$	90,877,405	\$	91,911,743	96219

**Section 223.20. AUDIT MANAGEMENT AND SERVICES** 96221

The foregoing appropriation item 070401, Audit Management and 96222  
 Services, shall be used pursuant to section 117.13 of the Revised 96223  
 Code to support costs of the Auditor of State that are not 96224  
 recovered through charges to local governments and state entities, 96225  
 which are deposited into the Public Audit Expense-Intrastate Fund 96226  
 (Fund 1090), including costs that cannot be recovered from audit 96227  
 clients under federal indirect cost allocation guidelines. 96228

**PERFORMANCE AUDITS** 96229

The foregoing appropriation item 070402, Performance Audits, 96230  
 shall be used pursuant to section 117.13 of the Revised Code to 96231  
 support costs of the Auditor of State related to the provision of 96232  
 performance audits for local governments, school districts, state 96233  
 agencies, and colleges and universities that are not recovered 96234

through charges to those entities, including costs that cannot be 96235  
recovered from audit clients under federal indirect cost 96236  
allocation guidelines. 96237

LOCAL GOVERNMENT AUDIT SUPPORT 96238

The foregoing appropriation item 070412, Local Government 96239  
Audit Support, shall be used pursuant to section 117.13 of the 96240  
Revised Code to support costs of the Auditor of State that are not 96241  
recovered through charges to local governments and state entities, 96242  
which are deposited into the Public Audit Expense-Local Government 96243  
Fund (Fund 4220), including costs that cannot be recovered from 96244  
audit clients under federal indirect cost allocation guidelines. 96245

LOCAL GOVERNMENT AUDIT SUPPORT FUND 96246

The foregoing appropriation item 070611, Local Government 96247  
Audit Support Fund, shall be used pursuant to section 5747.461 of 96248  
the Revised Code to offset costs of audits that would otherwise be 96249  
charged to local public offices in the absence of the fund. 96250

Notwithstanding section 131.511 of the Revised Code, during 96251  
fiscal year 2020, the Director of Budget and Management shall 96252  
monthly credit to the Local Government Audit Support Fund such 96253  
amounts as are necessary to support the fiscal year 2020 96254  
appropriations from the fund. 96255

**Section 229.10.** OBM OFFICE OF BUDGET AND MANAGEMENT 96256

General Revenue Fund 96257

GRF	042321	Budget Development	\$	3,328,574	\$	3,389,364	96258
		and Implementation					

GRF	042425	Shared Services	\$	1,285,250	\$	1,049,725	96259
		Development					

TOTAL GRF	General Revenue Fund	\$	4,613,824	\$	4,439,089	96260
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Internal Service Activity Fund Group 96261

1050	042603	Financial Management	\$	17,106,380	\$	16,995,903	96262
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1050 042620	Shared Services	\$	6,744,587	\$	6,543,051	96263
	Operating					
TOTAL ISA	Internal Service Activity					96264
Fund Group		\$	23,850,967	\$	23,538,954	96265
Fiduciary	Fund Group					96266
5EH0 042604	Forgery Recovery	\$	30,000	\$	30,000	96267
TOTAL FID	Fiduciary Fund Group	\$	30,000	\$	30,000	96268
TOTAL ALL BUDGET	FUND GROUPS	\$	28,494,791	\$	28,008,043	96269

**Section 229.20. AUDIT COSTS** 96271

All centralized audit costs associated with either Single 96272  
Audit Schedules or financial statements prepared in conformance 96273  
with generally accepted accounting principles for the state shall 96274  
be paid from the foregoing appropriation item 042603, Financial 96275  
Management. 96276

Costs associated with the audit of the Auditor of State shall 96277  
be paid from the foregoing appropriation item 042321, Budget 96278  
Development and Implementation. 96279

**SHARED SERVICES CENTER** 96280

The foregoing appropriation items 042425, Shared Services 96281  
Development, and 042620, Shared Services Operating, shall be used 96282  
by the Director of Budget and Management to support the Shared 96283  
Services program pursuant to division (D) of section 126.21 of the 96284  
Revised Code. 96285

The Director of Budget and Management shall include the 96286  
recovery of costs to operate the Shared Services program in the 96287  
accounting and budgeting services payroll rate and through direct 96288  
charges using intrastate transfer vouchers billed to agencies for 96289  
services rendered using a methodology determined by the Director 96290  
of Budget and Management. Such cost recovery revenues shall be 96291  
deposited to the credit of the Accounting and Budgeting Fund (Fund 96292

1050).						96293
	INTERNAL AUDIT					96294
	The Director of Budget and Management shall include the					96295
	recovery of costs to operate the Internal Audit Program pursuant					96296
	to section 126.45 of the Revised Code in the accounting and					96297
	budgeting services payroll rate and through direct charges using					96298
	intrastate transfer vouchers billed to agencies reviewed by the					96299
	program using a methodology determined by the Director of Budget					96300
	and Management. Such cost recovery revenues shall be deposited to					96301
	the credit of Fund 1050.					96302
	FORGERY RECOVERY					96303
	The foregoing appropriation item 042604, Forgery Recovery,					96304
	shall be used to reissue warrants that have been certified as					96305
	forgeries by the rightful recipient as determined by the Bureau of					96306
	Criminal Identification and Investigation and the Treasurer of					96307
	State. Upon receipt of funds to cover the reissuance of the					96308
	warrant, the Director of Budget and Management shall reissue a					96309
	state warrant of the same amount. Any additional amounts needed to					96310
	reissue warrants backed by the receipt of funds are hereby					96311
	appropriated.					96312
	<b>Section 231.10.</b> CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD					96313
	General Revenue Fund					96314
GRF	874100 Personal Services	\$	3,802,439	\$	3,819,502	96315
GRF	874320 Maintenance and	\$	1,368,765	\$	1,368,765	96316
	Equipment					
TOTAL GRF	General Revenue Fund	\$	5,171,204	\$	5,188,267	96317
	Dedicated Purpose Fund Group					96318
2080	874601 Underground Parking	\$	4,245,906	\$	4,245,906	96319
	Garage Operations					
4G50	874603 Capitol Square	\$	6,000	\$	6,000	96320

Education Center and  
Arts

TOTAL DPF Dedicated Purpose				96321	
Fund Group	\$	4,251,906	\$	4,251,906	96322
Internal Service Activity Fund Group				96323	
4S70 874602 Statehouse Gift	\$	800,000	\$	800,000	96324

Shop/Events

TOTAL ISA Internal Service Activity				96325	
Fund Group	\$	800,000	\$	800,000	96326
TOTAL ALL BUDGET FUND GROUPS	\$	10,223,110	\$	10,240,173	96327

PERSONAL SERVICES

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On July 1, 2019, or as soon as possible thereafter, the  
Executive Director of the Capitol Square Review and Advisory Board  
may certify to the Director of Budget and Management an amount up  
to the unexpended, unencumbered balance of the foregoing  
appropriation item 874100, Personal Services, at the end of fiscal  
year 2019 to be reappropriated to fiscal year 2020. The amount  
certified is hereby appropriated to the same appropriation item  
for fiscal year 2020.

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On July 1, 2020, or as soon as possible thereafter, the  
Executive Director of the Capital Square Review and Advisory Board  
may certify to the Director of Budget and Management an amount up  
to the unexpended, unencumbered balance of the foregoing  
appropriation item 874100, Personal Services, at the end of fiscal  
year 2020 to be reappropriated to fiscal year 2021. The amount  
certified is hereby appropriated to the same appropriation item  
for fiscal year 2021.

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MAINTENANCE AND EQUIPMENT

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On July 1, 2019, or as soon as possible thereafter, the  
Executive Director of the Capitol Square Review and Advisory Board  
may certify to the Director of Budget and Management an amount up

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to the unexpended, unencumbered balance of the foregoing 96349  
appropriation item 874320, Maintenance and Equipment, at the end 96350  
of fiscal year 2019 to be reappropriated to fiscal year 2020. The 96351  
amount certified is hereby appropriated to the same appropriation 96352  
item for fiscal year 2020. 96353

On July 1, 2020, or as soon as possible thereafter, the 96354  
Executive Director of the Capitol Square Review and Advisory Board 96355  
may certify to the Director of Budget and Management an amount up 96356  
to the unexpended, unencumbered balance of the foregoing 96357  
appropriation item 874320, Maintenance and Equipment, at the end 96358  
of fiscal year 2020 to be reappropriated to fiscal year 2021. The 96359  
amount certified is hereby appropriated to the same appropriation 96360  
item for fiscal year 2021. 96361

UNDERGROUND PARKING GARAGE FUND 96362

Notwithstanding division (G) of section 105.41 of the Revised 96363  
Code and any other provision to the contrary, moneys in the 96364  
Underground Parking Garage Fund (Fund 2080) may be used for 96365  
personnel and operating costs related to the operations of the 96366  
Statehouse and the Statehouse Underground Parking Garage. 96367

HOUSE AND SENATE PARKING REIMBURSEMENT 96368

On July 1 of each fiscal year, or as soon as possible 96369  
thereafter, the Director of Budget and Management shall transfer 96370  
\$500,000 cash from the General Revenue Fund to the Underground 96371  
Parking Garage Fund (Fund 2080). The amounts transferred under 96372  
this section shall be used to reimburse the Capitol Square Review 96373  
and Advisory Board for legislative parking costs. 96374

**Section 233.10.** SCR STATE BOARD OF CAREER COLLEGES AND 96375  
SCHOOLS 96376

Dedicated Purpose Fund Group 96377  
4K90 233601 Operating Expenses \$ 540,260 \$ 540,260 96378

TOTAL DPF Dedicated Purpose Fund Group	\$	540,260	\$	540,260	96379
TOTAL ALL BUDGET FUND GROUPS	\$	540,260	\$	540,260	96380
<b>Section 235.10. CAC CASINO CONTROL COMMISSION</b>					96382
Dedicated Purpose Fund Group					96383
5HS0 955321 Operating Expenses	\$	13,180,629	\$	13,673,127	96384
5NU0 955601 Casino Commission Enforcement	\$	250,000	\$	250,000	96385
TOTAL DPF Dedicated Purpose Fund Group	\$	13,430,629	\$	13,923,127	96386
TOTAL ALL BUDGET FUND GROUPS	\$	13,430,629	\$	13,923,127	96387
<b>Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD</b>					96389
Dedicated Purpose Fund Group					96390
4K90 930609 Operating Expenses	\$	651,167	\$	664,212	96391
TOTAL DPF Dedicated Purpose Fund Group	\$	651,167	\$	664,212	96392
TOTAL ALL BUDGET FUND GROUPS	\$	651,167	\$	664,212	96393
<b>Section 239.10. CHR STATE CHIROPRACTIC BOARD</b>					96395
Dedicated Purpose Fund Group					96396
4K90 878609 Operating Expenses	\$	605,251	\$	622,000	96397
TOTAL DPF Dedicated Purpose Fund Group	\$	605,251	\$	622,000	96398
TOTAL ALL BUDGET FUND GROUPS	\$	605,251	\$	622,000	96399
<b>Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION</b>					96401
General Revenue Fund					96402
GRF 876321 Operating Expenses	\$	5,863,161	\$	5,863,161	96403
TOTAL GRF General Revenue Fund	\$	5,863,161	\$	5,863,161	96404
Dedicated Purpose Fund Group					96405

2170	876604	Operations Support	\$	3,000	\$	3,000	96406
TOTAL DPF Internal Service Activity							96407
Fund Group			\$	3,000	\$	3,000	96408
Federal Fund Group							96409
3340	876601	Federal Programs	\$	3,555,504	\$	3,908,497	96410
TOTAL FED Federal Special Revenue							96411
Fund Group			\$	3,555,504	\$	3,908,497	96412
TOTAL ALL BUDGET FUND GROUPS			\$	9,421,665	\$	9,774,658	96413

**Section 243.10. COM DEPARTMENT OF COMMERCE** 96415

Dedicated Purpose Fund Group							96416
4B20	800631	Real Estate Appraisal	\$	35,000	\$	35,000	96417
Recovery							
4H90	800608	Cemeteries	\$	302,250	\$	313,466	96418
4X20	800619	Financial Institutions	\$	1,914,631	\$	1,980,213	96419
5430	800602	Unclaimed	\$	10,452,421	\$	10,465,295	96420
Funds-Operating							
5430	800625	Unclaimed Funds-Claims	\$	70,000,000	\$	70,000,000	96421
5440	800612	Banks	\$	10,154,147	\$	10,688,048	96422
5460	800610	Fire Marshal	\$	20,436,641	\$	21,090,755	96423
5460	800639	Fire Department Grants	\$	5,200,000	\$	5,200,000	96424
5470	800603	Real Estate	\$	69,655	\$	69,655	96425
Education/Research							
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	96426
5490	800614	Real Estate	\$	3,876,514	\$	4,067,513	96427
5500	800617	Securities	\$	6,165,054	\$	6,363,135	96428
5520	800604	Credit Union	\$	3,719,253	\$	3,807,712	96429
5530	800607	Consumer Finance	\$	5,465,720	\$	5,777,988	96430
5560	800615	Industrial Compliance	\$	30,729,000	\$	30,929,000	96431
5F10	800635	Small Government Fire	\$	300,000	\$	300,000	96432
Departments							
5FW0	800616	Financial Literacy	\$	150,000	\$	150,000	96433

Education				
5GK0	800609	Securities Investor	\$ 678,400	\$ 682,150 96434
Education/Enforcement				
5HV0	800641	Cigarette Enforcement	\$ 27,324	\$ 27,324 96435
5LC0	800644	Liquor JobsOhio	\$ 788,204	\$ 788,204 96436
Extraordinary Allowance				
5LN0	800645	Liquor Operating	\$ 19,540,125	\$ 19,705,103 96437
Services				
5LP0	800646	Liquor Regulatory	\$ 15,918,941	\$ 14,787,281 96438
Operating Expenses				
5SE0	800651	Cemetery Grant Program	\$ 100,000	\$ 100,000 96439
5SJ0	800648	Volunteer Peace	\$ 50,000	\$ 50,000 96440
Officers' Dependent Fund				
5SU0	800649	Manufactured Homes	\$ 260,550	\$ 270,478 96441
Regulation				
5SY0	800650	Medical Marijuana Control Program	\$ 6,435,897	\$ 5,121,000 96442
5VC0	800652	Real Estate Home Inspector Operating	\$ 490,000	\$ 490,000 96443
5VD0	800653	Real Estate Home Inspector Recovery	\$ 10,000	\$ 10,000 96444
5X60	800623	Video Service	\$ 416,732	\$ 412,693 96445
6530	800629	UST Registration/Permit Fee	\$ 2,316,230	\$ 2,301,714 96446
6A40	800630	Real Estate Appraiser-Operating	\$ 1,299,071	\$ 1,336,056 96447
TOTAL DPF Dedicated Purpose				96448
Fund Group			\$ 217,351,760	\$ 217,369,783 96449
Internal Service Activity Fund Group				96450
1630	800620	Division of Administration	\$ 8,558,140	\$ 8,364,140 96451
1630	800637	Information Technology	\$ 8,601,860	\$ 8,985,860 96452

TOTAL ISA Internal Service Activity				96453	
Fund Group	\$	17,160,000	\$	17,350,000	96454
Federal Fund Group				96455	
3480 800622 Underground Storage Tanks	\$	820,675	\$	805,112	96456
3480 800624 Leaking Underground Storage Tanks	\$	1,950,000	\$	1,949,887	96457
TOTAL FED Federal Fund Group	\$	2,770,675	\$	2,754,999	96458
TOTAL ALL BUDGET FUND GROUPS	\$	237,282,435	\$	237,474,782	96459

**Section 243.20. UNCLAIMED FUNDS PAYMENTS** 96461

The foregoing appropriation item 800625, Unclaimed Funds-Claims, shall be used to pay claims under section 169.08 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such increases are hereby appropriated. 96462  
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**DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING** 96469

The foregoing appropriation item 800631, Real Estate Appraiser Recovery, shall be used to pay settlements, judgments, and court orders under section 4763.16 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such increases are hereby appropriated. 96470  
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The foregoing appropriation item 800611, Real Estate Recovery, shall be used to pay settlements, judgments, and court orders under section 4735.12 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the 96478  
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Director of Commerce may request that the Director of Budget and Management increase such amounts. Such increases are hereby appropriated.

FIRE DEPARTMENT GRANTS

(A) The foregoing appropriation item 800639, Fire Department Grants, shall be used to make annual grants to the following eligible recipients: volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships. For the purposes of these grants, a private fire company, as that phrase is defined in section 9.60 of the Revised Code, that is providing fire protection services under a contract to a political subdivision of the state, is an additional eligible recipient for a training grant.

Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if feasible, proportionately award the grant and any equipment purchased with grant funds to each of the joint applicants based upon each applicant's contribution to and demonstrated need for fire protection services. For the purpose of this grant program, an eligible recipient or any firefighting entity that is contracted to serve an eligible recipient may only file, be listed as joint applicant, or be designated as a service provider on one grant application per fiscal year.

If the grant awarded to joint applicants is an equipment

grant and the equipment to be purchased cannot be readily 96515  
distributed or possessed by multiple recipients, each of the joint 96516  
applicants shall be awarded by the State Fire Marshal an ownership 96517  
interest in the equipment so purchased in proportion to each 96518  
applicant's contribution to and demonstrated need for fire 96519  
protection services. The joint applicants shall then mutually 96520  
agree on how the equipment is to be maintained, operated, stored, 96521  
or disposed of. If, for any reason, the joint applicants cannot 96522  
agree as to how jointly owned equipment is to be maintained, 96523  
operated, stored, or disposed of or any of the joint applicants no 96524  
longer maintain a contract with the same fire protection service 96525  
provider as the other applicants, then the joint applicants shall, 96526  
with the assistance of the State Fire Marshal, mutually agree as 96527  
to how the jointly owned equipment is to be maintained, operated, 96528  
stored, disposed of, or owned. If the joint applicants cannot 96529  
agree how the grant equipment is to be maintained, operated, 96530  
stored, disposed of, or owned, the State Fire Marshal may, in its 96531  
discretion, require all of the equipment acquired by the joint 96532  
applicants with grant funds to be returned to the State Fire 96533  
Marshal. The State Fire Marshal may then award the returned 96534  
equipment to any eligible recipients. For this paragraph only, an 96535  
"equipment grant" also includes a MARCS Grant. 96536

(B) Except as otherwise provided in this section, the grants 96537  
shall be used by recipients to purchase firefighting or rescue 96538  
equipment or gear or similar items, to provide full or partial 96539  
reimbursement for the documented costs of firefighter training, 96540  
or, at the discretion of the State Fire Marshal, to cover fire 96541  
department costs for providing fire protection services in that 96542  
grant recipient's jurisdiction. 96543

(1) Of the foregoing appropriation item 800639, Fire 96544  
Department Grants, up to \$1,000,000 per fiscal year may be used to 96545  
pay for the State Fire Marshal's costs of providing firefighter I 96546

certification classes or other firefighter classes approved by the State Fire Marshal at no cost to selected students attending the Ohio Fire Academy or other class providers approved by the State Fire Marshal. The State Fire Marshal may establish the qualifications and selection processes for students to attend such classes by written policy, and such students shall be considered eligible recipients of fire department grants for the purposes of this portion of the grant program.

(2) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$3,000,000 in each fiscal year may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to cover costs for accessing MARCS.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

MARCS Grant awards may be up to \$50,000 in each fiscal year per eligible recipient. Each eligible recipient may apply, as a separate entity or as a part of a joint application, for only one MARCS Grant per fiscal year. The State Fire Marshal may give a preference to MARCS Grants that will enhance the overall interoperability and effectiveness of emergency communication networks in the geographic region that includes and that is adjacent to the applicant.

Eligible recipients that are or were awarded fire department grants that are not MARCS Grants may also apply for and receive MARCS Grants in accordance with criteria for the awarding of grant funds established by the State Fire Marshal.

(3) Grant awards for firefighting or rescue equipment or gear or for fire department costs of providing fire protection services

shall be up to \$15,000 per fiscal year, or up to \$25,000 per 96578  
fiscal year if an eligible entity serves a jurisdiction in which 96579  
the Governor declared a natural disaster during the preceding or 96580  
current fiscal year in which the grant was awarded. In addition to 96581  
any grant funds awarded for rescue equipment or gear, or for fire 96582  
department costs associated with the provision of fire protection 96583  
services, an eligible entity may receive a grant for up to \$15,000 96584  
per fiscal year for full or partial reimbursement of the 96585  
documented costs of firefighter training. For each fiscal year, 96586  
the State Fire Marshal shall determine the total amounts to be 96587  
allocated for each eligible purpose. 96588

(C) The grants shall be administered by the State Fire 96589  
Marshal in accordance with rules the State Fire Marshal adopts as 96590  
part of the state fire code adopted pursuant to section 3737.82 of 96591  
the Revised Code that are necessary for the administration and 96592  
operation of the grant program. The rules may further define the 96593  
entities eligible to receive grants and establish criteria for the 96594  
awarding and expenditure of grant funds, including methods the 96595  
State Fire Marshal may use to verify the proper use of grant funds 96596  
or to obtain reimbursement for or the return of equipment for 96597  
improperly used grant funds. To the extent consistent with this 96598  
section and until the rules are updated, the existing rules in the 96599  
state fire code adopted pursuant to section 3737.82 of the Revised 96600  
Code for fire department grants under this section apply to MARCS 96601  
Grants. Any amounts in appropriation item 800639, Fire Department 96602  
Grants, in excess of the amount allocated for these grants may be 96603  
used for the administration of the grant program. 96604

INDUSTRIAL COMPLIANCE 96605

Of the foregoing appropriation item 800615, Industrial 96606  
Compliance, \$1,200,000 in each fiscal year shall be used for the 96607  
Bureau of Wage and Hour Administration within the Division of the 96608  
Industrial Compliance. 96609

**Section 243.30.** CASH TRANSFERS TO DIVISION OF REAL ESTATE 96610  
OPERATING FUND 96611

Upon the written request of the Director of Commerce, and 96612  
subject to the approval of the Controlling Board, the Director of 96613  
Budget and Management may transfer up to \$500,000 in cash from the 96614  
Real Estate Education and Research Fund (Fund 5470) to the 96615  
Division of Real Estate Operating Fund (Fund 5490) during the 96616  
biennium ending June 30, 2021. 96617

If the Real Estate Recovery Fund (Fund 5480) cash balance 96618  
exceeds \$250,000 during the biennium ending June 30, 2021, the 96619  
Director of Budget and Management, upon the written request of the 96620  
Director of Commerce and subject to the approval of the 96621  
Controlling Board, may transfer cash from Fund 5480 to the 96622  
Division of Real Estate Operating Fund (Fund 5490), such that the 96623  
amount available in Fund 5480 is not less than \$250,000. 96624

CASH TRANSFERS TO REAL ESTATE APPRAISER OPERATING FUND 96625

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 96626  
balance exceeds \$200,000 during the biennium ending June 30, 2021, 96627  
the Director of Budget and Management, upon the written request of 96628  
the Director of Commerce and subject to the approval of the 96629  
Controlling Board, may transfer cash from Fund 4B20 to the Real 96630  
Estate Appraiser Operating Fund (Fund 6A40), such that the amount 96631  
available in Fund 4B20 is not less than \$200,000. 96632

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 96633  
REVOLVING LOAN FUND 96634

Upon the written request of the Director of Commerce, and 96635  
subject to the approval of the Controlling Board, the Director of 96636  
Budget and Management may transfer up to \$300,000 in cash from the 96637  
State Fire Marshal Fund (Fund 5460) to the Small Government Fire 96638  
Department Services Revolving Loan Fund (Fund 5F10) during the 96639

biennium ending June 30, 2021. 96640

CASH TRANSFERS TO THE HOME INSPECTOR OPERATING FUND AND THE 96641  
HOME INSPECTOR RECOVERY FUND 96642

During the biennium beginning July 1, 2019, and ending June 96643  
30, 2021, upon written request from the Director of Commerce, and 96644  
subject to the approval of the Controlling Board, the Director of 96645  
Budget and Management may transfer up to \$500,000 in cash from the 96646  
Division of Securities Fund (Fund 5500) as follows: up to \$490,000 96647  
in cash to the Home Inspector Operating Fund (Fund 5VC0) and up to 96648  
\$10,000 in cash to the Home Inspector Recovery Fund (Fund 5VD0). 96649  
When revenue deposited into Fund 5VC0 and Fund 5VD0 are deemed 96650  
sufficient to sustain operations, the Director of Budget and 96651  
Management, in consultation with the Director of Commerce, shall 96652  
establish a repayment schedule to fully repay the cash transferred 96653  
from Fund 5500 to Fund 5VC0 and Fund 5VD0. 96654

**Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL 96655**

Dedicated Purpose Fund Group 96656  
5F50 053601 Operating Expenses \$ 5,541,093 \$ 5,541,093 96657  
TOTAL DPF Dedicated Purpose Fund \$ 5,541,093 \$ 5,541,093 96658  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 5,541,093 \$ 5,541,093 96659

**Section 247.10. CEB CONTROLLING BOARD 96661**

Internal Service Activity Fund Group 96662  
5KM0 911614 Controlling Board \$ 7,500,000 \$ 7,500,000 96663  
Emergency  
Purposes/Contingencies  
TOTAL ISA Internal Service Activity \$ 7,500,000 \$ 7,500,000 96664  
Fund Group  
TOTAL ALL BUDGET FUND GROUPS \$ 7,500,000 \$ 7,500,000 96665

Section 247.20. FEDERAL SHARE 96667

In transferring appropriations to or from appropriation items 96668  
that have federal shares identified in this act, the Controlling 96669  
Board shall add or subtract corresponding amounts of federal 96670  
matching funds at the percentages indicated by the state and 96671  
federal division of the appropriations in this act. Such changes 96672  
are hereby appropriated. 96673

DISASTER SERVICES 96674

The Disaster Services Fund (Fund 5E20) shall be used by the 96675  
Controlling Board, pursuant to requests submitted by state 96676  
agencies, to transfer cash used for the payment of state agency 96677  
disaster relief program expenses for disasters that have a written 96678  
Governor's authorization, if the Director of Budget and Management 96679  
determines that sufficient funds exist. 96680

Pursuant to requests submitted by the Department of Public 96681  
Safety, the Controlling Board may approve cash transfers from Fund 96682  
5E20 to any fund used by the Department of Public Safety to 96683  
provide for assistance to political subdivisions made necessary by 96684  
natural disasters or emergencies. These cash transfers may be 96685  
requested and approved prior to the occurrence of any specific 96686  
natural disasters or emergencies in order to facilitate the 96687  
provision of timely assistance. The Emergency Management Agency of 96688  
the Department of Public Safety shall use the cash to fund the 96689  
State Disaster Relief Program for disasters that qualify for the 96690  
program by written authorization of the Governor, and the State 96691  
Individual Assistance Program for disasters that been declared by 96692  
the federal Small Business Administration and that qualify for the 96693  
program by written authorization from the Governor. The Ohio 96694  
Emergency Management Agency shall publish and make available 96695  
application packets outlining procedures for the State Disaster 96696  
Relief Program and the State Individual Assistance Program. 96697

<b>Section 249.10.</b>	COS COSMETOLOGY AND BARBER BOARD				96698
	Dedicated Purpose Fund Group				96699
4K90 879609	Operating Expenses	\$	5,425,748	\$	5,716,944
TOTAL DPF	Dedicated Purpose Fund	\$	5,425,748	\$	5,716,944
	Group				
TOTAL ALL BUDGET FUND GROUPS		\$	5,425,748	\$	5,716,944
<b>Section 251.10.</b>	CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE				96704
	AND FAMILY THERAPIST BOARD				96705
	Dedicated Purpose Fund Group				96706
4K90 899609	Operating Expenses	\$	1,739,538	\$	1,854,848
TOTAL DPF	Dedicated Purpose Fund	\$	1,739,538	\$	1,854,848
	Group				
TOTAL ALL BUDGET FUND GROUPS		\$	1,739,538	\$	1,854,848
<b>Section 253.10.</b>	CLA COURT OF CLAIMS				96711
	General Revenue Fund				96712
GRF 015321	Operating Expenses	\$	2,669,835	\$	2,692,946
GRF 015403	Public Records	\$	879,776	\$	886,527
	Adjudication				
TOTAL GRF	General Revenue Fund	\$	3,549,611	\$	3,579,473
	Dedicated Purpose Fund Group				96716
5K20 015603	CLA Victims of Crime	\$	529,928	\$	533,532
5TE0 015604	Public Records	\$	8,000	\$	8,000
TOTAL DPF	Dedicated Purpose Fund	\$	537,928	\$	541,532
	Group				
TOTAL ALL BUDGET FUND GROUPS		\$	4,087,539	\$	4,121,005
<b>Section 255.10.</b>	DEN STATE DENTAL BOARD				96722
	Dedicated Purpose Fund Group				96723
4K90 880609	Operating Expenses	\$	2,000,804	\$	2,124,251



GRF	195454	Small Business and Export Assistance	\$	3,057,174	\$	3,057,174	96749
GRF	195455	Appalachia Assistance	\$	15,991,465	\$	16,000,000	96750
GRF	195497	CDBG Operating Match	\$	1,092,138	\$	1,125,000	96751
GRF	195499	BSD Federal Programs Match	\$	13,148,022	\$	12,976,894	96752
GRF	195501	iBELIEVE	\$	200,000	\$	200,000	96753
GRF	195503	Local Development Projects	\$	1,490,000	\$	475,000	96754
GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$	8,123,100	\$	7,682,600	96755
GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$	84,181,400	\$	87,403,000	96756
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	15,516,000	\$	9,879,900	96757
TOTAL GRF		General Revenue Fund	\$	149,932,102	\$	146,035,975	96758
		Dedicated Purpose Fund Group					96759
4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905	96760
4510	195649	Business Assistance Programs	\$	4,000,000	\$	4,000,000	96761
4F20	195639	State Special Projects	\$	102,104	\$	102,104	96762
4F20	195699	Utility Community Assistance	\$	500,000	\$	500,000	96763
4W10	195646	Minority Business	\$	4,000,000	\$	4,000,000	96764

		Enterprise Loan					
5JR0	195635	Tax Incentives	\$	800,000	\$	800,000	96765
		Operating					
5KP0	195645	Historic	\$	1,000,000	\$	1,000,000	96766
		Rehabilitation					
		Operating					
5M40	195659	Low Income Energy	\$	349,944,742	\$	350,000,000	96767
		Assistance (USF)					
5M50	195660	Advanced Energy Loan	\$	10,000,000	\$	10,000,000	96768
		Programs					
5MH0	195644	SiteOhio	\$	2,500	\$	2,500	96769
		Administration					
5MJ0	195683	TourismOhio	\$	10,000,000	\$	10,000,000	96770
		Administration					
5UL0	195627	Brownfields Revolving	\$	2,500,000	\$	2,500,000	96771
		Loan Program					
5W60	195691	International Trade	\$	18,000	\$	18,000	96772
		Cooperative Projects					
6170	195654	Volume Cap	\$	32,562	\$	32,562	96773
		Administration					
6460	195638	Low- and Moderate-	\$	53,000,000	\$	53,000,000	96774
		Income Housing					
		Programs					
M087	195435	Biomedical Research	\$	500,000	\$	500,000	96775
		and Technology					
		Transfer					
TOTAL	DPF	Dedicated Purpose Fund	\$	436,474,813	\$	436,530,071	96776
		Group					
		Internal Service Activity Fund Group					96777
1350	195684	Development Services	\$	11,686,861	\$	12,000,000	96778
		Operations					
6850	195636	Development Services	\$	125,000	\$	125,000	96779
		Reimbursable					

Expenditures

TOTAL ISA Internal Service Activity	\$	11,811,861	\$	12,125,000	96780
Fund Group					
Facilities Establishment Fund Group					96781
4Z60 195647 Rural Industrial Park	\$	25,000,000	\$	0	96782
Loan					
5S90 195628 Capital Access Loan	\$	2,500,000	\$	2,500,000	96783
Program					
7009 195664 Innovation Ohio	\$	5,000,000	\$	5,000,000	96784
7010 195665 Research and	\$	5,000,000	\$	5,000,000	96785
Development					
7037 195615 Facilities	\$	25,000,000	\$	25,000,000	96786
Establishment					
TOTAL FCE Facilities Establishment	\$	62,500,000	\$	37,500,000	96787
Fund Group					
Bond Research and Development Fund Group					96788
7011 195686 Third Frontier Tax	\$	750,000	\$	750,000	96789
Exempt - Operating					
7011 195687 Third Frontier	\$	21,000,000	\$	21,000,000	96790
Research and					
Development Projects					
7014 195620 Third Frontier	\$	1,710,000	\$	1,710,000	96791
Taxable - Operating					
7014 195692 Research and	\$	90,850,250	\$	90,850,250	96792
Development Taxable					
Bond Projects					
TOTAL BRD Bond Research and	\$	114,310,250	\$	114,310,250	96793
Development Fund Group					
Federal Fund Group					96794
3080 195603 Housing Assistance	\$	12,000,000	\$	12,000,000	96795
Programs					
3080 195609 Small Business	\$	5,271,381	\$	5,271,381	96796

		Administration Grants					
3080	195618	Energy Grants	\$	4,000,000	\$	4,000,000	96797
3080	195670	Home Weatherization Program	\$	20,000,000	\$	20,000,000	96798
3080	195671	Brownfield Redevelopment	\$	2,000,000	\$	2,000,000	96799
3080	195672	Manufacturing Extension Partnership	\$	6,300,000	\$	6,300,000	96800
3080	195675	Procurement Technical Assistance	\$	750,000	\$	750,000	96801
3080	195696	State Trade and Export Promotion	\$	1,000,000	\$	1,000,000	96802
3350	195610	Energy Programs	\$	345,382	\$	350,000	96803
3AE0	195643	Workforce Development Initiatives	\$	800,000	\$	800,000	96804
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	7,996,645	\$	8,000,000	96805
3FJ0	195661	Technology Targeted Investment Program	\$	2,260,953	\$	2,260,953	96806
3K80	195613	Community Development Block Grant	\$	60,000,000	\$	60,000,000	96807
3K90	195611	Home Energy Assistance Block Grant	\$	164,914,571	\$	165,000,000	96808
3K90	195614	HEAP Weatherization	\$	34,989,189	\$	35,000,000	96809
3L00	195612	Community Services Block Grant	\$	28,000,000	\$	28,000,000	96810
3V10	195601	HOME Program	\$	34,979,280	\$	35,000,000	96811
TOTAL FED Federal Fund Group			\$	385,607,401	\$	385,732,334	96812
TOTAL ALL BUDGET FUND GROUPS			\$	1,160,636,427	\$	1,132,233,630	96813

**Section 259.20.** COAL RESEARCH AND DEVELOPMENT PROGRAM 96815

The foregoing appropriation item 195402, Coal Research and 96816  
Development Program, shall be used for the operating expenses of 96817  
the Community Services Division in support of the Ohio Coal 96818  
Development Office. 96819

MINORITY BUSINESS DEVELOPMENT 96820

The foregoing appropriation item 195405, Minority Business 96821  
Development, shall be used to support the activities of the 96822  
Minority Business Development Division, including providing grants 96823  
to local nonprofit organizations to support economic development 96824  
activities that promote minority business development, in 96825  
conjunction with local organizations funded through appropriation 96826  
item 195454, Small Business and Export Assistance. 96827

BUSINESS DEVELOPMENT SERVICES 96828

The foregoing appropriation item 195415, Business Development 96829  
Services, shall be used for the operating expenses of the Office 96830  
of Strategic Business Investments and the regional economic 96831  
development offices. 96832

REDEVELOPMENT ASSISTANCE 96833

The foregoing appropriation item 195426, Redevelopment 96834  
Assistance, shall be used to fund the costs of administering the 96835  
energy, redevelopment, and other revitalization programs that may 96836  
be implemented by the Development Services Agency, and may be used 96837  
to match federal grant funding. 96838

TECHNOLOGY PROGRAMS AND GRANTS 96839

Of the foregoing appropriation item 195453, Technology 96840  
Programs and Grants, \$1,843,656 in fiscal year 2020 and \$1,900,000 96841  
in fiscal year 2021 shall be used for operating expenses incurred 96842  
in administering the Ohio Third Frontier Programs and other 96843  
technology focused programs that may be implemented by the 96844

Development Services Agency. 96845

Of the foregoing appropriation item 195453, Technology 96846  
Programs and Grants, \$196,400 in each fiscal year shall be 96847  
allocated to the Edison Welding Institute, Inc., to support the 96848  
Aerospace Maintenance Repair and Overhaul - Center of Excellence 96849  
Project. 96850

SMALL BUSINESS AND EXPORT ASSISTANCE 96851

The foregoing appropriation item 195454, Small Business and 96852  
Export Assistance, may be used to provide a range of business 96853  
assistance, including grants to local organizations to support 96854  
economic development activities that promote small business 96855  
development, entrepreneurship, and exports of Ohio's goods and 96856  
services, in conjunction with local organizations funded through 96857  
appropriation item 195405, Minority Business Development. The 96858  
foregoing appropriation item shall also be used as matching funds 96859  
for grants from the United States Small Business Administration 96860  
and other federal agencies, pursuant to Pub. L. No. 96-302 as 96861  
amended by Pub. L. No. 98-395, and regulations and policy 96862  
guidelines for the programs pursuant thereto. 96863

APPALACHIA ASSISTANCE 96864

The foregoing GRF appropriation item 195455, Appalachia 96865  
Assistance, may be used for the administrative costs of planning 96866  
and liaison activities for the Governor's Office of Appalachia, to 96867  
provide financial assistance to projects in Ohio's Appalachian 96868  
counties, to support four local development districts, and to pay 96869  
dues for the Appalachian Regional Commission. These funds may be 96870  
used to match federal funds from the Appalachian Regional 96871  
Commission. Programs funded through the foregoing appropriation 96872  
item 195455, Appalachia Assistance, shall be identified and 96873  
recommended by the local development districts and approved by the 96874  
Governor's Office of Appalachia. The Development Services Agency 96875

shall conduct compliance and regulatory review of the programs 96876  
recommended by the local development districts. Moneys allocated 96877  
under the foregoing appropriation item 195455, Appalachia 96878  
Assistance, may be used to fund projects including, but not 96879  
limited to, those designated by the local development districts as 96880  
community investment and rapid response projects. 96881

Of the foregoing appropriation item 195455, Appalachia 96882  
Assistance, in each fiscal year, \$170,000 shall be allocated to 96883  
the Ohio Valley Regional Development Commission, \$170,000 shall be 96884  
allocated to the Ohio Mid-Eastern Government Association, \$170,000 96885  
shall be allocated to the Buckeye Hills-Hocking Valley Regional 96886  
Development District, and \$70,000 shall be allocated to the 96887  
Eastgate Regional Council of Governments. Local development 96888  
districts receiving funding under this section shall use the funds 96889  
for the implementation and administration of programs and duties 96890  
under section 107.21 of the Revised Code. 96891

Of the foregoing appropriation item 195455, Appalachia 96892  
Assistance, up to \$4,000,000 in each fiscal year shall be 96893  
allocated to the GRIT Project for operational costs and to provide 96894  
virtual job training, virtual job centers, and related training 96895  
and services consistent with the mission of the GRIT Project for 96896  
high school students and adults residing in Adams, Brown, 96897  
Highland, Pike, or Scioto counties. 96898

Of the foregoing appropriation item 195455, Appalachia 96899  
Assistance, \$5,000,000 in each fiscal year shall be allocated to 96900  
the Foundation for Appalachian Ohio. 96901

CDBG OPERATING MATCH 96902

The foregoing appropriation item 195497, CDBG Operating 96903  
Match, shall be used as matching funds for grants from the United 96904  
States Department of Housing and Urban Development pursuant to the 96905  
Housing and Community Development Act of 1974 and regulations and 96906

policy guidelines for the programs pursuant thereto. 96907

BSD FEDERAL PROGRAMS MATCH 96908

The foregoing appropriation item 195499, BSD Federal Programs 96909  
Match, shall be used as matching funds for grants from the U.S. 96910  
Department of Commerce, National Institute of Standards and 96911  
Technology (NIST) Manufacturing Extension Partnership Program and 96912  
Defense Logistics Agency Procurement Technical Assistance Program, 96913  
and other federal agencies, pursuant to Pub. L. No. 96-302 as 96914  
amended by Pub. L. No. 98-395, and regulations and policy 96915  
guidelines for the programs pursuant thereto. The foregoing 96916  
appropriation item 195499, BSD Federal Programs Match, shall also 96917  
be used for operating expenses of the Business Services Division. 96918

iBELIEVE 96919

The foregoing appropriation item 195501, iBELIEVE, shall be 96920  
allocated to the iBELIEVE Foundation to provide opportunities for 96921  
Appalachian youth to develop twenty-first century skills, 96922  
including leadership, communication, and problem-solving for 96923  
college access and retention. 96924

LOCAL DEVELOPMENT PROJECTS 96925

Of the foregoing appropriation item 195503, Local Development 96926  
Projects, \$1,000,000 shall be used in fiscal year 2020 to provide 96927  
matching funding for the National Center for Defense Manufacturing 96928  
and Machining in partnership with either the U.S. Department of 96929  
Defense or the U.S. Department of Energy to further economic 96930  
opportunity at America Makes, the National Additive Manufacturing 96931  
Innovation Institute. 96932

Of the foregoing appropriation item 195503, Local Development 96933  
Projects, \$250,000 in each fiscal year shall be used to support 96934  
the Cleveland Chain Reaction Project. 96935

Of the foregoing appropriation item 195503, Local Development 96936

Projects, \$150,000 in each fiscal year shall be allocated to the 96937  
Stark County Minority Business Association to work in partnership 96938  
with the Canton Regional Chamber of Commerce to support a 96939  
demonstration pilot project. 96940

Of the foregoing appropriation item 195503, Local Development 96941  
Projects, \$75,000 in each fiscal year shall be used to support the 96942  
Camp James A. Garfield Joint Military Training Center. 96943

Of the foregoing appropriation item 195503, Local Development 96944  
Projects, \$15,000 shall be allocated in fiscal year 2020, to the 96945  
Jewish Foundation of Cincinnati to support workforce development 96946  
costs involved with assisting in employment services for the 96947  
financially indigent. 96948

On July 1, 2020, or as soon as possible thereafter, the 96949  
Director of Development Services shall certify to the Director of 96950  
Budget and Management the amount of the unexpended, unencumbered 96951  
balance of appropriation item 195503, Local Development Projects, 96952  
to be reappropriated in fiscal year 2021. The amount certified is 96953  
hereby reappropriated to the appropriation item in fiscal year 96954  
2021 for the same purpose. 96955

**Section 259.25.** COAL RESEARCH AND DEVELOPMENT GENERAL 96956  
OBLIGATION BOND DEBT SERVICE 96957

The foregoing appropriation line item 195901, Coal Research 96958  
and Development General Obligation Bond Debt Service, shall be 96959  
used to pay all debt service and related financing costs during 96960  
the period July 1, 2019, through June 30, 2021, on obligations 96961  
issued under sections 151.01 and 151.07 of the Revised Code. 96962

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 96963  
BOND DEBT SERVICE 96964

The foregoing appropriation item 195905, Third Frontier 96965  
Research and Development General Obligation Bond Debt Service, 96966

shall be used to pay all debt service and related financing costs 96967  
during the period from July 1, 2019, through June 30, 2021, on 96968  
obligations issued under sections 151.01 and 151.10 of the Revised 96969  
Code. 96970

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT 96971  
SERVICE 96972

The foregoing appropriation item 195912, Job Ready Site 96973  
Development General Obligation Bond Debt Service, shall be used to 96974  
pay all debt service and related financing costs during the period 96975  
from July 1, 2019, through June 30, 2021, on obligations issued 96976  
under sections 151.01 and 151.11 of the Revised Code. 96977

**Section 259.30. MINORITY BUSINESS BONDING FUND** 96978

Notwithstanding Chapters 122., 169., and 175. of the Revised 96979  
Code, the Director of Development Services may, upon the 96980  
recommendation of the Minority Development Financing Advisory 96981  
Board, pledge up to \$10,000,000 in the FY 2020-FY 2021 biennium of 96982  
unclaimed funds administered by the Director of Commerce and 96983  
allocated to the Minority Business Bonding Program under section 96984  
169.05 of the Revised Code. 96985

If needed for the payment of losses arising from the Minority 96986  
Business Bonding Program, the Director of Budget and Management 96987  
may, at the request of the Director of Development Services, 96988  
request that the Director of Commerce transfer unclaimed funds 96989  
that have been reported by holders of unclaimed funds under 96990  
section 169.05 of the Revised Code to the Minority Bonding Fund 96991  
(Fund 4490). The transfer of unclaimed funds shall only occur 96992  
after proceeds of the initial transfer of \$2,700,000 by the 96993  
Controlling Board to the Minority Business Bonding Program have 96994  
been used for that purpose. If expenditures are required for 96995  
payment of losses arising from the Minority Business Bonding 96996  
Program, such expenditures shall be made from appropriation item 96997

195658, Minority Business Bonding Contingency in the Minority Business Bonding Fund, and such amounts are hereby appropriated. 96998  
96999

BUSINESS ASSISTANCE PROGRAMS 97000

The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of loan incentives within the Office of Strategic Business Investments. 97001  
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STATE SPECIAL PROJECTS 97005

The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited may also be used to match federal funding and to support programs of the Community Service Division. 97006  
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MINORITY BUSINESS ENTERPRISE LOAN 97011

The foregoing appropriation item 195646, Minority Business Enterprise Loan, shall be used for awards under the Minority Business Enterprise Loan Program and to cover operating expenses of the Minority Business Development Division. All repayments from the Minority Development Financing Advisory Board Loan Program shall be deposited in the State Treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10). 97012  
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ADVANCED ENERGY LOAN PROGRAMS 97019

The foregoing appropriation item 195660, Advanced Energy Loan Programs, shall be used to provide financial assistance to customers for eligible advanced energy projects for residential, commercial, and industrial business, local government, educational institution, nonprofit, and agriculture customers. The appropriation item may be used to match federal grant funding and to pay for the program's administrative costs as provided in sections 4928.61 to 4928.63 of the Revised Code and rules adopted 97020  
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by the Director of Development Services. 97028

VOLUME CAP ADMINISTRATION 97029

The foregoing appropriation item 195654, Volume Cap 97030  
Administration, shall be used for expenses related to the 97031  
administration of the Volume Cap Program. Revenues received by the 97032  
Volume Cap Administration Fund (Fund 6170) shall consist of 97033  
application fees, forfeited deposits, and interest earned from the 97034  
custodial account held by the Treasurer of State. 97035

**Section 259.40.** DEVELOPMENT SERVICES OPERATIONS 97036

The Director of Development Services may assess offices of 97037  
the agency for the cost of central service operations. An 97038  
assessment shall contain the characteristics of administrative 97039  
ease and uniform application. A division's payments shall be 97040  
credited to the Supportive Services Fund (Fund 1350) using an 97041  
intrastate transfer voucher. 97042

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 97043

The foregoing appropriation item 195636, Development Services 97044  
Reimbursable Expenditures, shall be used for reimbursable costs 97045  
incurred by the agency. Revenues to the General Reimbursement Fund 97046  
(Fund 6850) shall consist of moneys charged for administrative 97047  
costs that are not central service costs and repayments of loans, 97048  
including the interest thereon, made from the Water and Sewer Fund 97049  
(Fund 4440). 97050

**Section 259.50.** CAPITAL ACCESS LOAN PROGRAM 97051

The foregoing appropriation item 195628, Capital Access Loan 97052  
Program, shall be used for operating, program, and administrative 97053  
expenses of the program. Funds of the Capital Access Loan Program 97054  
shall be used to assist participating financial institutions in 97055  
making program loans to eligible businesses that face barriers in 97056

accessing working capital and obtaining fixed-asset financing. 97057  
Loans financed with assistance under the Capital Access Loan 97058  
Program are subject to Controlling Board approval. 97059

The Director of Budget and Management may transfer an amount 97060  
not to exceed \$1,000,000 cash in each fiscal year from the 97061  
Minority Business Enterprise Loan Fund (Fund 4W10) to the Capital 97062  
Access Loan Fund (Fund 5S90). This transfer is subject to 97063  
Controlling Board approval. 97064

INNOVATION OHIO 97065

The foregoing appropriation item 195664, Innovation Ohio, 97066  
shall be used to provide for Innovation Ohio purposes, including 97067  
loan guarantees and loans under Chapter 166. and particularly 97068  
sections 166.12 to 166.16 of the Revised Code. 97069

RESEARCH AND DEVELOPMENT 97070

The foregoing appropriation item 195665, Research and 97071  
Development, shall be used to provide for research and development 97072  
purposes, including loans, under Chapter 166. and particularly 97073  
sections 166.17 to 166.21 of the Revised Code. 97074

FACILITIES ESTABLISHMENT 97075

The foregoing appropriation item 195615, Facilities 97076  
Establishment, shall be used for the purposes of the Facilities 97077  
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 97078  
Code. 97079

OSU NON-OPIATE, NON-ADDICTIVE PHARMACEUTICAL TREATMENT 97080

Of the foregoing appropriation item 195615, Facilities 97081  
Establishment, up to \$5,200,000 in fiscal year 2020 shall be used 97082  
to offer a loan to The Ohio State University for the development 97083  
and clinical evaluation of a non-opiate, non-addictive 97084  
pharmaceutical treatment intervention's efficacy to reduce a 97085  
physician's reliance upon and limit a patient's initial exposure 97086

to opioids, provided that the loan is structured so that meeting 97087  
benchmarks allows future forgiveness of the loan. 97088

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND 97089

Notwithstanding Chapter 166. of the Revised Code, on July 1, 97090  
2019, or as soon as possible thereafter, the Director of Budget 97091  
and Management shall transfer \$25,000,000 cash from the Facilities 97092  
Establishment Fund (Fund 7037) to the Rural Industrial Park Loan 97093  
Fund (Fund 4Z60). The transfer is subject to Controlling Board 97094  
approval under section 166.03 of the Revised Code. 97095

Notwithstanding Chapter 166. of the Revised Code, an amount 97096  
not to exceed \$3,500,000 in cash in each fiscal year may be 97097  
transferred from the Facilities Establishment Fund (Fund 7037) to 97098  
the Business Assistance Fund (Fund 4510). The transfer is subject 97099  
to Controlling Board approval under division (B) of section 166.03 97100  
of the Revised Code. 97101

Notwithstanding Chapter 166. of the Revised Code, the 97102  
Director of Budget and Management may transfer an amount not to 97103  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 97104  
Establishment Fund (Fund 7037) to the Minority Business Enterprise 97105  
Loan Fund (Fund 4W10). This transfer is subject to Controlling 97106  
Board approval. 97107

Notwithstanding Chapter 166. of the Revised Code, the 97108  
Director of Budget and Management may transfer an amount not to 97109  
exceed \$2,000,000 in cash in each fiscal year from the Facilities 97110  
Establishment Fund (Fund 7037) to the Capital Access Loan Fund 97111  
(Fund 5S90). This transfer is subject to Controlling Board 97112  
approval. 97113

**Section 259.60.** THIRD FRONTIER OPERATING COSTS 97114

The foregoing appropriation items 195686, Third Frontier Tax 97115  
Exempt - Operating, and 195620, Third Frontier Taxable - 97116

Operating, shall be used for operating expenses incurred by the 97117  
Development Services Agency in administering projects pursuant to 97118  
sections 184.10 to 184.20 of the Revised Code. Operating expenses 97119  
paid from appropriation item 195686 shall be limited to the 97120  
administration of projects funded from the Third Frontier Research 97121  
& Development Fund (Fund 7011) and operating expenses paid from 97122  
appropriation item 195620 shall be limited to the administration 97123  
of projects funded from the Third Frontier Research & Development 97124  
Taxable Bond Project Fund (Fund 7014). 97125

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 97126  
PROJECTS 97127

The foregoing appropriation items 195687, Third Frontier 97128  
Research & Development Projects, and 195692, Research & 97129  
Development Taxable Bond Projects, shall be used by the 97130  
Development Services Agency to fund selected projects which may 97131  
include internship programs. Eligible costs are those costs of 97132  
research and development projects to which the proceeds of the 97133  
Third Frontier Research & Development Fund (Fund 7011) and the 97134  
Research & Development Taxable Bond Project Fund (Fund 7014) are 97135  
to be applied. 97136

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 97137

The Director of Budget and Management may approve written 97138  
requests from the Director of Development Services for the 97139  
transfer of appropriations between appropriation items 195687, 97140  
Third Frontier Research & Development Projects, and 195692, 97141  
Research & Development Taxable Bond Projects, based upon awards 97142  
recommended by the Third Frontier Commission. 97143

In fiscal year 2021, the Director of Development Services may 97144  
request that the Director of Budget and Management reappropriate 97145  
any unexpended, unencumbered balances of the prior fiscal year's 97146  
appropriation to the foregoing appropriation items 195687, Third 97147

Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, for fiscal year 2021. The Director of Budget and Management may request additional information necessary for evaluating these requests, and the Director of Development Services shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development Services, the Director of Budget and Management shall determine the amounts to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2021.

**Section 259.70. HEAP WEATHERIZATION**

Up to twenty per cent of the federal funds deposited to the credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) may be expended from appropriation item 195614, HEAP Weatherization, to provide home weatherization services in the state as determined by the Director of Development Services.

**Section 261.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES**

General Revenue Fund

GRF	320411	Special Olympics	\$	100,000	\$	100,000	97166
GRF	320412	Protective Services	\$	2,381,923	\$	2,381,923	97167
GRF	320415	Developmental Disabilities	\$	19,695,400	\$	20,369,000	97168
		Facilities Lease					
		Rental Bond Payments					
GRF	322420	Screening and Early Identification	\$	300,000	\$	300,000	97169
GRF	322421	Part C Early Intervention	\$	23,236,369	\$	23,302,224	97170
GRF	322422	Multi System Youth	\$	1,000,000	\$	1,000,000	97171
GRF	322451	Family Support	\$	5,843,767	\$	5,843,767	97172

		Services					
GRF	322502	Community Program	\$	25,000	\$	25,000	97173
		Support					
GRF	322508	Employment First Initiative	\$	2,747,327	\$	2,730,015	97174
GRF	322509	Community Supports & Rental Assistance	\$	727,500	\$	727,500	97175
GRF	322510	Best Buddies Ohio	\$	50,000	\$	50,000	97176
GRF	653321	Medicaid Program Support - State	\$	7,076,877	\$	7,078,860	97177
GRF	653407	Medicaid Services	\$	675,624,643	\$	687,129,117	97178
TOTAL GRF		General Revenue Fund	\$	738,808,806	\$	751,037,406	97179
		Dedicated Purpose Fund Group					97180
2210	322620	Supplement Service Trust	\$	500,000	\$	500,000	97181
4890	653632	Developmental Centers Direct Care Services	\$	7,000,000	\$	7,000,000	97182
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000	97183
5EV0	653627	Medicaid Program Support	\$	1,750,000	\$	1,750,000	97184
5GE0	320606	Central Office Operating Expenses	\$	18,501,132	\$	20,501,132	97185
5GE0	653606	ICF/IID and Waiver Match	\$	42,000,000	\$	56,000,000	97186
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000	97187
5QM0	320607	System Transformation Supports	\$	250,000	\$	100,000	97188
5S20	653622	Medicaid Administration & Oversight	\$	25,220,326	\$	27,237,952	97189
5Z10	653624	County Board Waiver Match	\$	362,680,330	\$	426,668,369	97190

TOTAL DPF Dedicated Purpose Fund Group	\$	459,551,788	\$	541,407,453	97191
Internal Service Activity Fund Group					97192
1520 653609 DC and Residential Facilities Operating Services	\$	8,719,347	\$	9,000,000	97193
TOTAL ISA Internal Service Activity Fund Group	\$	8,719,347	\$	9,000,000	97194
Federal Fund Group					97195
3250 322612 Community Social Service Programs	\$	26,997,635	\$	26,997,635	97196
3A40 653654 Medicaid Services	\$	2,020,594,342	\$	2,127,985,049	97197
3A40 653655 Medicaid Support	\$	66,915,330	\$	69,657,028	97198
3A50 320613 Developmental Disabilities Council	\$	3,200,000	\$	3,200,000	97199
TOTAL FED Federal Fund Group	\$	2,117,707,307	\$	2,227,839,712	97200
TOTAL ALL BUDGET FUND GROUPS	\$	3,324,787,248	\$	3,529,284,571	97201

**Section 261.15. SPECIAL OLYMPICS** 97203

The foregoing appropriation item 320411, Special Olympics, 97204  
shall be distributed to the Special Olympics of Ohio. 97205

**Section 261.20. DEVELOPMENTAL DISABILITIES FACILITIES** 97206

**LEASE-RENTAL BOND PAYMENTS** 97207

The foregoing appropriation item 320415, Developmental 97208  
Disabilities Facilities Lease Rental Bond Payments, shall be used 97209  
to meet all payments during the period from July 1, 2019, through 97210  
June 30, 2021, by the Department of Developmental Disabilities 97211  
pursuant to leases and agreements made under section 154.20 of the 97212  
Revised Code. These appropriations are the source of funds pledged 97213  
for bond service charges on related obligations issued under 97214  
Chapter 154. of the Revised Code. 97215

**Section 261.30.** SCREENING AND EARLY IDENTIFICATION 97216

At the discretion of the Director of Developmental 97217  
Disabilities, the foregoing appropriation item 322420, Screening 97218  
and Early Identification, shall be used for professional and 97219  
program development related to early identification/screening and 97220  
intervention for children with autism and other complex 97221  
developmental disabilities and their families. 97222

**Section 261.35.** PART C EARLY INTERVENTION 97223

Of the foregoing appropriation item 322421, Part C Early 97224  
Intervention, \$750,000 in each fiscal year shall be used to 97225  
contract with the Cleveland Sight Center, the Cincinnati 97226  
Association for the Blind and Visually Impaired, and the Sight 97227  
Center of Northwest Ohio to provide early intervention services 97228  
and family support to children under the age of three years old 97229  
with blindness or low vision. 97230

**Section 261.40.** FAMILY SUPPORT SERVICES SUBSIDY 97231

The foregoing appropriation item 322451, Family Support 97232  
Services, may be used as follows in fiscal year 2020 and fiscal 97233  
year 2021: 97234

(A) The appropriation item may be used to provide a subsidy 97235  
to county boards of developmental disabilities for family support 97236  
services provided under section 5126.11 of the Revised Code. The 97237  
subsidy shall be paid in quarterly installments and allocated to 97238  
county boards according to a formula the Director of Developmental 97239  
Disabilities shall develop in consultation with representatives of 97240  
county boards. A county board shall use not more than seven per 97241  
cent of its subsidy for administrative costs. 97242

(B) The appropriation item may be used to distribute funds to 97243  
county boards for the purpose of addressing economic hardships and 97244

to promote efficiency of operations. In consultation with 97245  
representatives of county boards, the Director shall determine the 97246  
amount of funds to distribute for these purposes and the criteria 97247  
for distributing the funds. 97248

**Section 261.50. BEST BUDDIES OHIO** 97249

The foregoing appropriation item 322510, Best Buddies Ohio, 97250  
shall be provided to the Best Buddies Ohio program to support the 97251  
delivery and expansion of inclusion services throughout Ohio 97252  
schools. 97253

**Section 261.60. EMPLOYMENT FIRST INITIATIVE** 97254

The foregoing appropriation item 322508, Employment First 97255  
Initiative, shall be used to increase employment opportunities for 97256  
individuals with developmental disabilities through the Employment 97257  
First Initiative in accordance with section 5123.022 of the 97258  
Revised Code. 97259

Of the foregoing appropriation item, 322508, Employment First 97260  
Initiative, the Director of Developmental Disabilities shall 97261  
transfer, in each fiscal year, to the Opportunities for Ohioans 97262  
with Disabilities Agency an amount agreed upon by the Director of 97263  
Developmental Disabilities and the Executive Director of the 97264  
Opportunities for Ohioans with Disabilities Agency. The transfer 97265  
shall be made via an intrastate transfer voucher. The transferred 97266  
funds shall be used to support the Employment First Initiative. 97267  
The Opportunities for Ohioans with Disabilities Agency shall use 97268  
the funds transferred as state matching funds to obtain available 97269  
federal grant dollars for vocational rehabilitation services. Any 97270  
federal match dollars received by the Opportunities for Ohioans 97271  
with Disabilities Agency shall be used for the initiative. The 97272  
Director of Developmental Disabilities and the Executive Director 97273  
of the Opportunities for Ohioans with Disabilities Agency shall 97274

enter into an interagency agreement in accordance with section 97275  
3304.181 of the Revised Code that will specify the 97276  
responsibilities of each agency under the initiative. Under the 97277  
interagency agreement, the Opportunities for Ohioans with 97278  
Disabilities Agency shall retain responsibility for eligibility 97279  
determination, order of selection, plan approval, plan amendment, 97280  
and release of vendor payments. 97281

The remainder of appropriation item 322508, Employment First 97282  
Initiative, shall be used to develop a long-term, sustainable 97283  
system that places individuals with developmental disabilities in 97284  
community employment, as defined in section 5123.022 of the 97285  
Revised Code. 97286

**Section 261.70. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE** 97287

The foregoing appropriation item 322509, Community Supports 97288  
and Rental Assistance, may be used by the Director of 97289  
Developmental Disabilities to provide funding to county boards of 97290  
developmental disabilities for rental assistance to individuals 97291  
with developmental disabilities receiving home and community-based 97292  
services as defined in section 5123.01 of the Revised Code 97293  
pursuant to section 5124.60 of the Revised Code or section 5124.69 97294  
of the Revised Code and individuals with developmental 97295  
disabilities who enroll in a Medicaid waiver component providing 97296  
home and community-based services after receiving preadmission 97297  
counseling pursuant to section 5124.68 of the Revised Code. The 97298  
Director shall establish the methodology for determining the 97299  
amount and distribution of such funding. 97300

**Section 261.75. COMMUNITY PROGRAM SUPPORT** 97301

The foregoing appropriation item 322502, Community Program 97302  
Support, shall be distributed to the Halom House, Inc. 97303

<b>Section 261.80. MEDICAID SERVICES</b>	97304
(A) As used in this section:	97305
(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.	97306 97307
(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.	97308 97309
(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:	97310 97311 97312
(1) Home and community-based services;	97313
(2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;	97314 97315 97316 97317
(3) Implementation of the requirements of the agreement settling the consent decree in the Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;	97318 97319 97320 97321
(4) ICF/IID services; and	97322
(5) Other programs as identified by the Director of Developmental Disabilities.	97323 97324
<b>Section 261.90. OPERATING AND SERVICES</b>	97325
Of the foregoing appropriation item 320606, Operating and Services, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.	97326 97327 97328 97329
<b>Section 261.100. NONFEDERAL MATCH FOR ACTIVE TREATMENT</b>	97330

SERVICES	97331
Any county funds received by the Department of Developmental Disabilities from county boards of developmental disabilities for active treatment shall be deposited in the Developmental Disabilities Operating Fund (Fund 4890).	97332 97333 97334 97335
<b>Section 261.110. SYSTEM TRANSFORMATION SUPPORTS</b>	97336
The foregoing appropriation item 320607, System Transformation Supports, may be used by the Director of Developmental Disabilities to fund system transformation initiatives identified by the Director.	97337 97338 97339 97340
<b>Section 261.120. COMMUNITY SOCIAL SERVICE PROGRAMS</b>	97341
A portion of the foregoing appropriation item 322612, Community Social Service Programs, may be used by the Early Intervention Services Advisory Council for the following purposes:	97342 97343 97344
(A) In addition to other necessary and allowed uses of funds and in accordance with 20 U.S.C. 1441(d), the Early Intervention Services Advisory Council established pursuant to section 5123.0422 of the Revised Code, may, in its discretion, use budgeted funds to do all of the following:	97345 97346 97347 97348 97349
(1) Conduct forums and hearings;	97350
(2) Reimburse council members for reasonable and necessary expenses, including child care expenses for parent representatives, for attending council meetings and performing council duties;	97351 97352 97353 97354
(3) Pay compensation to a council member if the member is not employed or must forfeit wages from other employment when performing official council business;	97355 97356 97357
(4) Hire staff;	97358

(5) Obtain the services of professional, technical, and 97359  
clerical personnel as necessary to carry out the performance of 97360  
its lawful functions. 97361

(B) Except as provided in division (A) of this section, 97362  
council members shall serve without compensation or reimbursement. 97363

**Section 261.130. COUNTY BOARD SHARE OF WAIVER SERVICES** 97364

As used in this section, "home and community-based services" 97365  
has the same meaning as in section 5123.01 of the Revised Code. 97366

The Director of Developmental Disabilities shall establish a 97367  
methodology to be used in fiscal year 2020 and fiscal year 2021 to 97368  
estimate the quarterly amount each county board of developmental 97369  
disabilities is to pay of the nonfederal share of home and 97370  
community-based services that section 5126.0510 of the Revised 97371  
Code requires county boards to pay. Each quarter, the Director 97372  
shall submit to a county board written notice of the amount the 97373  
county board is to pay for that quarter. The notice shall specify 97374  
when the payment is due. 97375

**Section 261.140. WITHHOLDING OF FUNDS OWED THE DEPARTMENT** 97376

If a county board of developmental disabilities does not 97377  
fully pay any amount owed to the Department of Developmental 97378  
Disabilities by the due date established by the Department, the 97379  
Director of Developmental Disabilities may withhold the amount the 97380  
county board did not pay from any amounts due to the county board. 97381  
The Director may use any appropriation item or fund used by the 97382  
Department to transfer cash to any other fund used by the 97383  
Department in an amount equal to the amount owed the Department 97384  
that the county board did not pay. Transfers under this section 97385  
shall be made using an intrastate transfer voucher. 97386

**Section 261.150. DEVELOPMENTAL CENTER BILLING FOR SERVICES** 97387

Developmental centers of the Department of Developmental 97388  
Disabilities may provide services to persons with developmental 97389  
disabilities living in the community or to providers of services 97390  
to these persons. The Department may develop a method for recovery 97391  
of all costs associated with the provision of these services. 97392

**Section 261.200. NONFEDERAL SHARE OF ICF/IID SERVICES** 97393

(A) As used in this section, "ICF/IID," "ICF/IID services," 97394  
and "Medicaid-certified capacity" have the same meanings as in 97395  
section 5124.01 of the Revised Code. 97396

(B) The Director of Developmental Disabilities shall pay the 97397  
nonfederal share of a claim for ICF/IID services using funds 97398  
specified in division (C) of this section if all of the following 97399  
apply: 97400

(1) Medicaid covers the ICF/IID services. 97401

(2) The ICF/IID services are provided to a Medicaid recipient 97402  
to whom both of the following apply: 97403

(a) The Medicaid recipient is eligible for the ICF/IID 97404  
services; 97405

(b) The Medicaid recipient does not occupy a bed in the 97406  
ICF/IID that used to be included in the Medicaid-certified 97407  
capacity of another ICF/IID certified by the Director of Health 97408  
before June 1, 2003. 97409

(3) The ICF/IID services are provided by an ICF/IID whose 97410  
Medicaid certification by the Director of Health was initiated or 97411  
supported by a county board of developmental disabilities. 97412

(4) The provider of the ICF/IID services has a valid Medicaid 97413  
provider agreement for the services for the time that the services 97414  
are provided. 97415

(C) When required by division (B) of this section to pay the 97416

nonfederal share of a claim, the Director of Developmental Disabilities shall use the following funds to pay the claim: 97417  
97418

(1) Funds available from appropriation item 653407, Medicaid Services, that the Director allocates to the county board that initiated or supported the Medicaid certification of the ICF/IID that provided the ICF/IID services for which the claim is made; 97419  
97420  
97421  
97422

(2) If the amount of funds used pursuant to division (C)(1) of this section is insufficient to pay the claim in full, an amount of funds that are needed to make up the difference and available from amounts the Director allocates to other county boards from appropriation item 653407, Medicaid Services. 97423  
97424  
97425  
97426  
97427

**Section 261.210.** PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 97428  
97429

(A) As used in this section: 97430

(1) "Converted facility" means an ICF/IID, or former ICF/IID, that converted some or all of its beds to providing home and community-based services under the IO Waiver pursuant to section 5124.60 of the Revised Code. 97431  
97432  
97433  
97434

(2) "Developmental center" and "ICF/IID" have the same meanings as in section 5124.01 of the Revised Code. 97435  
97436

(3) "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options. 97437  
97438  
97439

(4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 97440  
97441

(5) "Public hospital" has the same meaning as in section 5122.01 of the Revised Code. 97442  
97443

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply: 97444  
97445

(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier.

(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.

(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section.

(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO enrollee.

(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2019, and ending July 1, 2021, provides routine homemaker/personal care services to a qualifying IO enrollee.

(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, portions shall be used to pay the Medicaid payment rate determined in accordance with this section for routine homemaker/personal care services provided to qualifying IO enrollees.

<b>Section 261.220. DIRECT SUPPORT PROFESSIONAL RATE INCREASE</b>	97477
(A) As used in this section:	97478
(1) "DD-administered waiver" means a Medicaid waiver component, as defined in section 5166.01 of the Revised Code, administered by the Department of Developmental Disabilities.	97479 97480 97481
(2) "Direct support professional" means an individual who works directly with people with developmental disabilities.	97482 97483
(3) "Homemaker/personal care services" means the coordinated provision of a variety of services, supports, and supervision to which all of the following apply:	97484 97485 97486
(a) They are necessary to ensure the health and welfare of an individual with a developmental disability who lives in the community.	97487 97488 97489
(b) They advance the individual's independence within the individual's home and community.	97490 97491
(c) They help the individual meet daily living needs.	97492
(B) The Medicaid payment rate for homemaker/personal care services provided by direct support professionals under a DD-administered waiver during the period beginning January 1, 2020, and ending July 1, 2021, shall be \$13 per hour.	97493 97494 97495 97496
<b>Section 261.230. ADULT DAY SUPPORT AND NONMEDICAL TRANSPORTATION SERVICES WORKGROUP</b>	97497 97498
(A)(1) The Director of Developmental Disabilities shall establish a workgroup to advise the Department of Developmental Disabilities on the payment system for adult day support and nonmedical transportation services available under the home and community-based services Medicaid waiver components administered by the Department. The workgroup shall consist of the following members:	97499 97500 97501 97502 97503 97504 97505

(a) Representatives from each of the following as appointed	97506
by the Director:	97507
(i) The Department of Developmental Disabilities;	97508
(ii) The Ohio Health Care Association;	97509
(iii) The Ohio Provider Resource Association;	97510
(iv) The Arc of Ohio;	97511
(v) The Values and Faith Alliance;	97512
(vi) The Ohio Association of County Boards of DD;	97513
(vii) The Ohio Waiver Network;	97514
(viii) A company that provides nonmedical transportation	97515
services in multiple counties in this and other states.	97516
(b) All of the following also as appointed by the Director:	97517
(i) One parent advocate;	97518
(ii) One resident of a county that has a population of less	97519
than 65,000 and a geographical area between 520 square miles and	97520
620 square miles;	97521
(iii) Two representatives of private agency providers of	97522
adult day support that are located in counties with populations of	97523
at least 750,000 and that each serve more than 200 consumers and	97524
operate their own nonmedical transportation system.	97525
(c) Two members of the Senate, one from the majority party	97526
and one from the minority party, both appointed by the President	97527
of the Senate;	97528
(d) Two members of the House of Representatives, one from the	97529
majority party and one from the minority party, both appointed by	97530
the Speaker of the House of Representatives.	97531
(2) Members of the workgroup shall serve without compensation	97532
or reimbursement, except to the extent that serving on the	97533

workgroup is part of their usual job duties. 97534

(B) Not later than June 30, 2020, the workgroup shall submit 97535  
to the Director a report containing recommended changes to the 97536  
payment system for the adult day support and nonmedical 97537  
transportation services. In making its recommendations, the 97538  
workgroup shall consider both of the following: 97539

(1) Whether payment for the two services should be combined; 97540

(2) Potential quality measures for providers of adult day 97541  
support services. 97542

(C) The Department shall not implement any changes to the 97543  
payment system for adult day support and nonmedical transportation 97544  
services until the workgroup submits its report to the Director. 97545

(D) The workgroup shall cease to exist on the submission of 97546  
its report. 97547

**Section 265.10.** EDU DEPARTMENT OF EDUCATION 97548

General Revenue Fund 97549

GRF 200321 Operating Expenses \$ 15,153,032 \$ 16,565,951 97550

GRF 200408 Early Childhood \$ 68,116,789 \$ 68,116,789 97551

Education

GRF 200420 Information Technology \$ 4,004,299 \$ 4,026,960 97552

Development and

Support

GRF 200422 School Management \$ 2,385,580 \$ 2,408,711 97553

Assistance

GRF 200424 Policy Analysis \$ 458,232 \$ 457,676 97554

GRF 200426 Ohio Educational \$ 15,457,000 \$ 15,457,000 97555

Computer Network

GRF 200427 Academic Standards \$ 4,434,215 \$ 4,483,525 97556

GRF 200437 Student Assessment \$ 56,906,893 \$ 56,948,365 97557

GRF 200439 Accountability/Report \$ 7,517,406 \$ 7,565,320 97558

Cards						
GRF 200442	Child Care Licensing	\$	2,156,322	\$	2,227,153	97559
GRF 200446	Education Management Information System	\$	8,112,987	\$	8,174,415	97560
GRF 200448	Educator Preparation	\$	11,510,384	\$	7,010,384	97561
GRF 200455	Community Schools and Choice Programs	\$	4,867,763	\$	4,912,546	97562
GRF 200465	Education Technology Resources	\$	5,179,664	\$	5,179,664	97563
GRF 200478	Industry-Recognized Credentials High School Students	\$	25,000,000	\$	25,000,000	97564
GRF 200502	Pupil Transportation	\$	527,129,809	\$	527,129,809	97565
GRF 200505	School Lunch Match	\$	8,963,500	\$	8,963,500	97566
GRF 200511	Auxiliary Services	\$	150,594,178	\$	150,594,178	97567
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	68,034,790	\$	68,034,790	97568
GRF 200540	Special Education Enhancements	\$	152,600,000	\$	152,850,000	97569
GRF 200545	Career-Technical Education Enhancements	\$	9,650,892	\$	9,650,892	97570
GRF 200550	Foundation Funding	\$	6,945,608,845	\$	6,894,258,845	97571
GRF 200566	Literacy Improvement	\$	1,352,876	\$	1,352,172	97572
GRF 200572	Adult Education Programs	\$	9,707,674	\$	9,707,674	97573
GRF 200573	EdChoice Expansion	\$	57,223,340	\$	71,017,418	97574
GRF 200574	Half-Mill Maintenance Equalization	\$	18,849,207	\$	18,128,526	97575
GRF 200576	Adaptive Sports Program	\$	250,000	\$	250,000	97576
GRF 200598	Innovative Shared Services at Schools	\$	1,000,000	\$	1,000,000	97577

GRF 657401	Medicaid in Schools	\$	297,978	\$	297,978	97578
TOTAL GRF	General Revenue Fund	\$	8,182,523,655	\$	8,141,770,241	97579
Dedicated Purpose Fund Group						97580
4520 200638	Charges and Reimbursements	\$	1,000,000	\$	1,000,000	97581
4550 200608	Commodity Foods	\$	1,000,000	\$	1,000,000	97582
4L20 200681	Teacher Certification and Licensure	\$	13,795,827	\$	14,000,000	97583
5980 200659	Auxiliary Services Reimbursement	\$	1,300,000	\$	1,300,000	97584
5H30 200687	School District Solvency Assistance	\$	2,000,000	\$	2,000,000	97585
5KX0 200691	Ohio School Sponsorship Program	\$	1,250,000	\$	1,250,000	97586
5MM0 200677	Child Nutrition Refunds	\$	550,000	\$	550,000	97587
5U20 200685	National Education Statistics	\$	170,675	\$	175,000	97588
5VS0 200604	Student Wellness and Success	\$	250,000,000	\$	300,000,000	97589
6200 200615	Educational Improvement Grants	\$	594,443	\$	600,000	97590
TOTAL DPF	Dedicated Purpose Fund Group	\$	271,660,945	\$	321,875,000	97591
Internal Service Activity Fund Group						97592
1380 200606	Information Technology Development and Support	\$	7,939,104	\$	8,047,645	97593
4R70 200695	Indirect Operational Support	\$	7,856,766	\$	7,856,766	97594
4V70 200633	Interagency Program	\$	5,497,938	\$	5,500,000	97595

Support			
TOTAL ISA Internal Service Activity	\$	21,293,808	\$ 21,404,411 97596
Fund Group			
State Lottery Fund Group			97597
7017 200602	School Climate Grants	\$ 2,000,000	\$ 2,000,000 97598
7017 200612	Foundation Funding	\$ 1,077,400,000	\$ 1,128,400,000 97599
7017 200625	Student Wellness and	\$ 25,000,000	\$ 100,000,000 97600
Success			
7017 200631	Quality Community	\$ 30,000,000	\$ 30,000,000 97601
Schools Support			
7017 200684	Community School	\$ 16,600,000	\$ 16,600,000 97602
Facilities			
TOTAL SLF State Lottery Fund Group	\$	1,151,000,000	\$ 1,277,000,000 97603
Federal Fund Group			97604
3670 200607	School Food Services	\$ 11,469,730	\$ 11,897,473 97605
3700 200624	Education of	\$ 2,000,000	\$ 2,000,000 97606
Exceptional Children			
3AF0 657601	Schools Medicaid	\$ 295,500	\$ 295,500 97607
Administrative Claims			
3AN0 200671	School Improvement	\$ 17,000,000	\$ 17,000,000 97608
Grants			
3C50 200661	Early Childhood	\$ 12,555,000	\$ 12,555,000 97609
Education			
3EH0 200620	Migrant Education	\$ 2,700,000	\$ 2,700,000 97610
3EJ0 200622	Homeless Children	\$ 3,295,203	\$ 3,300,000 97611
Education			
3FE0 200669	Striving Readers	\$ 12,507,905	\$ 12,511,000 97612
3GE0 200674	Summer Food Service	\$ 15,599,467	\$ 16,342,299 97613
Program			
3GG0 200676	Fresh Fruit and	\$ 4,911,207	\$ 5,145,074 97614
Vegetable Program			
3HF0 200649	Federal Education	\$ 7,049,677	\$ 7,056,327 97615

		Grants				
3H10	200634	Student Support and Academic Enrichment	\$ 40,042,720	\$ 40,042,720		97616
3L60	200617	Federal School Lunch	\$ 418,643,500	\$ 430,837,000		97617
3L70	200618	Federal School Breakfast	\$ 158,726,966	\$ 163,350,081		97618
3L80	200619	Child/Adult Food Programs	\$ 110,121,168	\$ 113,328,580		97619
3L90	200621	Career-Technical Education Basic Grant	\$ 45,946,927	\$ 46,000,000		97620
3M00	200623	ESEA Title 1A	\$ 600,000,000	\$ 600,000,000		97621
3M20	200680	Individuals with Disabilities Education Act	\$ 454,770,591	\$ 455,000,000		97622
3T40	200613	Public Charter Schools	\$ 7,000,000	\$ 7,000,000		97623
3Y20	200688	21st Century Community Learning Centers	\$ 47,500,000	\$ 47,500,000		97624
3Y60	200635	Improving Teacher Quality	\$ 85,000,000	\$ 85,000,000		97625
3Y70	200689	English Language Acquisition	\$ 10,500,000	\$ 10,500,000		97626
3Y80	200639	Rural and Low Income Technical Assistance	\$ 3,600,000	\$ 3,600,000		97627
3Z20	200690	State Assessments	\$ 12,000,000	\$ 12,000,000		97628
3Z30	200645	Consolidated Federal Grant Administration	\$ 10,701,635	\$ 10,900,000		97629
TOTAL FED		Federal Fund Group	\$ 2,093,937,196	\$ 2,115,861,054		97630
TOTAL ALL BUDGET FUND GROUPS			\$11,720,415,604	\$11,877,910,706		97631

**Section 265.20.** OPERATING EXPENSES 97633

Of the foregoing appropriation item 200321, Operating 97634

Expenses, up to \$75,000 in each fiscal year shall be distributed 97635  
by the Department of Education to eligible districts pursuant to 97636  
the section of this act entitled "FAFSA COMPLETION PROGRAM." 97637

A portion of the foregoing appropriation item 200321, 97638  
Operating Expenses, shall be used by the Department of Education 97639  
to provide matching funds related to career-technical education 97640  
under 20 U.S.C. 2321. 97641

EARLY CHILDHOOD EDUCATION 97642

The Department of Education shall distribute the foregoing 97643  
appropriation item 200408, Early Childhood Education, to pay the 97644  
costs of early childhood education programs. The Department shall 97645  
distribute such funds directly to qualifying providers. 97646

(A) As used in this section: 97647

(1) "Provider" means a city, local, exempted village, or 97648  
joint vocational school district; an educational service center; a 97649  
community school sponsored by an exemplary sponsor; a chartered 97650  
nonpublic school; an early childhood education child care provider 97651  
licensed under Chapter 5104. of the Revised Code that participates 97652  
in and meets at least the third highest tier of the Step Up to 97653  
Quality program established pursuant to section 5104.29 of the 97654  
Revised Code; or a combination of entities described in this 97655  
paragraph. 97656

(2) In the case of a city, local, or exempted village school 97657  
district or early childhood education child care provider licensed 97658  
under Chapter 5104. of the Revised Code, "new eligible provider" 97659  
means a provider that did not receive state funding for Early 97660  
Childhood Education in the previous fiscal year or demonstrates a 97661  
need for early childhood programs as defined in division (D) of 97662  
this section. 97663

(3) In the case of a community school, "new eligible 97664  
provider" means any of the following: 97665

(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year;

(b) A community school established under Chapter 3314. of the Revised Code that satisfies all of the following criteria:

(i) It has received, on its most recent report card, either of the following:

(I) If the school offers any of grade levels four through twelve, a grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(II) If the school does not offer a grade level higher than three, a grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code.

(ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code.

(iii) It did not receive state funding for Early Childhood Education in the previous fiscal year.

(c) A community school established under Chapter 3314. of the Revised Code that is sponsored by a municipal school district and operates a program that uses the Montessori method endorsed by the American Montessori Society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori Internationale as its primary method of instruction, as authorized by division (A) of section 3314.06 of the Revised Code, that did not receive state funding for Early Childhood Education in the

previous year or demonstrates a need for early childhood programs 97697  
as defined in division (D) of this section. 97698

(4)(a) "Eligible child" means a child who is at least four 97699  
years of age, is not of the age to be eligible for kindergarten, 97700  
and whose family earns not more than two hundred per cent of the 97701  
federal poverty guidelines as defined in division (A)(3) of 97702  
section 5101.46 of the Revised Code. Children with an 97703  
Individualized Education Program and where the Early Childhood 97704  
Education program is the least restrictive environment may be 97705  
enrolled on their fourth birthday. 97706

(b) If, on the first day of October of each fiscal year, a 97707  
provider has remaining award funds after enrolling eligible 97708  
children under division (A)(4)(a) of this section, the provider 97709  
may seek approval from the Department to consider a child who is 97710  
at least three years of age, is not of age to be eligible for 97711  
kindergarten, and whose family earns not more than two hundred per 97712  
cent of the federal poverty guidelines as an eligible child. Upon 97713  
approval from the Department, the provider may use the remaining 97714  
award funds to serve such three-year-old children as eligible 97715  
children. 97716

(5) "Early learning program standards" means early learning 97717  
program standards for school readiness developed by the Department 97718  
to assess the operation of early learning and development 97719  
programs. 97720

(6) "Early learning and development programs" has the same 97721  
meaning as section 5104.29 of the Revised Code. 97722

(B) In each fiscal year, up to two per cent of the total 97723  
appropriation may be used by the Department for program support 97724  
and technical assistance. The Department shall distribute the 97725  
remainder of the appropriation in each fiscal year to serve 97726  
eligible children. 97727

(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program standards.

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2020, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 265.20 of Am. Sub. H.B. 49 of the 132nd General Assembly in the previous fiscal year and the balance to new eligible providers of early childhood education programs or to existing providers to serve more eligible children pursuant to division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2021, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children as outlined under division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

(E)(1) The Department shall distribute any new or remaining funding to existing providers of early childhood education programs or any new eligible providers in an effort to invest in high quality early childhood programs where there is a need as determined by the Department. The Department shall distribute the new or remaining funds to existing providers of early childhood education programs or any new eligible providers to serve additional eligible children based on community economic disadvantage, limited access to high quality preschool or

childcare services, and demonstration of high quality preschool 97760  
services as determined by the Department using new metrics 97761  
developed pursuant to Ohio's Race to the Top—Early Learning 97762  
Challenge Grant, awarded to the Department in December 2011. 97763

(2) Awards under divisions (D) and (E) of this section shall 97764  
be distributed on a per-pupil basis, and in accordance with 97765  
division (I) of this section. The Department may adjust the 97766  
per-pupil amount so that the per-pupil amount multiplied by the 97767  
number of eligible children enrolled and receiving services on the 97768  
first day of December or the business day closest to that date 97769  
equals the amount allocated under this section. 97770

(F) Costs for developing and administering an early childhood 97771  
education program may not exceed fifteen per cent of the total 97772  
approved costs of the program. 97773

All providers shall maintain such fiscal control and 97774  
accounting procedures as may be necessary to ensure the 97775  
disbursement of, and accounting for, these funds. The control of 97776  
funds provided in this program, and title to property obtained, 97777  
shall be under the authority of the approved provider for purposes 97778  
provided in the program unless, as described in division (K) of 97779  
this section, the program waives its right for funding or a 97780  
program's funding is eliminated or reduced due to its inability to 97781  
meet financial or early learning program standards. The approved 97782  
provider shall administer and use such property and funds for the 97783  
purposes specified. 97784

(G) The Department may examine a provider's financial and 97785  
program records. If the financial practices of the program are not 97786  
in accordance with standard accounting principles or do not meet 97787  
financial standards outlined under division (F) of this section, 97788  
or if the program fails to substantially meet the early learning 97789  
program standards, meet a quality rating level in the Step Up to 97790  
Quality program established pursuant to section 5104.29 of the 97791

Revised Code as prescribed by the Department, or exhibits below 97792  
average performance as measured against the standards, the early 97793  
childhood education program shall propose and implement a 97794  
corrective action plan that has been approved by the Department. 97795  
The approved corrective action plan shall be signed by the chief 97796  
executive officer and the executive of the official governing body 97797  
of the provider. The corrective action plan shall include a 97798  
schedule for monitoring by the Department. Such monitoring may 97799  
include monthly reports, inspections, a timeline for correction of 97800  
deficiencies, and technical assistance to be provided by the 97801  
Department or obtained by the early childhood education program. 97802  
The Department may withhold funding pending corrective action. If 97803  
an early childhood education program fails to satisfactorily 97804  
complete a corrective action plan, the Department may deny 97805  
expansion funding to the program or withdraw all or part of the 97806  
funding to the program and establish a new eligible provider 97807  
through a selection process established by the Department. 97808

(H)(1) If the early childhood education program is licensed 97809  
by the Department of Education and is not highly rated, as 97810  
determined by the Director of Job and Family Services, under the 97811  
Step Up to Quality program established pursuant to section 5104.29 97812  
of the Revised Code, the program shall do all of the following: 97813

(a) Meet teacher qualification requirements prescribed by 97814  
section 3301.311 of the Revised Code; 97815

(b) Align curriculum to the early learning content standards 97816  
developed by the Department; 97817

(c) Meet any child or program assessment requirements 97818  
prescribed by the Department; 97819

(d) Require teachers, except teachers enrolled and working to 97820  
obtain a degree pursuant to section 3301.311 of the Revised Code, 97821  
to attend a minimum of twenty hours every two years of 97822

professional development as prescribed by the Department; 97823

(e) Document and report child progress as prescribed by the 97824  
Department; 97825

(f) Meet and report compliance with the early learning 97826  
program standards as prescribed by the Department; 97827

(g) Participate in the Step Up to Quality program established 97828  
pursuant to section 5104.29 of the Revised Code. 97829

(2) If the program is highly rated, as determined by the 97830  
Director of Job and Family Services, under the Step Up to Quality 97831  
program established pursuant to section 5104.29 of the Revised 97832  
Code, the program shall comply with the requirements of that 97833  
program. 97834

(I) Per-pupil funding for programs subject to this section 97835  
shall be sufficient to provide eligible children with services for 97836  
a standard early childhood schedule which shall be defined in this 97837  
section as a minimum of twelve and one-half hours per school week 97838  
as defined in section 3313.62 of the Revised Code for the minimum 97839  
school year as defined in sections 3313.48, 3313.481, and 3313.482 97840  
of the Revised Code. Nothing in this section shall be construed to 97841  
prohibit program providers from utilizing other funds to serve 97842  
eligible children in programs that exceed the twelve and one-half 97843  
hours per week or that exceed the minimum school year. For any 97844  
provider for which a standard early childhood education schedule 97845  
creates a hardship or for which the provider shows evidence that 97846  
the provider is working in collaboration with a preschool special 97847  
education program, the provider may submit a waiver to the 97848  
Department requesting an alternate schedule. If the Department 97849  
approves a waiver for an alternate schedule that provides services 97850  
for less time than the standard early childhood education 97851  
schedule, the Department may reduce the provider's annual 97852  
allocation proportionately. Under no circumstances shall an annual 97853

allocation be increased because of the approval of an alternate 97854  
schedule. 97855

(J) Each provider shall develop a sliding fee scale based on 97856  
family incomes and shall charge families who earn more than two 97857  
hundred per cent of the federal poverty guidelines, as defined in 97858  
division (A)(3) of section 5101.46 of the Revised Code, for the 97859  
early childhood education program. 97860

The Department shall conduct an annual survey of each 97861  
provider to determine whether the provider charges families 97862  
tuition or fees, the amount families are charged relative to 97863  
family income levels, and the number of families and students 97864  
charged tuition and fees for the early childhood program. 97865

(K) If an early childhood education program voluntarily 97866  
waives its right for funding, or has its funding eliminated for 97867  
not meeting financial standards or the early learning program 97868  
standards, the provider shall transfer control of title to 97869  
property, equipment, and remaining supplies obtained through the 97870  
program to providers designated by the Department and return any 97871  
unexpended funds to the Department along with any reports 97872  
prescribed by the Department. The funding made available from a 97873  
program that waives its right for funding or has its funding 97874  
eliminated or reduced may be used by the Department for new grant 97875  
awards or expansion grants. The Department may award new grants or 97876  
expansion grants to eligible providers who apply. The eligible 97877  
providers who apply must do so in accordance with the selection 97878  
process established by the Department. 97879

(L) Eligible expenditures for the Early Childhood Education 97880  
Program shall be claimed each fiscal year to help meet the state's 97881  
TANF maintenance of effort requirement. The Superintendent of 97882  
Public Instruction and the Director of Job and Family Services 97883  
shall enter into an interagency agreement to carry out the 97884  
requirements under this division, which shall include developing 97885

reporting guidelines for these expenditures. 97886

(M)(1) The Department of Education and the Department of Job 97887  
and Family Services shall continue to work toward establishing the 97888  
following in common between early childhood education programs and 97889  
publicly funded child care: 97890

(a) An application; 97891

(b) Program eligibility; 97892

(c) Funding; 97893

(d) An attendance policy; 97894

(e) An attendance tracking system. 97895

(2) In accordance with section 5104.34 of the Revised Code, 97896  
eligible families may receive publicly funded child care beyond 97897  
the standard early childhood schedule defined in division (I) of 97898  
this section. 97899

(3) All providers, agencies, and school districts 97900  
participating in the early childhood education program or 97901  
providing care to eligible families beyond the standard early 97902  
childhood schedule shall follow the common policies established 97903  
under this division. 97904

**Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND** 97905  
**SUPPORT** 97906

The foregoing appropriation item 200420, Information 97907  
Technology Development and Support, shall be used to support the 97908  
development and implementation of information technology solutions 97909  
designed to improve the performance and services of the Department 97910  
of Education. Funds may be used for personnel, maintenance, and 97911  
equipment costs related to the development and implementation of 97912  
these technical system projects. Implementation of these systems 97913  
shall allow the Department to provide greater levels of assistance 97914

to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.

**Section 265.50. SCHOOL MANAGEMENT ASSISTANCE**

The foregoing appropriation item 200422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal caution, fiscal watch, and fiscal emergency provisions under Chapter 3316. of the Revised Code.

**Section 265.60. POLICY ANALYSIS**

The foregoing appropriation item 200424, Policy Analysis, shall be used by the Department of Education to support a system of administrative, statistical, and legislative education information to be used for policy analysis. Staff supported by this appropriation shall administer the development of reports, analyses, and briefings to inform education policymakers of current trends in education practice, efficient and effective use of resources, and evaluation of programs to improve education results. A portion of these funds shall be used to maintain a longitudinal database to support the assessment of the impact of policies and programs on Ohio's education and workforce development systems. The research efforts supported by this appropriation item shall be used to supply information and analysis of data to and in consultation with the General Assembly and other state policymakers, including the Office of Budget and Management and the Legislative Service Commission.

A portion of the foregoing appropriation item, 200424, Policy Analysis, may be used by the Department to support the development and implementation of an evidence-based clearinghouse to support school improvement strategies as part of the Every Student Succeeds Act.

The Department may use funding from this appropriation item to purchase or contract for the development of software systems or contract for policy studies that will assist in the provision and analysis of policy-related information. Funding from this appropriation item also may be used to monitor and enhance quality assurance for research-based policy analysis and program evaluation to enhance the effective use of education information to inform education policymakers.

**Section 265.70.** OHIO EDUCATIONAL COMPUTER NETWORK

The foregoing appropriation item 200426, Ohio Educational Computer Network, shall be used by the Department of Education to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system.

Of the foregoing appropriation item 200426, Ohio Educational Computer Network, up to \$9,686,658 in each fiscal year shall be used by the Department to support connection of all public school buildings and participating chartered nonpublic schools to the state's education network, to each other, and to the Internet. In each fiscal year, the Department shall use these funds to assist information technology centers or school districts with the operational costs associated with this connectivity. The Department shall develop a formula and guidelines for the distribution of these funds to information technology centers or individual school districts. As used in this section, "public school building" means a school building of any city, local, exempted village, or joint vocational school district, any

community school established under Chapter 3314. of the Revised 97976  
Code, any college preparatory boarding school established under 97977  
Chapter 3328. of the Revised Code, any STEM school established 97978  
under Chapter 3326. of the Revised Code, any educational service 97979  
center building used for instructional purposes, the Ohio School 97980  
for the Deaf and the Ohio School for the Blind, high schools 97981  
chartered by the Ohio Department of Youth Services, or high 97982  
schools operated by Ohio Department of Rehabilitation and 97983  
Corrections' Ohio Central School System. 97984

Of the foregoing appropriation item 200426, Ohio Educational 97985  
Computer Network, up to \$4,843,329 in each fiscal year shall be 97986  
used, through a formula and guidelines devised by the Department, 97987  
to support the activities of designated information technology 97988  
centers, as defined by State Board of Education rules, to provide 97989  
school districts and chartered nonpublic schools with 97990  
computer-based student and teacher instructional and 97991  
administrative information services, including approved 97992  
computerized financial accounting, to ensure the effective 97993  
operation of local automated administrative and instructional 97994  
systems, and to monitor and support the quality of data submitted 97995  
to the Department. 97996

The remainder of appropriation item 200426, Ohio Educational 97997  
Computer Network, shall be used to support the work of the 97998  
development, maintenance, and operation of a network of uniform 97999  
and compatible computer-based information systems as well as the 98000  
teacher student linkage/roster verification process and systems to 98001  
support electronic sharing of student records and transcripts 98002  
between entities. This technical assistance shall include, but not 98003  
be restricted to, development and maintenance of adequate computer 98004  
software systems to support network activities. In order to 98005  
improve the efficiency of network activities, the Department and 98006  
information technology centers may jointly purchase equipment, 98007

materials, and services from funds provided under this 98008  
appropriation for use by the network and, when considered 98009  
practical by the Department, may utilize the services of 98010  
appropriate state purchasing agencies. 98011

**Section 265.80. ACADEMIC STANDARDS** 98012

The foregoing appropriation item 200427, Academic Standards, 98013  
shall be used by the Department of Education to develop and 98014  
communicate to school districts academic content standards and 98015  
curriculum models and to develop professional development programs 98016  
and other tools on the new content standards and model curriculum. 98017  
The Department shall use a portion of these funds in partnership 98018  
with educational service centers, consistent with requirements of 98019  
section 3312.01 of the Revised Code, in the development and 98020  
delivery of professional development programs supported under this 98021  
section. 98022

**Section 265.90. STUDENT ASSESSMENT** 98023

Of the foregoing appropriation item 200437, Student 98024  
Assessment, up to \$2,760,000 in each fiscal year may be used to 98025  
support the state's early learning assessment work and the 98026  
assessments required under section 3301.0715 of the Revised Code. 98027

Of the foregoing appropriation item 200437, Student 98028  
Assessment, up to \$543,168 in each fiscal year shall be used to 98029  
reimburse a portion of the costs associated with Advanced 98030  
Placement Tests for low-income students. 98031

The remainder of appropriation item 200437, Student 98032  
Assessment, shall be used to develop, field test, print, 98033  
distribute, score, report results, and support other associated 98034  
costs for the tests required under sections 3301.0710, 3301.0711, 98035  
and 3301.0712 of the Revised Code and for similar purposes as 98036  
required by section 3301.27 of the Revised Code. The funds may 98037

also be used to update and develop diagnostic assessments 98038  
administered under sections 3301.079, 3301.0715, and 3313.608 of 98039  
the Revised Code. 98040

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 98041  
ASSESSMENT 98042

In fiscal year 2020 and fiscal year 2021, if the 98043  
Superintendent of Public Instruction determines that additional 98044  
funds are needed to fully fund the requirements of sections 98045  
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 98046  
and this act for assessments of student performance, the 98047  
Superintendent may recommend the reallocation of unexpended and 98048  
unencumbered General Revenue Fund appropriations within the 98049  
Department of Education to appropriation item 200437, Student 98050  
Assessment, to the Director of Budget and Management. If the 98051  
Director determines that such a reallocation is required, the 98052  
Director may transfer unexpended and unencumbered appropriations 98053  
within the Department of Education as necessary to appropriation 98054  
item 200437, Student Assessment. 98055

**Section 265.100. ACCOUNTABILITY/REPORT CARDS** 98056

Of the foregoing appropriation item 200439, 98057  
Accountability/Report Cards, a portion in each fiscal year shall 98058  
be used to train district and regional specialists and district 98059  
educators in the use of the value-added progress dimension and in 98060  
the use of data as it relates to improving student achievement. 98061  
This training may include teacher and administrator professional 98062  
development in the use of data to improve instruction and student 98063  
learning, and teacher and administrator training in understanding 98064  
teacher value-added reports and how they can be used as a 98065  
component in measuring teacher and administrator effectiveness. A 98066  
portion of this funding shall be provided to educational service 98067  
centers to support training and professional development under 98068

this section consistent with section 3312.01 of the Revised Code. 98069

The remainder of appropriation item 200439, 98070  
Accountability/Report Cards, shall be used by the Department of 98071  
Education to incorporate a statewide value-added progress 98072  
dimension into performance ratings for school districts and for 98073  
the development of an accountability system that includes the 98074  
preparation and distribution of school report cards, funding and 98075  
expenditure accountability reports under sections 3302.03 and 98076  
3302.031 of the Revised Code, the development and maintenance of 98077  
teacher value-added reports, the teacher student linkage/roster 98078  
verification process, and the performance management section of 98079  
the Department's web site required by section 3302.26 of the 98080  
Revised Code. 98081

CHILD CARE LICENSING 98082

The foregoing appropriation item 200442, Child Care 98083  
Licensing, shall be used by the Department of Education to license 98084  
and to inspect preschool and school-age child care programs under 98085  
sections 3301.52 to 3301.59 of the Revised Code. 98086

**Section 265.110.** EDUCATION MANAGEMENT INFORMATION SYSTEM 98087

The foregoing appropriation item 200446, Education Management 98088  
Information System, shall be used by the Department of Education 98089  
to improve the Education Management Information System (EMIS). 98090

Of the foregoing appropriation item 200446, Education 98091  
Management Information System, up to \$400,000 in each fiscal year 98092  
shall be used to support grants to information technology centers 98093  
to provide professional development opportunities to district and 98094  
school personnel related to the EMIS, with a focus placed on data 98095  
submission and data quality. 98096

Of the foregoing appropriation item 200446, Education 98097  
Management Information System, up to \$725,000 in each fiscal year 98098

shall be distributed to designated information technology centers 98099  
for costs relating to processing, storing, and transferring data 98100  
for the effective operation of the EMIS. These costs may include, 98101  
but are not limited to, personnel, hardware, software development, 98102  
communications connectivity, professional development, and support 98103  
services. 98104

The remainder of appropriation item 200446, Education 98105  
Management Information System, shall be used to develop and 98106  
support the data definitions and standards outlined in the EMIS 98107  
guidelines adopted under section 3301.0714 of the Revised Code, to 98108  
implement recommendations of the EMIS Advisory Council and the 98109  
Superintendent of Public Instruction, to enhance data quality 98110  
assurance practices, and to support responsibilities related to 98111  
the school report cards prescribed by section 3302.03 of the 98112  
Revised Code and value-added progress dimension calculations. 98113

**Section 265.120. EDUCATOR PREPARATION** 98114

(A) Of the foregoing appropriation item 200448, Educator 98115  
Preparation, up to \$339,783 in each fiscal year may be used by the 98116  
Department of Education to monitor and support Ohio's State System 98117  
of Support, as defined by the Every Student Succeeds Act. 98118

(B) Of the foregoing appropriation item 200448, Educator 98119  
Preparation, up to \$67,957 in each fiscal year may be used by the 98120  
Department to support the Educator Standards Board under section 98121  
3319.61 of the Revised Code and reforms under sections 3302.042, 98122  
3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the 98123  
Revised Code. 98124

(C) Of the foregoing appropriation item 200448, Educator 98125  
Preparation, \$2,000,000 in each fiscal year shall be distributed 98126  
to Teach For America to increase recruitment of potential corps 98127  
members at select Ohio universities, to train and develop 98128  
first-year and second-year teachers in the Teach for America 98129

program in Ohio, and to expand the number of teaching corps 98130  
members to not fewer than 350 teaching corps members per year and 98131  
the number of school districts served in Ohio by not fewer than 98132  
five additional school districts by fiscal year 2021. 98133

(D) Of the foregoing appropriation item 200448, Educator 98134  
Preparation, \$1,500,000 in each fiscal year shall be used for the 98135  
Bright New Leaders for Ohio Schools Program administered by the 98136  
Ohio State University Fisher College of Business and College of 98137  
Education and Human Ecology pursuant to section 3319.272 of the 98138  
Revised Code to provide an alternative path for individuals to 98139  
receive training and development in the administration of primary 98140  
and secondary education and leadership, enable those individuals 98141  
to earn degrees and obtain licenses in public school 98142  
administration, and promote the placement of those individuals in 98143  
public schools that have a poverty percentage greater than fifty 98144  
per cent. 98145

(E) Of the foregoing appropriation item 200448, Educator 98146  
Preparation, \$200,000 in each fiscal year shall be used to support 98147  
training for selected school staff through the FASTER Saves Lives 98148  
Program for the purpose of stopping active shooters and treating 98149  
casualties. 98150

(F) Of the foregoing appropriation item 200448, Educator 98151  
Preparation, \$1,000,000 in each fiscal year shall be used by the 98152  
Department of Education, in consultation with the Department of 98153  
Mental Health and Addiction Services, to award professional 98154  
development grants to educational service centers to train 98155  
educators and related school personnel in the model and tenants of 98156  
prevention of risky behaviors, including substance abuse, suicide, 98157  
bullying, and other harmful behaviors. 98158

(G) Of the foregoing appropriation item 200448, Educator 98159  
Preparation, up to \$1,500,000 in fiscal year 2020 shall be used by 98160  
the Department of Education, in consultation with the Department 98161

of Higher Education, to provide awards to support coursework and 98162  
content testing fees for currently licensed teachers to receive 98163  
credentialing to teach computer science in accordance with 98164  
division (B) of section 3319.236 of the Revised Code. 98165

Awards made by the Department of Education shall be in the 98166  
form of reimbursements paid directly to educators for the cost of 98167  
the content examination or pedagogy courses required under 98168  
division (B) of section 3319.236 of the Revised Code that are 98169  
completed by the summer term of 2021. First priority shall be 98170  
given to educators who agree to teach at least one remote computer 98171  
science course at schools that lack access to computer science 98172  
educators. Second priority shall be given to educators assigned to 98173  
schools with greater than fifty per cent of students classified as 98174  
economically disadvantaged and with limited or no teachers 98175  
currently credentialed to teach computer science, both as 98176  
determined by the Department. 98177

Upon the request of the Superintendent of Public Instruction 98178  
and the approval of the Director of Budget and Management, an 98179  
amount equal to the unexpended, unencumbered balance of the amount 98180  
set aside in this division at the end of fiscal year 2020 is 98181  
hereby reappropriated to the Department for the same purpose for 98182  
fiscal year 2021. 98183

(H) Of the foregoing appropriation item 200448, Educator 98184  
Preparation, up to \$3,000,000 in fiscal year 2020 shall be used by 98185  
the Department of Education, in consultation with the Department 98186  
of Higher Education, to provide awards to support graduate 98187  
coursework for high school teachers to receive credentialing to 98188  
teach College Credit Plus courses in a high school setting. 98189

The Department of Education, in consultation with the 98190  
Department of Higher Education, shall develop an application 98191  
process and criteria for awards. Priority shall be given to 98192  
education consortia that include economically disadvantaged high 98193

schools in which there are limited or no teachers currently 98194  
credentialed to teach College Credit Plus courses, as determined 98195  
by the Department of Education, and a public or private college or 98196  
university in Ohio. 98197

Awards made by the Department of Education may support 98198  
graduate coursework for high school teachers at a public or 98199  
private college or university in Ohio leading to credentialing to 98200  
teach college courses, as well as employment of teachers 98201  
credentialed to teach college courses as a bridging strategy until 98202  
a sufficient number of teachers at the high school hold the 98203  
required credentials. 98204

Upon the request of the Superintendent of Public Instruction 98205  
and the approval of the Director of Budget and Management, an 98206  
amount equal to the unexpended, unencumbered balance of the amount 98207  
set aside in this division at the end of fiscal year 2020 is 98208  
hereby reappropriated for the same purpose for fiscal year 2021. 98209

(I) Of the foregoing appropriation item 200448, Educator 98210  
Preparation, up to \$250,000 in each fiscal year shall be used to 98211  
support the SmartOhio Financial Literacy Program at the University 98212  
of Cincinnati. 98213

(J) Notwithstanding any provision of law to the contrary, 98214  
awards under this section may be used by recipients for 98215  
award-related expenses incurred for a period not to exceed two 98216  
years from the date of the award according to guidelines 98217  
established by the Department of Education. 98218

(K) The remainder of the foregoing appropriation item 200448, 98219  
Educator Preparation, may be used for implementation of teacher 98220  
and principal evaluation systems, including incorporation of 98221  
student growth as a metric in those systems, and teacher 98222  
value-added reports. A portion of this funding shall be provided 98223  
to educational service centers, consistent with requirements of 98224

section 3312.01 of the Revised Code, in the development and 98225  
delivery of professional development programs supported under this 98226  
section. 98227

**Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS** 98228

The foregoing appropriation item 200455, Community Schools 98229  
and Choice Programs, may be used by the Department of Education 98230  
for operation of the school choice programs. 98231

Of the foregoing appropriation item 200455, Community Schools 98232  
and Choice Programs, a portion in each fiscal year may be used by 98233  
the Department for developing and conducting training sessions for 98234  
community schools and sponsors and prospective sponsors of 98235  
community schools as prescribed in division (A)(1) of section 98236  
3314.015 of the Revised Code, and other schools participating in 98237  
school choice programs. 98238

**Section 265.140. EDUCATION TECHNOLOGY RESOURCES** 98239

Of the foregoing appropriation item 200465, Education 98240  
Technology Resources, up to \$2,500,000 in each fiscal year shall 98241  
be used for the Union Catalog and InfoOhio Network and to support 98242  
the provision of electronic resources with priority given to 98243  
resources that support the teaching of state academic content 98244  
standards in all public schools. Consideration shall be given by 98245  
the Department of Education to coordinating the allocation of 98246  
these moneys with the efforts of Libraries Connect Ohio, whose 98247  
members include OhioLINK, the Ohio Public Information Network, and 98248  
the State Library of Ohio. 98249

Of the foregoing appropriation item 200465, Education 98250  
Technology Resources, up to \$1,778,879 in each fiscal year shall 98251  
be used by the Department to provide grants to educational 98252  
television stations working with partner education technology 98253  
centers to provide Ohio public schools with instructional 98254

resources and services, with priority given to resources and 98255  
services aligned with state academic content standards. Such 98256  
resources and services shall be based upon the advice and approval 98257  
of the Department, based on a formula developed in consultation 98258  
with Ohio's educational television stations and educational 98259  
technology centers. 98260

Of the foregoing appropriation item 200465, Education 98261  
Technology Resources, \$200,000 in each fiscal year shall be 98262  
distributed to the Ohio School Digital Literacy Program to support 98263  
digital learning tools, digital resources, technical support, and 98264  
professional development. The program shall do all of the 98265  
following: 98266

(A) Provide a K-8 program of study for students to learn 98267  
essential digital literacy skills including computer fundamentals, 98268  
computational thinking, keyboarding, digital citizenship and 98269  
online safety, web browsing, email and online communication, 98270  
visual mapping, word processing, spreadsheets, databases, and 98271  
presentations; 98272

(B) Provide teachers with the ability to measure student 98273  
digital literacy growth; and 98274

(C) Allow for the integration of digital literacy instruction 98275  
aligned to state standards, if applicable, into core content 98276  
subjects such as mathematics, English language arts, science, and 98277  
social studies. 98278

The remainder of the foregoing appropriation item 200465, 98279  
Education Technology Resources, may be used to support training, 98280  
technical support, guidance, and assistance with compliance 98281  
reporting to school districts and public libraries applying for 98282  
federal E-Rate funds; for oversight and guidance of school 98283  
district technology plans; for support to district technology 98284  
personnel; and for support of the development, maintenance, and 98285

operation of a network of uniform and compatible computer-based 98286  
information and instructional systems. 98287

**Section 265.145. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL 98288**  
STUDENTS 98289

Of the foregoing appropriation item 200478, 98290  
Industry-Recognized Credentials High School Students, up to 98291  
\$8,000,000 in each fiscal year may be used by the Department of 98292  
Education to support payments to city, local, and exempted village 98293  
school districts, community schools, STEM schools, and joint 98294  
vocational school districts whose students earn an 98295  
industry-recognized credential or receive a journeyman 98296  
certification recognized by the United States Department of Labor. 98297  
The educating entity shall be required to inform students enrolled 98298  
in career-technical education courses that lead to an 98299  
industry-recognized credential about the opportunity to earn these 98300  
credentials. The Department of Education shall work with the 98301  
Department of Higher Education and the Governor's Office of 98302  
Workforce Transformation to develop a schedule for reimbursement 98303  
based on the Department of Education's list of industry-recognized 98304  
credentials, the time it takes to earn the credential, and the 98305  
cost to obtain the credential. The educating entity shall pay for 98306  
the cost of the credential and may claim and receive 98307  
reimbursement. The educating entity may claim reimbursement based 98308  
on the Department of Education's reimbursement schedule up to six 98309  
months after the student has graduated from high school. If the 98310  
amount appropriated is not sufficient, the Department shall 98311  
prorate the amounts so that the aggregate amount appropriated is 98312  
not exceeded. 98313

Of the foregoing appropriation item 200478, 98314  
Industry-Recognized Credentials High School Students, up to 98315  
\$12,500,000 in each fiscal year may be used by the Department of 98316

Education and the Governor's Office of Workforce Transformation to 98317  
establish and operate the Innovative Workforce Incentive Program. 98318  
In establishing the program, the Office of Workforce 98319  
Transformation shall maintain a list of credentials that qualify 98320  
for the program. The Department of Education shall pay each city, 98321  
local, and exempted village school district, community school, 98322  
STEM school, and joint vocational school district an amount equal 98323  
to \$1,250 for each qualifying credential earned by a student 98324  
attending the district or school during each fiscal year. If the 98325  
amount appropriated is not sufficient, the Department shall 98326  
prorate the amounts so that the aggregate amount appropriated is 98327  
not exceeded. 98328

Of the foregoing appropriation item 200478, 98329  
Industry-Recognized Credentials High School Students, up to 98330  
\$4,500,000 in each fiscal year may be used by the Department of 98331  
Education to establish a program to assist city, local, and 98332  
exempted village school districts, community schools, STEM 98333  
schools, and joint vocational school districts in establishing 98334  
credentialing programs that qualify for the Innovative Workforce 98335  
Incentive Program. The Department shall prioritize senior-only 98336  
credentialing programs in schools that currently do not operate 98337  
such programs. 98338

**Section 265.150. PUPIL TRANSPORTATION** 98339

Of the foregoing appropriation item 200502, Pupil 98340  
Transportation, up to \$838,930 in each fiscal year may be used by 98341  
the Department of Education for training prospective and 98342  
experienced school bus drivers in accordance with training 98343  
programs prescribed by the Department. A portion of these funds 98344  
may also be used to pay for costs associated with the enrollment 98345  
of bus drivers in the retained applicant fingerprint database. 98346

Of the foregoing appropriation item 200502, Pupil 98347

Transportation, up to \$60,469,220 in each fiscal year may be used 98348  
by the Department for special education transportation 98349  
reimbursements to school districts and county DD boards for 98350  
transportation operating costs as provided in divisions (C) and 98351  
(F) of section 3317.024 of the Revised Code, in accordance with 98352  
the section of this act entitled "OPERATING FUNDING FOR FISCAL 98353  
YEARS 2020 and 2021." 98354

The remainder of the foregoing appropriation item 200502, 98355  
Pupil Transportation, shall be used to fund the transportation 98356  
payments included in the state funding allocation under division 98357  
(B) of the section of this act entitled "FUNDING FOR CITY, LOCAL, 98358  
AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 98359

PAYMENTS IN LIEU OF TRANSPORTATION 98360

For purposes of division (D) of section 3327.02 of the 98361  
Revised Code, if a parent, guardian, or other person in charge of 98362  
a pupil accepts an offer from a school district of payment in lieu 98363  
of providing transportation for the pupil, the school district 98364  
shall pay that parent, guardian, or other person an amount that 98365  
shall be not less than \$250 and not more than the amount 98366  
determined by the Department as the average cost of pupil 98367  
transportation for the previous school year. Payment may be 98368  
prorated if the time period involved is only a part of the school 98369  
year. 98370

**Section 265.160.** SCHOOL LUNCH MATCH 98371

The foregoing appropriation item 200505, School Lunch Match, 98372  
shall be used to provide matching funds to obtain federal funds 98373  
for the school lunch program. 98374

Any remaining appropriation after providing matching funds 98375  
for the school lunch program may be used to partially reimburse 98376  
school buildings within school districts that are required to have 98377

a school breakfast program under section 3313.813 of the Revised Code, at a rate decided by the Department. 98378  
98379

**Section 265.170. AUXILIARY SERVICES** 98380

Of the foregoing appropriation item 200511, Auxiliary Services, up to \$2,600,000 in each fiscal year may be used for payment of the College Credit Plus Program for nonpublic secondary school participants. The Department of Education shall distribute these funds according to rule 3333-1-65.8 of the Administrative Code, adopted by the Department of Higher Education pursuant to division (A) of section 3365.071 of the Revised Code. 98381  
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The remainder of the foregoing appropriation item 200511, Auxiliary Services, shall be used by the Department for the purpose of implementing sections 3317.06 and 3317.062 of the Revised Code. 98388  
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**Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT** 98392

The foregoing appropriation item 200532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education for the purpose of implementing section 3317.063 of the Revised Code. Notwithstanding section 3317.063 of the Revised Code, payments made by the Department for this purpose shall not exceed four hundred five dollars per student for each school year. 98393  
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**Section 265.190. SPECIAL EDUCATION ENHANCEMENTS** 98399

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$33,000,000 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code, in accordance with the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021," and at institutions for eligible students under section 98400  
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3317.201 of the Revised Code. If necessary, the Department of 98407  
Education shall proportionately reduce the amount calculated for 98408  
each county board of developmental disabilities and institution so 98409  
as not to exceed the amount appropriated in each fiscal year. 98410

Of the foregoing appropriation item 200540, Special Education 98411  
Enhancements, up to \$1,350,000 in each fiscal year shall be used 98412  
for parent mentoring programs. 98413

Of the foregoing appropriation item 200540, Special Education 98414  
Enhancements, up to \$3,000,000 in each fiscal year may be used for 98415  
school psychology interns. 98416

Of the foregoing appropriation item 200540, Special Education 98417  
Enhancements, the Department shall transfer \$3,250,000 in fiscal 98418  
year 2020 and \$3,500,000 in fiscal year 2021 to the Opportunities 98419  
for Ohioans with Disabilities Agency. The transfer shall be made 98420  
via an intrastate transfer voucher. The transferred funds shall be 98421  
used by the Opportunities for Ohioans with Disabilities Agency as 98422  
state matching funds to draw down available federal funding for 98423  
vocational rehabilitation services. Total project funding shall be 98424  
used to hire dedicated vocational rehabilitation counselors who 98425  
shall work directly with school districts to provide transition 98426  
services for students with disabilities. Services shall include 98427  
vocational rehabilitation services such as person-centered career 98428  
planning, summer work experiences, job placement, and retention 98429  
services for mutually eligible students with disabilities. 98430

The Superintendent of Public Instruction and the Executive 98431  
Director of the Opportunities for Ohioans with Disabilities Agency 98432  
shall enter into an interagency agreement that shall specify the 98433  
responsibilities of each agency under the program. Under the 98434  
interagency agreement, the Opportunities for Ohioans with 98435  
Disabilities Agency shall retain responsibility for all 98436  
nondelegable functions, including eligibility and order of 98437  
selection determination, individualized plan for employment (IPE) 98438

approval, IPE amendments, case closure, and release of vendor 98439  
payments. 98440

Of the foregoing appropriation item 200540, Special Education 98441  
Enhancements, up to \$2,000,000 in each fiscal year shall be used 98442  
by the Department of Education to build capacity to deliver a 98443  
regional system of training, support, coordination, and direct 98444  
service for secondary transition services for students with 98445  
disabilities beginning at fourteen years of age. These special 98446  
education enhancements shall support all students with 98447  
disabilities, regardless of partner agency eligibility 98448  
requirements, to provide stand-alone direct secondary transition 98449  
services by school districts. Secondary transition services shall 98450  
include, but not be limited to, job exploration counseling, 98451  
work-based learning experiences, counseling on opportunities for 98452  
enrollment in comprehensive transition or post-secondary 98453  
educational programs at institutions of higher education, 98454  
workplace readiness training to develop occupational skills, 98455  
social skills and independent living skills, and instruction in 98456  
self-advocacy. Regional training shall support the expansion of 98457  
transition to work endorsement opportunities for middle school and 98458  
secondary level special education intervention specialists in 98459  
order to develop the necessary skills and competencies to meet the 98460  
secondary transition needs of students with disabilities beginning 98461  
at fourteen years of age. 98462

The remainder of appropriation item 200540, Special Education 98463  
Enhancements, shall be distributed by the Department of Education 98464  
to school districts and institutions, as defined in section 98465  
3323.091 of the Revised Code, for preschool special education 98466  
funding under section 3317.0213 of the Revised Code, in accordance 98467  
with the section of this act entitled "OPERATING FUNDING FOR 98468  
FISCAL YEARS 2020 and 2021." 98469

The Department may reimburse school districts and 98470

institutions for services provided by instructional assistants, 98471  
related services, as defined in rule 3301-51-11 of the 98472  
Administrative Code, physical therapy services provided by a 98473  
licensed physical therapist or physical therapist assistant under 98474  
the supervision of a licensed physical therapist, as required 98475  
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 98476  
Administrative Code, and occupational therapy services provided by 98477  
a licensed occupational therapist or occupational therapy 98478  
assistant under the supervision of a licensed occupational 98479  
therapist, as required under Chapter 4755. of the Revised Code and 98480  
Chapter 4755-7 of the Administrative Code. Nothing in this section 98481  
authorizes occupational therapy assistants or physical therapist 98482  
assistants to generate or manage their own caseloads. 98483

The Department shall require school districts, educational 98484  
service centers, county DD boards, and institutions serving 98485  
preschool children with disabilities to adhere to Ohio's early 98486  
learning program standards, participate in the Step Up to Quality 98487  
program established pursuant to section 5104.29 of the Revised 98488  
Code, and document child progress using research-based indicators 98489  
prescribed by the Department and report results annually. The 98490  
reporting dates and method shall be determined by the Department. 98491  
All programs shall be rated through the Step Up to Quality 98492  
program. 98493

**Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 98494

Of the foregoing appropriation item 200545, Career-Technical 98495  
Education Enhancements, up to \$2,563,568 in each fiscal year shall 98496  
be used to fund secondary career-technical education at 98497  
institutions, the Ohio School for the Deaf, and the Ohio State 98498  
School for the Blind using a grant-based methodology, 98499  
notwithstanding section 3317.05 of the Revised Code. 98500

Of the foregoing appropriation item 200545, Career-Technical 98501

Education Enhancements, up to \$2,686,474 in each fiscal year shall 98502  
be used by the Department of Education to fund competitive grants 98503  
to tech prep consortia that expand the number of students enrolled 98504  
in tech prep programs. These grant funds shall be used to directly 98505  
support expanded tech prep programs provided to students enrolled 98506  
in school districts, including joint vocational school districts, 98507  
and affiliated higher education institutions. This support may 98508  
include the purchase of equipment. 98509

Of the foregoing appropriation item 200545, Career-Technical 98510  
Education Enhancements, up to \$3,000,850 in each fiscal year shall 98511  
be used by the Department to support existing High Schools That 98512  
Work (HSTW) sites, develop and support new sites, fund technical 98513  
assistance, and support regional centers and middle school 98514  
programs. The purpose of HSTW is to combine challenging academic 98515  
courses and modern career-technical studies to raise the academic 98516  
achievement of students. HSTW provides intensive technical 98517  
assistance, focused staff development, targeted assessment 98518  
services, and ongoing communications and networking opportunities. 98519

Of the foregoing appropriation item 200545, Career-Technical 98520  
Education Enhancements, up to \$600,000 in each fiscal year shall 98521  
be used by the Department to enable students in agricultural 98522  
programs to enroll in a fifth quarter of instruction based on the 98523  
agricultural education model of delivering work-based learning 98524  
through supervised agricultural experience. The Department shall 98525  
determine eligibility criteria and the reporting process for the 98526  
Agriculture 5th Quarter Project and shall fund as many programs as 98527  
possible given the set-aside. The eligibility criteria developed 98528  
by the Department shall allow these funds to support supervised 98529  
agricultural experience that occurs anytime outside of the regular 98530  
school day. 98531

Of the foregoing appropriation item 200545, Career-Technical 98532  
Education Enhancements, up to \$550,000 in each fiscal year may be 98533

used to support career planning and reporting through the OhioMeansJobs web site. 98534  
98535

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, \$100,000 in each fiscal year shall be used to support Jobs for Ohio's Graduates. 98536  
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98538

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, \$150,000 in each fiscal year shall be used to prepare students for careers in culinary arts and restaurant management under the Ohio ProStart school restaurant program. 98539  
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**Section 265.210. FOUNDATION FUNDING** 98543

Of the foregoing appropriation item 200550, Foundation Funding, up to \$40,000,000 in each fiscal year shall be used to provide additional state aid to school districts, joint vocational school districts, community schools, and STEM schools for special education students under division (C)(3) of section 3314.08, section 3317.0214 and division (B) of section 3317.16 in accordance with the section of this act entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021," and section 3326.34 of the Revised Code, except that the Controlling Board may increase these amounts if presented with such a request from the Department of Education at the final meeting of the fiscal year. 98544  
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Of the foregoing appropriation item 200550, Foundation Funding, up to \$3,800,000 in each fiscal year shall be used to fund gifted education at educational service centers. The Department shall distribute the funding through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and (C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010. 98555  
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Of the foregoing appropriation item 200550, Foundation 98563

Funding, up to \$40,000,000 in each fiscal year shall be reserved 98564  
to fund the state reimbursement of educational service centers 98565  
under the section of this act entitled "EDUCATIONAL SERVICE 98566  
CENTERS FUNDING." 98567

Of the foregoing appropriation item 200550, Foundation 98568  
Funding, up to \$3,500,000 in each fiscal year shall be distributed 98569  
to educational service centers for School Improvement Initiatives 98570  
and for the provision of technical assistance to schools and 98571  
districts consistent with requirements of section 3312.01 of the 98572  
Revised Code. The Department may distribute these funds through a 98573  
competitive grant process. 98574

Of the foregoing appropriation item 200550, Foundation 98575  
Funding, up to \$7,000,000 in each fiscal year shall be reserved 98576  
for payments under section 3317.029 of the Revised Code, in 98577  
accordance with the section of this act entitled "OPERATING 98578  
FUNDING FOR FISCAL YEARS 2020 and 2021." If this amount is not 98579  
sufficient, the Superintendent of Public Instruction may 98580  
reallocate excess funds for other purposes supported by this 98581  
appropriation item in order to fully pay the amounts required by 98582  
that section, provided that the aggregate amount appropriated in 98583  
appropriation item 200550, Foundation Funding, is not exceeded. 98584

Of the foregoing appropriation item 200550, Foundation 98585  
Funding, up to \$26,400,000 in each fiscal year shall be used to 98586  
support school choice programs. 98587

Of the portion of the funds distributed to the Cleveland 98588  
Municipal School District under this section, up to \$17,600,000 in 98589  
each fiscal year shall be used to operate the school choice 98590  
program in the Cleveland Municipal School District under sections 98591  
3313.974 to 3313.979 of the Revised Code. Notwithstanding 98592  
divisions (B) and (C) of section 3313.978 and division (C) of 98593  
section 3313.979 of the Revised Code, up to \$1,000,000 in each 98594  
fiscal year of this amount shall be used by the Cleveland 98595

Municipal School District to provide tutorial assistance as 98596  
provided in division (H) of section 3313.974 of the Revised Code. 98597  
The Cleveland Municipal School District shall report the use of 98598  
these funds in the district's three-year continuous improvement 98599  
plan as described in section 3302.04 of the Revised Code in a 98600  
manner approved by the Department. 98601

Of the foregoing appropriation item 200550, Foundation 98602  
Funding, up to \$2,000,000 in each fiscal year may be used for 98603  
payment of the College Credit Plus Program for students instructed 98604  
at home pursuant to section 3321.04 of the Revised Code. 98605

Of the foregoing appropriation item 200550, Foundation 98606  
Funding, an amount shall be available in each fiscal year to be 98607  
paid to joint vocational school districts in accordance with the 98608  
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 98609  
DISTRICTS." 98610

Of the foregoing appropriation item 200550, Foundation 98611  
Funding, up to \$700,000 in each fiscal year shall be used by the 98612  
Department for a program to pay for educational services for youth 98613  
who have been assigned by a juvenile court or other authorized 98614  
agency to any of the facilities described in division (A) of the 98615  
section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 98616

Of the foregoing appropriation item 200550, Foundation 98617  
Funding, a portion may be used to pay college-preparatory boarding 98618  
schools the per pupil boarding amount pursuant to section 3328.34 98619  
of the Revised Code. 98620

Of the foregoing appropriation item 200550, Foundation 98621  
Funding, a portion in each fiscal year shall be used to pay 98622  
community schools and STEM schools the amounts calculated for the 98623  
graduation and third-grade reading bonuses under sections 3314.085 98624  
and 3326.41 of the Revised Code, in accordance with the sections 98625  
of this act entitled "FUNDING FOR COMMUNITY SCHOOLS" and "FUNDING 98626

FOR STEM SCHOOLS." 98627

Of the foregoing appropriation item 200550, Foundation 98628  
Funding, up to \$350,000 in fiscal year 2020 shall be used by the 98629  
Department of Education to conduct return on investment studies 98630  
for programming funded through student success and wellness funds 98631  
and to provide technical assistance to school districts on 98632  
implementing these strategies. 98633

The remainder of the foregoing appropriation item 200550, 98634  
Foundation Funding, shall be used to fund the payments included in 98635  
the state funding allocation under division (A) of the section of 98636  
this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE 98637  
SCHOOL DISTRICTS." 98638

Appropriation items 200502, Pupil Transportation, 200540, 98639  
Special Education Enhancements, and 200550, Foundation Funding, 98640  
other than specific set-asides, are collectively used in each 98641  
fiscal year to pay state formula aid obligations for school 98642  
districts, community schools, STEM schools, college preparatory 98643  
boarding schools, and joint vocational school districts under this 98644  
act. The first priority of these appropriation items, with the 98645  
exception of specific set-asides, is to fund state formula aid 98646  
obligations. It may be necessary to reallocate funds among these 98647  
appropriation items or use excess funds from other general revenue 98648  
fund appropriation items in the Department of Education's budget 98649  
in each fiscal year in order to meet state formula aid 98650  
obligations. If it is determined that it is necessary to transfer 98651  
funds among these appropriation items or to transfer funds from 98652  
other General Revenue Fund appropriations in the Department's 98653  
budget to meet state formula aid obligations, the Superintendent 98654  
of Public Instruction shall seek approval from the Director of 98655  
Budget and Management to transfer funds as needed. 98656

The Superintendent of Public Instruction shall make payments, 98657  
transfers, and deductions, as authorized by Title XXXVIII of the 98658

Revised Code in amounts substantially equal to those made in the 98659  
prior year, or otherwise, at the discretion of the Superintendent, 98660  
until at least the effective date of the amendments and enactments 98661  
made to Title XXXIII by this act. Any funds paid to districts or 98662  
schools under this section shall be credited toward the annual 98663  
funds calculated for the district or school after the changes made 98664  
to Title XXXIII in this act are effective. Upon the effective date 98665  
of changes made to Title XXXIII in this act, funds shall be 98666  
calculated as an annual amount. 98667

**Section 265.215.** OPERATING FUNDING FOR FISCAL YEARS 2020 and 98668  
2021 98669

(A) Notwithstanding anything to the contrary in Chapter 3317. 98670  
of the Revised Code, the Department of Education shall make no 98671  
payments under that chapter for fiscal years 2020 and 2021 except 98672  
as prescribed in this section and the sections of this act 98673  
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 98674  
DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 98675

(B) Each school district and educational service center shall 98676  
report student enrollment data as prescribed by section 3317.03 of 98677  
the Revised Code, which data the Department shall use to make 98678  
payments under Chapter 3317. of the Revised Code and the sections 98679  
of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED 98680  
VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL 98681  
DISTRICTS." 98682

(C) The tax commissioner shall report data regarding tax 98683  
valuation and receipts for school districts as prescribed by 98684  
sections 3317.015, 3317.021, 3317.025, 3317.028, 3317.029, 98685  
3317.0210, 3317.0211, and 3317.08, which data the Department shall 98686  
use to make payments under Chapter 3317. of the Revised Code and 98687  
the sections of this act entitled "FUNDING FOR CITY, LOCAL, AND 98688  
EXEMPTED VILLAGE SCHOOL DISTRICTS" and "FUNDING FOR JOINT 98689

VOCATIONAL SCHOOL DISTRICTS." 98690

(D) Unless otherwise specified by another provision of law, 98691  
in addition to the payments prescribed by the sections of this act 98692  
entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 98693  
DISTRICTS" and "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS," 98694  
the Department shall continue to make payments or adjustments for 98695  
each of fiscal years 2020 and 2021 under the following provisions 98696  
of Chapter 3317. of the Revised Code: 98697

(1) All payments or adjustments under section 3317.023 of the 98698  
Revised Code; 98699

(2) All payments or adjustments under section 3317.024 of the 98700  
Revised Code; 98701

(3) Payments under section 3317.029 of the Revised Code. 98702  
Notwithstanding division (A)(2)(d) of section 3317.029, for 98703  
purposes of these payments, a city, local, or exempted village 98704  
school district's "state education aid" for fiscal years 2020 and 98705  
2021 shall be the payment made to the district under the section 98706  
of this act entitled "FUNDING FOR CITY, LOCAL, AND EXEMPTED 98707  
VILLAGE SCHOOL DISTRICTS." 98708

(4) Preschool special education payments under section 98709  
3317.0213 of the Revised Code; 98710

(5) The catastrophic cost reimbursement under section 98711  
3317.0214 of the Revised Code; 98712

(6) Payments under sections 3317.06, 3317.062, 3317.063, and 98713  
3317.064 of the Revised Code; 98714

(7) The catastrophic cost reimbursement under division (B) of 98715  
section 3317.16 of the Revised Code and excess cost reimbursements 98716  
under division (C) of that section. No other payments shall be 98717  
made under that section. 98718

(8) Adjustments under section 3317.18 of the Revised Code; 98719

(9) Payments to cooperative education school districts under section 3317.19 of the Revised Code;	98720 98721
(10) Payments to county boards of developmental disabilities under section 3317.20 of the Revised Code;	98722 98723
(11) Payments to state institutions for special education funding under section 3317.201 of the Revised Code.	98724 98725
(E) Notwithstanding anything to the contrary in Chapter 3317. of the Revised Code, for purposes of computing the payments under that chapter for fiscal years 2020 and 2021 authorized under this section for which the "state share index" or "state share percentage" is a factor, the Department shall use the state share index or state share percentage, as applicable, computed for each district for fiscal year 2019.	98726 98727 98728 98729 98730 98731 98732
(F) For fiscal years 2020 and 2021, when calculating payments under Chapter 3317. of the Revised Code as authorized under this section, and for purposes of sections 3310.09, 3313.98, 3313.981, 3314.08, 3315.18, 3326.31, 3326.33, and 3365.01 of the Revised Code and any other provision of law with respect to education financing:	98733 98734 98735 98736 98737 98738
(1) The "formula amount" equals \$6,020 for fiscal years 2020 and 2021.	98739 98740
(2) The special education catastrophic cost threshold for fiscal years 2020 and 2021 is \$27,375 for students in categories two through five special education ADM and \$32,850 for students in category six special education ADM.	98741 98742 98743 98744
(G) This section does not affect the provisions of sections 3317.0219, 3317.031, 3317.032, 3317.033, 3317.034, 3317.035, 3317.036, 3317.061, 3317.07, 3317.08, 3317.081, 3317.082, 3317.09, 3317.10, 3317.12, 3317.13, 3317.14, 3317.141, 3317.15, 3317.161, 3317.163, 3317.23, 3317.231, 3317.24, 3317.25, 3317.26, 3317.27, 3317.30, 3317.40, 3317.50, 3317.51, 3317.60, 3317.61, and 3317.62	98745 98746 98747 98748 98749 98750

of the Revised Code. 98751

**Section 265.220.** FUNDING FOR CITY, LOCAL, AND EXEMPTED 98752  
VILLAGE SCHOOL DISTRICTS 98753

For each of fiscal years 2020 and 2021, the Department of 98754  
Education shall pay each city, local, and exempted village school 98755  
district an amount equal to the sum of the following: 98756

(A) The district's aggregate annualized payments for fiscal 98757  
year 2019 under section 3317.022 of the Revised Code and Section 98758  
265.220 of Am. Sub. H.B. 49 of the 132nd General Assembly, as of 98759  
the second payment in June 2019; 98760

(B) The district's aggregate annualized payments for fiscal 98761  
year 2019 under section 3317.0212 and division (D)(2) of section 98762  
3314.091 of the Revised Code, as of the second payment in June 98763  
2019. 98764

**Section 265.225.** FUNDING FOR JOINT VOCATIONAL SCHOOL 98765  
DISTRICTS 98766

For each of fiscal years 2020 and 2021, the Department of 98767  
Education shall pay each joint vocational school district an 98768  
amount equal to the district's aggregate annualized payments for 98769  
fiscal year 2019 under section 3317.16 of the Revised Code and 98770  
Section 265.230 of Am. Sub. H.B. 49 of the 132nd General Assembly, 98771  
as of the second payment in June 2019. 98772

**Section 265.230.** FUNDING FOR COMMUNITY SCHOOLS 98773

(A) For each of fiscal years 2020 and 2021, the Department of 98774  
Education shall make the deductions and payments for each student 98775  
enrolled in a community school, established under Chapter 3314. of 98776  
the Revised Code, in the manner prescribed by division (C) of 98777  
section 3314.08 of the Revised Code, except that, for each of 98778  
those fiscal years: 98779

(1) The "formula amount" shall equal the amount specified in 98780  
division (F)(1) of the section of this act entitled "OPERATING 98781  
FUNDING FOR FISCAL YEARS 2020 and 2021." 98782

(2) "State education aid" for a school district from which a 98783  
deduction is made shall mean the amount paid to the district for 98784  
that fiscal year under the section of this act entitled "FUNDING 98785  
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 98786

(3) The per pupil amount deducted from a district and paid to 98787  
a community school under divisions (C)(1)(b) and (e) of section 98788  
3314.08 of the Revised Code shall be the same respective per pupil 98789  
amounts deducted and paid under those divisions for fiscal year 98790  
2019. 98791

(B) Notwithstanding section 3314.085 of the Revised Code, for 98792  
each of fiscal years 2020 and 2021, the Department shall pay each 98793  
community school an amount equal to the school's payment under 98794  
section 3314.085 of the Revised Code for fiscal year 2019. 98795

**Section 265.235. FUNDING FOR STEM SCHOOLS** 98796

(A) For each of fiscal years 2020 and 2021, the Department of 98797  
Education shall make the deductions and payments for each student 98798  
enrolled in a STEM school, established under Chapter 3326. of the 98799  
Revised Code, in the manner prescribed by section 3326.33 of the 98800  
Revised Code, except that, for each of those fiscal years: 98801

(1) The "formula amount" shall equal the amount specified in 98802  
division (F)(1) of the section of this act entitled "OPERATING 98803  
FUNDING FOR FISCAL YEARS 2020 and 2021." 98804

(2) "State education aid" for a school district from which a 98805  
deduction is made shall mean the amount paid to the district for 98806  
that fiscal year under the section of this act entitled "FUNDING 98807  
FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 98808

(3) The per pupil amount deducted from a district and paid to 98809

a STEM school under divisions (B) and (E) of section 3326.33 of 98810  
the Revised Code shall be the same respective per pupil amount 98811  
deducted and paid under those divisions for fiscal year 2019. 98812

(B) Notwithstanding section 3326.41 of the Revised Code, for 98813  
each of fiscal years 2020 and 2021, the Department shall pay each 98814  
STEM school an amount equal to the school's payment under section 98815  
3326.41 of the Revised Code for fiscal year 2019. 98816

**Section 265.240. LITERACY IMPROVEMENT** 98817

The foregoing appropriation item 200566, Literacy 98818  
Improvement, shall be used by the Department of Education to 98819  
support early literacy activities to align state, local, and 98820  
federal efforts in order to bolster all students' reading success. 98821  
Funds shall be distributed to educational service centers to 98822  
establish and support regional literacy professional development 98823  
teams consistent with section 3312.01 of the Revised Code. A 98824  
portion of the funds may be used by the Department for program 98825  
administration, monitoring, technical assistance, support, 98826  
research, and evaluation. 98827

**Section 265.250. ADULT EDUCATION PROGRAMS** 98828

Of the foregoing appropriation item 200572, Adult Education 98829  
Programs, up to \$6,400,000 in each fiscal year shall be used to 98830  
make payments under sections 3314.38, 3317.23, 3317.24, and 98831  
3345.86 of the Revised Code. 98832

A portion of the foregoing appropriation item 200572, Adult 98833  
Education Programs, shall be used in each fiscal year to make 98834  
payments to institutions participating in the Adult Diploma Pilot 98835  
Program under section 3313.902 of the Revised Code and to pay 98836  
career-technical planning districts for the amounts reimbursed to 98837  
students, as prescribed in this section. 98838

Each career-technical planning district shall reimburse 98839

individuals taking a nationally recognized high school equivalency 98840  
examination approved by the Department of Education for the first 98841  
time for application fees, examination fees, or both, in excess of 98842  
\$40, up to a maximum reimbursement per individual of \$80. Each 98843  
career-technical planning district shall designate a site or sites 98844  
where individuals may register and take an approved examination. 98845  
For each individual who registers for an approved examination, the 98846  
career-technical planning district shall make available and offer 98847  
career counseling services, including information on adult 98848  
education programs that are available. A portion of the 98849  
appropriation item may be reimbursed to the Department of Youth 98850  
Services and the Department of Rehabilitation and Correction for 98851  
individuals in these facilities who have taken an approved 98852  
examination for the first time. The amounts reimbursed shall not 98853  
exceed the per-individual amounts reimbursed to other individuals 98854  
under this section for an approved examination. 98855

Notwithstanding any provision of law to the contrary, the 98856  
unexpended balance of appropriations for payments under sections 98857  
3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 98858  
Code at the end of each fiscal year may be encumbered by the 98859  
Department of Education and remain available for payment for a 98860  
period not to exceed two years from the end of each fiscal year in 98861  
which the funds were originally appropriated, in accordance with 98862  
guidelines established by the Superintendent of Public 98863  
Instruction. 98864

A portion of the foregoing appropriation item 200572, Adult 98865  
Education Programs, may be used for program administration, 98866  
technical assistance, support, research, and evaluation of adult 98867  
education programs, including high school equivalency examinations 98868  
approved by the Department of Education. 98869

**Section 265.260.** EDCHOICE EXPANSION 98870

The foregoing appropriation item 200573, EdChoice Expansion, 98871  
shall be used to provide for the scholarships awarded under the 98872  
expansion of the educational choice program established under 98873  
section 3310.032 of the Revised Code. The number of scholarships 98874  
awarded under the expansion of the educational choice program 98875  
shall not exceed the number that can be funded with the 98876  
appropriations made by the General Assembly for this purpose. 98877

HALF-MILL MAINTENANCE EQUALIZATION 98878

The foregoing appropriation item 200574, Half-Mill 98879  
Maintenance Equalization, shall be used to make payments pursuant 98880  
to section 3318.18 of the Revised Code. 98881

ADAPTIVE SPORTS PROGRAM 98882

The foregoing appropriation item 200576, Adaptive Sports 98883  
Program, shall be used by the Department of Education, in 98884  
collaboration with the Adaptive Sports Program of Ohio, to fund 98885  
adaptive sports programs in school districts across the state. 98886

INNOVATIVE SHARED SERVICES AT SCHOOLS 98887

The foregoing appropriation item 200598, Innovative Shared 98888  
Services at Schools, shall be used to provide competitive grants 98889  
in accordance with the section of this act entitled "INNOVATIVE 98890  
SHARED SERVICES AT SCHOOLS PROGRAM." 98891

**Section 265.270.** INNOVATIVE SHARED SERVICES AT SCHOOLS 98892  
PROGRAM 98893

(A) There is hereby created the Innovative Shared Services at 98894  
Schools Program to provide grants to city, local, and exempted 98895  
village school districts, joint vocational school districts, 98896  
community schools, STEM schools, education consortia (which may 98897  
represent a partnership among school districts, community schools, 98898  
STEM schools, or educational service centers), and private or 98899  
governmental entities partnering with one or more of the 98900

educational entities identified in this division for projects that 98901  
aim to achieve significant advancement in the use of a shared 98902  
services delivery model that demonstrates increased efficiency and 98903  
effectiveness, long-term sustainability, and scalability. 98904

(B)(1) Grants shall be awarded by a five-member governing 98905  
board consisting of the Superintendent of Public Instruction, or 98906  
the Superintendent's designee, two members appointed by the 98907  
Governor, one member appointed by the Speaker of the House of 98908  
Representatives, and one member appointed by the President of the 98909  
Senate. The Department of Education shall provide administrative 98910  
support to the board. No member shall be compensated for the 98911  
member's service on the board. 98912

(2) The board shall select grant advisors with fiscal 98913  
expertise and education expertise. These advisors shall evaluate 98914  
proposals from grant applicants and advise the staff administering 98915  
the program. No advisor shall be compensated for this service. 98916

(3) The board shall issue an annual report to the Governor, 98917  
the Speaker of the House of Representatives, the President of the 98918  
Senate, and the chairpersons of the House and Senate committees 98919  
that primarily deal with education regarding the types of grants 98920  
awarded, the grant recipients, and the effectiveness of the grant 98921  
program. 98922

(4) The board shall create a grant application and publish on 98923  
the Department's web site the application and timeline for the 98924  
submission, review, notification, and awarding of grant proposals. 98925

(5) With the approval of the board, the Department shall 98926  
establish a system for evaluating and scoring the grant 98927  
applications received under this section. 98928

(C) Each grant applicant shall submit a proposal that 98929  
includes all of the following: 98930

(1) A description of the project for which the applicant is 98931

seeking a grant, including a description of how the project will 98932  
have substantial value and lasting impact; 98933

(2) A description of quantifiable results of the project that 98934  
can be benchmarked; 98935

(3) A description of administrative efficiencies created by 98936  
the project. 98937

If an education consortium described in division (A) of this 98938  
section applies for a grant, the lead applicant shall be the 98939  
school district, community school, or STEM school that is a member 98940  
of the consortium and shall so indicate on the grant application. 98941

(D)(1) The board shall issue a timely decision of "yes," 98942  
"no," "hold," or "edit" for each application. A grant awarded 98943  
under this section shall not exceed \$100,000 in each fiscal year. 98944  
The Superintendent of Public Instruction may make recommendations 98945  
to the Controlling Board that these maximum amounts be exceeded. 98946  
Upon Controlling Board approval, grants may be awarded in excess 98947  
of these amounts. 98948

(2) If the board issues a "hold" or "edit" decision for an 98949  
application, it shall, upon returning the application to the 98950  
applicant, specify the process for reconsideration of the 98951  
application. An applicant may work with the grant advisors and 98952  
staff to modify or improve a grant application. 98953

(E) Upon deciding to award a grant to an applicant, the board 98954  
shall enter into a grant agreement with the applicant that 98955  
includes all of the following: 98956

(1) The content of the applicant's proposal as outlined under 98957  
division (C) of this section; 98958

(2) The project's deliverables and a timetable for their 98959  
completion; 98960

(3) Conditions for receiving grant funding; 98961

(4) Conditions for receiving funding in future years if the contract is a multi-year contract;	98962 98963
(5) A provision specifying that funding will be returned to the board if the applicant fails to implement the agreement;	98964 98965
(6) A provision specifying that the agreement may be amended by mutual agreement between the board and the applicant.	98966 98967
(F) Each grant awarded under this section shall be subject to approval by the Controlling Board prior to execution of the grant agreement.	98968 98969 98970
(G) At the discretion of the board, a portion of appropriation item 200598, Innovative Shared Services at Schools, may be used by the Department of Education to administer the program.	98971 98972 98973 98974
(H) Notwithstanding any provision of law to the contrary, grants awarded under this section may be used by grant recipients for grant-related expenses incurred for a period not to exceed two years from the date of the award according to guidelines established by the governing board.	98975 98976 98977 98978 98979
<b>Section 265.280. MEDICAID IN SCHOOLS PROGRAM</b>	98980
The foregoing appropriation item, 657401, Medicaid in Schools Program, shall be used by the Department of Education to support the Medicaid in Schools Program.	98981 98982 98983
<b>Section 265.300. TEACHER CERTIFICATION AND LICENSURE</b>	98984
The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education in each year of the biennium to administer and support teacher certification and licensure activities. Notwithstanding section 3319.51 of the Revised Code, a portion of the foregoing appropriation may also be used for implementation of teacher and	98985 98986 98987 98988 98989 98990

principal evaluation systems, including incorporation of student 98991  
growth as a metric in those systems, and teacher value-added 98992  
reports. 98993

**Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE** 98994

(A) The foregoing appropriation item 200687, School District 98995  
Solvency Assistance, shall be allocated to the School District 98996  
Shared Resource Account and the Catastrophic Expenditures Account 98997  
in amounts determined by the Superintendent of Public Instruction. 98998  
These funds shall be used to provide assistance and grants to 98999  
school districts to enable them to remain solvent under section 99000  
3316.20 of the Revised Code. Assistance and grants shall be 99001  
subject to approval by the Controlling Board. Except as provided 99002  
under division (C) of this section, any required reimbursements 99003  
from school districts for solvency assistance shall be made to the 99004  
appropriate account in the School District Solvency Assistance 99005  
Fund (Fund 5H30). 99006

(B) Notwithstanding any provision of law to the contrary, 99007  
upon the request of the Superintendent of Public Instruction, the 99008  
Director of Budget and Management may make transfers to the School 99009  
District Solvency Assistance Fund (Fund 5H30) from any fund used 99010  
by the Department of Education or the General Revenue Fund to 99011  
maintain sufficient cash balances in Fund 5H30 in fiscal years 99012  
2020 and 2021. Any cash transferred is hereby appropriated. The 99013  
transferred cash may be used by the Department to provide 99014  
assistance and grants to school districts to enable them to remain 99015  
solvent and to pay unforeseeable expenses of a temporary or 99016  
emergency nature that the school district is unable to pay from 99017  
existing resources. The Director shall notify the members of the 99018  
Controlling Board of any such transfers. 99019

(C) If the cash balance of the School District Solvency 99020  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 99021

assistance in fiscal years 2020 and 2021, at the request of the 99022  
Superintendent of Public Instruction, and with the approval of the 99023  
Controlling Board, the Director of Budget and Management may 99024  
transfer cash from the Lottery Profits Education Reserve Fund 99025  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 99026  
school districts to enable them to remain solvent and to pay 99027  
unforeseeable expenses of a temporary nature that they are unable 99028  
to pay from existing resources under section 3316.20 of the 99029  
Revised Code. Such transfers are hereby appropriated to 99030  
appropriation item 200670, School District Solvency Assistance - 99031  
Lottery. Any required reimbursements from school districts for 99032  
solvency assistance granted from appropriation item 200670, School 99033  
District Solvency Assistance - Lottery, shall be made to Fund 99034  
7018. 99035

**Section 265.323. STUDENT WELLNESS AND SUCCESS** 99036

The foregoing appropriation item 200604, Student Wellness and 99037  
Success, shall be used to distribute the amounts calculated for 99038  
student wellness and success funds under sections 3314.088, 99039  
3317.0219, 3317.163, and 3326.42 of the Revised Code. 99040

**Section 265.325. SCHOOL CLIMATE GRANTS** 99041

(A) The foregoing appropriation item 200602, School Climate 99042  
Grants, shall be used to provide competitive grants to eligible 99043  
applicants to implement positive behavior intervention and 99044  
supports frameworks, evidence- or research-based social and 99045  
emotional learning initiatives, or both, in eligible school 99046  
buildings. 99047

(B) The Superintendent of Public Instruction shall administer 99048  
and award the grants. The Superintendent shall prescribe an 99049  
application form, establish procedures for the consideration and 99050  
approval of grant applications, and determine the amount of the 99051

grant awards. 99052

(C)(1) Subject to division (C)(2) of this section, the 99053  
Superintendent shall award the grants in the following order of 99054  
priority: 99055

(a) First, to eligible applicants whose grant proposal serves 99056  
one or more eligible school buildings whose percentage of students 99057  
who are identified as economically disadvantaged is greater than 99058  
the statewide average percentage of students who are identified as 99059  
economically disadvantaged, as determined by the Superintendent; 99060

(b) Second, to eligible applicants whose grant proposal 99061  
serves one or more eligible school buildings with high suspension 99062  
rates, as determined by the Superintendent; 99063

(c) Third, to eligible applicants who were not awarded a 99064  
grant under either division (C)(1)(a) or (b) of this section in 99065  
the order in which the applications were received. 99066

(2) If, for a fiscal year, the amount appropriated for the 99067  
grants awarded under this section is insufficient to provide 99068  
grants to all eligible applicants within a priority level 99069  
specified in division (C)(1) of this section, the Superintendent 99070  
shall first award grants within that priority level to eligible 99071  
applicants whose grant proposal serves one or more eligible school 99072  
buildings that previously have not been served through a grant 99073  
disbursed from the foregoing appropriation item 200602, School 99074  
Climate Grants. 99075

(D) The Superintendent may enter into a written grant 99076  
agreement with each eligible applicant awarded a grant under this 99077  
section that includes the terms and conditions governing the use 99078  
of the funds. The Superintendent may monitor a recipient's use of 99079  
the funds to ensure that the funds are used in accordance with the 99080  
grant agreement. 99081

(E) A grant awarded to an eligible applicant under this 99082

section shall not exceed \$5,000 per eligible school building 99083  
served in the eligible applicant's grant proposal, up to a maximum 99084  
of \$50,000. 99085

(F) Notwithstanding any provision of law to the contrary, 99086  
grants awarded under this section may be used by grant recipients 99087  
for grant-related expenses for a period not to exceed two years 99088  
from the date of the award, according to guidelines established by 99089  
the Superintendent. 99090

(G) As used in this section: 99091

(1) "Eligible applicant" means a city, local, or exempted 99092  
village school district or a community school established under 99093  
Chapter 3314. of the Revised Code. 99094

(2) "Eligible school building" means a building of an 99095  
eligible applicant that serves any of grades kindergarten through 99096  
three. 99097

**Section 265.330. LOTTERY PROFITS EDUCATION FUND** 99098

The foregoing appropriation item 200612, Foundation Funding, 99099  
shall be used in conjunction with appropriation item 200550, 99100  
Foundation Funding, to provide state foundation payments to school 99101  
districts. 99102

The Department of Education, with the approval of the 99103  
Director of Budget and Management, shall determine the monthly 99104  
distribution schedules of appropriation item 200550, Foundation 99105  
Funding, and appropriation item 200612, Foundation Funding. If 99106  
adjustments to the monthly distribution schedule are necessary, 99107  
the Department shall make such adjustments with the approval of 99108  
the Director. 99109

**Section 265.332. STUDENT WELLNESS AND SUCCESS** 99110

The foregoing appropriation item 200625, Student Wellness and 99111

Success, shall be used to make payments calculated for student 99112  
wellness and success funds under sections 3314.088, 3317.0219, 99113  
3317.163, and 3326.42 of the Revised Code. 99114

**Section 265.335. QUALITY COMMUNITY SCHOOLS SUPPORT** 99115

(A) The foregoing appropriation item 200631, Quality 99116  
Community Schools Support, shall be used for the Quality Community 99117  
School Support Program. Under the program, the Department of 99118  
Education shall pay each community school established under 99119  
Chapter 3314. of the Revised Code and designated as a Community 99120  
School of Quality under this section an amount equal to \$1,750 in 99121  
each fiscal year for each pupil identified as economically 99122  
disadvantaged and \$1,000 in each fiscal year for each pupil that 99123  
is not identified as economically disadvantaged. The payment for 99124  
the current fiscal year shall be calculated using the final 99125  
adjusted full-time equivalent number of students enrolled in a 99126  
community school for the prior fiscal year, except that if a 99127  
school is in its first year of operation the payment for the 99128  
current fiscal year shall be calculated using the adjusted 99129  
full-time equivalent number of students enrolled in the school for 99130  
the current fiscal year as of the date the payment is made, as 99131  
reported by the school under section 3314.08 of the Revised Code. 99132  
The Department shall make the payment to each Community School of 99133  
Quality not later than January 31 of each fiscal year. 99134

(B) To be designated as a Community School of Quality, a 99135  
community school shall satisfy at least one of the following 99136  
conditions: 99137

(1) The community school meets all of the following criteria: 99138

(a) The school's sponsor was rated "exemplary" or "effective" 99139  
on the sponsor's most recent evaluation conducted under section 99140  
3314.016 of the Revised Code. 99141

(b) The school received a higher performance index score than the school district in which the school is located on the two most recent report cards issued for the school under section 3302.03 of the Revised Code.

(c) The school received an overall grade of "A" or "B" for the value-added progress dimension on the most recent report card issued for the school under section 3302.03 of the Revised Code or is a school described under division (A)(4) of section 3314.35 of the Revised Code and did not receive a grade for the value-added progress dimension on the most recent report card.

(d) At least fifty per cent of the students enrolled in the school are economically disadvantaged, as determined by the Department.

(2) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school is in its first year of operation.

(c) The school is replicating an operational and instructional model used by a community school described in division (B)(1) of this section.

(3) The community school meets all of the following criteria:

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(b) The school contracts with an operator that operates schools in other states and meets at least one of the following criteria:

(i) Has operated a school that received a grant funded through the federal Charter School Program established under 20

U.S.C. 7221 or received funding from the Charter School Growth Fund;	99172 99173
(ii) Meets all of the following criteria:	99174
(I) One of the operator's schools in another state performed better than the school district in which the school is located, as determined by the Department.	99175 99176 99177
(II) At least fifty per cent of the total number of students enrolled in all of the operator's schools are economically disadvantaged, as determined by the Department.	99178 99179 99180
(III) The operator is in good standing in all states where it operates schools.	99181 99182
(IV) The Department has determined that the operator does not have any financial viability issues that would prevent it from effectively operating a community school in Ohio.	99183 99184 99185
(C) A school that is designated as a Community School of Quality under division (B) of this section shall maintain that designation for the two fiscal years following the fiscal year in which the school was initially designated as a Community School of Quality.	99186 99187 99188 99189 99190
<b>Section 265.340. COMMUNITY SCHOOL FACILITIES</b>	99191
The foregoing appropriation item 200684, Community School Facilities, shall be used to pay each community school established under Chapter 3314. of the Revised Code and each STEM school established under Chapter 3326. of the Revised Code an amount equal to \$25 in each fiscal year for each full-time equivalent pupil in an internet- or computer-based community school and \$200 in each fiscal year for each full-time equivalent pupil in all other community or STEM schools for assistance with the cost associated with facilities. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the	99192 99193 99194 99195 99196 99197 99198 99199 99200 99201

aggregate amount appropriated is not exceeded. 99202

**Section 265.350.** LOTTERY PROFITS EDUCATION RESERVE FUND 99203

(A) There is hereby created the Lottery Profits Education 99204  
Reserve Fund (Fund 7018) in the State Treasury. Investment 99205  
earnings of the Lottery Profits Education Reserve Fund shall be 99206  
credited to the fund. 99207

(B) Notwithstanding any other provision of law to the 99208  
contrary, the Director of Budget and Management may transfer cash 99209  
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 99210  
in fiscal year 2020 and fiscal year 2021. 99211

(C) On July 15, 2019, or as soon as possible thereafter, the 99212  
Director of the Ohio Lottery Commission shall certify to the 99213  
Director of Budget and Management the amount by which lottery 99214  
profit transfers received by Fund 7017 exceeded \$1,093,630,000 in 99215  
fiscal year 2019. 99216

(D) On July 15, 2020, or as soon as possible thereafter, the 99217  
Director of the Ohio Lottery Commission shall certify to the 99218  
Director of Budget and Management the amount by which lottery 99219  
profit transfers received by Fund 7017 exceeded \$1,126,000,000 in 99220  
fiscal year 2020. 99221

(E) Notwithstanding any provision of law to the contrary, in 99222  
fiscal year 2020 and fiscal year 2021, the Director of Budget and 99223  
Management may transfer cash in excess of the amounts necessary to 99224  
support appropriations in Fund 7017 from that fund to Fund 7018. 99225

**Section 265.360.** EDUCATIONAL SERVICE CENTERS FUNDING 99226

As used in this section, "high-performing educational service 99227  
center" means an educational service center designated as such 99228  
pursuant to rule 3301-105-01 of the Administrative Code. 99229

As used in this section, "student count" means the count 99230

calculated under division (G)(1) of section 3313.843 of the Revised Code. 99231  
99232

In each fiscal year, the Department of Education shall pay the governing board of each high-performing educational service center state funds equal to twenty-six dollars times its student count, and to the governing board of each other center, state funds equal to twenty-four dollars times its student count. 99233  
99234  
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If the amount earmarked for the state reimbursement of educational service centers in appropriation item 200550, Foundation Funding, is not sufficient, the Department shall prorate the payment amounts so that the appropriation is not exceeded. 99238  
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Notwithstanding any provision of law to the contrary, a school district that has not entered into an agreement for services with an educational service center as of June 30, 2019, shall be prohibited from entering into such an agreement during the period from July 1, 2019, through June 30, 2021. 99243  
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**Section 265.380.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS 99248  
99249

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent shall participate. 99250  
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99255

**Section 265.390.** COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH STUDENTS 99256  
99257

(A) As used in this section: 99258

(1) "IEP" has the same meaning as in section 3323.01 of the 99259

Revised Code. 99260

(2) "SBH student" means a student receiving special education 99261  
and related services for severe behavior disabilities pursuant to 99262  
an IEP. 99263

(B) This section applies only to a community school 99264  
established under Chapter 3314. of the Revised Code that in each 99265  
of fiscal years 2020 and 2021 enrolls a number of SBH students 99266  
equal to at least fifty per cent of the total number of students 99267  
enrolled in the school in the applicable fiscal year. 99268

(C) In addition to any state foundation payments made, in 99269  
each of fiscal years 2020 and 2021, the Department of Education 99270  
shall pay to a community school to which this section applies a 99271  
subsidy equal to the difference between the aggregate amount 99272  
calculated and paid in that fiscal year to the community school 99273  
for special education and related services additional weighted 99274  
costs for the SBH students enrolled in the school and the 99275  
aggregate amount that would have been calculated for the school 99276  
for special education and related services additional weighted 99277  
costs for those same students in fiscal year 2001. If the 99278  
difference is a negative number, the amount of the subsidy shall 99279  
be zero. 99280

(D) The amount of any subsidy paid to a community school 99281  
under this section shall not be deducted from the school district 99282  
in which any of the students enrolled in the community school are 99283  
entitled to attend school under section 3313.64 or 3313.65 of the 99284  
Revised Code. The amount of any subsidy paid to a community school 99285  
under this section shall be paid from funds appropriated to the 99286  
Department in appropriation item 200550, Foundation Funding. 99287

**Section 265.400. EARMARK ACCOUNTABILITY** 99288

At the request of the Superintendent of Public Instruction, 99289

any entity that receives a budget earmark under the Department of 99290  
Education shall submit annually to the chairpersons of the 99291  
committees of the House of Representatives and the Senate 99292  
primarily concerned with education and education funding and to 99293  
the Department a report that includes a description of the 99294  
services supported by the funds, a description of the results 99295  
achieved by those services, an analysis of the effectiveness of 99296  
the program, and an opinion as to the program's applicability to 99297  
other school districts. For an earmarked entity that received 99298  
state funds from an earmark in the prior fiscal year, no funds 99299  
shall be provided by the Department to an earmarked entity for a 99300  
fiscal year until its report for the prior fiscal year has been 99301  
submitted. 99302

**Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME** 99303

A community school established under Chapter 3314. of the 99304  
Revised Code that was open for operation as a community school as 99305  
of May 1, 2005, may operate from or in any home, as defined in 99306  
section 3313.64 of the Revised Code, located in the state, 99307  
regardless of when the community school's operations from or in a 99308  
particular home began. 99309

**Section 265.420. USE OF VOLUNTEERS** 99310

The Department of Education may utilize the services of 99311  
volunteers to accomplish any of the purposes of the Department. 99312  
The Superintendent of Public Instruction shall approve for what 99313  
purposes volunteers may be used and for these purposes may 99314  
recruit, train, and oversee the services of volunteers. The 99315  
Superintendent may reimburse volunteers for necessary and 99316  
appropriate expenses in accordance with state guidelines and may 99317  
designate volunteers as state employees for the purpose of motor 99318  
vehicle accident liability insurance under section 9.83 of the 99319

Revised Code, for immunity under section 9.86 of the Revised Code, 99320  
and for indemnification from liability incurred in the performance 99321  
of their duties under section 9.87 of the Revised Code. 99322

**Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN 99323**  
REIMBURSEMENTS 99324

(A) Except as expressly required under a court judgment not 99325  
subject to further appeals, or a settlement agreement with a 99326  
school district executed on or before June 1, 2009, in the case of 99327  
a school district for which the formula ADM for fiscal year 2005, 99328  
as reported for that fiscal year under division (A) of section 99329  
3317.03 of the Revised Code, was reduced based on enrollment 99330  
reports for community schools, made under section 3314.08 of the 99331  
Revised Code, regarding students entitled to attend school in the 99332  
district, which reduction of formula ADM resulted in a reduction 99333  
of foundation funding or transitional aid funding for fiscal year 99334  
2005, 2006, or 2007, no school district, except a district named 99335  
in the court's judgment or the settlement agreement, shall have a 99336  
legal claim for reimbursement of the amount of such reduction in 99337  
foundation funding or transitional aid funding, and the state 99338  
shall not have liability for reimbursement of the amount of such 99339  
reduction in foundation funding or transitional aid funding. 99340

(B) As used in this section: 99341

(1) "Community school" means a community school established 99342  
under Chapter 3314. of the Revised Code. 99343

(2) "Entitled to attend school" means entitled to attend 99344  
school in a school district under section 3313.64 or 3313.65 of 99345  
the Revised Code. 99346

(3) "Foundation funding" means payments calculated for the 99347  
respective fiscal year under Chapter 3317. of the Revised Code. 99348

(4) "Transitional aid funding" means payments calculated for 99349

the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 99350  
of the 125th General Assembly, as subsequently amended; Section 99351  
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 99352  
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 99353  
of the 127th General Assembly. 99354

**Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 99355

In collaboration with the County Family and Children First 99356  
Council, a city, local, or exempted village school district, 99357  
community school, STEM school, joint vocational school district, 99358  
educational service center, or county board of developmental 99359  
disabilities that receives allocations from the Department of 99360  
Education from appropriation item 200550, Foundation Funding, or 99361  
appropriation item 200540, Special Education Enhancements, may 99362  
transfer portions of those allocations to a flexible funding pool 99363  
authorized by the section of this act entitled "FAMILY AND 99364  
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 99365  
maintenance of effort or for federal or state funding matching 99366  
requirements shall not be transferred unless the allocation may 99367  
still be used to meet such requirements. 99368

**Section 265.450. PRIVATE TREATMENT FACILITY PROJECT** 99369

(A) As used in this section: 99370

(1) The following are "participating residential treatment 99371  
centers": 99372

(a) Private residential treatment facilities that have 99373  
entered into a contract with the Department of Youth Services to 99374  
provide services to children placed at the facility by the 99375  
Department and which, in fiscal year 2020 or fiscal year 2021 or 99376  
both, the Department pays through appropriation item 470401, 99377  
RECLAIM Ohio; 99378

(b) Abraxas, in Shelby; 99379

(c) Paint Creek, in Bainbridge; 99380

(d) F.I.R.S.T., in Mansfield. 99381

(2) "Education program" means an elementary or secondary 99382  
education program or a special education program and related 99383  
services. 99384

(3) "Served child" means any child receiving an education 99385  
program pursuant to division (B) of this section. 99386

(4) "School district responsible for tuition" means a city, 99387  
exempted village, or local school district that, if tuition 99388  
payment for a child by a school district is required under law 99389  
that existed in fiscal year 1998, is the school district required 99390  
to pay that tuition. 99391

(5) "Residential child" means a child who resides in a 99392  
participating residential treatment center and who is receiving an 99393  
educational program under division (B) of this section. 99394

(B) A youth who is a resident of the state and has been 99395  
assigned by a juvenile court or other authorized agency to a 99396  
residential treatment facility specified in division (A) of this 99397  
section shall be enrolled in an approved educational program 99398  
located in or near the facility. Approval of the educational 99399  
program shall be contingent upon compliance with the criteria 99400  
established for such programs by the Department of Education. The 99401  
educational program shall be provided by a school district or 99402  
educational service center, or by the residential facility itself. 99403  
Maximum flexibility shall be given to the residential treatment 99404  
facility to determine the provider. In the event that a voluntary 99405  
agreement cannot be reached and the residential facility does not 99406  
choose to provide the educational program, the educational service 99407  
center in the county in which the facility is located shall 99408  
provide the educational program at the treatment center to 99409  
children under twenty-two years of age residing in the treatment 99410

center. 99411

(C) Any school district responsible for tuition for a 99412  
residential child shall, notwithstanding any conflicting provision 99413  
of the Revised Code regarding tuition payment, pay tuition for the 99414  
child for fiscal year 2020 and fiscal year 2021 to the education 99415  
program provider and in the amount specified in this division. If 99416  
there is no school district responsible for tuition for a 99417  
residential child and if the participating residential treatment 99418  
center to which the child is assigned is located in the city, 99419  
exempted village, or local school district that, if the child were 99420  
not a resident of that treatment center, would be the school 99421  
district where the child is entitled to attend school under 99422  
sections 3313.64 and 3313.65 of the Revised Code, that school 99423  
district, notwithstanding any conflicting provision of the Revised 99424  
Code, shall pay tuition for the child for fiscal year 2020 and 99425  
fiscal year 2021 under this division unless that school district 99426  
is providing the educational program to the child under division 99427  
(B) of this section. 99428

A tuition payment under this division shall be made to the 99429  
school district, educational service center, or residential 99430  
treatment facility providing the educational program to the child. 99431

The amount of tuition paid shall be: 99432

(1) The amount of tuition determined for the district under 99433  
division (A) of section 3317.08 of the Revised Code; 99434

(2) In addition, for any student receiving special education 99435  
pursuant to an individualized education program as defined in 99436  
section 3323.01 of the Revised Code, a payment for excess costs. 99437  
This payment shall equal the actual cost to the school district, 99438  
educational service center, or residential treatment facility of 99439  
providing special education and related services to the student 99440  
pursuant to the student's individualized education program, minus 99441

the tuition paid for the child under division (C)(1) of this 99442  
section. 99443

A school district paying tuition under this division shall 99444  
not include the child for whom tuition is paid in the district's 99445  
average daily membership certified under division (A) of section 99446  
3317.03 of the Revised Code. 99447

(D) In each of fiscal years 2020 and 2021, the Department of 99448  
Education shall reimburse, from appropriations made for the 99449  
purpose, a school district, educational service center, or 99450  
residential treatment facility, whichever is providing the 99451  
service, that has demonstrated that it is in compliance with the 99452  
funding criteria for each served child for whom a school district 99453  
must pay tuition under division (C) of this section. The amount of 99454  
the reimbursement shall be the amount appropriated for this 99455  
purpose divided by the full-time equivalent number of children for 99456  
whom reimbursement is to be made. 99457

(E) Funds provided to a school district, educational service 99458  
center, or residential treatment facility under this section shall 99459  
be used to supplement, not supplant, funds from other public 99460  
sources for which the school district, service center, or 99461  
residential treatment facility is entitled or eligible. 99462

(F) The Department of Education shall track the utilization 99463  
of funds provided to school districts, educational service 99464  
centers, and residential treatment facilities under this section 99465  
and monitor the effect of the funding on the educational programs 99466  
they provide in participating residential treatment facilities. 99467  
The Department shall monitor the programs for educational 99468  
accountability. 99469

**Section 265.460.** (A) The Superintendent of Public Instruction 99470  
may form partnerships with Ohio's business community, including 99471  
the Ohio Business Roundtable, to create and implement initiatives 99472

that connect students with the business community in an effort to 99473  
increase student engagement and job readiness through internships, 99474  
work study, and site-based learning experiences. 99475

(B) If the Superintendent forms a partnership pursuant to 99476  
division (A) of this section, the initiatives created and 99477  
implemented through that partnership shall do all of the 99478  
following: 99479

(1) Support the career connection learning strategies 99480  
described in division (B)(2) of section 3301.079 of the Revised 99481  
Code; 99482

(2) Provide an opportunity for students to earn high school 99483  
credit toward graduation or to meet curriculum requirements in 99484  
accordance with divisions (J)(1) and (2) of section 3313.603 of 99485  
the Revised Code; 99486

(3) Inform the development of student success plans pursuant 99487  
to division (C) of section 3313.6020 of the Revised Code. 99488

**Section 265.470.** The Department of Education shall study the 99489  
feasibility of new funding models for internet- or computer-based 99490  
community schools. In conducting the study, the department shall 99491  
do all of the following: 99492

(A) Consider models of funding based on competency and course 99493  
completion; 99494

(B) Consider models of funding used in other states, 99495  
including Florida and New Hampshire; 99496

(C) Make recommendations on the feasibility of new funding 99497  
models for internet- or computer-based community schools. 99498

Upon completion of the study, and not later than December 31, 99499  
2019, the department shall submit copies of the study to the 99500  
Governor, the President and Minority Leader of the Senate, the 99501

Speaker and Minority Leader of the House of Representatives, and 99502  
the chairpersons of the standing committees on education of the 99503  
Senate and the House of Representatives. 99504

**Section 265.490.** Upon receipt of federal funds under Title 99505  
IV, Part A, Student Support and Academic Enrichment Grants, and 99506  
after payments are made pursuant to education programs included in 99507  
this block grant program, the Department shall direct any unused 99508  
funds to cover all or part of the cost of Advanced Placement tests 99509  
and International Baccalaureate registration and exam fees for 99510  
low-income students. 99511

**Section 265.505.** Not later than December 31, 2020, and 99512  
December 31, 2021, the Department of Education shall submit an 99513  
annual report to the General Assembly in accordance with section 99514  
101.68 of the Revised Code describing the manner in which the 99515  
Department partnered with educational service centers in the 99516  
delivery of services consistent with Chapter 3312. of the Revised 99517  
Code, as specified in the sections of this act entitled "ACADEMIC 99518  
STANDARDS," "ACCOUNTABILITY/REPORT CARDS," "LITERACY IMPROVEMENT," 99519  
"EDUCATOR PREPARATION," and "FOUNDATION FUNDING," during the 99520  
previous fiscal year. 99521

**Section 267.10.** ELC OHIO ELECTIONS COMMISSION 99522

General Revenue Fund 99523

GRF 051321	Operating Expenses	\$	435,221	\$	435,221	99524
TOTAL GRF	General Revenue Fund	\$	435,221	\$	435,221	99525

Dedicated Purpose Fund Group 99526

4P20 051601	Operating Support	\$	199,460	\$	199,460	99527
TOTAL DPF	Dedicated Purpose Fund	\$	199,460	\$	199,460	99528

Group

TOTAL ALL BUDGET FUND GROUPS		\$	634,681	\$	634,681	99529
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<b>Section 269.10.</b>	FUN STATE BOARD OF EMBALMERS AND FUNERAL				99531	
	DIRECTORS				99532	
	Dedicated Purpose Fund Group				99533	
4K90 881609	Operating Expenses	\$	949,667	\$	1,033,281	99534
TOTAL DPF	Dedicated Purpose Fund	\$	949,667	\$	1,033,281	99535
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	949,667	\$	1,033,281	99536

<b>Section 271.10.</b>	PAY EMPLOYEE BENEFITS FUNDS				99538	
	Fiduciary Fund Group				99539	
1240 995673	Payroll Deductions	\$	832,466,424	\$	824,291,520	99540
8060 995666	Accrued Leave Fund	\$	88,203,046	\$	90,830,634	99541
8070 995667	Disability Fund	\$	24,790,268	\$	25,839,844	99542
8080 995668	State Employee Health	\$	926,211,020	\$	989,360,953	99543
	Benefit Fund					
8090 995669	Dependent Care	\$	4,100,000	\$	4,477,000	99544
	Spending Account					
8100 995670	Life Insurance	\$	1,757,422	\$	1,810,144	99545
	Investment Fund					
8110 995671	Parental Leave	\$	4,867,791	\$	5,308,830	99546
	Benefit Fund					
8130 995672	Health Care Spending	\$	15,206,162	\$	16,806,372	99547
	Account					
TOTAL FID	Fiduciary Fund Group	\$	1,897,602,133	\$	1,958,725,297	99548
TOTAL ALL BUDGET FUND GROUPS		\$	1,897,602,133	\$	1,958,725,297	99549

<b>Section 271.20.</b>	PAYROLL DEDUCTION FUND				99551
	The foregoing appropriation item 995673, Payroll Deductions,				99552
	shall be used to make payments from the Payroll Deduction Fund				99553
	(Fund 1240) pursuant to section 125.21 of the Revised Code. If it				99554
	is determined by the Director of Budget and Management that				99555
	additional amounts are necessary, the amounts are hereby				99556

appropriated. 99557

ACCRUED LEAVE LIABILITY FUND 99558

The foregoing appropriation item 995666, Accrued Leave Fund, 99559  
shall be used to make payments from the Accrued Leave Liability 99560  
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 99561  
If it is determined by the Director of Budget and Management that 99562  
additional amounts are necessary, the amounts are hereby 99563  
appropriated. 99564

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 99565

The foregoing appropriation item 995667, Disability Fund, 99566  
shall be used to make payments from the State Employee Disability 99567  
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 99568  
Revised Code. If it is determined by the Director of Budget and 99569  
Management that additional amounts are necessary, the amounts are 99570  
hereby appropriated. 99571

STATE EMPLOYEE HEALTH BENEFIT FUND 99572

The foregoing appropriation item 995668, State Employee 99573  
Health Benefit Fund, shall be used to make payments from the State 99574  
Employee Health Benefit Fund (Fund 8080) pursuant to section 99575  
124.87 of the Revised Code. If it is determined by the Director of 99576  
Budget and Management that additional amounts are necessary, the 99577  
amounts are hereby appropriated. 99578

DEPENDENT CARE SPENDING FUND 99579

The foregoing appropriation item 995669, Dependent Care 99580  
Spending Account, shall be used to make payments from the 99581  
Dependent Care Spending Fund (Fund 8090) to employees eligible for 99582  
dependent care expenses pursuant to section 124.822 of the Revised 99583  
Code. If it is determined by the Director of Budget and Management 99584  
that additional amounts are necessary, the amounts are hereby 99585  
appropriated. 99586

LIFE INSURANCE INVESTMENT FUND				99587
The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.				99588 99589 99590 99591 99592 99593 99594
PARENTAL LEAVE BENEFIT FUND				99595
The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.				99596 99597 99598 99599 99600 99601 99602
HEALTH CARE SPENDING ACCOUNT FUND				99603
The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.				99604 99605 99606 99607 99608 99609 99610 99611
<b>Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD</b>				99612
General Revenue Fund				99613
GRF 125321 Operating Expenses	\$	3,998,046	\$	4,136,626
TOTAL GRF General Revenue Fund	\$	3,998,046	\$	4,136,626
Dedicated Purpose Fund Group				99616

5720 125603	Training and Publications	\$	227,193	\$	227,760	99617
TOTAL DPF Dedicated Purpose Fund Group		\$	227,193	\$	227,760	99618
TOTAL ALL BUDGET FUND GROUPS		\$	4,225,239	\$	4,364,386	99619
<b>Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS</b>						99621
Dedicated Purpose Fund Group						99622
4K90 892609	Operating Expenses	\$	1,263,151	\$	1,312,259	99623
TOTAL DPF Dedicated Purpose Fund Group		\$	1,263,151	\$	1,312,259	99624
TOTAL ALL BUDGET FUND GROUPS		\$	1,263,151	\$	1,312,259	99625
<b>Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY</b>						99627
General Revenue Fund						99628
GRF 715502	Auto Emissions E-Check Program	\$	11,186,610	\$	11,046,610	99629
GRF 715506	George Barley Water Prize	\$	125,000	\$	0	99630
TOTAL GRF General Revenue Fund		\$	11,311,610	\$	11,046,610	99631
Dedicated Purpose Fund Group						99632
4D50 715618	Recycled State Materials	\$	50,000	\$	50,000	99633
4J00 715638	Underground Injection Control	\$	429,000	\$	429,000	99634
4K20 715648	Clean Air - Non Title V	\$	5,101,448	\$	5,317,000	99635
4K30 715649	Solid Waste	\$	14,747,770	\$	15,449,000	99636
4K40 715650	Surface Water Protection	\$	10,114,999	\$	10,742,000	99637
4K50 715651	Drinking Water Protection	\$	8,062,598	\$	8,370,000	99638

4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	99639
4R50	715656	Scrap Tire Management	\$	3,276,485	\$	3,251,500	99640
4R90	715658	Voluntary Action Program	\$	979,348	\$	1,094,800	99641
4T30	715659	Clean Air - Title V Permit Program	\$	9,687,591	\$	9,944,000	99642
5000	715608	Immediate Removal Special Account	\$	718,000	\$	722,000	99643
5030	715621	Hazardous Waste Facility Management	\$	4,780,000	\$	5,118,000	99644
5050	715623	Hazardous Waste Cleanup	\$	11,540,322	\$	12,087,200	99645
5050	715698	Response and Investigations	\$	3,186,244	\$	3,264,500	99646
5320	715646	Recycling and Litter Control	\$	4,541,440	\$	4,598,000	99647
5410	715670	Site Specific Cleanup	\$	779,296	\$	779,400	99648
5420	715671	Risk Management Reporting	\$	201,626	\$	210,000	99649
5860	715637	Scrap Tire Market Development	\$	1,000,000	\$	1,000,000	99650
5BC0	715622	Local Air Pollution Control	\$	2,000,000	\$	2,000,000	99651
5BC0	715624	Surface Water	\$	6,043,557	\$	6,292,000	99652
5BC0	715672	Air Pollution Control	\$	7,959,855	\$	8,236,000	99653
5BC0	715673	Drinking and Ground Water	\$	3,953,543	\$	3,590,300	99654
5BC0	715676	Assistance and Prevention	\$	1,824,471	\$	1,875,000	99655
5BC0	715677	Laboratory	\$	3,256,184	\$	3,329,000	99656
5BC0	715678	Corrective Actions	\$	1,073,590	\$	1,120,000	99657
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	99658

5BC0	715692	Administration	\$	14,742,915	\$	15,165,000	99659
5BC0	715694	Environmental Resource Coordination	\$	106,642	\$	115,000	99660
5BT0	715679	C&DD Groundwater Monitoring	\$	225,000	\$	225,000	99661
5H40	715664	Groundwater Support	\$	323,121	\$	332,000	99662
5PZ0	715696	Drinking Water Loan Fee	\$	1,106,285	\$	1,146,250	99663
5VA0	715601	Marsh Restoration	\$	1,000,000	\$	1,000,000	99664
5Y30	715685	Surface Water Improvement	\$	500,000	\$	500,000	99665
6440	715631	Emergency Response Radiological Safety	\$	276,500	\$	278,500	99666
6760	715642	Water Pollution Control Loan Administration	\$	4,606,024	\$	4,675,000	99667
6760	715699	Water Quality Administration	\$	3,837,987	\$	3,975,000	99668
6780	715635	Air Toxic Release	\$	47,984	\$	35,000	99669
6790	715636	Emergency Planning	\$	2,844,024	\$	2,864,000	99670
6960	715643	Air Pollution Control Administration	\$	987,855	\$	1,002,000	99671
6990	715644	Water Pollution Control Administration	\$	287,060	\$	300,000	99672
6A10	715645	Environmental Education	\$	1,087,749	\$	1,100,000	99673
6H20	715695	H2Ohio	\$	8,675,000	\$	0	99674
TOTAL	DPF	Dedicated Purpose Fund Group	\$	146,421,513	\$	142,041,450	99675
Internal	Service	Activity Fund Group					99676
1990	715602	Laboratory Services	\$	519,950	\$	533,000	99677
2190	715604	Central Support	\$	7,663,284	\$	8,055,000	99678

		Indirect				
4A10	715640	Operating Expenses	\$	1,307,000	\$	1,309,000 99679
TOTAL ISA		Internal Service Activity	\$	9,490,234	\$	9,897,000 99680
Fund Group						
Federal Fund Group						99681
3530	715612	Public Water Supply	\$	1,963,760	\$	2,015,000 99682
3570	715619	Air Pollution Control	\$	6,008,988	\$	6,115,000 99683
- Federal						
3620	715605	Underground Injection	\$	131,262	\$	133,000 99684
Control - Federal						
3BU0	715684	Water Quality	\$	15,159,951	\$	15,259,000 99685
Protection						
3CS0	715688	Federal NRD	\$	201,000	\$	201,000 99686
Settlements						
3F30	715632	Federally Supported	\$	6,771,522	\$	7,143,300 99687
Cleanup and Response						
3HE0	715697	Volkswagen Clean Air	\$	19,095,000	\$	22,845,000 99688
Act Settlement						
3T30	715669	Drinking Water State	\$	3,072,853	\$	3,155,000 99689
Revolving Fund						
3V70	715606	Agencywide Grants	\$	700,000	\$	700,000 99690
TOTAL FED		Federal Fund Group	\$	53,104,336	\$	57,566,300 99691
TOTAL ALL		BUDGET FUND GROUPS	\$	220,327,693	\$	220,551,360 99692

**Section 277.20.** GEORGE BARLEY WATER PRIZE 99694

The foregoing appropriation item, 715506, George Barley Water 99695  
Prize, shall be used to support the final stage of the awards 99696  
process for the Everglades Foundation's George Barley Water Prize. 99697  
On July 1, 2020, or as soon as possible thereafter, the Director 99698  
of Environmental Protection may certify to the Director of Budget 99699  
and Management an amount up to the unexpended, unencumbered 99700  
balance of the foregoing appropriation item, 715506, George Barley 99701  
Water Prize, at the end of fiscal year 2020 to be reappropriated 99702

in fiscal year 2021. The amount certified is hereby reappropriated 99703  
to the same appropriation item for fiscal year 2021. 99704

DRINKING AND GROUND WATER 99705

Of the foregoing appropriation item, 715673, Drinking and 99706  
Ground Water, \$500,000 in FY 2020 shall be used to support a 99707  
study, including the acquisition of any necessary equipment, to 99708  
determine an estimate of storage capacity and maximum annual yield 99709  
of the Michindoh Aquifer. 99710

AREAWIDE PLANNING AGENCIES 99711

The Director of Environmental Protection may award grants 99712  
from appropriation item 715687, Areawide Planning Agencies, to 99713  
areawide planning agencies engaged in areawide water quality 99714  
management and planning activities in accordance with Section 208 99715  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 99716

CASH TRANSFERS TO THE MARSH RESTORATION FUND 99717

On July 1, 2019, or as soon as possible thereafter, the 99718  
Director of Budget and Management, in consultation with the 99719  
Director of Environmental Protection, may transfer up to 99720  
\$12,000,000 cash from the Surface Water Improvement Fund (Fund 99721  
5Y30) to the Marsh Restoration Fund (Fund 5VA0), which is hereby 99722  
created in the state treasury. All moneys credited to Fund 5VA0 99723  
are to be used for the remediation and restoration of the Mentor 99724  
Marsh site in Mentor, Ohio. 99725

On July 1, 2019, or as soon as possible thereafter, the 99726  
Director of Budget and Management, in consultation with the 99727  
Director of Environmental Protection, may transfer up to 99728  
\$1,000,000 cash from the Site Specific Cleanup Fund (Fund 5410) to 99729  
Fund 5VA0. 99730

H2OHIO FUND 99731

The foregoing appropriation item 715695, H2Ohio, shall be 99732

used by the Environmental Protection Agency to support watershed 99733  
 planning, scientific research, and data collection. In addition, 99734  
 the foregoing appropriation item 715695, H2Ohio, may be used to 99735  
 fund waterway improvement and protection of all state waterways in 99736  
 support of water quality priorities and management in accordance 99737  
 with section 126.60 of the Revised Code. 99738

On July 1, 2020, or as soon as possible thereafter, the 99739  
 Director of Environmental Protection may certify to the Director 99740  
 of Budget and Management an amount up to the unexpended, 99741  
 unencumbered balance of the foregoing appropriation item, 715695, 99742  
 H2Ohio, at the end of fiscal year 2020 to be reappropriated in 99743  
 fiscal year 2021. The amount certified is hereby reappropriated to 99744  
 the same appropriation item for fiscal year 2021. 99745

**Section 279.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 99746

General Revenue Fund 99747

GRF 172321	Operating Expenses	\$	634,000	\$	651,000	99748
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TOTAL GRF	General Revenue Fund	\$	634,000	\$	651,000	99749
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TOTAL ALL BUDGET FUND GROUPS		\$	634,000	\$	651,000	99750
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**Section 281.10.** ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 99752

General Revenue Fund 99753

GRF 935401	Statehouse News	\$	314,797	\$	314,797	99754
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Bureau

GRF 935402	Ohio Government	\$	1,758,526	\$	1,608,526	99755
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Telecommunications

Services

GRF 935410	Content Development,	\$	3,838,381	\$	3,838,381	99756
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Acquisition, and

Distribution

GRF 935430	Broadcast Education	\$	3,699,224	\$	3,699,224	99757
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Operating

TOTAL GRF General Revenue Fund	\$	9,610,928	\$	9,460,928	99758
Dedicated Purpose Fund Group					99759
5FK0 935608 Media Services	\$	95,000	\$	95,000	99760
5VB0 935650 Facility Rental	\$	30,000	\$	32,000	99761
TOTAL DPF Dedicated Purpose Fund Group	\$	125,000	\$	127,000	99762
Internal Service Activity Fund Group					99763
4F30 935603 Affiliate Services	\$	4,000	\$	4,000	99764
TOTAL ISA Internal Service Activity Fund Group	\$	4,000	\$	4,000	99766
TOTAL ALL BUDGET FUND GROUPS	\$	9,739,928	\$	9,591,928	99767

**Section 281.20. STATEHOUSE NEWS BUREAU** 99769

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 99770  
99771  
99772

**OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES** 99773

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 99774  
99775  
99776  
99777  
99778  
99779  
99780

**CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION** 99781

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the classroom and online. 99782  
99783  
99784  
99785  
99786

Of the foregoing appropriation item 935410, Content 99787

Development, Acquisition, and Distribution, up to \$977,856 in each 99788  
fiscal year shall be allocated equally among the Ohio educational 99789  
television stations. Funds shall be used for the production of 99790  
interactive instructional programming series with priority given 99791  
to resources aligned with state academic content standards. The 99792  
programming shall be targeted to the needs of the one-third lowest 99793  
capacity school districts as determined by the district's state 99794  
share index calculated by the Department of Education. 99795

Of the foregoing appropriation item 935410, Content 99796  
Development, Acquisition, and Distribution, up to \$2,574,472 in 99797  
each fiscal year shall be distributed by the Broadcast Educational 99798  
Media Commission to Ohio's qualified public educational television 99799  
stations and educational radio stations to support their 99800  
operations. The funds shall be distributed pursuant to an 99801  
allocation formula used by the Ohio Educational Telecommunications 99802  
Network Commission unless a substitute formula is developed by the 99803  
Broadcast Educational Media Commission in consultation with Ohio's 99804  
qualified public educational television stations and educational 99805  
radio stations. 99806

Of the foregoing appropriation item 935410, Content 99807  
Development, Acquisition, and Distribution, up to \$286,053 in each 99808  
fiscal year shall be distributed by the Broadcast Educational 99809  
Media Commission to Ohio's qualified radio reading services to 99810  
support their operations. The funds shall be distributed pursuant 99811  
to an allocation formula used by the Ohio Educational 99812  
Telecommunications Network Commission unless a substitute formula 99813  
is developed by the Broadcast Educational Media Commission in 99814  
consultation with Ohio's qualified radio reading services. 99815

**Section 283.10.** ETH OHIO ETHICS COMMISSION 99816

General Revenue Fund 99817

GRF 146321 Operating Expenses \$ 1,821,515 \$ 2,068,492 99818

TOTAL GRF General Revenue Fund	\$	1,821,515	\$	2,068,492	99819
Dedicated Purpose Fund Group					99820
4M60 146601 Operating Support	\$	652,578	\$	536,516	99821
TOTAL DPF Dedicated Purpose Fund Group	\$	652,578	\$	536,516	99822
TOTAL ALL BUDGET FUND GROUPS	\$	2,474,093	\$	2,605,008	99823

**Section 285.10. EXP OHIO EXPOSITIONS COMMISSION** 99825

General Revenue Fund					99826
GRF 723403 Junior Fair Subsidy	\$	363,750	\$	363,750	99827
TOTAL GRF General Revenue Fund	\$	363,750	\$	363,750	99828
Dedicated Purpose Fund Group					99829
4N20 723602 Ohio State Fair	\$	375,000	\$	375,000	99830
Harness Racing					
5060 723601 Operating Expenses	\$	15,100,897	\$	15,363,166	99831
5060 723604 Grounds Maintenance and Repairs	\$	300,000	\$	300,000	99832
TOTAL DPF Dedicated Purpose Fund Group	\$	15,775,897	\$	16,038,166	99833
TOTAL ALL BUDGET FUND GROUPS	\$	16,139,647	\$	16,401,916	99834

**STATE FAIR RESERVE** 99835

The General Manager of the Expositions Commission, in 99836  
consultation with the Director of Budget and Management, may 99837  
submit a request to the Controlling Board to use available amounts 99838  
in the State Fair Reserve Fund (Fund 6400) if revenues from either 99839  
the 2019 or the 2020 Ohio State Fair are unexpectedly low. 99840

On July 1 of each fiscal year, or as soon as possible 99841  
thereafter, the Director of Budget and Management, in consultation 99842  
with the General Manager of the Expositions Commission, may 99843  
determine that the Ohio Expositions Fund (Fund 5060) has a cash 99844  
balance in excess of the anticipated operating costs of the 99845

Exposition Commission in that fiscal year. Notwithstanding section 99846  
 991.04 of the Revised Code, the Director of Budget and Management 99847  
 may transfer an amount up to the excess cash from Fund 5060 to 99848  
 Fund 6400 in each fiscal year. 99849

**Section 287.10.** FCC OHIO FACILITIES CONSTRUCTION COMMISSION 99850

General Revenue Fund 99851

GRF 230321 Operating Expenses \$ 6,662,729 \$ 6,660,461 99852

GRF 230401 Cultural Facilities \$ 33,102,800 \$ 28,670,300 99853

Lease Rental Bond  
 Payments

GRF 230458 State Construction \$ 1,773,454 \$ 1,922,473 99854

Management Services

GRF 230908 Common Schools \$ 410,259,800 \$ 424,825,900 99855

General Obligation  
 Bond Debt Service

TOTAL GRF General Revenue Fund \$ 451,798,783 \$ 462,079,134 99856

Dedicated Purpose Fund Group 99857

5VU0 230646 School Bus Purchase \$ 0 \$ 20,000,000 99858

TOTAL DPF Dedicated Purpose Fund \$ 0 \$ 20,000,000 99859

Group

Internal Service Activity Fund Group 99860

1310 230639 State Construction \$ 16,152,778 \$ 16,356,157 99861

Management Operations

TOTAL ISA Internal Service Activity \$ 16,152,778 \$ 16,356,157 99862

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 467,951,561 \$ 498,435,291 99863

**Section 287.20.** CULTURAL FACILITIES LEASE RENTAL BOND 99865

PAYMENTS 99866

The foregoing appropriation item 230401, Cultural Facilities 99867

Lease Rental Bond Payments, shall be used to meet all payments 99868

during the period from July 1, 2019, through June 30, 2021, by the 99869  
Ohio Facilities Construction Commission pursuant to leases and 99870  
agreements for cultural and sports facilities made under section 99871  
154.23 of the Revised Code. These appropriations are the source of 99872  
funds pledged for bond service charges on related obligations 99873  
issued under Chapter 154. of the Revised Code. 99874

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 99875

The foregoing appropriation item 230908, Common Schools 99876  
General Obligation Bond Debt Service, shall be used to pay all 99877  
debt service and related financing costs during the period from 99878  
July 1, 2019, through June 30, 2021, on obligations issued under 99879  
sections 151.01 and 151.03 of the Revised Code. 99880

**Section 287.30.** COMMUNITY PROJECT ADMINISTRATION 99881

The foregoing appropriation item 230458, State Construction 99882  
Management Services, shall be used by the Ohio Facilities 99883  
Construction Commission in administering Cultural and Sports 99884  
Facilities Building Fund (Fund 7030) projects pursuant to section 99885  
123.201 of the Revised Code. 99886

SCHOOL BUS PURCHASE 99887

The foregoing appropriation item 230646, School Bus Purchase, 99888  
shall be used by the Ohio Facilities Construction Commission to 99889  
assist school districts in purchasing school buses in accordance 99890  
with the program developed under this section. 99891

The Commission, in partnership with the departments of 99892  
Administrative Services and Public Safety, shall develop a program 99893  
to provide school bus purchase assistance in a manner comparable 99894  
to the method in which school facilities assistance is provided 99895  
under sections 3318.01 to 3318.20 of the Revised Code. Not later 99896  
than January 31, 2020, the Ohio Facilities Construction Commission 99897  
and the departments of Administrative Services and Public Safety 99898

shall submit a report to the General Assembly in accordance with 99899  
section 101.68 of the Revised Code that describes how the program 99900  
will operate. 99901

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 99902

At the request of the Executive Director of the Ohio 99903  
Facilities Construction Commission, the Director of Budget and 99904  
Management may cancel encumbrances for school district projects 99905  
from a previous biennium if the district has not raised its local 99906  
share of project costs within thirteen months of receiving 99907  
Controlling Board approval under section 3318.05 or 3318.41 of the 99908  
Revised Code. The Executive Director of the Ohio Facilities 99909  
Construction Commission shall certify the amounts of the canceled 99910  
encumbrances to the Director of Budget and Management on a 99911  
quarterly basis. The amounts of the canceled encumbrances are 99912  
hereby appropriated. 99913

**Section 287.40.** CAPITAL DONATIONS FUND CERTIFICATIONS AND 99914  
APPROPRIATIONS 99915

On July 1, 2019, or as soon as possible thereafter, the 99916  
Executive Director of the Ohio Facilities Construction Commission 99917  
shall certify to the Director of Budget and Management the amount 99918  
of cash receipts and related investment income, irrevocable 99919  
letters of credit from a bank, or certification of the 99920  
availability of funds that have been received from a county or a 99921  
municipal corporation for deposit into the Capital Donations Fund 99922  
(Fund 5A10) and that are related to an anticipated project. These 99923  
amounts are hereby appropriated to appropriation item C37146, 99924  
Capital Donations. Prior to certifying these amounts to the 99925  
Director, the Executive Director shall make a written agreement 99926  
with the participating entity on the necessary cash flows required 99927  
for the anticipated construction or equipment acquisition project. 99928

**Section 287.50.** AMENDMENT TO PROJECT AGREEMENT FOR 99929  
MAINTENANCE LEVY 99930

The Ohio Facilities Construction Commission shall amend the 99931  
project agreement between the Commission and a school district 99932  
that is participating in the Accelerated Urban School Building 99933  
Assistance Program on the effective date of this section, if the 99934  
Commission determines that it is necessary to do so in order to 99935  
comply with division (B)(3)(c) of section 3318.38 of the Revised 99936  
Code. 99937

**Section 287.60.** Notwithstanding any other provision of law to 99938  
the contrary, the Ohio Facilities Construction Commission may 99939  
determine the amount of funding available for disbursement in a 99940  
given fiscal year for any project approved under sections 3318.01 99941  
to 3318.20 of the Revised Code in order to keep aggregate state 99942  
capital spending within approved limits and may take actions 99943  
including, but not limited to, determining the schedule for design 99944  
or bidding of approved projects, to ensure appropriate and 99945  
supportable cash flow. 99946

**Section 287.70.** ASSISTANCE TO JOINT VOCATIONAL SCHOOL 99947  
DISTRICT 99948

Notwithstanding division (B) of section 3318.40 of the 99949  
Revised Code, the Ohio Facilities Construction Commission shall 99950  
provide assistance to at least one joint vocational school 99951  
district each fiscal year for the acquisition or improvement of 99952  
classroom facilities in accordance with sections 3318.40 to 99953  
3318.45 of the Revised Code. 99954

**Section 287.80.** RETURNED OR RECOVERED FUNDS 99955

Notwithstanding any provision of law to the contrary, any 99956  
moneys a school district transfers to the Ohio Facilities 99957

Construction Commission under division (C)(2) or (3) of section 99958  
3318.12 of the Revised Code as well as any moneys recovered from 99959  
settlements with or judgments against parties relating to their 99960  
involvement in a classroom facilities project shall be deposited 99961  
into the fund from which the capital appropriation for the project 99962  
was made. In fiscal year 2020, the Executive Director of the Ohio 99963  
Facilities Construction Commission may request the Director of 99964  
Budget and Management to authorize expenditures from those funds 99965  
and specified appropriation items in excess of the amounts 99966  
appropriated in an amount equal to the amount of the funds 99967  
deposited under this section. The additional amounts, if 99968  
authorized, shall be used in accordance with the purposes of 99969  
Chapter 3318. of the Revised Code for projects pursuant to 99970  
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 99971  
Revised Code. Upon approval of the Director of Budget and 99972  
Management, the additional amounts are hereby appropriated. 99973

**Section 289.10. GOV OFFICE OF THE GOVERNOR** 99974

General Revenue Fund 99975  
GRF 040321 Operating Expenses \$ 2,914,740 \$ 2,973,034 99976  
TOTAL GRF General Revenue Fund \$ 2,914,740 \$ 2,973,034 99977  
Internal Service Activity Fund Group 99978  
5AK0 040607 Government Relations \$ 613,870 \$ 619,988 99979  
TOTAL ISA Internal Service Activity 99980  
Fund Group \$ 613,870 \$ 619,988 99981  
TOTAL ALL BUDGET FUND GROUPS \$ 3,528,610 \$ 3,593,022 99982

**GOVERNMENT RELATIONS** 99983

The Office of the Governor may issue an intrastate transfer 99984  
voucher to charge any state agency of the executive branch such 99985  
amounts necessary to represent the interests of Ohio to federal, 99986  
state, and local government units and to cover the costs or 99987  
membership dues related to Ohio's participation in national and 99988

regional associations. Amounts collected shall be deposited in the 99989  
Government Relations Fund (Fund 5AK0). 99990

**Section 291.10.** DOH DEPARTMENT OF HEALTH 99991

General Revenue Fund 99992

GRF 440416 Mothers and Children \$ 4,303,612 \$ 4,303,612 99993

Safety Net Services

GRF 440431 Free Clinic Safety Net \$ 1,500,000 \$ 1,500,000 99994

Services

GRF 440438 Breast and Cervical \$ 671,131 \$ 671,131 99995

Cancer Screening

GRF 440444 AIDS Prevention and \$ 3,493,468 \$ 3,493,468 99996

Treatment

GRF 440451 Public Health \$ 3,672,005 \$ 3,672,005 99997

Laboratory

GRF 440452 Child and Family \$ 589,482 \$ 589,482 99998

Health Services Match

GRF 440453 Health Care Quality \$ 5,083,225 \$ 5,084,936 99999

Assurance

GRF 440454 Environmental \$ 2,933,438 \$ 2,929,841 100000

Health/Radiation

Protection

GRF 440459 Help Me Grow \$ 40,289,149 \$ 49,292,281 100001

GRF 440465 FQHC Primary Care \$ 1,300,000 \$ 1,300,000 100002

Workforce Initiative

GRF 440472 Alcohol Testing \$ 1,232,732 \$ 1,210,805 100003

GRF 440474 Infant Vitality \$ 7,087,292 \$ 7,087,292 100004

GRF 440477 Emergency Preparedness \$ 1,431,677 \$ 1,431,954 100005

and Response

GRF 440481 Lupus Awareness \$ 93,120 \$ 93,120 100006

GRF 440482 Chronic Disease, \$ 7,670,089 \$ 7,898,480 100007

Injury Prevention and

	Drug Overdose				
GRF 440483	Infectious Disease Prevention and Control	\$	4,522,054	\$	4,522,054 100008
GRF 440484	Public Health Technology Innovation	\$	543,369	\$	313,760 100009
GRF 440505	Medically Handicapped Children	\$	11,262,451	\$	11,262,451 100010
GRF 440507	Targeted Health Care Services-Over 21	\$	2,000,000	\$	2,000,000 100011
GRF 654453	Medicaid - Health Care Quality Assurance	\$	4,227,961	\$	4,246,250 100012
TOTAL GRF	General Revenue Fund	\$	103,906,255	\$	112,902,922 100013
	Highway Safety Fund Group				100014
4T40 440603	Child Highway Safety	\$	200,000	\$	200,000 100015
TOTAL HSF	Highway Safety Fund Group	\$	200,000	\$	200,000 100016
	Dedicated Purpose Fund Group				100017
4700 440647	Fee Supported Programs	\$	29,178,120	\$	29,178,120 100018
4710 440619	Certificate of Need	\$	878,433	\$	878,433 100019
4730 440622	Lab Operating Expenses	\$	8,826,132	\$	8,900,000 100020
4770 440627	Medically Handicapped Children Audit	\$	4,472,562	\$	4,500,000 100021
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039 100022
4F90 440610	Sickle Cell Disease Control	\$	1,032,824	\$	1,032,824 100023
4G00 440636	Heirloom Birth Certificate	\$	15,000	\$	15,000 100024
4G00 440637	Birth Certificate Surcharge	\$	15,000	\$	15,000 100025
4L30 440609	HIV Care and Miscellaneous	\$	26,935,756	\$	27,000,000 100026

		Expenses					
4P40	440628	Ohio Physician Loan	\$	700,000	\$	700,000	100027
		Repayment					
4V60	440641	Save Our Sight	\$	3,482,615	\$	3,500,000	100028
5B50	440616	Quality, Monitoring, and Inspection	\$	736,194	\$	736,194	100029
5BX0	440656	Tobacco Use Prevention, Cessation, and Enforcement	\$	11,955,358	\$	12,000,000	100030
5CN0	440645	Choose Life	\$	80,000	\$	80,000	100031
5D60	440620	Second Chance Trust	\$	1,000,000	\$	1,000,000	100032
5ED0	440651	Smoke Free Indoor Air	\$	300,000	\$	300,000	100033
5G40	440639	Adoption Services	\$	150,000	\$	150,000	100034
5HB0	440470	Breast and Cervical Cancer Screening	\$	25,096	\$	0	100035
5PE0	440659	Breast and Cervical Cancer Services	\$	200,000	\$	200,000	100036
5QJ0	440662	Dental Hygienist Loan Repayments	\$	100,000	\$	100,000	100037
5SH0	440520	Children's Wish Grant Program	\$	275,000	\$	275,000	100038
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000	100039
5Z70	440624	Ohio Dentist Loan Repayment	\$	200,000	\$	200,000	100040
6100	440626	Radiation Emergency Response	\$	1,269,262	\$	1,300,000	100041
6660	440607	Medically Handicapped Children - County Assessments	\$	23,948,173	\$	24,000,000	100042
6980	440634	Nurse Aide Training	\$	150,000	\$	150,000	100043
L087	440669	Public Health Priorities	\$	2,000,000	\$	0	100044

TOTAL DPF Dedicated Purpose Fund Group	\$	122,236,564	\$	120,521,610	100045
Internal Service Activity Fund Group					100046
1420 440646 Agency Health Services	\$	4,984,080	\$	5,000,000	100047
2110 440613 Central Support Indirect Costs	\$	28,897,875	\$	29,500,000	100048
TOTAL ISA Internal Service Activity Fund Group	\$	33,881,955	\$	34,500,000	100049
Holding Account Fund Group					100050
R014 440631 Vital Statistics	\$	44,986	\$	44,986	100051
R048 440625 Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	100052
TOTAL HLD Holding Account Fund Group	\$	64,986	\$	64,986	100053
Federal Fund Group					100054
3200 440601 Maternal Child Health Block Grant	\$	24,673,419	\$	25,000,000	100055
3870 440602 Preventive Health Block Grant	\$	9,681,749	\$	9,750,000	100056
3890 440604 Women, Infants, and Children	\$	219,839,807	\$	220,000,000	100057
3910 440606 Medicare Survey and Certification	\$	17,049,993	\$	17,500,000	100058
3920 440618 Federal Public Health Programs	\$	94,344,493	\$	95,000,000	100059
3GD0 654601 Medicaid Program Support	\$	28,161,187	\$	28,540,949	100060
3GN0 440660 Public Health Emergency Preparedness	\$	26,347,943	\$	26,500,000	100061

TOTAL FED Federal Fund Group	\$	420,098,591	\$	422,290,949	100062
TOTAL ALL BUDGET FUND GROUPS	\$	680,388,351	\$	690,480,467	100063

**Section 291.20.** MOTHERS AND CHILDREN SAFETY NET SERVICES 100065

Of the foregoing appropriation item 440416, Mothers and 100066  
Children Safety Net Services, up to \$200,000 in each fiscal year 100067  
may be used to assist families with hearing impaired children 100068  
under twenty-one years of age in purchasing hearing aids and 100069  
hearing assistive technology. The Director of Health shall adopt 100070  
rules governing the distribution of these funds, including rules 100071  
that do both of the following: (1) establish eligibility criteria 100072  
to include families with incomes at or below four hundred per cent 100073  
of the federal poverty guidelines as defined in section 5101.46 of 100074  
the Revised Code, and (2) develop a sliding scale of disbursements 100075  
under this section based on family income. The Director may adopt 100076  
other rules as necessary to implement this section. Rules adopted 100077  
under this section shall be adopted in accordance with Chapter 100078  
119. of the Revised Code. 100079

FREE CLINIC SAFETY NET SERVICES 100080

The foregoing appropriation item 440431, Free Clinic Safety 100081  
Net Services, shall be provided to the Ohio Association of Free 100082  
Clinics. Funds may be used to reimburse free clinics for health 100083  
care services provided, as well as for administrative services, 100084  
information technology costs, infrastructure repair, or other 100085  
clinic necessities. 100086

AIDS PREVENTION AND TREATMENT 100087

The foregoing appropriation item 440444, AIDS Prevention and 100088  
Treatment, shall be used to administer educational and other 100089  
prevention initiatives. 100090

ENVIRONMENTAL HEALTH/RADIATION PROTECTION 100091

Of the foregoing appropriation item 440454, Environmental 100092

Health/Radiation Protection, \$150,000 in each fiscal year shall be 100093  
used for the Historic South Initiative in Toledo for lead 100094  
abatement. 100095

FQHC PRIMARY CARE WORKFORCE INITIATIVE 100096

The foregoing appropriation item 440465, FQHC Primary Care 100097  
Workforce Initiative, shall be provided to the Ohio Association of 100098  
Community Health Centers to administer the FQHC Primary Care 100099  
Workforce Initiative. The Initiative shall provide medical, 100100  
dental, behavioral health, physician assistant, and advanced 100101  
practice nursing students with clinical rotations through 100102  
federally qualified health centers. 100103

INFANT VITALITY 100104

Of the foregoing appropriation item 440474, Infant Vitality, 100105  
\$125,000 in each fiscal year shall be provided to Produce Perks 100106  
Midwest, Inc., for the Prescription Produce Intervention for 100107  
Maternal Health Program to improve maternal health, nutrition, and 100108  
infant mortality rates in Ohio. 100109

The remainder of appropriation item 440474, Infant Vitality, 100110  
shall be used to fund a multi-pronged population health approach 100111  
to address infant mortality. This approach may include the 100112  
following: increasing awareness; supporting data collection; 100113  
analysis and interpretation to inform decision-making and ensure 100114  
accountability; targeting resources where the need is greatest; 100115  
and implementing quality improvement science and programming that 100116  
is evidence-based or based on emerging practices. Measurable 100117  
interventions may include activities related to safe sleep, 100118  
community engagement, Centering Pregnancy, newborn screening, safe 100119  
birth spacing, gestational diabetes, smoking cessation, 100120  
breastfeeding, care coordination, and progesterone. 100121

EMERGENCY PREPAREDNESS AND RESPONSE 100122

The foregoing appropriation item 440477, Emergency 100123

Preparedness and Response, shall be used to support public health 100124  
emergency preparedness and response efforts at the state level or 100125  
at a regional sub-level within the state, and may also be used to 100126  
support data infrastructure projects. 100127

LUPUS AWARENESS 100128

The foregoing appropriation item 440481, Lupus Awareness, 100129  
shall be distributed to the Lupus Foundation of America, Greater 100130  
Ohio Chapter, Inc., to operate a lupus education and awareness 100131  
program. 100132

CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE 100133

Of the foregoing appropriation item 440482, Chronic Disease, 100134  
Injury Prevention and Drug Overdose, \$250,000 in each fiscal year 100135  
shall be provided to People Working Cooperatively for the Whole 100136  
Home Innovation Center. The funds shall be used to administer 100137  
programming, conduct research and training, and convene 100138  
multi-disciplinary experts to assess and adopt strategies to help 100139  
Ohioans remain in their homes. 100140

TARGETED HEALTH CARE SERVICES-OVER 21 100141

The foregoing appropriation item 440507, Targeted Health Care 100142  
Services-Over 21, shall be used to administer the Cystic Fibrosis 100143  
Program and to implement the Hemophilia Insurance Premium Payment 100144  
Program. The Department of Health shall expend \$100,000 in each 100145  
fiscal year to implement the Hemophilia Insurance Premium Payment 100146  
Program. 100147

The foregoing appropriation item 440507, Targeted Health Care 100148  
Services-Over 21, shall also be used to provide essential 100149  
medications and to pay the copayments for drugs approved by the 100150  
Department of Health and covered by Medicare Part D that are 100151  
dispensed to Bureau for Children with Medical Handicaps (BCMH) 100152  
participants for the Cystic Fibrosis Program. 100153

The Department shall expend all of these funds.	100154
PUBLIC HEALTH PRIORITIES	100155
The foregoing appropriation item 440669, Public Health	100156
Priorities, shall be used to conduct public health awareness and	100157
education campaigns, initiate innovative programming and	100158
prevention strategies, and other work related to advancing	100159
positive changes in population health in Ohio. The Department of	100160
Health may distribute grants, contracts, or subsidy for these	100161
purposes, including, but not limited to, supporting public-private	100162
partnerships to address pressing public health issues.	100163
FEE SUPPORTED PROGRAMS	100164
Of the foregoing appropriation item 440647, Fee Supported	100165
Programs, \$2,160,000 in each fiscal year shall be used to	100166
distribute subsidies to local health departments on a per capita	100167
basis.	100168
Of the foregoing appropriation item 440647, Fee Supported	100169
Programs, \$1,500,000 in each fiscal year shall be used to	100170
distribute subsidies to local health departments accredited	100171
through the Public Health Accreditation Board on a per capita	100172
basis.	100173
MEDICALLY HANDICAPPED CHILDREN AUDIT	100174
The Medically Handicapped Children Audit Fund (Fund 4770)	100175
shall receive revenue from audits of hospitals and recoveries from	100176
third-party payers. Moneys may be expended for payment of audit	100177
settlements and for costs directly related to obtaining recoveries	100178
from third-party payers and for encouraging Medically Handicapped	100179
Children's Program recipients to apply for third-party benefits.	100180
Moneys also may be expended for payments for diagnostic and	100181
treatment services on behalf of medically handicapped children, as	100182
defined in division (A) of section 3701.022 of the Revised Code,	100183
and Ohio residents who are twenty-one or more years of age and who	100184

are suffering from cystic fibrosis or hemophilia. Moneys may also 100185  
be expended for administrative expenses incurred in operating the 100186  
Medically Handicapped Children's Program. 100187

GENETICS SERVICES 100188

The foregoing appropriation item 440608, Genetics Services, 100189  
shall be used by the Department of Health to administer programs 100190  
authorized by sections 3701.501 and 3701.502 of the Revised Code. 100191  
None of these funds shall be used to counsel or refer for 100192  
abortion, except in the case of a medical emergency. 100193

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 100194

Of the foregoing appropriation item 440656, Tobacco Use 100195  
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 100196  
year shall be used to award grants in accordance with the section 100197  
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 100198

Of the foregoing appropriation item 440656, Tobacco Use 100199  
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 100200  
year shall be distributed to boards of health for the Baby and Me 100201  
Tobacco Free Program. The Director of Health shall determine how 100202  
the funds are to be distributed, but shall prioritize awards to 100203  
boards that serve women who reside in communities that have the 100204  
highest infant mortality rates in this state, as identified under 100205  
section 3701.142 of the Revised Code. 100206

The remainder of appropriation item 440656, Tobacco Use 100207  
Prevention, Cessation, and Enforcement, shall be used to 100208  
administer tobacco use prevention and cessation activities and 100209  
programs, to administer compliance checks, retailer education, and 100210  
programs related to legal age restrictions, and to enforce the 100211  
Ohio Smoke-Free Workplace Act. 100212

TOXICOLOGY SCREENINGS 100213

The foregoing appropriation item 440621, Toxicology 100214

Screenings, shall be used to reimburse county coroners in counties 100215  
in which the coroner has performed toxicology screenings on 100216  
victims of a drug overdose. The Director of Health shall transfer 100217  
the funds to the counties in proportion to the numbers of 100218  
toxicology screenings performed per county. 100219

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 100220

The foregoing appropriation item 440607, Medically 100221  
Handicapped Children - County Assessments, shall be used to make 100222  
payments under division (E) of section 3701.023 of the Revised 100223  
Code. 100224

CASH TRANSFER TO EMERGENCY PREPAREDNESS AND RESPONSE FUND 100225

If the Director of Health determines that there are 100226  
insufficient funds in appropriation item 440477, Emergency 100227  
Preparedness and Response, for public health emergency 100228  
preparedness and response activities, the Director may certify to 100229  
the Director of Budget and Management an amount necessary to 100230  
address these activities. Upon certification, the Director of 100231  
Budget and Management shall transfer up to \$500,000 cash in each 100232  
fiscal year from the Controlling Board Emergency 100233  
Purposes/Contingencies Fund (Fund 5KM0) to the Emergency 100234  
Preparedness and Response Fund (Fund 5UA0). The amount transferred 100235  
is hereby appropriated. 100236

**Section 291.30.** MOMS QUIT FOR TWO GRANT PROGRAM 100237

(A) The Department of Health shall create the Moms Quit for 100238  
Two Grant Program. Recognizing the significant health risks posed 100239  
to women and their children by tobacco use during and after 100240  
pregnancy, the Department shall award grants to private, nonprofit 100241  
entities or government entities that demonstrate the ability to 100242  
deliver evidence-based tobacco cessation interventions to women 100243  
who reside in communities that have the highest incidence of 100244

infant mortality, as determined by the Director of Health, and who 100245  
are pregnant or live with children. Funds awarded under this 100246  
section shall not be used to provide tobacco cessation 100247  
interventions to women who are eligible for Medicaid. The 100248  
Department may adopt any rules it considers necessary to 100249  
administer the Program. 100250

(B) The Department shall create a grant application and 100251  
develop a process for receiving and evaluating completed grant 100252  
applications on a competitive basis. The Department shall give 100253  
first preference to the entities described in division (A) of this 100254  
section that are able to target the interventions to pregnant 100255  
women and second preference to such entities that are able to 100256  
target the interventions to women living with children. The 100257  
Department's decision regarding a submitted grant application is 100258  
final. 100259

(C) The Department shall establish performance objectives to 100260  
be met by grant recipients. The Department shall monitor the 100261  
performance of each grant recipient in meeting the objectives. 100262

**Section 291.40. WIC VENDOR CONTRACTS** 100263

(A) As used in this section, "WIC" means the Special 100264  
Supplemental Nutrition Program for Women, Infants, and Children 100265  
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 100266  
42 U.S.C. 1786, as amended. 100267

(B) During fiscal year 2020 and fiscal year 2021, the 100268  
Department of Health shall process and review a WIC vendor 100269  
contract application pursuant to Chapter 3701-42 of the 100270  
Administrative Code not later than forty-five days after receipt 100271  
of the application if the applicant is a WIC-contracted vendor at 100272  
the time of application and meets all of the following 100273  
requirements: 100274

(1) Submits a complete WIC vendor application with all required documents and information;	100275
	100276
(2) Passes the required unannounced preauthorization visit within forty-five days of submitting a complete application;	100277
	100278
(3) Completes the required in-person training within forty-five days of submitting the complete application.	100279
	100280
(C) If an applicant fails to meet any of the requirements described in division (B) of this section, the Department shall deny the application for the contract. After an application has been denied, the applicant may reapply for a contract to act as a WIC vendor during the contracting cycle that is applicable to the applicant's WIC region.	100281
	100282
	100283
	100284
	100285
	100286

**Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION** 100287

Dedicated Purpose Fund Group	100288
4610 372601 Operating Expenses \$ 12,500 \$ 12,500	100289
TOTAL DPF Dedicated Purpose Fund \$ 12,500 \$ 12,500	100290
Group	
TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500	100291

**Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS** 100293

General Revenue Fund	100294
GRF 148321 Operating Expenses \$ 464,888 \$ 464,047	100295
TOTAL GRF General Revenue Fund \$ 464,888 \$ 464,047	100296
Dedicated Purpose Fund Group	100297
6010 148602 Special Initiatives \$ 24,558 \$ 24,558	100298
TOTAL DPF Dedicated Purpose	100299
Fund Group \$ 24,558 \$ 24,558	100300
TOTAL ALL BUDGET FUND GROUPS \$ 489,446 \$ 488,605	100301

**Section 297.10. OHS OHIO HISTORY CONNECTION** 100303

General Revenue Fund				100304
GRF	360501	Education and Collections	\$ 5,180,712 \$ 5,151,712	100305
GRF	360502	Site and Museum Operations	\$ 6,707,853 \$ 6,772,853	100306
GRF	360504	Ohio Preservation Office	\$ 281,300 \$ 281,300	100307
GRF	360505	National Afro-American Museum	\$ 485,000 \$ 485,000	100308
GRF	360506	Hayes Presidential Center	\$ 485,000 \$ 485,000	100309
GRF	360508	State Historical Grants	\$ 438,500 \$ 438,500	100310
GRF	360509	Outreach and Partnership	\$ 155,583 \$ 155,583	100311
TOTAL GRF	General Revenue Fund		\$ 13,733,948 \$ 13,769,948	100312
Dedicated Purpose Fund Group				100313
5KL0	360602	Ohio History Tax Check-off	\$ 150,000 \$ 150,000	100314
5PD0	360603	Ohio History License Plate	\$ 10,000 \$ 10,000	100315
TOTAL DPF	Dedicated Purpose Fund Group		\$ 160,000 \$ 160,000	100316
TOTAL ALL BUDGET FUND GROUPS				\$ 13,893,948 \$ 13,929,948 100317
SUBSIDY APPROPRIATION				100318
Upon approval by the Director of Budget and Management, the				100319
foregoing appropriation items shall be released to the Ohio				100320
History Connection in quarterly amounts that in total do not				100321
exceed the annual appropriations. The funds and fiscal records of				100322
the Ohio History Connection for fiscal year 2020 and fiscal year				100323
2021 shall be examined by independent certified public accountants				100324
approved by the Auditor of State, and a copy of the audited				100325

financial statements shall be filed with the Office of Budget and Management. 100326  
100327

The foregoing appropriations shall be considered to be the contractual consideration provided by the state to support the state's offer to contract with the Ohio History Connection under section 149.30 of the Revised Code. 100328  
100329  
100330  
100331

STATE HISTORICAL GRANTS 100332

Of the foregoing appropriation item 360508, State Historical Grants, \$125,000 in each fiscal year shall be used for the Western Reserve Historical Society and \$125,000 in each fiscal year shall be used for the Cincinnati Museum Center. 100333  
100334  
100335  
100336

Of the foregoing appropriation item 360508, State Historical Grants, \$38,500 in each fiscal year shall be allocated to support the American Jewish Archives of the Hebrew Union College-Jewish Institute of Religion. 100337  
100338  
100339  
100340

Of the foregoing appropriation item 360508, State Historical Grants, \$25,000 in each fiscal year shall be allocated to support the Cleveland Museum of Natural History. 100341  
100342  
100343

Of the foregoing appropriation item 360508, State Historical Grants, \$25,000 in each fiscal year shall be allocated to support the Cleveland Institute of Art. 100344  
100345  
100346

Of the foregoing appropriation item 360508, State Historical Grants, \$100,000 in each fiscal year shall be allocated to support the Nancy and David Wolf Holocaust and Humanity Center. 100347  
100348  
100349

**Section 299.10.** REP OHIO HOUSE OF REPRESENTATIVES 100350

General Revenue Fund 100351

GRF 025321 Operating Expenses \$ 25,917,274 \$ 25,917,274 100352

TOTAL GRF General Revenue Fund \$ 25,917,274 \$ 25,917,274 100353

Internal Service Activity Fund Group 100354

1030	025601	House of	\$	1,433,664	\$	1,433,664	100355
		Representatives					
		Reimbursement					
4A40	025602	Miscellaneous Sales	\$	50,000	\$	50,000	100356
TOTAL ISA		Internal Service Activity					100357
Fund Group			\$	1,483,664	\$	1,483,664	100358
TOTAL ALL BUDGET FUND GROUPS			\$	27,400,938	\$	27,400,938	100359

OPERATING EXPENSES 100360

On July 1, 2019, or as soon as possible thereafter, the Chief 100361  
Administrative Officer of the House of Representatives may certify 100362  
to the Director of Budget and Management an amount up to the 100363  
unexpended, unencumbered balance of the foregoing appropriation 100364  
item 025321, Operating Expenses, at the end of fiscal year 2019 to 100365  
be reappropriated to fiscal year 2020. The amount certified is 100366  
hereby reappropriated to the same appropriation item for fiscal 100367  
year 2020. 100368

On July 1, 2020, or as soon as possible thereafter, the Chief 100369  
Administrative Officer of the House of Representatives may certify 100370  
to the Director of Budget and Management an amount up to the 100371  
unexpended, unencumbered balance of the foregoing appropriation 100372  
item 025321, Operating Expenses, at the end of fiscal year 2020 to 100373  
be reappropriated to fiscal year 2021. The amount certified is 100374  
hereby reappropriated to the same appropriation item for fiscal 100375  
year 2021. 100376

HOUSE REIMBURSEMENT 100377

If it is determined by the Chief Administrative Officer of 100378  
the House of Representatives that additional appropriations are 100379  
necessary for the foregoing appropriation item 025601, House 100380  
Reimbursement, the amounts are hereby appropriated. 100381

**Section 301.10.** HFA OHIO HOUSING FINANCE AGENCY 100382

Dedicated Purpose Fund Group				100383
5AZ0 997601 Housing Finance Agency	\$	12,267,196	\$	12,819,657
Personal Services				100384
TOTAL DPF Dedicated Purpose Fund Group	\$	12,267,196	\$	12,819,657
TOTAL ALL BUDGET FUND GROUPS	\$	12,267,196	\$	12,819,657

**Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL** 100388

General Revenue Fund				100389
GRF 965321 Operating Expenses	\$	1,512,881	\$	1,509,581
TOTAL GRF General Revenue Fund	\$	1,512,881	\$	1,509,581
Internal Service Activity Fund Group				100392
5FA0 965603 Deputy Inspector	\$	400,000	\$	400,000
General for ODOT				100393
5FT0 965604 Deputy Inspector	\$	425,000	\$	425,000
General for BWC/OIC				100394
TOTAL ISA Internal Service Activity Fund Group	\$	825,000	\$	825,000
TOTAL ALL BUDGET FUND GROUPS	\$	2,337,881	\$	2,334,581

**Section 305.10. INS DEPARTMENT OF INSURANCE** 100399

Dedicated Purpose Fund Group				100400
5540 820601 Operating Expenses - OSIIIP	\$	180,000	\$	180,000
5540 820606 Operating Expenses	\$	29,580,629	\$	30,661,244
5550 820605 Examination	\$	8,938,161	\$	9,179,766
5PT0 820613 Captive Insurance	\$	650,000	\$	650,000
Regulation and Supervision				100404
TOTAL DPF Dedicated Purpose Fund Group	\$	39,348,790	\$	40,671,010
Federal Fund Group				100407

3U50 820602	OSHIIP Operating	\$	2,793,150	\$	2,793,150	100408
	Grant					
TOTAL FED	Federal Fund Group	\$	2,793,150	\$	2,793,150	100409
TOTAL ALL BUDGET FUND GROUPS		\$	42,141,940	\$	43,464,160	100410
	MARKET CONDUCT EXAMINATION					100411
	When conducting a market conduct examination of any insurer					100412
	doing business in this state, the Superintendent of Insurance may					100413
	assess the costs of the examination against the insurer. The					100414
	Superintendent may enter into consent agreements to impose					100415
	administrative assessments or fines for conduct discovered that					100416
	may be violations of statutes or rules administered by the					100417
	Superintendent. All costs, assessments, or fines collected shall					100418
	be deposited to the credit of the Department of Insurance					100419
	Operating Fund (Fund 5540).					100420
	EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES					100421
	The Director of Budget and Management, at the request of the					100422
	Superintendent of Insurance, may transfer cash from the Department					100423
	of Insurance Operating Fund (Fund 5540), established by section					100424
	3901.021 of the Revised Code, to the Superintendent's Examination					100425
	Fund (Fund 5550), established by section 3901.071 of the Revised					100426
	Code, only for expenses incurred in examining domestic fraternal					100427
	benefit societies as required by section 3921.28 of the Revised					100428
	Code.					100429
	TRANSFER OF FUNDS FOR CAPTIVE INSURANCE COMPANY REGULATION					100430
	AND SUPERVISION					100431
	When funds from captive insurance company application fees,					100432
	reimbursements from captive insurance companies for examinations,					100433
	and other sources have accrued to the Captive Insurance Regulation					100434
	and Supervision Fund (Fund 5PT0) in such amounts as are deemed					100435
	sufficient to sustain operations, the Director of Budget and					100436
	Management, in consultation with the Superintendent of Insurance,					100437

shall establish a schedule for repaying the amounts previously 100438  
transferred during fiscal years 2016 and 2017 from Fund 5PT0 to 100439  
Fund 5540. 100440

**Section 307.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES 100441

General Revenue Fund 100442

GRF 600410 TANF State Maintenance \$ 144,267,326 \$ 144,267,326 100443  
of Effort

GRF 600413 Child Care \$ 83,461,739 \$ 83,461,739 100444  
State/Maintenance of  
Effort

GRF 600450 Program Operations \$ 148,394,043 \$ 148,439,778 100445

GRF 600502 Child Support - Local \$ 23,456,891 \$ 23,456,891 100446

GRF 600521 Family Assistance - \$ 44,748,768 \$ 44,748,768 100447  
Local

GRF 600523 Family and Children \$ 181,107,628 \$ 181,107,628 100448  
Services

GRF 600528 Adoption Services \$ 28,922,517 \$ 28,922,517 100449

GRF 600533 Child, Family, and \$ 13,500,000 \$ 13,500,000 100450  
Community Protection  
Services

GRF 600534 Adult Protective \$ 4,230,000 \$ 4,230,000 100451  
Services

GRF 600535 Early Care and \$ 141,285,241 \$ 141,285,241 100452  
Education

GRF 600541 Kinship Permanency \$ 1,000,000 \$ 1,000,000 100453  
Incentive Program

GRF 600546 Healthy Food Financing \$ 150,000 \$ 150,000 100454  
Initiative

GRF 600551 Job and Family Services \$ 105,000 \$ 105,000 100455  
Program Support

GRF 600552 Gracehaven Pilot \$ 259,685 \$ 259,685 100456

	Program				
GRF 655425	Medicaid Program	\$	13,971,461	\$	14,084,154 100457
	Support				
GRF 655522	Medicaid Program	\$	37,119,931	\$	37,119,931 100458
	Support - Local				
GRF 655523	Medicaid Program	\$	38,750,000	\$	38,750,000 100459
	Support - Local				
	Transportation				
TOTAL GRF	General Revenue Fund	\$	904,730,230	\$	904,888,658 100460
	Dedicated Purpose Fund Group				100461
1980 600647	Children's Trust Fund	\$	7,992,060	\$	6,000,000 100462
4A80 600658	Public Assistance	\$	32,000,000	\$	32,000,000 100463
	Activities				
4A90 600607	Unemployment	\$	13,900,000	\$	12,900,000 100464
	Compensation				
	Administration Fund				
4E70 600604	Family and Children	\$	650,000	\$	650,000 100465
	Services Collections				
4F10 600609	Family and Children	\$	708,000	\$	708,000 100466
	Activities				
5DM0 600633	Audit Settlements and	\$	1,000,000	\$	1,000,000 100467
	Contingency				
5ES0 600630	Food Bank Assistance	\$	500,000	\$	500,000 100468
5HC0 600695	Unemployment	\$	1,000,000	\$	1,000,000 100469
	Compensation Interest				
5KT0 600696	Early Childhood	\$	20,000,000	\$	20,000,000 100470
	Education				
5NG0 600660	Victims of Human	\$	100,000	\$	100,000 100471
	Trafficking				
5RX0 600699	Workforce Development	\$	300,000	\$	300,000 100472
	Projects				
5RY0 600698	Human Services	\$	14,887,449	\$	15,000,000 100473
	Project				

5TZ0	600674	Children's Crisis Care	\$	150,000	\$	150,000	100474
5U60	600663	Family and Children Support	\$	5,000,000	\$	5,000,000	100475
5VJ0	600600	Books from Birth	\$	5,000,000	\$	0	100476
TOTAL DPF		Dedicated Purpose Fund Group	\$	103,187,509	\$	95,308,000	100477
		Internal Service Activity Fund Group					100478
5HL0	600602	State and County Shared Services	\$	1,500,000	\$	1,500,000	100479
TOTAL ISA		Internal Service Activity Fund Group	\$	1,500,000	\$	1,500,000	100480
		Fiduciary Fund Group					100481
1920	600646	Child Support Intercept - Federal	\$	100,000,000	\$	100,000,000	100482
5830	600642	Child Support Intercept - State	\$	13,000,000	\$	13,000,000	100483
5B60	600601	Food Assistance Intercept	\$	4,000,000	\$	4,000,000	100484
TOTAL FID		Fiduciary Fund Group	\$	117,000,000	\$	117,000,000	100485
		Holding Account Fund Group					100486
R012	600643	Refunds and Audit Settlements	\$	500,000	\$	500,000	100487
TOTAL HLD		Holding Account Fund Group	\$	500,000	\$	500,000	100488
		Federal Fund Group					100489
3270	600606	Child Welfare	\$	28,950,337	\$	29,000,000	100490
3310	600615	Veterans Programs	\$	7,000,000	\$	7,000,000	100491
3310	600624	Employment Services	\$	26,000,000	\$	26,000,000	100492
3310	600686	Workforce Programs	\$	3,912,923	\$	4,000,000	100493
3840	600610	Food Assistance Programs	\$	165,544,356	\$	165,544,356	100494

3850	600614	Refugee Services	\$	12,000,000	\$	12,000,000	100495
3950	600616	Federal Discretionary Grants	\$	1,500,000	\$	1,500,000	100496
3960	600620	Social Services Block Grant	\$	42,000,000	\$	42,000,000	100497
3970	600626	Child Support - Federal	\$	197,479,829	\$	198,000,000	100498
3980	600627	Adoption Program - Federal	\$	175,000,000	\$	175,000,000	100499
3A20	600641	Emergency Food Distribution	\$	7,000,000	\$	7,000,000	100500
3D30	600648	Children's Trust Fund Federal	\$	2,000,000	\$	2,000,000	100501
3F01	655624	Medicaid Program Support - Federal	\$	179,231,495	\$	179,500,000	100502
3H70	600617	Child Care Federal	\$	331,249,291	\$	331,980,000	100503
3N00	600628	Foster Care Program - Federal	\$	280,732,702	\$	281,000,000	100504
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	100505
3V00	600688	Workforce Innovation and Opportunity Act Programs	\$	142,092,211	\$	142,450,000	100506
3V40	600632	Trade Programs	\$	19,755,884	\$	20,000,000	100507
3V40	600678	Federal Unemployment Programs	\$	73,436,024	\$	73,436,024	100508
3V40	600679	Unemployment Compensation Review Commission - Federal	\$	4,800,000	\$	4,800,000	100509
3V60	600689	TANF Block Grant	\$	873,602,794	\$	935,000,000	100510
TOTAL FED		Federal Fund Group	\$	2,573,821,896	\$	2,637,744,430	100511
TOTAL ALL BUDGET FUND GROUPS			\$	3,700,739,635	\$	3,756,941,088	100512

**Section 307.16. MARRIAGE WORKS**

100514

Of the foregoing appropriation item 600410, TANF State 100515  
Maintenance of Effort, \$200,000 in each fiscal year shall be 100516  
provided to Marriage Works! Ohio in Dayton. 100517

**Section 307.17. STAR HOUSE DROP-IN CENTER** 100518

Of the foregoing appropriation item 600410, TANF State 100519  
Maintenance of Effort, \$750,000 in each fiscal year shall be used 100520  
to support the Star House Drop-In Center to provide services for 100521  
homeless youth. 100522

**Section 307.18. YMCA OF GREATER CLEVELAND** 100523

Of the foregoing appropriation item 600410, TANF State 100524  
Maintenance of Effort, \$200,000 in each fiscal year shall be used 100525  
to support the YMCA of Greater Cleveland's Early Learning Center 100526  
Trauma informed pre-school for homeless, low income, and at-risk 100527  
pre-school children. 100528

**Section 307.19. UNIVERSITY SETTLEMENT** 100529

Of the foregoing appropriation item 600410, TANF State 100530  
Maintenance of Effort, \$100,000 in each fiscal year shall be used 100531  
to support University Settlement family assistance programs in the 100532  
Broadway-Slavic Village neighborhood of Cleveland. 100533

**Section 307.20. COUNTY ADMINISTRATIVE FUNDS** 100534

(A) The foregoing appropriation item 600521, Family 100535  
Assistance - Local, may be provided to county departments of job 100536  
and family services to administer food assistance and disability 100537  
assistance programs. 100538

(B) The foregoing appropriation item 655522, Medicaid Program 100539  
Support - Local, may be provided to county departments of job and 100540  
family services to administer the Medicaid program and the State 100541  
Children's Health Insurance program. 100542

(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item:

(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and

(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid Program Support - Local.

(D) If receipts credited to the Medicaid Program Support Fund (Fund 3F01) and the Supplemental Nutrition Assistance Program Fund (Fund 3840) exceed the amounts appropriated, the Director of Job and Family Services shall request the Director of Budget and Management to authorize expenditures from those funds in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 307.30. NAME OF FOOD STAMP PROGRAM**

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program, the Supplemental Nutrition Assistance Program, or the Food Assistance Program in rules and documents of the Department of Job and Family Services.

**Section 307.40. OHIO ASSOCIATION OF FOOD BANKS**

Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, 600658, Public Assistance Activities, and 600689, TANF Block Grant, a total of \$17,050,000 in each fiscal year shall be used to provide funds to the Ohio Association of

Food Banks to purchase and distribute food products. 100573

Notwithstanding section 5101.46 of the Revised Code and any 100574  
other provision in this bill, including funds designated for the 100575  
Ohio Association of Food Banks in this section, in fiscal year 100576  
2020 and fiscal year 2021, the Director of Job and Family Services 100577  
shall provide assistance from eligible funds to the Ohio 100578  
Association of Food Banks in an amount not less than \$19,550,000 100579  
in each fiscal year. 100580

Eligible nonfederal expenditures made by member food banks of 100581  
the Association shall be counted by the Department of Job and 100582  
Family Services toward the TANF maintenance of effort requirements 100583  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 100584  
shall enter into an agreement with the Ohio Association of Food 100585  
Banks, in accordance with sections 5101.80 and 5101.801 of the 100586  
Revised Code, to carry out the requirements under this section. 100587

**Section 307.45. FOOD STAMPS TRANSFER** 100588

On July 1, 2019, or as soon as possible thereafter, and upon 100589  
request of the Director of Job and Family Services, the Director 100590  
of Budget and Management may transfer up to \$1,000,000 cash from 100591  
the Supplemental Nutrition Assistance Program Fund (Fund 3840), to 100592  
the Food Assistance Fund (Fund 5ES0). 100593

**Section 307.50. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE** 100594

The foregoing appropriation item 600658, Public Assistance 100595  
Activities, shall be used by the Department of Job and Family 100596  
Services to meet the TANF maintenance of effort requirements of 42 100597  
U.S.C. 609(a)(7). When the state is assured that it will meet the 100598  
maintenance of effort requirement, the Department of Job and 100599  
Family Services may use funds from appropriation item 600658, 100600  
Public Assistance Activities, to support public assistance 100601  
activities. 100602

**Section 307.70.** GOVERNOR'S OFFICE OF FAITH-BASED AND 100603  
COMMUNITY INITIATIVES 100604

Of the foregoing appropriation item 600689, TANF Block Grant, 100605  
up to \$13,285,000 in each fiscal year shall be used, in accordance 100606  
with sections 5101.80 and 5101.801 of the Revised Code, to provide 100607  
support to programs or organizations that provide services that 100608  
align with the mission and goals of the Governor's Office of 100609  
Faith-Based and Community Initiatives, as outlined in section 100610  
107.12 of the Revised Code, and that further at least one of the 100611  
four purposes of the TANF program, as specified in 42 U.S.C. 601. 100612

Of the amount earmarked for the Governor's Office of 100613  
Faith-Based and Community Initiatives, \$250,000 in each fiscal 100614  
year shall be provided to Think Tank, Inc. to support a project 100615  
that provides a sustainable, scalable system to support and keep 100616  
families together. 100617

**Section 307.80.** INDEPENDENT LIVING INITIATIVE 100618

Of the foregoing appropriation item 600689, TANF Block Grant, 100619  
up to \$2,000,000 in each fiscal year shall be used, in accordance 100620  
with sections 5101.80 and 5101.801 of the Revised Code, to support 100621  
the Independent Living Initiative, including life skills training 100622  
and work supports for older children in foster care and those who 100623  
have recently aged out of foster care. 100624

**Section 307.90.** OHIO COMMISSION ON FATHERHOOD 100625

Of the foregoing appropriation item 600689, TANF Block Grant, 100626  
\$2,200,000 in each fiscal year shall be provided to the Ohio 100627  
Commission on Fatherhood. 100628

**Section 307.95.** OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 100629

Of the foregoing appropriation item 600689, TANF Block Grant, 100630

\$1,000,000 in each fiscal year shall be provided, in accordance 100631  
with sections 5101.80 and 5101.801 of the Revised Code, to the 100632  
Ohio Alliance of Boys and Girls Clubs to provide after-school and 100633  
summer programs that protect at-risk children and enable youth to 100634  
become responsible adults. Not less than \$75,000 in each fiscal 100635  
year shall be provided to the Boys and Girls Club of Massillon. 100636

**Section 307.98. WATERFORD INSTITUTE PILOT PROGRAM** 100637

Of the foregoing appropriation item 600689, TANF Block Grant, 100638  
\$2,000,000 in each fiscal year shall be provided, in accordance 100639  
with sections 5101.80 and 5101.801 of the Revised Code, to the 100640  
Waterford Institute to implement a pilot program for 100641  
pre-kindergarten children. 100642

**Section 307.105. BIG BROTHERS BIG SISTERS** 100643

Of the foregoing appropriation item 600689, TANF Block Grant, 100644  
\$500,000 in each fiscal year shall be provided, in accordance with 100645  
sections 5101.80 and 5101.801 of the Revised Code, to Big Brothers 100646  
Big Sisters of Central Ohio to provide mentoring services to 100647  
children throughout the state who have experienced trauma in their 100648  
lives, including parental incarceration. 100649

**Section 307.107. OPEN DOORS ACADEMY** 100650

Of the foregoing appropriation item 600689, TANF Block Grant, 100651  
\$2,200,000 in each fiscal year shall be used, in accordance with 100652  
sections 5101.80 and 5101.801 of the Revised Code, to support the 100653  
Seven Year Promise Program, operated by the Open Doors Academy. 100654  
Funding shall be used for a program in Northeast Ohio and four 100655  
additional sites in the state. 100656

**Section 307.109. CHILDREN'S HUNGER ALLIANCE** 100657

Of the foregoing appropriation item 600689, TANF Block Grant, 100658

\$470,000 in each fiscal year shall be provided, in accordance with 100659  
sections 5101.80 and 5101.801 of the Revised Code, to the 100660  
Children's Hunger Alliance to assist with meal sponsorship, early 100661  
child care programs, and summer nutrition programs. 100662

Of the foregoing appropriation item 600410, TANF State 100663  
Maintenance of Effort, \$705,000 in each fiscal year shall be 100664  
provided to the Children's Hunger Alliance to assist with child 100665  
care, meal sponsorship, consultations and nutrition education, 100666  
school district nutrition programs, afterschool nutrition 100667  
programs, and summer nutrition programs. 100668

**Section 307.110. FAMILY AND CHILDREN SERVICES** 100669

Of the foregoing appropriation item 600523, Family and 100670  
Children Services, up to \$3,200,000 shall be used to match 100671  
eligible federal Title IV-B ESSA funds and federal Title IV-E 100672  
Chafee funds allocated to public children services agencies. 100673

Of the foregoing appropriation item 600523, Family and 100674  
Children Services, up to \$25,000,000 in each fiscal year shall be 100675  
provided to assist with the expense of providing services to youth 100676  
requiring support from multiple systems. These funds may be used 100677  
for youth currently in the custody of a public children services 100678  
agency or to prevent children from entering into the custody of a 100679  
public children services agency by custody relinquishment or 100680  
another mechanism. The Director of Job and Family Services shall 100681  
adopt rules in accordance with section 111.15 of the Revised Code 100682  
to administer the funding. 100683

Of the foregoing appropriation item, 600523, Family and 100684  
Children Services, not less than \$125,040,010 in each fiscal year 100685  
shall be provided to public children services agencies. Of that 100686  
amount, \$17,600,000 in each fiscal year shall be used to provide 100687  
an initial allocation of \$200,000 to each county; up to \$5,000,000 100688  
in each fiscal year shall be provided using the formula in section 100689

5101.14 of the Revised Code for staffing for foster parent 100690  
recruitment, engagement, and support; up to \$10,000,000 in each 100691  
fiscal year shall be provided using the formula in section 5101.14 100692  
of the Revised Code to strengthen best practices identified in 100693  
partnership with the Department of Job and Family Services; and 100694  
the remainder shall be provided using the formula in section 100695  
5101.14 of the Revised Code. 100696

**Section 307.120. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 100697

In collaboration with the county family and children first 100698  
council, a county department of job and family services or public 100699  
children services agency that receives an allocation from the 100700  
Department of Job and Family Services from the foregoing 100701  
appropriation item 600523, Family and Children Services, or 100702  
600533, Child, Family, and Community Protection Services, may 100703  
transfer a portion of either or both allocations to a flexible 100704  
funding pool as authorized by the section of this act titled 100705  
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 100706

**Section 307.130. CHILD, FAMILY, AND COMMUNITY PROTECTION** 100707  
**SERVICES** 100708

(A) The foregoing appropriation item 600533, Child, Family, 100709  
and Community Protection Services, shall be distributed to county 100710  
departments of job and family services. County departments shall 100711  
use the funds distributed to them under this section as follows, 100712  
in accordance with the written plan of cooperation entered into 100713  
under section 307.983 of the Revised Code: 100714

(1) To assist individuals in achieving or maintaining 100715  
self-sufficiency, including by reducing or preventing dependency 100716  
among individuals with family income not exceeding two hundred per 100717  
cent of the federal poverty guidelines; 100718

(2) Subject to division (B) of this section, to respond to 100719

reports of abuse, neglect, or exploitation of children and adults, 100720  
including through the differential response approach program; 100721

(3) To provide outreach and referral services regarding home 100722  
and community-based services to individuals at risk of placement 100723  
in a group home or institution, regardless of the individuals' 100724  
family income and without need for a written application; 100725

(4) To provide outreach, referral, application assistance, 100726  
and other services to assist individuals receive assistance, 100727  
benefits, or services under Medicaid; Title IV-A programs, as 100728  
defined in section 5101.80 of the Revised Code; the Supplemental 100729  
Nutrition Assistance Program; and other public assistance 100730  
programs. 100731

(B) Protective services may be provided to a child or adult 100732  
as part of a response, under division (A)(2) of this section, to a 100733  
report of abuse, neglect, or exploitation without regard to a 100734  
child or adult's family income and without need for a written 100735  
application. The protective services may be provided if the case 100736  
record documents circumstances of actual or potential abuse, 100737  
neglect, or exploitation. 100738

**Section 307.133. ADULT PROTECTIVE SERVICES** 100739

The foregoing appropriation item 600534, Adult Protective 100740  
Services, shall be divided equally among the counties. 100741

**Section 307.135. HEALTHY FOOD FINANCING INITIATIVE** 100742

The foregoing appropriation item 600546, Healthy Food 100743  
Financing Initiative, shall be used by the Director of Job and 100744  
Family Services to support healthy food access in underserved 100745  
communities in urban and rural Low and Moderate Income Areas, as 100746  
defined by either the United States Department of Agriculture 100747  
(USDA), as identified in the USDA's Food Access Research Atlas, or 100748  
through a methodology that has been adopted for use by another 100749

governmental or philanthropic healthy food initiative, or an 100750  
alternative methodology approved by the Director of Job and Family 100751  
Services. 100752

The Director of Job and Family Services, in cooperation with 100753  
the Director of Health, shall contract with the Finance Fund 100754  
Capital Corporation to administer a Healthy Food Financing 100755  
Initiative. The Finance Fund Capital Corporation shall demonstrate 100756  
a capacity to administer grant and loan programs in accordance 100757  
with state and federal rules and accounting principles, and shall 100758  
partner with one or more entities with demonstrable experience in 100759  
healthy food access-related policy matters. 100760

The Finance Fund Capital Corporation shall report to the Ohio 100761  
Department of Job and Family Services the amount of funds granted 100762  
or loaned, the number of new or retained jobs associated with 100763  
related projects, the health impact of the initiative, and the 100764  
number and location of healthy food access projects established or 100765  
in development. 100766

**Section 307.138. JOB AND FAMILY SERVICES PROGRAM SUPPORT** 100767

Of the foregoing appropriation item 600551, Job and Family 100768  
Services Program Support, \$75,000 in each fiscal year shall be 100769  
provided to the Mayerson Jewish Community Center to support summer 100770  
camps, senior citizen socialization for Alzheimer's patients, and 100771  
security services. 100772

Of the foregoing appropriation item 600551, Job and Family 100773  
Services Program Support, \$30,000 in each fiscal year shall be 100774  
used to support Jewish Family Services, which shall use the funds 100775  
to provide aging and caregiver services, post-adoption counseling, 100776  
domestic abuse counseling, and assistance with food pantry 100777  
expansion. 100778

**Section 307.139. GRACEHAVEN PILOT PROGRAM** 100779

The foregoing appropriation item 600552, Gracehaven Pilot Program, shall be used to finance the creation of Gracehaven centers to provide community-based services to women under eighteen years of age that have been victims of human trafficking.

**Section 307.140. FAMILY AND CHILDREN ACTIVITIES** 100784

The foregoing appropriation item 600609, Family and Children Activities, shall be used to expend miscellaneous foundation funds and grants to support family and children services activities.

**Section 307.145. BOOKS FROM BIRTH** 100788

The foregoing appropriation item 600600, Books from Birth, shall be used to support childhood literacy efforts in the state. The Director of Job and Family Services may work with nonprofit entities or foundations established to support childhood literacy efforts in this state.

On July 1, 2020, or as soon as possible thereafter, the Director of Job and Family Services may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 600600, Books from Birth, at the end of fiscal year 2020 to be reappropriated in fiscal year 2021. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2021.

**Section 307.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND** 100801

Notwithstanding section 5101.073 of the Revised Code, the ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also consist of earned federal revenue the final disposition of which is unknown.

On July 1 of each fiscal year, or as soon as possible thereafter, and upon request of the Director of Job and Family Services, the Director of Budget and Management may transfer up to

\$16,000,000 cash from the ODJFS Audit Settlements and Contingency Fund (Fund 5DM0), to the Human Services Projects Fund (Fund 5RY0). 100809  
100810

**Section 307.160. ADOPTION ASSISTANCE LOAN** 100811

The Department of Job and Family Services may use the State Adoption Assistance Loan Fund (Fund 5DP0) for the administration of adoption assistance loans pursuant to section 3107.018 of the Revised Code. The amounts of any adoption assistance loans are hereby appropriated. 100812  
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**Section 307.170. EARLY CHILDHOOD EDUCATION** 100817

Of the foregoing appropriation item 600696, Early Childhood Education, up to \$20,000,000 in each fiscal year shall be used to achieve the goals described in division (C) of section 5104.29 of the Revised Code. The funds shall be used to support early learning and development programs operating in smaller communities, early learning and development programs that are rated in the Step Up to Quality program at the third highest tier or higher, or both. 100818  
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**Section 307.190. VICTIMS OF HUMAN TRAFFICKING** 100826

The foregoing appropriation item 600660, Victims of Human Trafficking, shall be used to provide treatment, care, rehabilitation, education, housing, and assistance for victims of trafficking in persons as specified in section 5101.87 of the Revised Code. 100827  
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If receipts credited to the Victims of Human Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are 100832  
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hereby appropriated. 100838

**Section 307.195.** CHILDREN'S CRISIS CARE 100839

The foregoing appropriation item 600674, Children's Crisis 100840  
Care, shall be allocated by the Department of Job and Family 100841  
Services in each fiscal year to children's crisis care facilities 100842  
as defined in section 5103.13 of the Revised Code. A children's 100843  
crisis care facility may decline to receive funds provided under 100844  
this section. A children's crisis care facility that accepts funds 100845  
provided under this section shall use the funds in accordance with 100846  
section 5103.13 of the Revised Code and the rules as defined in 100847  
rule 5101:2-9-36 of the Administrative Code. 100848

**Section 307.200.** FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 100849

The Fiduciary Fund Group and Holding Account Fund Group shall 100850  
be used to hold revenues until the appropriate fund is determined 100851  
or until the revenues are directed to the appropriate governmental 100852  
agency other than the Department of Job and Family Services. Any 100853  
Department of Job and Family Services refunds or reconciliations 100854  
received or held by the Department of Medicaid shall be 100855  
transferred or credited to the Refunds and Audit Settlement Fund 100856  
(Fund R012). If receipts credited to the Support Intercept - 100857  
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 100858  
5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and 100859  
Audit Settlements Fund (Fund R012), or the Forgery Collections 100860  
Fund (Fund R013) exceed the amounts appropriated from the fund, 100861  
the Director of Job and Family Services may request the Director 100862  
of Budget and Management to authorize expenditures from the fund 100863  
in excess of the amounts appropriated. Upon the approval of the 100864  
Director of Budget and Management, the additional amounts are 100865  
hereby appropriated. 100866

**Section 309.10.** JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 100867

General Revenue Fund				100868
GRF 029321 Operating Expenses	\$	570,000	\$ 570,000	100869
TOTAL GRF General Revenue Fund	\$	570,000	\$ 570,000	100870
TOTAL ALL BUDGET FUND GROUPS	\$	570,000	\$ 570,000	100871

OPERATING GUIDANCE 100872

The Legislative Service Commission shall act as fiscal agent 100873  
for the Joint Committee on Agency Rule Review. Members of the 100874  
Committee shall be paid in accordance with section 101.35 of the 100875  
Revised Code. 100876

OPERATING EXPENSES 100877

On July 1, 2019, or as soon as possible thereafter, the 100878  
Executive Director of the Joint Committee on Agency Rule Review 100879  
may certify to the Director of Budget and Management an amount up 100880  
to the unexpended, unencumbered balance of the foregoing 100881  
appropriation item 029321, Operating Expenses, at the end of 100882  
fiscal year 2019 to be reappropriated to fiscal year 2020. The 100883  
amount certified is hereby reappropriated to the same 100884  
appropriation item for fiscal year 2020. 100885

On July 1, 2020, or as soon as possible thereafter, the 100886  
Executive Director of the Joint Committee on Agency Rule Review 100887  
may certify to the Director of Budget and Management an amount up 100888  
to the unexpended, unencumbered balance of the foregoing 100889  
appropriation item 029321, Operating Expenses, at the end of 100890  
fiscal year 2020 to be reappropriated to fiscal year 2021. The 100891  
amount certified is hereby reappropriated to the same 100892  
appropriation item for fiscal year 2021. 100893

**Section 311.10.** JEO JOINT EDUCATION OVERSIGHT COMMITTEE 100894

General Revenue Fund				100895
GRF 047321 Operating Expenses	\$	376,663	\$ 378,668	100896
TOTAL GRF General Revenue Fund	\$	376,663	\$ 378,668	100897

TOTAL ALL BUDGET FUND GROUPS	\$	376,663	\$	378,668	100898
OPERATING EXPENSES					100899
The foregoing appropriation item 047321, Operating Expenses,					100900
shall be used to support expenses related to the Joint Education					100901
Oversight Committee under section 103.45 to 103.50 of the Revised					100902
Code.					100903
On July 1, 2019, or as soon as possible thereafter, the Joint					100904
Education Oversight Committee may certify to the Director of					100905
Budget and Management an amount up to the unexpended, unencumbered					100906
balance of the foregoing appropriation item 047321, Operating					100907
Expenses, at the end of fiscal year 2019 to be reappropriated to					100908
fiscal year 2020. The amount certified is hereby reappropriated to					100909
the same appropriation item for fiscal year 2020.					100910
On July 1, 2020, or as soon as possible thereafter, the Joint					100911
Education Oversight Committee may certify to the Director of					100912
Budget and Management an amount up to the unexpended, unencumbered					100913
balance of the foregoing appropriation item 047321, Operating					100914
Expenses, at the end of fiscal year 2020 to be reappropriated to					100915
fiscal year 2021. The amount certified is hereby reappropriated to					100916
the same appropriation item for fiscal year 2021.					100917
<b>Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE</b>					100918
General Revenue Fund					100919
GRF 048321 Operating Expenses	\$	361,365	\$	528,681	100920
TOTAL GRF General Revenue Fund	\$	361,365	\$	528,681	100921
TOTAL ALL BUDGET FUND GROUPS	\$	361,365	\$	528,681	100922
OPERATING EXPENSES					100923
The foregoing appropriation item 048321, Operating Expenses,					100924
shall be used to support expenses related to the Joint Medicaid					100925
Oversight Committee created by section 103.41 of the Revised Code.					100926
On July 1, 2019, or as soon as possible thereafter, the					100927

Executive Director of the Joint Medicaid Oversight Committee may 100928  
certify to the Director of Budget and Management an amount up to 100929  
the unexpended, unencumbered balance of the foregoing 100930  
appropriation item 048321, Operating Expenses, at the end of 100931  
fiscal year 2019 to be reappropriated to fiscal year 2020. The 100932  
amount certified is hereby reappropriated to the same 100933  
appropriation item for fiscal year 2020. 100934

On July 1, 2020, or as soon as possible thereafter, the 100935  
Executive Director of the Joint Medicaid Oversight Committee may 100936  
certify to the Director of Budget and Management an amount up to 100937  
the unexpended, unencumbered balance of the foregoing 100938  
appropriation item 048321, Operating Expenses, at the end of 100939  
fiscal year 2020 to be reappropriated to fiscal year 2021. The 100940  
amount certified is hereby reappropriated to the same 100941  
appropriation item for fiscal year 2021. 100942

The Legislative Service Commission shall act as fiscal agent 100943  
for the Joint Medicaid Oversight Committee. 100944

**Section 315.10.** JCO JUDICIAL CONFERENCE OF OHIO 100945

General Revenue Fund 100946

GRF 018321	Operating Expenses	\$	963,500	\$	911,305	100947
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TOTAL GRF	General Revenue Fund	\$	963,500	\$	911,305	100948
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Dedicated Purpose Fund Group 100949

4030 018601	Ohio Jury	\$	480,850	\$	480,000	100950
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Instructions

TOTAL DPF	Dedicated Purpose Fund	\$	480,850	\$	480,000	100951
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	1,444,350	\$	1,391,305	100952
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STATE COUNCIL OF UNIFORM STATE LAWS 100953

Notwithstanding section 105.26 of the Revised Code, of the 100954  
foregoing appropriation item 018321, Operating Expenses, up to 100955

\$93,500 in fiscal year 2020 and up to \$96,305 in fiscal year 2021 100956  
 shall be used to pay the expenses of the State Council of Uniform 100957  
 State Laws, including membership dues to the National Conference 100958  
 of Commissioners on Uniform State Laws. 100959

OHIO JURY INSTRUCTIONS FUND 100960

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 100961  
 grants, royalties, dues, conference fees, bequests, devises, and 100962  
 other gifts received for the purpose of supporting costs incurred 100963  
 by the Judicial Conference of Ohio in its activities as a part of 100964  
 the judicial system of the state as determined by the Judicial 100965  
 Conference Executive Committee. Fund 4030 shall be used by the 100966  
 Judicial Conference of Ohio to pay expenses incurred in its 100967  
 activities as a part of the judicial system of the state as 100968  
 determined by the Judicial Conference Executive Committee. All 100969  
 moneys accruing to Fund 4030 in excess of the amount appropriated 100970  
 for the current fiscal year are hereby appropriated for the 100971  
 purposes authorized. No money in Fund 4030 shall be transferred to 100972  
 any other fund by the Director of Budget and Management or the 100973  
 Controlling Board. 100974

**Section 317.10.** JSC THE JUDICIARY/SUPREME COURT 100975

General Revenue Fund 100976

GRF	005321	Operating Expenses -	\$	181,708,720	\$	185,018,785	100977
		Judiciary/Supreme					
		Court					

GRF	005401	State Criminal	\$	599,970	\$	614,970	100978
		Sentencing Council					

GRF	005406	Law-Related Education	\$	200,000	\$	200,000	100979
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GRF	005409	Ohio Courts	\$	5,391,025	\$	5,435,625	100980
		Technology Initiative					

TOTAL GRF	General Revenue Fund	\$	187,899,715	\$	191,269,380	100981
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Dedicated Purpose Fund Group 100982

4C80	005605	Attorney Services	\$	10,805,858	\$	10,553,340	100983
5HT0	005617	Court Interpreter Certification	\$	12,459	\$	14,327	100984
5SP0	005626	Civil Justice Grant Program	\$	350,000	\$	350,000	100985
5T80	005609	Grants and Awards	\$	8,224	\$	8,224	100986
6720	005601	Judiciary/Supreme Court Education	\$	151,000	\$	151,000	100987
TOTAL DPF		Dedicated Purpose Fund Group	\$	11,327,541	\$	11,076,891	100988
Fiduciary Fund Group							100989
5JY0	005620	County Law Library Resources Boards	\$	303,500	\$	313,500	100990
TOTAL FID		Fiduciary Fund Group	\$	303,500	\$	313,500	100991
Federal Fund Group							100992
3J00	005603	Federal Grants	\$	1,118,471	\$	1,073,190	100993
TOTAL FED		Federal Fund Group	\$	1,118,471	\$	1,073,190	100994
TOTAL ALL BUDGET FUND GROUPS			\$	200,649,227	\$	203,732,961	100995

**Section 317.20. STATE CRIMINAL SENTENCING COUNCIL** 100997

The foregoing appropriation item 005401, State Criminal Sentencing Council, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 100998  
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**LAW-RELATED EDUCATION** 101002

The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 101003  
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OHIO COURTS TECHNOLOGY INITIATIVE 101010

The foregoing appropriation item 005409, Ohio Courts 101011  
Technology Initiative, shall be used to fund an initiative by the 101012  
Supreme Court to facilitate the exchange of information and 101013  
warehousing of data by and between Ohio courts and other justice 101014  
system partners through the creation of an Ohio Courts Network, 101015  
the delivery of technology services to courts throughout the 101016  
state, including the provision of hardware, software, and the 101017  
development and implementation of educational and training 101018  
programs for judges and court personnel, and operation of the 101019  
Commission on Technology and the Courts by the Supreme Court for 101020  
the promulgation of statewide rules, policies, and uniform 101021  
standards, and to aid in the orderly adoption and comprehensive 101022  
use of technology in Ohio courts. 101023

ATTORNEY SERVICES 101024

The Attorney Registration Fund (Fund 4C80) shall consist of 101025  
money received by the Supreme Court (The Judiciary) pursuant to 101026  
the Rules for the Government of the Bar of Ohio. In addition to 101027  
funding other activities considered appropriate by the Supreme 101028  
Court, the foregoing appropriation item 005605, Attorney Services, 101029  
may be used to compensate employees and to fund appropriate 101030  
activities of the following offices established by the Supreme 101031  
Court: the Office of Disciplinary Counsel, the Board of 101032  
Commissioners on Grievances and Discipline, the Clients' Security 101033  
Fund, and the Attorney Services Division which include the Office 101034  
of Bar Admissions. If it is determined by the Administrative 101035  
Director of the Supreme Court that changes to the appropriation 101036  
are necessary, the amounts are hereby appropriated. 101037

No money in Fund 4C80 shall be transferred to any other fund 101038  
by the Director of Budget and Management or the Controlling Board. 101039  
Interest earned on money in Fund 4C80 shall be credited to the 101040  
fund. 101041

COURT INTERPRETER CERTIFICATION 101042

The Court Interpreter Certification Fund (Fund 5HT0) shall 101043  
consist of money received by the Supreme Court (The Judiciary) 101044  
pursuant to Rules 80 through 87 of the Rules of Superintendence 101045  
for the Courts of Ohio. The foregoing appropriation item 005617, 101046  
Court Interpreter Certification, shall be used to provide 101047  
training, to provide the written examination, and to pay language 101048  
experts to rate, or grade, the oral examinations of those applying 101049  
to become certified court interpreters. If it is determined by the 101050  
Administrative Director of the Supreme Court that changes to the 101051  
appropriation are necessary, the amounts are hereby appropriated. 101052

No money in Fund 5HT0 shall be transferred to any other fund 101053  
by the Director of Budget and Management or the Controlling Board. 101054  
Interest earned on money in Fund 5HT0 shall be credited to the 101055  
fund. 101056

CIVIL JUSTICE GRANT PROGRAM 101057

The Civil Justice Program Fund (Fund 5SP0) shall consist of 101058  
(1) \$50 voluntary donations made as part of the biennium attorney 101059  
registration process and (2) \$150 increase in the *pro hac vice* 101060  
fees for out-of-state attorneys pursuant to Government of the Bar 101061  
Rule amendments. The foregoing appropriation item 005626, Civil 101062  
Justice Grant Program, shall be used by the Supreme Court of Ohio 101063  
for grants to not-for-profit organizations and agencies dedicated 101064  
to providing civil legal aid to underserved populations, to fund 101065  
innovative programs directed at this purpose, and to increase 101066  
access to judicial service to that population. 101067

No money in Fund 5SP0 shall be transferred to any other fund 101068  
by the Director of Budget and Management or the Controlling Board. 101069  
Interest earned on money in Fund 5SP0 shall be credited to the 101070  
fund. 101071

GRANTS AND AWARDS 101072

The Grants and Awards Fund (Fund 5T80) shall consist of grants and other money awarded to the Supreme Court (The Judiciary) by the State Justice Institute, the Division of Criminal Justice Services, or other entities. The foregoing appropriation item 005609, Grants and Awards, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5T80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5T80 shall be credited or transferred to the General Revenue Fund.

JUDICIARY/SUPREME COURT EDUCATION

The Judiciary/Supreme Court Education Fund (Fund 6720) shall consist of fees paid for attending judicial and public education on the law, reimbursement of costs for judicial and public education on the law, and other gifts and grants received for the purpose of judicial and public education on the law. The foregoing appropriation item 005601, Judiciary/Supreme Court Education, shall be used to pay expenses for judicial education courses for judges, court personnel, and those who serve the courts, and for public education on the law. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 6720 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 6720 shall be credited to the fund.

COUNTY LAW LIBRARY RESOURCES BOARDS

The Statewide Consortium of County Law Library Resources

Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 101104  
to section 307.515 of the Revised Code into a county's law library 101105  
resources fund and forwarded by that county's treasurer for 101106  
deposit in the state treasury pursuant to division (E)(1) of 101107  
section 3375.481 of the Revised Code. The foregoing appropriation 101108  
item 005620, County Law Library Resources Boards, shall be used 101109  
for the operation of the Statewide Consortium of County Law 101110  
Library Resources Boards. If it is determined by the 101111  
Administrative Director of the Supreme Court that changes to the 101112  
appropriation are necessary, the amounts are hereby appropriated. 101113

No money in Fund 5JY0 shall be transferred to any other fund 101114  
by the Director of Budget and Management or the Controlling Board. 101115  
Interest earned on money in Fund 5JY0 shall be credited to the 101116  
fund. 101117

**FEDERAL GRANTS** 101118

The Federal Grants Fund (Fund 3J00) shall consist of grants 101119  
and other moneys awarded to the Supreme Court (The Judiciary) by 101120  
the United States Government or other entities that receive the 101121  
moneys directly from the United States Government and distribute 101122  
those moneys to the Supreme Court (The Judiciary). The foregoing 101123  
appropriation item 005603, Federal Grants, shall be used in a 101124  
manner consistent with the purpose of the grant or award. If it is 101125  
determined by the Administrative Director of the Supreme Court 101126  
that changes to the appropriation are necessary, the amounts are 101127  
hereby appropriated. 101128

No money in Fund 3J00 shall be transferred to any other fund 101129  
by the Director of Budget and Management or the Controlling Board. 101130  
However, interest earned on money in Fund 3J00 shall be credited 101131  
or transferred to the General Revenue Fund. 101132

**Section 319.10. LEC LAKE ERIE COMMISSION** 101133

Dedicated Purpose Fund Group				101134
4C00 780601 Lake Erie Protection	\$	694,000	\$ 699,000	101135
TOTAL DPF Dedicated Purpose				101136
Fund Group	\$	694,000	\$ 699,000	101137
Federal Fund Group				101138
3EP0 780603 LEC Federal Grants	\$	50,000	\$ 50,000	101139
TOTAL FED Federal Fund Group	\$	50,000	\$ 50,000	101140
TOTAL ALL BUDGET FUND GROUPS	\$	744,000	\$ 749,000	101141

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 101142

On July 1 of each fiscal year, or as soon as possible 101143  
thereafter, the Director of Budget and Management, with the 101144  
approval of the Controlling Board, may transfer cash from the 101145  
funds specified below, up to the amounts specified below, to the 101146  
Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may accept 101147  
contributions and transfers made to the fund. 101148

Fund	Fund Name	User	FY 2020	FY 2021	
5BC0	Environmental	Environmental	\$25,000	\$25,000	101149
	Protection	Protection Agency			101150
6690	Pesticide,	Department of	\$25,000	\$25,000	101151
	Fertilizer and Lime	Agriculture			
4700	General Operations	Department of	\$25,000	\$25,000	101152
		Health			
1570	Central Support	Department of	\$25,000	\$25,000	101153
	Indirect	Natural Resources			

On July 1, 2019, or as soon as possible thereafter, the 101154  
Director of Budget and Management, with the approval of the 101155  
Controlling Board, may transfer \$25,000 cash from a fund used by 101156  
the Development Services Agency, as specified by the Director of 101157  
Development Services, to Fund 4C00. 101158

On July 1, 2020, or as soon as possible thereafter, the 101159  
Director of Budget and Management, with the approval of the 101160

Controlling Board, may transfer \$25,000 cash from a fund used by 101161  
the Development Services Agency, as specified by the Director of 101162  
Development Services, to Fund 4C00. 101163

**Section 321.10.** JLE JOINT LEGISLATIVE ETHICS COMMITTEE 101164

General Revenue Fund 101165

GRF 028321	Legislative Ethics	\$	550,000	\$	550,000	101166
	Committee					

TOTAL GRF	General Revenue Fund	\$	550,000	\$	550,000	101167
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Dedicated Purpose Fund Group 101168

4G70 028601	Joint Legislative	\$	150,000	\$	150,000	101169
	Ethics Committee					

5HN0 028602	Investigations and	\$	10,000	\$	10,000	101170
	Financial Disclosure					

TOTAL DPF	Dedicated Purpose Fund	\$	160,000	\$	160,000	101171
Group						

TOTAL ALL BUDGET FUND GROUPS		\$	710,000	\$	710,000	101172
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LEGISLATIVE ETHICS COMMITTEE 101173

On July 1, 2019, or as soon as possible thereafter, the 101174  
Legislative Inspector General of the Joint Legislative Ethics 101175  
Committee may certify to the Director of Budget and Management an 101176  
amount up to the unexpended, unencumbered balance of the foregoing 101177  
appropriation item 028321, Legislative Ethics Committee, at the 101178  
end of fiscal year 2019 to be reappropriated to fiscal year 2020. 101179  
The amount certified is hereby reappropriated to the same 101180  
appropriation item for fiscal year 2020. 101181

On July 1, 2020, or as soon as possible thereafter, the 101182  
Legislative Inspector General of the Joint Legislative Ethics 101183  
Committee may certify to the Director of Budget and Management an 101184  
amount up to the unexpended, unencumbered balance of the foregoing 101185  
appropriation item 028321, Legislative Ethics Committee, at the 101186

end of fiscal year 2020 to be reappropriated to fiscal year 2021. 101187  
 The amount certified is hereby reappropriated to the same 101188  
 appropriation item for fiscal year 2021. 101189

**Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION** 101190

General Revenue Fund 101191

GRF 035321 Operating Expenses \$ 18,600,000 \$ 19,158,000 101192

GRF 035402 Legislative Fellows \$ 1,080,000 \$ 1,080,000 101193

GRF 035405 Correctional \$ 447,020 \$ 447,020 101194

Institution Inspection  
 Committee

GRF 035407 Legislative Task Force \$ 1,000,000 \$ 1,000,000 101195

on Redistricting

GRF 035409 National Associations \$ 600,000 \$ 600,000 101196

GRF 035410 Legislative \$ 9,000,000 \$ 9,270,000 101197

Information Systems

GRF 035501 Litigation \$ 1,500,000 \$ 1,500,000 101198

TOTAL GRF General Revenue Fund \$ 32,227,020 \$ 33,055,020 101199

Dedicated Purpose Fund Group 101200

4100 035601 Sale of Publications \$ 10,000 \$ 10,000 101201

TOTAL DPF Dedicated Purpose Fund \$ 10,000 \$ 10,000 101202

Group

TOTAL ALL BUDGET FUND GROUPS \$ 32,237,020 \$ 33,065,020 101203

**Section 323.20. OPERATING EXPENSES** 101205

On July 1, 2019, or as soon as possible thereafter, the 101206

Director of the Legislative Service Commission may certify to the 101207

Director of Budget and Management an amount up to the unexpended, 101208

unencumbered balance of the foregoing appropriation item 035321, 101209

Operating Expenses, at the end of fiscal year 2019 to be 101210

reappropriated to fiscal year 2020. The amount certified is hereby 101211

reappropriated to the same appropriation item for fiscal year 101212

2020. 101213

On July 1, 2020, or as soon as possible thereafter, the 101214  
Director of the Legislative Service Commission may certify to the 101215  
Director of Budget and Management an amount up to the unexpended, 101216  
unencumbered balance of the foregoing appropriation item 035321, 101217  
Operating Expenses, at the end of fiscal year 2020 to be 101218  
reappropriated to fiscal year 2021. The amount certified is hereby 101219  
reappropriated to the same appropriation item for fiscal year 101220  
2021. 101221

LEGISLATIVE TASK FORCE ON REDISTRICTING 101222

An amount equal to the unexpended, unencumbered balance of 101223  
the foregoing appropriation item 035407, Legislative Task Force on 101224  
Redistricting, at the end of fiscal year 2019 is hereby 101225  
reappropriated to the Legislative Service Commission for the same 101226  
purpose for fiscal year 2020. 101227

An amount equal to the unexpended, unencumbered balance of 101228  
the foregoing appropriation item 035407, Legislative Task Force on 101229  
Redistricting, at the end of fiscal year 2020 is hereby 101230  
reappropriated to the Legislative Service Commission for the same 101231  
purpose for fiscal year 2021. 101232

LEGISLATIVE INFORMATION SYSTEMS 101233

On July 1, 2019, or as soon as possible thereafter, the 101234  
Director of the Legislative Service Commission may certify to the 101235  
Director of Budget and Management an amount up to the unexpended, 101236  
unencumbered balance of the foregoing appropriation item 035410, 101237  
Legislative Information Systems, at the end of fiscal year 2019 to 101238  
be reappropriated to fiscal year 2020. The amount certified is 101239  
hereby reappropriated to the same appropriation item for fiscal 101240  
year 2020. 101241

On July 1, 2020, or as soon as possible thereafter, the 101242  
Director of the Legislative Service Commission may certify to the 101243

Director of Budget and Management an amount up to the unexpended, 101244  
unencumbered balance of the foregoing appropriation item 035410, 101245  
Legislative Information Systems, at the end of fiscal year 2020 to 101246  
be reappropriated to fiscal year 2021. The amount certified is 101247  
hereby reappropriated to the same appropriation item for fiscal 101248  
year 2021. 101249

LITIGATION 101250

The foregoing appropriation item 035501, Litigation, shall be 101251  
used for any lawsuit in which the General Assembly is a party 101252  
because a legal or constitutional challenge is made against the 101253  
Ohio Constitution or an act of the General Assembly. The 101254  
chairperson and vice-chairperson of the Legislative Service 101255  
Commission shall both approve the use of the appropriated moneys. 101256

An amount equal to the unexpended, unencumbered balance of 101257  
the appropriation item 035501, Litigation, at the end of fiscal 101258  
year 2019 is hereby reappropriated to the Legislative Service 101259  
Commission for the same purpose for fiscal year 2020. 101260

An amount equal to the unexpended, unencumbered balance of 101261  
the appropriation item 035501, Litigation, at the end of fiscal 101262  
year 2020 is hereby reappropriated to the Legislative Service 101263  
Commission for the same purpose for fiscal year 2021. 101264

**Section 325.10. LIB STATE LIBRARY BOARD** 101265

General Revenue Fund 101266

GRF 350321 Operating Expenses \$ 4,543,122 \$ 4,543,122 101267

GRF 350401 Ohioana Library \$ 300,114 \$ 300,114 101268

Association

GRF 350502 Regional Library \$ 500,000 \$ 500,000 101269

Systems

TOTAL GRF General Revenue Fund \$ 5,343,236 \$ 5,343,236 101270

Dedicated Purpose Fund Group 101271

4590	350603	Services for Libraries	\$	4,202,887	\$	4,202,887	101272
4S40	350604	Ohio Public Library Information Network	\$	5,696,898	\$	5,696,898	101273
5GB0	350605	Library for the Blind	\$	1,274,194	\$	1,274,194	101274
TOTAL DPF Dedicated Purpose							101275
Fund Group			\$	11,173,979	\$	11,173,979	101276
Internal Service Activity Fund							101277
1390	350602	Services for State Agencies	\$	8,000	\$	8,000	101278
TOTAL ISA Internal Service Activity							101279
Fund Group			\$	8,000	\$	8,000	101280
Federal Fund Group							101281
3130	350601	LSTA Federal	\$	5,366,565	\$	5,366,565	101282
TOTAL FED Federal Fund Group			\$	5,366,565	\$	5,366,565	101283
TOTAL ALL BUDGET FUND GROUPS			\$	21,891,780	\$	21,891,780	101284

**Section 325.20. OHIOANA LIBRARY ASSOCIATION** 101286

The foregoing appropriation item 350401, Ohioana Library Association, shall be used to support the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code. 101287  
101288  
101289  
101290

**REGIONAL LIBRARY SYSTEMS** 101291

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code. 101292  
101293  
101294  
101295

**OHIO PUBLIC LIBRARY INFORMATION NETWORK** 101296

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state 101297  
101298  
101299

and such others as may participate in the Ohio Public Library  
Information Network (OPLIN). 101300  
101301

The Ohio Public Library Information Network Board of Trustees 101302  
created under section 3375.65 of the Revised Code may make 101303  
decisions regarding use of the foregoing appropriation item 101304  
350604, Ohio Public Library Information Network. 101305

(B) The OPLIN Board shall research and assist or advise local 101306  
libraries with regard to emerging technologies and methods that 101307  
may be effective means to control access to obscene and illegal 101308  
materials. The OPLIN Director shall provide written reports upon 101309  
request within ten days to the Governor, the Speaker and Minority 101310  
Leader of the House of Representatives, and the President and 101311  
Minority Leader of the Senate on any steps being taken by OPLIN 101312  
and public libraries in the state to limit and control such 101313  
improper usage as well as information on technological, legal, and 101314  
law enforcement trends nationally and internationally affecting 101315  
this area of public access and service. 101316

(C) The Ohio Public Library Information Network, INFOhio, and 101317  
OhioLINK shall, to the extent feasible, coordinate and cooperate 101318  
in their purchase or other acquisition of the use of electronic 101319  
databases for their respective users and shall contribute funds in 101320  
an equitable manner to such effort. 101321

LIBRARY FOR THE BLIND 101322

The foregoing appropriation item 350605, Library for the 101323  
Blind, shall be used for the statewide Talking Book Program to 101324  
assist the blind and disabled. 101325

TRANSFER TO OPLIN TECHNOLOGY FUND 101326

Notwithstanding sections 5747.03 and 5747.47 of the Revised 101327  
Code and any other provision of law to the contrary, in accordance 101328  
with a schedule established by the Director of Budget and 101329  
Management, the Director of Budget and Management shall transfer 101330

\$3,689,788 cash in each fiscal year from the Public Library Fund				101331	
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40).				101332	
TRANSFER TO LIBRARY FOR THE BLIND FUND				101333	
Notwithstanding sections 5747.03 and 5747.47 of the Revised				101334	
Code and any other provision of law to the contrary, in accordance				101335	
with a schedule established by the Director of Budget and				101336	
Management, the Director of Budget and Management shall transfer				101337	
\$1,274,194 cash in each fiscal year from the Public Library Fund				101338	
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0).				101339	
<b>Section 327.10. LCO LIQUOR CONTROL COMMISSION</b>				101340	
Dedicated Purpose Fund Group				101341	
5LP0 970601 Commission Operating	\$	873,607	\$	905,916	101342
Expenses					
TOTAL DPF Dedicated Purpose Fund	\$	873,607	\$	905,916	101343
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	873,607	\$	905,916	101344
<b>Section 329.10. LOT STATE LOTTERY COMMISSION</b>				101346	
State Lottery Fund Group				101347	
7044 950321 Operating Expenses	\$	59,850,383	\$	60,544,470	101348
7044 950402 Advertising Contracts	\$	26,750,000	\$	26,750,000	101349
7044 950403 Gaming Contracts	\$	70,019,071	\$	71,239,582	101350
7044 950601 Direct Prize Payments	\$	154,333,000	\$	157,440,000	101351
7044 950605 Problem Gambling	\$	3,400,000	\$	3,400,000	101352
8710 950602 Annuity Prizes	\$	59,873,000	\$	60,279,000	101353
TOTAL SLF State Lottery Fund				101354	
Group	\$	374,225,454	\$	379,653,052	101355
TOTAL ALL BUDGET FUND GROUPS	\$	374,225,454	\$	379,653,052	101356
OPERATING EXPENSES				101357	
Notwithstanding sections 127.14 and 131.35 of the Revised				101358	

Code, the Controlling Board may, at the request of the State 101359  
Lottery Commission, authorize expenditures from the State Lottery 101360  
Fund in excess of the amounts appropriated, up to a maximum of 10 101361  
per cent of anticipated total revenue accruing from the sale of 101362  
lottery products. Upon the approval of the Controlling Board, the 101363  
additional amounts are hereby appropriated. 101364

DIRECT PRIZE PAYMENTS 101365

Any amounts, in addition to the amounts appropriated in 101366  
appropriation item 950601, Direct Prize Payments, that the 101367  
Director of the State Lottery Commission determines to be 101368  
necessary to fund prizes are hereby appropriated. 101369

ANNUITY PRIZES 101370

Upon request of the State Lottery Commission, the Director of 101371  
Budget and Management may transfer cash from the State Lottery 101372  
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 101373  
an amount sufficient to fund deferred prizes. The Treasurer of 101374  
State, from time to time, shall credit the Deferred Prizes Trust 101375  
Fund (Fund 8710) the pro rata share of interest earned by the 101376  
Treasurer of State on invested balances. 101377

Any amounts, in addition to the amounts appropriated in 101378  
appropriation item 950602, Annuity Prizes, that the Director of 101379  
the State Lottery Commission determines to be necessary to fund 101380  
deferred prizes and interest are hereby appropriated. 101381

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 101382

Estimated transfers from the State Lottery Fund (Fund 7044) 101383  
to the Lottery Profits Education Fund (Fund 7017) are to be 101384  
\$1,126,000,000 in fiscal year 2020 and \$1,177,000,000 in fiscal 101385  
year 2021. Transfers by the Director of Budget and Management to 101386  
the Lottery Profits Education Fund shall be administered as the 101387  
statutes direct. 101388

	<b>Section 333.10.</b>	MCD DEPARTMENT OF MEDICAID				101389
	General Revenue Fund					101390
GRF	651425	Medicaid Program	\$ 184,688,131	\$ 190,406,760		101391
		Support - State				
GRF	651525	Medicaid Health Care				101392
		Services				
		State	\$ 4,099,481,989	\$ 4,634,834,471		101393
		Federal	\$ 9,745,411,345	\$ 10,506,642,648		101394
		Medicaid Health Care	\$ 13,844,893,334	\$ 15,141,477,119		101395
		Services Total				
GRF	651526	Medicare Part D	\$ 500,325,646	\$ 554,214,667		101396
GRF	651529	Brigid's Path Pilot	\$ 500,000	\$ 500,000		101397
GRF	651533	Food Farmacy Pilot	\$ 250,000	\$ 250,000		101398
		Project				
TOTAL GRF	General Revenue Fund					101399
		State	\$ 4,785,245,766	\$ 5,380,205,898		101400
		Federal	\$ 9,745,411,345	\$ 10,506,642,648		101401
		GRF Total	\$ 14,530,657,111	\$ 15,886,848,546		101402
	Dedicated Purpose Fund Group					101403
4E30	651605	Resident Protection	\$ 3,910,338	\$ 4,013,000		101404
		Fund				
5AN0	651686	Care Innovation and	\$ 53,435,797	\$ 53,406,291		101405
		Community Improvement				
		Program				
5DL0	651639	Medicaid Services -	\$ 741,454,299	\$ 724,170,233		101406
		Recoveries				
5DL0	651685	Medicaid Recoveries -	\$ 40,351,245	\$ 44,375,000		101407
		Program Support				
5DL0	651690	Multi-system Youth	\$ 10,000,000	\$ 10,000,000		101408
		Innovation and				
		Support				

5FX0	651638	Medicaid Services - Payment Withholding	\$	12,000,000	\$	12,000,000	101409
5GF0	651656	Medicaid Services - Hospital Upper Payment Limit	\$	822,016,219	\$	887,150,856	101410
5R20	651608	Medicaid Services - Long Term	\$	420,154,000	\$	420,286,000	101411
5SC0	651683	Medicaid Services - Physician UPL	\$	7,520,000	\$	7,645,000	101412
5TN0	651684	Medicaid Services - HIC Fee	\$	820,564,060	\$	791,187,400	101413
6510	651649	Medicaid Services - Hospital Care Assurance Program	\$	249,167,065	\$	168,310,123	101414
TOTAL DPF	Dedicated Purpose Fund Group		\$	3,180,573,023	\$	3,122,543,903	101415
	Holding Account Fund Group						101416
R055	651644	Refunds and Reconciliation	\$	1,000,000	\$	1,000,000	101417
TOTAL HLD	Holding Account Fund Group		\$	1,000,000	\$	1,000,000	101418
	Federal Fund Group						101419
3ER0	651603	Medicaid and Health Transformation Technology	\$	48,031,056	\$	48,340,000	101420
3F00	651623	Medicaid Services - Federal	\$	6,466,974,325	\$	6,274,675,986	101421
3F00	651624	Medicaid Program Support - Federal	\$	516,667,497	\$	527,369,363	101422
3FA0	651680	Health Care Grants - Federal	\$	11,988,670	\$	12,000,000	101423
3G50	651655	Medicaid Interagency	\$	225,701,597	\$	225,701,597	101424

Pass Through

TOTAL FED Federal Fund Group	\$ 7,269,363,145	\$ 7,088,220,460	101425
TOTAL ALL BUDGET FUND GROUPS	\$24,981,593,279	\$26,098,479,395	101426

**Section 333.20.** TEMPORARY AUTHORITY REGARDING EMPLOYEES 101428

(A) Until July 1, 2021, the Medicaid Director has the 101429  
authority to establish, change, and abolish positions for the 101430  
Department of Medicaid, and to assign, reassign, classify, 101431  
reclassify, transfer, reduce, promote, or demote all employees of 101432  
the Department of Medicaid who are not subject to Chapter 4117. of 101433  
the Revised Code. 101434

(B) The authority granted under division (A) of this section 101435  
includes assigning or reassigning an exempt employee, as defined 101436  
in section 124.152 of the Revised Code, to a bargaining unit 101437  
classification if the Medicaid Director determines that the 101438  
bargaining unit classification is the proper classification for 101439  
that employee. The actions of the Medicaid Director shall be 101440  
consistent with the requirements of 5 C.F.R. 900.603 for those 101441  
employees subject to such requirements. If an employee in the E-1 101442  
pay range is to be assigned, reassigned, classified, reclassified, 101443  
transferred, reduced, or demoted to a position in a lower 101444  
classification under this section, the Medicaid Director, or in 101445  
the case of a transfer outside the Department of Medicaid, the 101446  
Director of Administrative Services, shall assign the employee to 101447  
the appropriate classification and place the employee in Step X. 101448  
The employee shall not receive any increase in compensation until 101449  
the maximum rate of pay for that classification exceeds the 101450  
employee's compensation. 101451

(C) Actions taken by the Medicaid Director and Director of 101452  
Administrative Services pursuant to this section are not subject 101453  
to appeal to the State Personnel Board of Review. 101454

(D) A portion of the foregoing appropriation items 651425, 101455

Medicaid Program Support - State, 651603, Medicaid and Health Transformation Technology, 651624, Medicaid Program Support - Federal, 651680, Health Care Grants - Federal, 651655, Medicaid Interagency Pass-Through, 651605, Resident Protection Fund, and 651682, Health Care Grants - State, may be used to pay for costs associated with the administration of the Medicaid program, including the assignment, reassignment, classification, reclassification, transfer, reduction, promotion, or demotion of employees authorized by this section.

**Section 333.40. MEDICAID HEALTH CARE SERVICES** 101465

The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code.

**Section 333.50. LEAD ABATEMENT AND RELATED ACTIVITIES** 101469

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer state share appropriations from General Revenue Fund appropriation item 651525, Medicaid Health Care Services, to appropriation items in other state agencies for the purpose of lead abatement and related activities. If such a transfer occurs, the Director of Budget and Management may adjust, using the federal reimbursement rate, the federal share of General Revenue Fund appropriation item 651525, Medicaid Health Care Services, accordingly. The Director of Medicaid may transfer federal funds as the state's single state agency for Medicaid reimbursements, as drawn for these transactions.

**Section 333.55. PASSPORT ENHANCED COMMUNITY LIVING SERVICES** 101481

Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$27,027 in each fiscal year shall be used to increase the payment rates for enhanced community living services

covered by the PASSPORT Program.	101485
<b>Section 333.60.</b> PERFORMANCE PAYMENTS FOR MEDICAID MANAGED CARE	101486
	101487
(A) As used in this section:	101488
(1) "ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.	101489
	101490
(2) "Integrated Care Delivery System" and "ICDS" have the same meaning as section 5164.01 of the Revised Code.	101491
	101492
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	101493
	101494
(B) For fiscal year 2020 and fiscal year 2021, the Department of Medicaid shall provide performance payments as provided under this section to Medicaid managed care organizations providing care under the Integrated Care Delivery System.	101495
	101496
	101497
	101498
(C) If ICDS participants receive care through Medicaid managed care organizations under ICDS, the Department shall, in consultation with the United States Centers for Medicare and Medicaid Services, do both of the following:	101499
	101500
	101501
	101502
(1) Develop quality measures designed specifically to determine the effectiveness of the health care and other services provided to ICDS participants by Medicaid managed care organizations;	101503
	101504
	101505
	101506
(2) Determine an amount to be withheld from the Medicaid premium payments paid to Medicaid managed care organizations for ICDS participants.	101507
	101508
	101509
(D)(1) For the purposes of division (C)(2) of this section, the Department shall establish an amount that is to be withheld each time a premium payment is made to a Medicaid managed care organization for an ICDS participant. The amount shall be	101510
	101511
	101512
	101513

established as a percentage of each premium payment. The 101514  
percentage shall be the same for all Medicaid managed care 101515  
organizations providing care to ICDS participants. 101516

(2) Each Medicaid managed care organization shall agree to 101517  
the withholding as a condition of receiving or maintaining its 101518  
Medicaid provider agreement with the Department. 101519

(3) When the amount is established and each time the amount 101520  
is modified thereafter, the Department shall certify the amount to 101521  
the Director of Budget and Management and begin withholding the 101522  
amount from each premium the Department pays to a Medicaid managed 101523  
care organization for an ICDS participant. 101524

(E) A Medicaid managed care organization subject to this 101525  
section is not subject to section 5167.30 of the Revised Code for 101526  
premium payments attributed to ICDS participants during fiscal 101527  
year 2020 and fiscal year 2021. 101528

**Section 333.65. FINANCIAL HEALTH OF MEDICAID MANAGED CARE** 101529  
**ORGANIZATIONS** 101530

Not later than January 1, 2020, the Department of Medicaid 101531  
shall do all of the following: 101532

(A) Evaluate the financial health, including solvency, of 101533  
Medicaid managed care organizations; 101534

(B) Benchmark the financial health, including solvency, of 101535  
Medicaid managed care organizations against other managed care 101536  
organizations providing services under the Medicaid programs of 101537  
other states in the Midwest; 101538

(C) Publish the findings of the evaluation and benchmarking 101539  
of Medicaid managed care organizations on the Department's 101540  
internet web site; 101541

(D) Adopt rules under section 5167.02 of the Revised Code 101542  
addressing the financial health of Medicaid managed care 101543

organizations, as evaluated under division (A) of this section. 101544

**Section 333.70. HOSPITAL FRANCHISE FEE PROGRAM** 101545

The Director of Budget and Management may authorize 101546  
additional expenditures from appropriation item 651623, Medicaid 101547  
Services - Federal, appropriation item 651525, Medicaid Health 101548  
Care Services, and appropriation item 651656, Medicaid Services - 101549  
Hospital Upper Payment Limit, in order to implement the programs 101550  
authorized by sections 5168.20 through 5168.28 of the Revised 101551  
Code. Any amounts authorized are hereby appropriated. 101552

**Section 333.80. MEDICARE PART D** 101553

The foregoing appropriation item 651526, Medicare Part D, may 101554  
be used by the Department of Medicaid for the implementation and 101555  
operation of the Medicare Part D requirements contained in the 101556  
"Medicare Prescription Drug, Improvement, and Modernization Act of 101557  
2003," Pub. L. No. 108-173, as amended. Upon the request of the 101558  
Department of Medicaid, the Director of Budget and Management may 101559  
transfer the state share of appropriations between appropriation 101560  
item 651525, Medicaid Health Care Services, and appropriation item 101561  
651526, Medicare Part D. If the state share of appropriation item 101562  
651525, Medicaid Health Care Services, is adjusted, the Director 101563  
of Budget and Management shall adjust the federal share 101564  
accordingly. The Department of Medicaid shall provide notification 101565  
to the Controlling Board of any transfers at the next scheduled 101566  
Controlling Board meeting. 101567

**Section 333.82. BRIGID'S PATH PROGRAM** 101568

The foregoing appropriation item 651529, Brigid's Path 101569  
Program, shall be distributed to the Brigid's Path Program in 101570  
Montgomery County. 101571

**Section 333.83.** FOOD FARMACY PILOT PROJECT 101572

The foregoing appropriation item 651533, Food Farmacy Pilot 101573  
Project, shall be distributed to a hospital system in a county 101574  
with a charter form of government and with a total population 101575  
between 500,000 persons and 1,000,000 persons to provide 101576  
comprehensive medical, nutrition, and lifestyle support for 101577  
food-insecure patients with type 2 diabetes and their families. 101578

**Section 333.90.** HEALTH CARE SERVICES SUPPORT AND RECOVERIES 101579  
FUND 101580

Of the amount received by the Department of Medicaid during 101581  
fiscal year 2020 and fiscal year 2021 from the first installment 101582  
of assessments paid under section 5168.06 of the Revised Code and 101583  
intergovernmental transfers made under section 5168.07 of the 101584  
Revised Code, the Medicaid Director shall deposit \$350,000 in each 101585  
fiscal year into the state treasury to the credit of the Health 101586  
Care Services Support and Recoveries Fund (Fund 5DL0). 101587

**Section 333.95.** MULTI-SYSTEM YOUTH INNOVATION AND SUPPORT 101588

The foregoing appropriation item 651690, Multi-System Youth 101589  
Innovation and Support, may be used by the Department of Medicaid 101590  
for the purposes specified in divisions (B)(3) and (4) of section 101591  
5162.52 of the Revised Code. 101592

**Section 333.100.** HOSPITAL CARE ASSURANCE MATCH 101593

If receipts credited to the Health Care Federal Fund (Fund 101594  
3F00) exceed the amounts appropriated from the fund for making the 101595  
hospital care assurance program distribution, the Medicaid 101596  
Director may request the Director of Budget and Management to 101597  
authorize expenditures from the fund in excess of the amounts 101598  
appropriated. Upon the approval of the Director of Budget and 101599

Management, the additional amounts are hereby appropriated. 101600

The foregoing appropriation item 651649, Medicaid Services - 101601  
Health Care Assurance Program, shall be used by the Department of 101602  
Medicaid for distributing the state share of all hospital care 101603  
assurance program funds to hospitals under section 5168.09 of the 101604  
Revised Code. If receipts credited to the Hospital Care Assurance 101605  
Program Fund (Fund 6510) exceed the amounts appropriated from the 101606  
fund for making the hospital care assurance program distribution, 101607  
the Medicaid Director may request the Director of Budget and 101608  
Management to authorize expenditures from the fund in excess of 101609  
the amounts appropriated. Upon the approval of the Director of 101610  
Budget and Management, the additional amounts are hereby 101611  
appropriated. 101612

**Section 333.110. REFUNDS AND RECONCILIATION FUND** 101613

If receipts credited to the Refunds and Reconciliation Fund 101614  
exceed the amounts appropriated from the fund, the Medicaid 101615  
Director may request the Director of Budget and Management to 101616  
authorize expenditures from the fund in excess of the amounts 101617  
appropriated. Upon approval of the Director of Budget and 101618  
Management, the additional amounts are hereby appropriated. 101619

**Section 333.120. MEDICAID INTERAGENCY PASS-THROUGH** 101620

The Medicaid Director may request the Director of Budget and 101621  
Management to increase appropriation item 651655, Medicaid 101622  
Interagency Pass-Through. Upon the approval of the Director of 101623  
Budget and Management, the additional amounts are hereby 101624  
appropriated. 101625

**Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION** 101626

In order to ensure access to a non-emergency medical 101627  
transportation brokerage program established pursuant to section 101628

1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 101629  
upon the request of the Medicaid Director, the Director of Budget 101630  
and Management may transfer the state share appropriations between 101631  
General Revenue Fund appropriation item 651525, Medicaid Health 101632  
Care Services, within the Department of Medicaid and 655523, 101633  
Medicaid Program Support - Local Transportation, within the 101634  
Department of Job and Family Services. If such a transfer occurs, 101635  
the Director of Budget and Management shall adjust, using the 101636  
federal reimbursement rate, the federal share appropriations of 101637  
General Revenue Fund appropriation item 651525, Medicaid Health 101638  
Care Services, within the Department of Medicaid, and the Medicaid 101639  
Program Support Fund (Fund 3F01) appropriation item 655624, 101640  
Medicaid Program Support - Federal, within the Department of Job 101641  
and Family Services. The Director of Medicaid shall transmit to 101642  
the Medicaid Program Support Fund (Fund 3F01) the federal funds 101643  
which the Department of Medicaid, as the state's sole point of 101644  
contact with the federal government for Medicaid reimbursements, 101645  
has drawn for this transaction. 101646

**Section 333.140. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION** 101647  
**AND LOCAL PROGRAM SUPPORT** 101648

Upon the request of the Medicaid Director, the Director of 101649  
Budget and Management may transfer up to \$5,000,000 of state share 101650  
appropriations in each fiscal year between General Revenue Fund 101651  
appropriation item 651525, Medicaid Health Care Services, within 101652  
the Department of Medicaid, and 655522, Medicaid Program Support - 101653  
Local, within the Department of Job and Family Services. If such a 101654  
transfer occurs, the Director of Budget and Management shall 101655  
adjust, using the federal reimbursement rate, the federal share 101656  
appropriations of General Revenue Fund appropriation item 651525, 101657  
Medicaid Health Care Services, within the Department of Medicaid, 101658  
and the Medicaid Program Support Fund (Fund 3F01) appropriation 101659  
item 655624, Medicaid Program Support - Federal, within the 101660

Department of Job and Family Services. The Director of Medicaid 101661  
shall transmit to the Medicaid Program Support Fund (Fund 3F01) 101662  
the federal funds which the Department of Medicaid, as the state's 101663  
sole point of contact with the federal government for Medicaid 101664  
reimbursements, has drawn for this transaction. 101665

The Medicaid Director shall establish criteria for 101666  
distributing these funds and for county departments of job and 101667  
family services to submit allowable expenses. 101668

County departments of job and family services shall comply 101669  
with new roles, processes, and responsibilities related to the new 101670  
eligibility determination system. County departments of job and 101671  
family services shall report to the Ohio Department of Job and 101672  
Family Services and the Ohio Department of Medicaid, on a schedule 101673  
determined by the Medicaid Director, how the funds were used. 101674

**Section 333.160. ICDS AND OHIO HOME CARE WAIVERS PAYMENT** 101675  
**RATES FOR HOME-DELIVERED MEALS** 101676

(A) As used in this section: 101677

(1) "ICDS waiver" means the home and community-based services 101678  
Medicaid waiver component for the Integrated Care Delivery System 101679  
authorized by section 5166.16 of the Revised Code. 101680

(2) "Ohio Home Care waiver" means the home and 101681  
community-based services Medicaid waiver component that is known 101682  
as Ohio Home Care and was created pursuant to section 5166.11 of 101683  
the Revised Code. 101684

(B) The payment rates for home-delivered meals provided under 101685  
the ICDS waiver and the Ohio Home Care waiver during the period 101686  
beginning July 1, 2019, and ending July 1, 2021, shall be the 101687  
following: 101688

(1) For each meal delivered daily on a per-meal delivery 101689  
basis by a volunteer or employee of the provider, \$7.19; 101690

(2) For each meal delivered in a chilled or frozen format on a weekly basis by a volunteer or employee of the provider, \$6.99;	101691 101692
(3) For each meal delivered in a chilled or frozen format on a weekly basis by a common carrier used by the provider, \$6.50.	101693 101694
<b>Section 333.180. MEDICAID PAYMENT RATES FOR COMMUNITY BEHAVIORAL HEALTH SERVICES</b>	101695 101696
(A) As used in this section:	101697
(1) "Community behavioral health services" has the same meaning as in section 5164.01 of the Revised Code.	101698 101699
(2) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	101700 101701
(3) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.	101702 101703 101704
(4) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.	101705 101706
(B) Subject to division (C) of this section, the Department of Medicaid may establish Medicaid payment rates for community behavioral health services provided during fiscal year 2020 and fiscal year 2021 that exceed the authorized rates paid for the services under the Medicare program.	101707 101708 101709 101710 101711
(C) This section does not apply to community behavioral health services provided by any of the following:	101712 101713
(1) Hospitals on an inpatient basis;	101714
(2) Nursing facilities;	101715
(3) Intermediate care facilities for individuals with intellectual disabilities.	101716 101717
<b>Section 333.185. MEDICAID PAYMENT RATE FOR VAGUS NERVE</b>	101718

STIMULATION	101719
(A) The Medicaid payment rate for the Vagus Nerve Stimulation service provided under the outpatient hospital services benefit during the period beginning July 1, 2019, and ending July 1, 2021, shall equal seventy-five per cent of the Medicare payment rate for the service in effect on the date the service is provided.	101720 101721 101722 101723 101724
(B) The Medicaid payment rates for other services provided during the period beginning July 1, 2019, and ending July 1, 2021, and selected by the Medicaid Director shall be less than the amount of the rates in effect on June 30, 2019, so that the cost of the rate set pursuant to division (A) of this section does not increase Medicaid expenditures. The Director may not select any Medicaid service for which the Medicaid payment rate is determined in accordance with state statutes.	101725 101726 101727 101728 101729 101730 101731 101732
<b>Section 333.190. AREA AGENCIES ON AGING AND MEDICAID MANAGED CARE</b>	101733 101734
(A) As used in this section:	101735
(1) "Care management system" means the system established under section 5167.03 of the Revised Code.	101736 101737
(2) "Dual eligible individuals" has the same meaning as in section 5160.01 of the Revised Code.	101738 101739
(3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	101740 101741
(4) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	101742 101743
(B) If the Department of Medicaid expands the inclusion of the aged, blind, and disabled Medicaid eligibility group or dual eligible individuals in the care management system during the 2020-2021 fiscal biennium, the Department shall do both of the	101744 101745 101746 101747

following for the remainder of the fiscal biennium: 101748

(1) Require area agencies on aging to be the coordinators of 101749  
home and community-based services available under Medicaid waiver 101750  
components that those individuals and that eligibility group 101751  
receive and permit Medicaid managed care organizations to delegate 101752  
to the agencies full-care coordination functions for those 101753  
services and other health-care services those individuals and that 101754  
eligibility group receive; 101755

(2) In selecting managed care organizations with which to 101756  
contract under section 5167.10 of the Revised Code, give 101757  
preference to those organizations that will enter into 101758  
subcapitation arrangements with area agencies on aging under which 101759  
the agencies are to perform, in addition to other functions, 101760  
network management and payment functions for home and 101761  
community-based services available under Medicaid waiver 101762  
components that those individuals and that eligibility group 101763  
receive. 101764

**Section 333.195. SHARED SAVINGS BONUS AND QUALITY INCENTIVE 101765**  
PROGRAMS 101766

Each contract that the Department of Medicaid enters into 101767  
with a managed care organization under section 5167.10 of the 101768  
Revised Code during the periods that the Shared Savings Bonus 101769  
Program and Quality Incentive Program are operated under sections 101770  
5167.35 and 5167.36 of the Revised Code shall include terms about 101771  
the programs that are consistent with those sections. 101772

**Section 333.200. WORK REQUIREMENT - OHIOMEANSJOBS COSTS 101773**

Upon the request of the Medicaid Director, the Director of 101774  
Budget and Management may transfer up to \$500,000 of state share 101775  
appropriations in each fiscal year between appropriation item 101776  
651685, Medicaid Recoveries - Program Support, within the 101777

Department of Medicaid, and 655425, Medicaid Program Support, 101778  
within the Department of Job and Family Services. If such a 101779  
transfer occurs, the Director of Budget and Management shall 101780  
adjust, using the federal reimbursement rate, the federal share 101781  
appropriations of appropriation item 651624, Medicaid Program 101782  
Support - Federal, within the Department of Medicaid, and 101783  
appropriation item 655624, Medicaid Program Support - Federal, 101784  
within the Department of Job and Family Services. Any transfer of 101785  
funds shall be provided to the Department of Job and Family 101786  
Services and shall only be used for costs related to transitioning 101787  
to a new work requirement for the Medicaid program as prescribed 101788  
by the Medicaid Director. 101789

**Section 333.210. WORK REQUIREMENT - COUNTY COSTS** 101790

Upon the request of the Medicaid Director, the Director of 101791  
Budget and Management may transfer up to \$10,000,000 of state 101792  
share appropriations in each fiscal year between appropriation 101793  
item 651525, Medicaid Health Care Services, within the Department 101794  
of Medicaid, and 655522, Medicaid Program Support - Local, within 101795  
the Department of Job and Family Services. If such a transfer 101796  
occurs, the Director of Budget and Management shall adjust, using 101797  
the federal reimbursement rate, the federal share appropriations 101798  
of appropriation item 651525, Medicaid Health Care Services, 101799  
within the Department of Medicaid, and appropriation item 655624, 101800  
Medicaid Program Support - Federal, within the Department of Job 101801  
and Family Services. Any increase in funding shall be provided to 101802  
county departments of job and family services and shall only be 101803  
used for costs related to transitioning to a new work requirement 101804  
under the Medicaid program as prescribed by the Medicaid Director. 101805  
These funds shall not be used for existing and ongoing operating 101806  
expenses. The Medicaid Director shall establish criteria for 101807  
distributing these funds and for county departments of job and 101808  
family services to submit allowable expenses. 101809

Section 333.220. CARE INNOVATION AND COMMUNITY IMPROVEMENT	101810
PROGRAM	101811
(A) As used in this section:	101812
(1) "Nonprofit hospital agency" means a nonprofit hospital	101813
agency, as defined in section 140.01 of the Revised Code, that is	101814
affiliated with a state university as defined in section 3345.011	101815
of the Revised Code.	101816
(2) "Participating agency" means a nonprofit hospital agency	101817
or public hospital agency participating in the Care Innovation and	101818
Community Improvement Program.	101819
(3) "Public hospital agency" has the same meaning as in	101820
section 140.01 of the Revised Code.	101821
(B) The Medicaid Director shall continue the Care Innovation	101822
and Community Improvement Program for the 2020-2021 fiscal	101823
biennium. Any nonprofit hospital agency or public hospital agency	101824
may volunteer to participate in the program if the agency operates	101825
a hospital that has a Medicaid provider agreement.	101826
(C) Participating agencies are responsible for the state	101827
share of the program's costs and shall make or request the	101828
appropriate government entity to make intergovernmental transfers	101829
to pay for those costs. The Medicaid Director shall establish a	101830
schedule for making the intergovernmental transfers.	101831
(D)(1) Each participating agency shall do at least one of the	101832
following tasks in accordance with strategies, and for the purpose	101833
of meeting goals, that the Medicaid Director shall establish for	101834
the Care Innovation and Community Improvement Program:	101835
(a) Sustain and expand community-based patient centered	101836
medical home models;	101837
(b) Expand access to community-based dental services;	101838

(c) Improve the quality of community care by creating and sharing best practice models for emergency department diversions, care coordination at discharge and during transitions of care, and other matters related to community care;

(d) Align community health improvement strategies and goals with the State Health Improvement Plan and local health improvement plans;

(e) Subject to division (D)(2) of this section, expand access to ambulatory drug detoxification and withdrawal management services;

(f) Train medical professionals on evidence-based protocols for opioid prescribing and drug addiction risk assessments;

(g) Subject to division (D)(2) of this section and in collaboration with all other participating agencies that are also doing this task, create and implement a plan to assist rural areas of the state do both of the following:

(i) Expand access to cost-effective detoxification, withdrawal management, and prevention services for opioid addiction;

(ii) Disseminate evidence-based protocols for opioid prescribing and drug addiction risk assessment.

(2) In expanding access to ambulatory drug detoxification and withdrawal management services under division (D)(1)(e) of this section and creating and implementing the plan specified in division (D)(1)(g) of this section, each participating agency shall give priority to the areas of the community served by the agency with the greatest concentration of opioid overdoses and deaths.

(3) Each participating agency shall submit annual reports to the Joint Medicaid Oversight Committee summarizing the agency's

work under division (D)(1) of this section and progress in meeting 101869  
the goals of the Care Innovation and Community Improvement 101870  
Program. 101871

(4) The goals that the Medicaid Director establishes for the 101872  
Care Innovation and Community Improvement Program shall be 101873  
designed to benefit Medicaid recipients. 101874

(E) Each participating agency shall receive supplemental 101875  
payments under the Medicaid program for physician and other 101876  
professional services that are covered by the Medicaid program and 101877  
provided to Medicaid recipients. The amount of the supplemental 101878  
payments shall equal the difference between the Medicaid payment 101879  
rates for the services and the average commercial payment rates 101880  
for the services. The Director may terminate, or adjust the amount 101881  
of, the supplemental payments if the amount of the funds available 101882  
for the Care Innovation and Community Improvement Program is 101883  
inadequate. 101884

(F) Not later than January 1, 2020, the Medicaid Director 101885  
shall establish a process to evaluate the work done by 101886  
participating agencies under division (D)(1) of this section and 101887  
the agencies' progress in meeting the goals of the Care Innovation 101888  
and Community Improvement Program. The Director may terminate an 101889  
agency's participation in the program if the Director determines 101890  
that the agency is not doing at least one of the tasks specified 101891  
in division (D)(1) of this section or making progress in meeting 101892  
the program's goals. 101893

(G) All intergovernmental transfers made under division (C) 101894  
of this section shall be deposited into the Care Innovation and 101895  
Community Improvement Program Fund created by Section 333.320 of 101896  
Am. Sub. H.B. 49 of the 132nd General Assembly. Money in the fund 101897  
and the corresponding federal financial participation in the 101898  
Health Care - Federal Fund created under section 5162.50 of the 101899  
Revised Code shall be used to make supplemental payments under 101900

division (E) of this section. 101901

(H) If the amount of the foregoing appropriation item 651686, 101902  
Care Innovation and Community Improvement Program, and the 101903  
corresponding federal financial participation in appropriation 101904  
item 651623, Medicaid Services - Federal, are inadequate to make 101905  
the supplemental payments required by division (E) of this 101906  
section, the Medicaid Director may request that the Director of 101907  
Budget and Management authorize additional expenditures from the 101908  
Care Innovation and Community Improvement Program Fund and the 101909  
Health Care - Federal Fund as needed to make the supplemental 101910  
payments. If the Director of Budget and Management authorizes the 101911  
additional expenditures, the additional amounts are hereby 101912  
appropriated. 101913

**Section 333.230.** RE-PROCUREMENT OF MEDICAID MCO CONTRACTS 101914

(A) As used in this section, "care management system" and 101915  
"Medicaid managed care organization" have the same meanings as in 101916  
section 5167.01 of the Revised Code. 101917

(B) Not later than July 1, 2020, the Medicaid Director shall 101918  
complete a procurement process for Medicaid managed care 101919  
organizations under the care management system. During the 101920  
procurement process, the Director shall accept applications from 101921  
entities seeking to contract as Medicaid managed care 101922  
organizations and shall enter into new Medicaid managed care 101923  
organization contracts with the selected entities. 101924

(C) As part of the procurement process, the Director shall 101925  
establish eligibility criteria an entity must meet in order to 101926  
become a Medicaid managed care organization. Any entity that meets 101927  
the eligibility criteria may enter into a contract with the 101928  
Department to become a Medicaid managed care organization. 101929

(D) There is no limit on the number of Medicaid managed care 101930

organizations the Department may contract with through the 101931  
procurement process. 101932

**Section 333.240. REVIEW OF PRESCRIBED DRUG REFORM SAVINGS** 101933

Not later than January 1, 2021, the Department of Medicaid 101934  
shall conduct a review of all of the savings to the state from 101935  
prescribed drug reforms included in this act. The Department shall 101936  
complete a report detailing its findings not later than sixty days 101937  
after its review. The report shall be submitted to the Governor 101938  
and to the General Assembly in accordance with section 101.68 of 101939  
the Revised Code. The Department shall testify about its findings 101940  
before the Joint Medicaid Oversight Committee. Upon request, the 101941  
Department also shall testify about its findings before the 101942  
General Assembly as requested by the Speaker of the House of 101943  
Representatives, the President of the Senate, or both. 101944

**Section 333.250. HEALTHY OHIO PROGRAM WAIVER REQUEST** 101945

Not later than July 1, 2020, the Medicaid Director shall 101946  
submit to the United States Secretary of Health and Human Services 101947  
a request for a waiver necessary for the implementation of the 101948  
Healthy Ohio Program under sections 5166.40 to 5166.4011 of the 101949  
Revised Code. 101950

**Section 333.260. 340B STUDY COMMITTEE** 101951

(A) As used in this section: 101952

(1) "340B covered entity" means an entity described in 101953  
section 340B(a)(4) of the "Public Health Service Act," 42 U.S.C. 101954  
256(b)(a)(4). 101955

(2) "340B Drug Pricing Program" means the program enacted 101956  
under section 602 of the "Veterans Health Care Act of 1992," 101957  
Public Law 102 - 585, codified in section 340B of the "Public 101958  
Health Service Act," 42 U.S.C. 256b. 101959

(3) "Medicaid provider" and "prescribed drug" have the same meanings as in section 5164.01 of the Revised Code. 101960  
101961

(B) There is hereby created within the Department of Medicaid the 340B Study Committee. The Study Committee shall consist of members appointed by the Governor not later than ninety days after the effective date of this section. 101962  
101963  
101964  
101965

(C) Members shall serve without compensation, except to the extent that serving on the Study Committee is considered part of the member's regular duties of employment, but shall be reimbursed for actual and necessary expenses incurred in the performance of official duties. 101966  
101967  
101968  
101969  
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(D) The Study Committee shall collect the following data from 340B covered entities that are hospitals and Medicaid providers: 101971  
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(1) The cost of the prescribed drug to the 340B covered entity; 101973  
101974

(2) The amount the patient was billed by the 340B covered entity for the prescribed drug. 101975  
101976

(E) The Study Committee shall study the data provided under division (D) of this section and prepare a report outlining its findings related to all of the following: 101977  
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101979

(1) Whether the 340B Drug Pricing Program federal regulations and the Program's intent are being followed by the hospitals; 101980  
101981

(2) Whether the hospitals are passing along to patients the drug discounts under the Program; 101982  
101983

(3) Ways this state can control prescription drug costs under the Program and ensure that the discounts under the Program are used for their intended purpose. 101984  
101985  
101986

(F) Not later than January 1, 2021, the Study Committee shall submit the report detailing its findings to the General Assembly in accordance with section 101.68 of the Revised Code. On 101987  
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submission of the report, the Study Committee shall cease to exist. 101990  
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**Section 333.270.** BUDGET REDUCTION ADJUSTMENT FACTOR 101992

As used in this section, "budget reduction adjustment factor" and "Medicare skilled nursing facility market basket index" have the same meanings as in section 5165.01 of the Revised Code. 101993  
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101995

For the purpose of sections 5165.15, 5165.16, 5165.17, 5165.19, and 5165.21 of the Revised Code, the budget reduction adjustment factor shall be the following: 101996  
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101998

(A) For the second half of state fiscal year 2020, two and four-tenths per cent; 101999  
102000

(B) For all of state fiscal year 2021, an amount equal to the Medicare skilled nursing facility market basket index determined for all of federal fiscal year 2020. 102001  
102002  
102003

**Section 335.10.** MED STATE MEDICAL BOARD 102004

Dedicated Purpose Fund Group					102005
5C60 883609 Operating Expenses	\$	10,862,471	\$	11,302,171	102006
TOTAL DPF Dedicated Purpose Fund Group	\$	10,862,471	\$	11,302,171	102007
TOTAL ALL BUDGET FUND GROUPS	\$	10,862,471	\$	11,302,171	102008

**Section 337.10.** MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 102010

SERVICES 102011

General Revenue Fund					102012
GRF 336321 Central Administration	\$	16,606,612	\$	16,932,239	102013
GRF 336402 Resident Trainees	\$	450,000	\$	450,000	102014
GRF 336405 Family and Children First	\$	1,386,000	\$	1,386,000	102015

GRF	336406	Prevention and Wellness	\$	2,620,996	\$	2,620,996	102016
GRF	336412	Hospital Services	\$	231,002,089	\$	240,172,285	102017
GRF	336415	Mental Health Facilities Lease Rental Bond Payments	\$	19,695,400	\$	20,369,000	102018
GRF	336421	Continuum of Care Services	\$	82,839,846	\$	82,839,846	102019
GRF	336422	Criminal Justice Services	\$	17,113,780	\$	17,117,915	102020
GRF	336423	Addiction Services Partnership with Corrections	\$	26,528,872	\$	28,989,946	102021
GRF	336424	Recovery Housing	\$	2,500,000	\$	2,500,000	102022
GRF	336425	Specialized Docket Support	\$	7,500,000	\$	10,000,000	102023
GRF	336504	Community Innovations	\$	13,950,000	\$	13,350,000	102024
GRF	336506	Court Costs	\$	1,000,000	\$	1,000,000	102025
GRF	336510	Residential State Supplement	\$	16,000,000	\$	16,000,000	102026
GRF	336511	Early Childhood Mental Health Counselors and Consultation	\$	2,500,000	\$	2,500,000	102027
GRF	652321	Medicaid Support	\$	1,213,792	\$	1,251,713	102028
TOTAL GRF		General Revenue Fund	\$	442,907,387	\$	457,479,940	102029
		Dedicated Purpose Fund Group					102030
2320	336621	Family and Children First	\$	600,000	\$	600,000	102031
4750	336623	Statewide Treatment and Prevention	\$	51,550,000	\$	20,550,000	102032
4850	336632	Mental Health Operating	\$	7,760,000	\$	8,000,000	102033

5AU0	336615	Behavioral Health Care	\$	7,850,000	\$	7,850,000	102034
5JL0	336629	Problem Gambling and Casino Addiction	\$	6,085,000	\$	6,085,000	102035
5T90	336641	Problem Gambling Services	\$	1,870,000	\$	1,820,000	102036
5TZ0	336600	Substance Abuse Stabilization Centers	\$	6,000,000	\$	6,000,000	102037
5TZ0	336643	ADAMHS Boards	\$	21,000,000	\$	11,000,000	102038
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000	102039
6890	336640	Education and Conferences	\$	150,000	\$	150,000	102040
TOTAL DPF		Dedicated Purpose Fund Group	\$	103,215,000	\$	62,405,000	102041
		Internal Service Activity Fund Group					102042
1490	336609	Hospital Operating Expenses	\$	20,000,000	\$	20,000,000	102043
1490	336610	Operating Expenses	\$	5,500,000	\$	5,500,000	102044
1510	336601	Ohio Pharmacy Services	\$	80,170,822	\$	80,170,822	102045
4P90	336604	Community Mental Health Projects	\$	250,000	\$	250,000	102046
TOTAL ISA		Internal Service Activity Fund Group	\$	105,920,822	\$	105,920,822	102047
		Federal Fund Group					102048
3240	336605	Medicaid/Medicare	\$	20,000,000	\$	20,000,000	102049
3A60	336608	Federal Miscellaneous	\$	1,010,000	\$	1,010,000	102050
3A70	336612	Social Services Block Grant	\$	8,450,000	\$	8,450,000	102051
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000	102052
3A90	336614	Mental Health Block	\$	22,020,790	\$	22,058,470	102053

	Grant				
3B10	652636	Community Medicaid	\$ 10,878,084	\$ 11,000,000	102054
		Legacy Support			
3G40	336618	Substance Abuse Block	\$ 65,865,756	\$ 65,865,756	102055
		Grant			
3H80	336606	Demonstration Grants	\$ 15,000,000	\$ 15,000,000	102056
3HB0	336503	Cures Opioid State	\$ 33,084,837	\$ 32,634,837	102057
		Targeted Response			
3HB1	336644	State Opioid Response	\$ 59,400,213	\$ 16,800,000	102058
3N80	336639	Administrative	\$ 1,000,000	\$ 1,000,000	102059
		Reimbursement			
TOTAL FED		Federal Fund Group	\$ 242,209,680	\$ 199,319,063	102060
TOTAL ALL BUDGET		FUND GROUPS	\$ 894,252,889	\$ 825,124,825	102061

**Section 337.30. PREVENTION AND WELLNESS** 102063

The foregoing appropriation item 336406, Prevention and 102064  
Wellness, shall be used as follows: 102065

(A) Up to \$1,250,000 in each fiscal year shall be distributed 102066  
to boards of alcohol, drug addiction, and mental health services 102067  
to purchase the provision of evidence-based prevention services 102068  
from providers certified by the Department of Mental Health and 102069  
Addiction Services. 102070

(B) Up to \$500,000 in each fiscal year shall be used to: 102071

(1) Conduct a study in coordination with the Department of 102072  
Veterans Services on the rates of suicide in this state for the 102073  
previous ten calendar years. The study shall examine suicide rates 102074  
for the general population as a whole and suicide rates for 102075  
veterans of the United States armed forces as a subgroup. Not 102076  
later than one year after the effective date of this section, the 102077  
Departments shall complete a report on the study. The report shall 102078  
include the Departments' conclusions regarding the causes of 102079  
suicides and recommendations for reducing the rates of suicide in 102080

this state. The Departments shall submit the report to the General Assembly in accordance with section 101.68 of the Revised Code and make it available to the public on their web sites.

(2) Support suicide prevention efforts.

(C) \$120,000 in each fiscal year shall be allocated to Northeast Ohio Medical University's statewide campus safety and mental health programs, including suicide prevention.

**Section 337.40. MENTAL HEALTH FACILITIES LEASE RENTAL BOND PAYMENTS**

The foregoing appropriation item 336415, Mental Health Facilities Lease Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2019, through June 30, 2021, by the Department of Mental Health and Addiction Services pursuant to leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code.

**Section 337.50. CONTINUUM OF CARE SERVICES**

The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows:

(A) A portion of this appropriation shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated:

(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary

hospitalization due to lack of medication; and 102110

(2) To provide subsidized support for medication-assisted 102111  
treatment costs. 102112

(B) A portion of this appropriation may be distributed to 102113  
boards of alcohol, drug addiction, and mental health services, 102114  
community addiction and/or mental health services providers, 102115  
courts, or other governmental entities to provide specific grants 102116  
in support of initiatives concerning mental health and addiction 102117  
services. 102118

(C) Of the foregoing appropriation item 336421, Continuum of 102119  
Care Services, \$1,500,000 in each fiscal year shall be allocated 102120  
by the Department of Mental Health and Addiction Services to 102121  
boards of alcohol, drug addiction, and mental health services. The 102122  
boards shall use their allocations to establish and administer, in 102123  
collaboration with the other boards that serve the same state 102124  
psychiatric hospital region, six mental health crisis 102125  
stabilization centers. There shall be one center located in each 102126  
state psychiatric hospital region. 102127

Boards of alcohol, drug addiction, and mental health services 102128  
shall ensure that each mental health crisis stabilization center 102129  
established and administered under division (C) of this section 102130  
complies with all of the following: 102131

(1) It admits individuals before and after the individuals 102132  
receive treatment and care at hospital emergency departments or 102133  
freestanding emergency departments. 102134

(2) It admits individuals before and after the individuals 102135  
are confined in state or local correctional facilities. 102136

(3) It has a Medicaid provider agreement. 102137

(4) It is located in a building constructed for another 102138  
purpose before the effective date of this section. 102139

(5) It admits individuals who have been identified as needing the stabilization services provided by the center. 102140  
102141

(6) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code. 102142  
102143  
102144

(D) As used in division (C) of this section: 102145

(1) "State or local correctional facility" means any of the following: 102146  
102147

(a) A "state correctional institution," as defined in section 2967.01 of the Revised Code; 102148  
102149

(b) A "local correctional facility," as defined in section 2903.13 of the Revised Code; 102150  
102151

(c) A correctional facility that is privately operated and managed pursuant to section 9.06 of the Revised Code. 102152  
102153

(2) "State psychiatric hospital regions" means the six districts into which the Department of Mental Health and Addiction Services has divided the state pursuant to division (B)(2) of section 5119.14 of the Revised Code. 102154  
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(E) Of the foregoing appropriation item 336421, Continuum of Care Services, \$375,000 in each fiscal year shall be allocated to the Bellefaire Jewish Children's Home to be used for start-up costs associated with the operations of its pediatric psychiatric hospital and affiliated medical and dental clinic. These start-up costs may include recruiting, onboarding, and training staff, as well as costs associated with the gradual ramp-up to full client capacity and the development of a reimbursement structure. 102158  
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(F) Of the foregoing appropriation item 336421, Continuum of Care Services, \$125,000 in each fiscal year shall be allocated to the Chardon School District to be used for program-related activities. 102166  
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102169

(G) Of the foregoing appropriation item 336421, Continuum of Care Services, \$100,000 in each fiscal year shall be distributed to the Applewood Centers Inc. to be used for the continuation and expansion of existing programs to support the health clinic and community-based health care operations and to help meet the needs of youth served in addressing the opioid crisis.

**Section 337.60. CRIMINAL JUSTICE SERVICES**

Except as otherwise provided in this act, the foregoing appropriation item 336422, Criminal Justice Services, shall be used to provide forensic psychiatric evaluations to courts of common pleas and to conduct evaluations of patients of forensic status in facilities operated or designated by the Department of Mental Health and Addiction Services prior to conditional release to the community. A portion of this appropriation may be allocated through boards of alcohol, drug addiction, and mental health services to community addiction and/or mental health services providers in accordance with a distribution methodology as determined by the Director of Mental Health and Addiction Services.

The foregoing appropriation item 336422, Criminal Justice Services, may also be used to:

(A) Provide forensic monitoring and tracking of individuals on conditional release;

(B) Provide forensic training;

(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders;

(D) Provide specialized re-entry services to offenders leaving prisons and jails;

(E) Provide specific grants in support of addiction services

alternatives to incarceration;	102200
(F) Support therapeutic communities; and	102201
(G) Support specialty dockets and expand or create new certified court programs.	102202 102203
<b>Section 337.70. SUBSTANCE USE DISORDER TREATMENT IN SPECIALIZED DOCKET PROGRAMS</b>	102204 102205
(A) As used in this section:	102206
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	102207 102208
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	102209 102210
(3) "Medication-assisted treatment drug court program" and "MAT drug court program" mean a session of any of the following that holds initial or final certification from the Supreme Court of Ohio as a specialized docket program for drugs and that uses medication-assisted treatment as part of its specialized docket program: a common pleas court, municipal court, or county court, or a division of any of those courts.	102211 102212 102213 102214 102215 102216 102217
(4) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.	102218 102219
(5) "Recovery supports" has the same meaning as in section 5119.01 of the Revised Code.	102220 102221
(6) "Substance use disorder treatment" has the same meaning as "alcohol and drug addiction services" as defined in section 5119.01 of the Revised Code.	102222 102223 102224
(B)(1) The Department of Mental Health and Addiction Services shall conduct a program to provide substance use disorder treatment, which may include medication-assisted treatment and recovery supports, to persons who are eligible to participate in a	102225 102226 102227 102228

medication-assisted treatment drug court program and are selected 102229  
under this section to be participants in a MAT drug court program 102230  
because of a substance use disorder. 102231

(2) The Department shall conduct its program in collaboration 102232  
with any counties in Ohio that are conducting MAT drug court 102233  
programs. 102234

(3) In addition to conducting its program in accordance with 102235  
division (B)(2) of this section, the Department may conduct its 102236  
program in collaboration with any other court that is conducting a 102237  
MAT drug court program. 102238

(C) In conducting its program, the Department shall 102239  
collaborate with the Supreme Court, the Department of 102240  
Rehabilitation and Correction, and any agency of the state that 102241  
the Department of Mental Health and Addiction Services determines 102242  
may be of assistance in accomplishing the objectives of the 102243  
Department's program. The Department may collaborate with the 102244  
boards of alcohol, drug addiction, and mental health services and 102245  
with local law enforcement agencies that serve the counties in 102246  
which a court participating in the Department's program is 102247  
located. 102248

(D)(1) A MAT drug court program participating in the 102249  
Department's program shall select the persons who are to be its 102250  
participants for purposes of the Department's program. To be 102251  
selected, a person must be a criminal offender, including an 102252  
offender under a community control sanction, or be involved in a 102253  
family drug or dependency court. A person shall not be selected to 102254  
be a participant unless the person meets the legal and clinical 102255  
eligibility criteria for the MAT drug court program and is an 102256  
active participant in the MAT drug court program. 102257

(2) The total number of persons participating in the 102258  
Department's program at any time shall not exceed one thousand 102259

five hundred, subject to available funding, except that the Department may authorize the maximum number to be exceeded in circumstances that the Department considers to be appropriate.

(3) After a MAT drug court program enrolls a person as a participant for purposes of the Department's program, the participant shall comply with all requirements of the MAT drug court program.

(E) The substance use disorder treatment and recovery supports provided under the Department's program in collaboration with a MAT drug court program shall be provided by a community addiction services provider. The provider shall do all of the following:

(1) Provide treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the community addiction services provider;

(2) Conduct professional, comprehensive substance abuse and mental health diagnostic assessments of a person under consideration for selection as a program participant to determine whether the person would benefit from substance use disorder treatment and monitoring;

(3) Determine, based on the assessment described in division (E)(2) of this section, the treatment needs of the program participants served by the community addiction services provider;

(4) Develop, for program participants served by the community addiction services provider, individualized goals and objectives;

(5) Provide access to the long-acting antagonist therapies, partial agonist therapies, or full agonist therapies, that are included in the program's medication-assisted treatment;

(6) Provide other types of therapies, including psychosocial therapies, for both substance use disorder and any disorders that

are considered by the community addiction services provider to be 102290  
co-occurring disorders; 102291

(7) Monitor program compliance through the use of regular 102292  
drug testing, including urinalysis, of the program participants 102293  
served by the community addiction services provider; 102294

(8) Provide access to time-limited recovery supports that 102295  
help eliminate barriers to treatment and are specific to the 102296  
participant's needs, including assistance with housing, 102297  
transportation, child care, job training, obtaining a driver's 102298  
license or state identification card, and any other matter 102299  
considered relevant by the provider. 102300

(F) In the case of medication-assisted treatment provided 102301  
under the Department's program, all of the following conditions 102302  
apply: 102303

(1) A drug may be used only if the drug has been approved by 102304  
the United States Food and Drug Administration for use in treating 102305  
dependence on opioids, alcohol, or both, or for preventing relapse 102306  
into the use of opioids, alcohol, or both. 102307

(2) One or more drugs may be used, but each drug that is used 102308  
must constitute long-acting antagonist therapy, partial agonist 102309  
therapy, or full agonist therapy. 102310

(3) If a drug constituting partial or full agonist therapy is 102311  
used, the program shall provide safeguards to minimize abuse and 102312  
diversion of the drug, including such safeguards as routine drug 102313  
testing of program participants. 102314

(G) It is anticipated and expected that MAT drug court 102315  
programs will expand their ability to serve more drug court 102316  
participants as a result of increased access to commercial or 102317  
publicly funded health insurance. In order to ensure that funds 102318  
appropriated to support the Department's program are used in the 102319  
most efficient manner with a goal of enrolling the maximum number 102320

of participants, the Medicaid Director, in collaboration with 102321  
major Ohio health care plans, shall develop plans consistent with 102322  
this division. There shall be no prior authorizations or step 102323  
therapy for medication-assisted treatment for program 102324  
participants. The plans developed under this division shall ensure 102325  
all of the following: 102326

(1) The development of an efficient and timely process for 102327  
review of eligibility for health benefits for all persons selected 102328  
to participate in the program; 102329

(2) A rapid conversion to reimbursement for all health care 102330  
services by the participant's health care plan following approval 102331  
for coverage of health care benefits; 102332

(3) The development of a consistent benefit package that 102333  
provides ready access to and reimbursement for essential health 102334  
care services including, but not limited to, primary health care 102335  
services, alcohol and opioid detoxification services, appropriate 102336  
psychosocial services, and medication for long-acting injectable 102337  
antagonist therapies, partial agonist therapies, and full agonist 102338  
therapies; 102339

(4) The development of guidelines that require the provision 102340  
of all treatment services, including medication, with minimal 102341  
administrative barriers and within a time frame that meets the 102342  
requirements of individual patient care plans. 102343

(H) Of the foregoing appropriation item 336422, Criminal 102344  
Justice Services, up to \$6,000,000 in each fiscal year shall be 102345  
used to support substance use disorder treatment, including 102346  
medication-assisted treatment and recovery supports for drug court 102347  
specialized docket programs and to support the administrative 102348  
expenses of courts and community addiction services providers 102349  
participating in the program. 102350

**Section 337.75.** MEDICATION-ASSISTED TREATMENT DRUG 102351  
REIMBURSEMENT PROGRAM 102352

Of the foregoing appropriation item 336422, Criminal Justice 102353  
Services, \$1,000,000 in each fiscal year shall be used to support 102354  
the Medication-Assisted Treatment Drug Reimbursement Program 102355  
established in section 5119.39 of the Revised Code. 102356

**Section 337.80.** ADDICTION SERVICES PARTNERSHIP WITH 102357  
CORRECTIONS 102358

Any business commenced but not completed by July 1, 2015, by 102359  
the Department of Rehabilitation and Correction regarding recovery 102360  
services shall be completed by the Department of Mental Health and 102361  
Addiction Services. No validation, cure, right, privilege, remedy, 102362  
obligation, or liability is lost or impaired by reason of the 102363  
transfer required by this section and shall be administered by the 102364  
Department of Mental Health and Addiction Services. Any rules, 102365  
orders, and determinations pertaining to the Bureau of Recovery 102366  
Services continue in effect as rules, orders, and determinations 102367  
of the Department of Mental Health and Addiction Services until 102368  
modified or rescinded by the Department of Mental Health and 102369  
Addiction Services. If necessary to ensure the integrity of the 102370  
numbering of the Administrative Code, the Director of the 102371  
Legislative Service Commission shall renumber the numbers to 102372  
reflect their transfer to the Department of Mental Health and 102373  
Addiction Services. 102374

Subject to the lay-off provisions of sections 124.321 to 102375  
124.382 of the Revised Code, all employees of the Bureau of 102376  
Recovery Services are hereby transferred to the Department of 102377  
Mental Health and Addiction Services and retain their positions 102378  
and all of their benefits. 102379

Wherever the Bureau of Recovery Services is referred to in 102380

any law, contract, or other document, the reference shall be 102381  
deemed to refer to the Department of Mental Health and Addiction 102382  
Services or its director, as appropriate. 102383

Any business commenced but not completed under appropriation 102384  
item 505321, Institution Medical Services, pertaining to the 102385  
Bureau of Recovery Services, shall be completed under 102386  
appropriation item 336423, Addiction Services Partnership with 102387  
Corrections, in the same manner, and with the same effect, as if 102388  
completed with regard to appropriation item 505321, Institution 102389  
Medical Services. 102390

**Section 337.90. RECOVERY HOUSING** 102391

The foregoing appropriation item 336424, Recovery Housing, 102392  
shall be used to expand and support access to recovery housing as 102393  
defined in section 340.01 of the Revised Code and in accordance 102394  
with section 340.034 of the Revised Code. For expenditures that 102395  
are capital in nature, the Department of Mental Health and 102396  
Addiction Services shall develop procedures to administer these 102397  
funds in a manner that is consistent with current community 102398  
capital assistance guidelines. 102399

**Section 337.100. SPECIALIZED DOCKET SUPPORT** 102400

(A) The foregoing appropriation item 336425, Specialized 102401  
Docket Support, shall be used to defray a portion of the annual 102402  
payroll costs associated with the specialized docket of a common 102403  
pleas court, municipal court, county court, juvenile court, or 102404  
family court that meets all of the eligibility requirements in 102405  
division (B) of this section, including a family dependency 102406  
treatment docket. The foregoing appropriation item 336425, 102407  
Specialized Docket Support, may also be used to defray costs 102408  
associated with treatment services and recovery supports for 102409  
participants. 102410

(B) To be eligible, the specialized docket must have received 102411  
Supreme Court of Ohio final certification and include participants 102412  
with behavioral health needs in its target population. 102413

(C) Of the foregoing appropriation item 336425, Specialized 102414  
Docket Support, the Department of Mental Health and Addiction 102415  
Services shall use up to one per cent of the funds appropriated in 102416  
each fiscal year to pay the cost it incurs in administering the 102417  
duties established in this section. 102418

(D) The Department, in consultation with the Supreme Court of 102419  
Ohio, may adopt funding distribution methodology, guidelines, and 102420  
procedures as necessary to carry out the purposes of this section. 102421

**Section 337.110. COMMUNITY INNOVATIONS** 102422

The foregoing appropriation item 336504, Community 102423  
Innovations, may be used by the Department of Mental Health and 102424  
Addiction Services to make targeted investments in programs, 102425  
projects, or systems operated by or under the authority of other 102426  
state agencies, governmental entities, or private not-for-profit 102427  
agencies that impact, or are impacted by, the operations and 102428  
functions of the Department, with the goal of achieving a net 102429  
reduction in expenditure of state general revenue funds and/or 102430  
improved outcomes for Ohio citizens without a net increase in 102431  
state general revenue fund spending. 102432

The Director shall identify and evaluate programs, projects, 102433  
or systems proposed or operated, in whole or in part, outside of 102434  
the authority of the Department, where targeted investment of 102435  
these funds in the program, project, or system is expected to 102436  
decrease demand for the Department or other resources funded with 102437  
state general revenue funds, and/or to measurably improve outcomes 102438  
for Ohio citizens with mental illness or with alcohol, drug, or 102439  
gambling addictions. The Director shall have discretion to 102440  
transfer money from the appropriation item to other state 102441

agencies, governmental entities, or private not-for-profit 102442  
agencies in amounts, and subject to conditions, that the Director 102443  
determines most likely to achieve state savings and/or improved 102444  
outcomes. Distribution of moneys from this appropriation item 102445  
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 102446  
the Revised Code. 102447

The Department shall enter into an agreement with each 102448  
recipient of community innovation funds, identifying: allowable 102449  
expenditure of the funds; other commitment of funds or other 102450  
resources to the program, project, or system; expected state 102451  
savings and/or improved outcomes and proposed mechanisms for 102452  
measurement of such savings or outcomes; and required reporting 102453  
regarding expenditure of funds and savings or outcomes achieved. 102454

Of the foregoing appropriation item 336504, Community 102455  
Innovations, up to \$4,000,000 in each fiscal year shall be used to 102456  
provide funding for community projects across the state that focus 102457  
on support for families, assisting families in avoiding crisis, 102458  
and crisis intervention. 102459

Of the foregoing appropriation item 336504, Community 102460  
Innovations, up to \$750,000 in each fiscal year shall be used to 102461  
enhance access to naloxone across the state for county health 102462  
departments to then disperse through a grant program to local law 102463  
enforcement, emergency personnel, and first responders. If local 102464  
law enforcement, emergency personnel, and first responders are not 102465  
making use of the naloxone grant funds, the county health 102466  
department may use grant funding to provide naloxone through a 102467  
Project DAWN program within the county. 102468

Of the foregoing appropriation item 336504, Community 102469  
Innovations, up to \$600,000 in each fiscal year shall be allocated 102470  
to the Heartland High School Demonstration Project to educate and 102471  
graduate teens and youth recovering from substance use disorders. 102472

Of the foregoing appropriation item 336504, Community 102473  
Innovations, \$2,500,000 in each fiscal year shall be allocated to 102474  
the Psychotropic Drug Reimbursement Program established in section 102475  
5119.19 of the Revised Code. On July 1, 2020, or as soon as 102476  
possible thereafter, the Director of Mental Health and Addiction 102477  
Services shall certify to the Director of Budget and Management 102478  
the amount of the unexpended, unencumbered allocation for the 102479  
program in fiscal year 2020. The amount certified is hereby 102480  
reappropriated to appropriation item 336504, Community 102481  
Innovations, in fiscal year 2021 for the same purpose. 102482

**Section 337.120. RESIDENTIAL STATE SUPPLEMENT** 102483

(A) The foregoing appropriation item 336510, Residential 102484  
State Supplement, may be used by the Department of Mental Health 102485  
and Addiction Services to provide training for residential 102486  
facilities providing accommodations, supervision, and personal 102487  
care services to three to sixteen unrelated adults with mental 102488  
illness and to make payments to residential state supplement 102489  
recipients. 102490

(B) The Department of Mental Health and Addiction Services 102491  
shall adopt rules establishing eligibility criteria and payment 102492  
amounts under section 5119.41 of the Revised Code. 102493

**Section 337.130. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND 102494  
CONSULTATION** 102495

The foregoing appropriation item 336511, Early Childhood 102496  
Mental Health Counselors and Consultation, shall be used to 102497  
promote identification and intervention for early childhood mental 102498  
health and to enhance healthy social emotional development in 102499  
order to reduce preschool to third grade classroom expulsions. 102500  
Funds shall be used by the Department of Mental Health and 102501  
Addiction Services to support early childhood mental health 102502

credentialed counselors and consultation services, as well as 102503  
administration and workforce development for the program. 102504

**Section 337.140. MEDICAID SUPPORT** 102505

The foregoing appropriation item 652321, Medicaid Support, 102506  
shall be used to fund specified Medicaid Services as delegated by 102507  
the state's single agency responsible for the Medicaid Program. 102508

**Section 337.150. SUBSTANCE ABUSE STABILIZATION CENTERS** 102509

(A) The foregoing appropriation item 336600, Substance Abuse 102510  
Stabilization Centers, shall be used to establish and administer, 102511  
in collaboration with the other boards that serve the same state 102512  
psychiatric hospital region, acute substance use disorder 102513  
stabilization centers. There shall be one center located in each 102514  
state psychiatric hospital region. 102515

(B) As used in this section, "state psychiatric hospital 102516  
regions" means the six districts into which the Department of 102517  
Mental Health and Addiction Services has divided the state 102518  
pursuant to division (B)(2) of section 5119.14 of the Revised 102519  
Code. 102520

**Section 337.160. ADAMHS BOARDS** 102521

(A) Of the foregoing appropriation item 336643, ADAMHS 102522  
Boards, \$5,000,000 in each fiscal year shall be allocated as 102523  
follows: 102524

(1) Each board shall receive \$50,000 in each fiscal year for 102525  
each of the counties that are part of the board's district. 102526

(2) Each board shall receive a percentage of any remaining 102527  
amount to be determined by a formula developed by the Director of 102528  
Mental Health and Addiction Services using the population of the 102529  
board's service district and the most recent drug overdose death 102530

information. 102531

(B) Of the foregoing appropriation item 336643, ADAMHS 102532  
Boards, up to \$5,750,000 in each fiscal year shall be used to 102533  
provide flexible resources to local communities to fund direct 102534  
crisis stabilization and crisis prevention support. 102535

(C) Of the foregoing appropriation item 336643, ADAMHS 102536  
Boards, up to \$9,250,000 in fiscal year 2020 shall be used to 102537  
develop, evaluate, and expand crisis services infrastructure to 102538  
provide support for adults, children, and families in a variety of 102539  
settings. Any unexpended or unencumbered fund balance shall be 102540  
used in fiscal year 2021 for the same purpose. 102541

(D) Of the foregoing appropriation item 336643, ADAMHS 102542  
Boards, \$1,000,000 in fiscal year 2020 and \$250,000 in fiscal year 102543  
2021 shall be dedicated to a public-private partnership for a 102544  
crisis stabilization center in Lorain County. 102545

**Section 337.170. PROBLEM GAMBLING AND CASINO ADDICTION** 102546

A portion of appropriation item 336629, Problem Gambling and 102547  
Casino Addiction, shall be allocated to boards of alcohol, drug 102548  
addiction, and mental health services in accordance with a 102549  
distribution methodology determined by the Director of Mental 102550  
Health and Addiction Services. 102551

**Section 337.180. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING** 102552  
POOL 102553

A county family and children first council may establish and 102554  
operate a flexible funding pool in order to assure access to 102555  
needed services by families, children, and older adults in need of 102556  
protective services. The operation of the flexible funding pools 102557  
shall be subject to the following restrictions: 102558

(A) The county council shall establish and operate the 102559

flexible funding pool in accordance with formal guidance issued by 102560  
the Family and Children First Cabinet Council; 102561

(B) The county council shall produce an annual report on its 102562  
use of the pooled funds. The annual report shall conform to a 102563  
format prescribed in the formal guidance issued by the Family and 102564  
Children First Cabinet Council; 102565

(C) Unless otherwise restricted, funds transferred to the 102566  
flexible funding pool may include state general revenues allocated 102567  
to local entities to support the provision of services to families 102568  
and children; 102569

(D) The amounts transferred to the flexible funding pool 102570  
shall be limited to amounts that can be redirected without 102571  
impairing the achievement of the objectives for which the initial 102572  
allocation is designated; and 102573

(E) Each amount transferred to the flexible funding pool from 102574  
a specific allocation shall be approved for transfer by the 102575  
director of the local agency that was the original recipient of 102576  
the allocation. 102577

**Section 337.190. ACCESS SUCCESS II PROGRAM** 102578

To the extent cash is available, the Director of Budget and 102579  
Management may transfer cash from a fund designated by the 102580  
Medicaid Director, to the Sale of Goods and Services Fund (Fund 102581  
1490), used by the Department of Mental Health and Addiction 102582  
Services. The transferred cash is hereby appropriated. 102583

The Department of Mental Health and Addiction Services shall 102584  
use the transferred funds to administer the Access Success II 102585  
Program to help non-Medicaid patients in any hospital established, 102586  
controlled, or supervised by the Department under Chapter 5119. of 102587  
the Revised Code to transition from inpatient status to a 102588  
community setting. 102589

**Section 337.200.** CASH TRANSFER FROM THE INDIGENT DRIVERS 102590  
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 102591  
FUND 102592

On a schedule determined by the Director of Budget and 102593  
Management, the Director of Mental Health and Addiction Services 102594  
shall certify to the Director of Budget and Management the amount 102595  
of excess license reinstatement fees that are available pursuant 102596  
to division (F)(2)(c) of section 4511.191 of the Revised Code to 102597  
be transferred from the Indigent Drivers Alcohol Treatment Fund 102598  
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 102599  
4750). Upon certification, the Director of Budget and Management 102600  
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 102601  
to the Statewide Treatment and Prevention Fund. 102602

**Section 337.210.** CURES OPIOID STATE TARGETED RESPONSE 102603

The foregoing appropriation item 336503, Cures Opioid State 102604  
Targeted Response, shall be used pursuant to the goals and 102605  
requirements of the State Targeted Response to the Opioid Crisis 102606  
Grant provision in the federal "21st Century Cures Act," Public 102607  
Law 114-255. 102608

**Section 337.220.** STATEWIDE TREATMENT AND PREVENTION 102609

The foregoing appropriation item 336623, Statewide Treatment 102610  
and Prevention, shall be used as follows: up to \$18,000,000 in 102611  
fiscal year 2020 to support K-12 prevention education initiatives; 102612  
up to \$13,000,000 in fiscal year 2020 and up to \$5,000,000 in 102613  
fiscal year 2021 to support and expand statewide multi-media 102614  
prevention, treatment, and stigma reduction campaigns; up to 102615  
\$5,000,000 in fiscal year 2020 to expand the number of individuals 102616  
trained in mental health first aid and to expand the number of law 102617  
enforcement trained in approved de-escalation techniques and 102618  
approaches specific to people experiencing mental health crisis. 102619

The remaining portion of appropriation item 336623, Statewide Treatment and Prevention, may be used for agency administrative support.

<b>Section 339.10. MIH COMMISSION ON MINORITY HEALTH</b>				102623
General Revenue Fund				102624
GRF	149321	Operating Expenses	\$ 721,681 \$ 741,928	102625
GRF	149501	Demonstration Grants	\$ 852,606 \$ 852,606	102626
GRF	149503	Infant Mortality	\$ 3,000,000 \$ 3,000,000	102627
Health Grants				
TOTAL GRF	General Revenue Fund		\$ 4,574,287 \$ 4,594,534	102628
Dedicated Purpose Fund Group				102629
4C20	149601	Minority Health	\$ 50,000 \$ 50,000	102630
Conference				
TOTAL DPF	Dedicated Purpose Fund		\$ 50,000 \$ 50,000	102631
Group				
TOTAL ALL BUDGET FUND GROUPS			\$ 4,624,287 \$ 4,644,534	102632

**Section 339.20. INFANT MORTALITY HEALTH GRANTS** 102634

Of the foregoing appropriation item 149503, Infant Mortality Health Grants, \$2,685,000 in each fiscal year shall be distributed to up to ten community-based agencies to support the continuation or establishment of a pathways community HUB model that has the primary purpose of reducing infant mortality in the urban and rural communities with a targeted focus on disparities. The grant recipients shall, at least quarterly, submit performance data, evaluation data, and fiscal reports as specified by the Commission on Minority Health.

Of the foregoing appropriation item 149503, Infant Mortality Health Grants, \$135,000 in each fiscal year shall be used to provide evaluation and review of the service delivery of grant recipients receiving funds from this appropriation item. The

Commission on Minority Health shall contract with entities to 102648  
provide statewide evaluation and technical assistance to analyze 102649  
the performance data submitted to the Commission. These entities 102650  
shall convene quarterly meetings with grant recipients, which may 102651  
be held by telephone, video conference, or other means of 102652  
electronic communication. The meetings shall include a discussion 102653  
on performance data, continuous quality improvement practices, 102654  
implementation lessons, participant feedback, barriers to pathways 102655  
closure, certification status, contract achievement, and any other 102656  
topics the evaluation entities and the Commission deem 102657  
appropriate. 102658

The remainder of appropriation item 149503, Infant Mortality 102659  
Health Grants, shall be used by the Commission on Minority Health 102660  
for administrative costs. 102661

**Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD** 102662

Dedicated Purpose Fund Group				102663
4K90 865601 Operating Expenses	\$	623,948	\$ 636,389	102664
TOTAL DPF Dedicated Purpose Fund	\$	623,948	\$ 636,389	102665
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	623,948	\$ 636,389	102666

**Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES** 102668

General Revenue Fund				102669
GRF 725401 Division of	\$	1,773,000	\$ 1,773,000	102670
Wildlife-Operating				
Subsidy				
GRF 725413 Parks and Recreational	\$	50,771,500	\$ 57,556,700	102671
Facilities Lease				
Rental Bond Payments				
GRF 725456 Canal Lands	\$	130,950	\$ 130,950	102672
GRF 725505 Healthy Lake Erie	\$	1,000,000	\$ 1,000,000	102673

		Program					
GRF	725507	Coal and Mine Safety	\$	2,796,340	\$	2,796,340	102674
		Programs					
GRF	725903	Natural Resources	\$	20,359,800	\$	20,420,700	102675
		General Obligation					
		Bond Debt Service					
GRF	727321	Division of Forestry	\$	4,869,458	\$	4,965,023	102676
GRF	729321	Office of Information	\$	181,478	\$	181,478	102677
		Technology					
GRF	730321	Parks and Recreation	\$	38,652,560	\$	37,105,509	102678
GRF	736321	Division of	\$	2,035,650	\$	2,035,650	102679
		Engineering					
GRF	737321	Division of Water	\$	1,689,455	\$	1,692,044	102680
		Resources					
GRF	738321	Office of Real Estate	\$	728,322	\$	728,322	102681
		and Land Management					
GRF	741321	Division of Natural	\$	2,744,428	\$	4,246,134	102682
		Areas and Preserves					
TOTAL GRF		General Revenue Fund	\$	127,732,941	\$	134,631,850	102683
		Dedicated Purpose Fund Group					102684
2270	725406	Parks Projects	\$	1,629,465	\$	1,725,151	102685
		Personnel					
4300	725671	Canal Lands	\$	927,128	\$	927,128	102686
4S90	725622	NatureWorks Personnel	\$	784,648	\$	800,000	102687
4U60	725668	Scenic Rivers	\$	100,000	\$	100,000	102688
		Protection					
5090	725602	State Forest	\$	10,114,999	\$	10,312,871	102689
5110	725646	Ohio Geological	\$	4,691,486	\$	4,799,989	102690
		Mapping					
5110	725679	Geographic Information	\$	516,979	\$	518,024	102691
		System Centralized					
		Services					
5120	725605	State Parks Operations	\$	60,073,839	\$	35,412,070	102692

5140	725606	Lake Erie Shoreline	\$	2,393,809	\$	2,446,910	102693
5160	725620	Water Management	\$	2,998,695	\$	3,006,996	102694
5180	725643	Oil and Gas Regulation and Safety	\$	25,079,252	\$	25,446,157	102695
5180	725677	Oil and Gas Well Plugging	\$	24,979,365	\$	28,177,215	102696
5210	725627	Off-Road Vehicle Trails	\$	847,929	\$	851,587	102697
5220	725656	Natural Areas and Preserves	\$	546,973	\$	313,649	102698
5290	725639	Mining Regulation and Safety	\$	4,499,705	\$	4,689,552	102699
5310	725648	Reclamation Forfeiture	\$	2,171,668	\$	2,232,761	102700
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	102701
5EM0	725613	Natural Resources Law Enforcement	\$	34,000	\$	34,000	102702
5HK0	725625	Ohio Nature Preserves	\$	50,000	\$	50,000	102703
5MW0	725604	Natural Resources Special Purposes	\$	261,293	\$	261,293	102704
5P20	725634	Wildlife Boater Angler Administration	\$	6,990,425	\$	7,000,000	102705
5TD0	725514	Park Maintenance	\$	1,481,150	\$	1,481,150	102706
6150	725661	Dam Safety	\$	1,166,902	\$	1,166,602	102707
6970	725670	Submerged Lands	\$	717,155	\$	717,155	102708
6H20	725681	H2Ohio	\$	46,200,000	\$	0	102709
7015	740401	Division of Wildlife Conservation	\$	63,701,662	\$	65,482,330	102710
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	102711
7086	739401	Watercraft Operations	\$	20,897,471	\$	21,400,204	102712
8150	725636	Cooperative Management Projects	\$	650,000	\$	650,000	102713
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	102714

8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000	102715
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	102716
8190	725685	Ohio River Management	\$	140,000	\$	140,000	102717
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	102718
TOTAL DPF Dedicated Purpose Fund			\$	296,518,554	\$	232,015,350	102719
Group							
Internal Service Activity Fund Group							102720
1550	725601	Departmental Projects	\$	1,775,425	\$	1,198,248	102721
1550	725676	Hocking Hills State Park Lodge	\$	13,000,000	\$	3,000,000	102722
1570	725651	Central Support Indirect	\$	5,632,162	\$	5,632,162	102723
2040	725687	Information Services	\$	6,432,109	\$	5,970,264	102724
2050	725696	Human Resource Direct Services	\$	2,855,404	\$	2,976,201	102725
2230	725665	Law Enforcement Administration	\$	3,292,343	\$	3,381,193	102726
5100	725631	Maintenance - State-owned Residences	\$	249,611	\$	249,611	102727
6350	725664	Fountain Square Facilities Management	\$	4,094,099	\$	4,170,445	102728
TOTAL ISA Internal Service Activity							102729
Fund Group			\$	37,331,153	\$	26,578,124	102730
Capital Projects Fund Group							102731
7061	725405	Clean Ohio Trail Operating	\$	301,796	\$	301,796	102732
TOTAL CPF Capital Projects Fund			\$	301,796	\$	301,796	102733
Group							
Fiduciary Fund Group							102734

4M80	725675	FOP Contract	\$	18,799	\$	20,219	102735
TOTAL FID		Fiduciary Fund Group	\$	18,799	\$	20,219	102736
		Holding Account Fund Group					102737
R017	725659	Performance Cash Bond	\$	528,993	\$	528,993	102738
		Refunds					
R043	725624	Forestry	\$	2,400,000	\$	2,400,000	102739
TOTAL HLD		Holding Account					102740
		Fund Group	\$	2,928,993	\$	2,928,993	102741
		Federal Fund Group					102742
3320	725669	Federal Mine Safety	\$	335,000	\$	335,000	102743
		Grant					
3B30	725640	Federal Forest	\$	350,000	\$	350,000	102744
		Pass-Thru					
3B40	725641	Federal Flood	\$	350,000	\$	350,000	102745
		Pass-Thru					
3B50	725645	Federal Abandoned	\$	21,242,787	\$	8,046,252	102746
		Mine Lands					
3B60	725653	Federal Land and	\$	949,168	\$	952,256	102747
		Water Conservation					
		Grants					
3B70	725654	Reclamation -	\$	1,725,644	\$	1,769,696	102748
		Regulatory					
3P10	725632	Geological Survey -	\$	160,000	\$	160,000	102749
		Federal					
3P20	725642	Oil and Gas - Federal	\$	147,000	\$	147,000	102750
3P30	725650	Coastal Management -	\$	2,791,277	\$	2,820,185	102751
		Federal					
3P40	725660	Federal - Soil and	\$	231,732	\$	281,000	102752
		Water Resources					
3R50	725673	Acid Mine Drainage	\$	900,000	\$	900,000	102753
		Abatement/Treatment					
3Z50	725657	Federal Recreation	\$	1,846,840	\$	1,852,034	102754

and Trails

TOTAL FED Federal Fund Group	\$	31,029,448	\$	17,963,423	102755
TOTAL ALL BUDGET FUND GROUPS	\$	495,861,684	\$	414,439,755	102756

**Section 343.20. CENTRAL SUPPORT INDIRECT FUND** 102758

The Department of Natural Resources, with approval of the 102759  
Director of Budget and Management, shall use a methodology for 102760  
determining each division's payments into the Central Support 102761  
Indirect Fund (Fund 1570). The methodology used shall contain the 102762  
characteristics of administrative ease and uniform application in 102763  
compliance with federal grant requirements. It may include direct 102764  
cost charges for specific services provided. Payments to Fund 1570 102765  
shall be made using an intrastate transfer voucher. 102766

The foregoing appropriation item 725401, Division of 102767  
Wildlife-Operating Subsidy, shall be used to pay the direct and 102768  
indirect costs of the Division of Wildlife. 102769

**PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS** 102770

The foregoing appropriation item 725413, Parks and 102771  
Recreational Facilities Lease Rental Bond Payments, shall be used 102772  
to meet all payments during the period from July 1, 2019, through 102773  
June 30, 2021, by the Department of Natural Resources pursuant to 102774  
leases and agreements made under section 154.22 of the Revised 102775  
Code. These appropriations are the source of funds pledged for 102776  
bond service charges on related obligations issued under Chapter 102777  
154. of the Revised Code. 102778

**HEALTHY LAKE ERIE PROGRAM** 102779

The foregoing appropriation item 725505, Healthy Lake Erie 102780  
Program, shall be used by the Director of Natural Resources, in 102781  
support of the following: (1) conservation measures in the Western 102782  
Lake Erie Basin as determined by the Director; (2) funding 102783  
assistance for soil testing, winter cover crops, edge of field 102784

testing, tributary monitoring, animal waste abatement; and (3) any 102785  
additional efforts to reduce nutrient runoff as the Director may 102786  
decide. The Director shall give priority to recommendations that 102787  
encourage farmers to adopt agricultural production guidelines 102788  
commonly known as 4R nutrient stewardship practices. 102789

COAL AND MINE SAFETY PROGRAMS 102790

The foregoing appropriation item 725507, Coal and Mine Safety 102791  
Programs, shall be used for the administration of the Mine Safety 102792  
Program and the Coal Regulation Program. 102793

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 102794

The foregoing appropriation item 725903, Natural Resources 102795  
General Obligation Bond Debt Service, shall be used to pay all 102796  
debt service and related financing costs during the period July 1, 102797  
2019, through June 30, 2021, on obligations issued under sections 102798  
151.01 and 151.05 of the Revised Code. 102799

**Section 343.30.** OIL AND GAS WELL PLUGGING 102800

The foregoing appropriation item 725677, Oil and Gas Well 102801  
Plugging, shall be used exclusively for the purposes of plugging 102802  
wells and to properly restore the land surface of idle and orphan 102803  
oil and gas wells pursuant to section 1509.071 of the Revised 102804  
Code. 102805

WELL LOG FILING FEES 102806

The Chief of the Division of Water Resources shall deposit 102807  
fees forwarded to the Division pursuant to section 1521.05 of the 102808  
Revised Code into the Water Management Fund (Fund 5160) for the 102809  
purposes described in that section. 102810

PARKS CAPITAL EXPENSES FUND 102811

The Director of Natural Resources shall submit to the 102812  
Director of Budget and Management the estimated design, 102813

engineering, and planning costs of capital-related work to be done 102814  
by Department of Natural Resources staff for parks projects within 102815  
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 102816  
Director of Budget and Management approves the estimated costs, 102817  
the Director may release appropriations from Fund 7035 102818  
appropriation item C725E6, Project Planning, for those purposes. 102819  
Upon release of the appropriations, the Department of Natural 102820  
Resources shall pay for these expenses from the Parks Capital 102821  
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 102822  
reimbursed by Fund 7035 using an intrastate transfer voucher. 102823

NATUREWORKS CAPITAL EXPENSES FUND 102824

The Department of Natural Resources shall submit to the 102825  
Director of Budget and Management the estimated design, planning, 102826  
and engineering costs of capital-related work to be done by 102827  
Department of Natural Resources staff for each capital improvement 102828  
project within the Ohio Parks and Natural Resources Fund (Fund 102829  
7031). If the Director of Budget and Management approves the 102830  
estimated costs, the Director may release appropriations from Fund 102831  
7031 appropriation item C725E5, Project Planning, for those 102832  
purposes. Upon release of the appropriations, the Department of 102833  
Natural Resources shall pay for these expenses from the Capital 102834  
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 102835  
reimbursed by Fund 7031 using an intrastate transfer voucher. 102836

RECLAMATION FORFEITURE FUND 102837

On July 1 of each fiscal year, or as soon as possible 102838  
thereafter, the Director of Budget and Management shall transfer 102839  
\$2,000,000 cash from the General Revenue Fund to the Reclamation 102840  
Forfeiture Fund (Fund 5310), which shall be used to reclaim areas 102841  
of land affected by coal mining in accordance with section 1513.18 102842  
of the Revised Code. 102843

PARK MAINTENANCE 102844

The foregoing appropriation item 725514, Park Maintenance, 102845  
shall be used by the Department of Natural Resources to pay the 102846  
costs of projects supported by the State Park Maintenance Fund 102847  
(Fund 5TD0) under section 1501.08 of the Revised Code. 102848

On July 1 of each fiscal year or as soon as possible 102849  
thereafter, the Director of Natural Resources shall certify the 102850  
amount of five percent of the average of the previous five years 102851  
of deposits in the State Park Fund (Fund 5120) to the Director of 102852  
Budget and Management. The Director of Budget and Management may 102853  
transfer up to \$1,600,000 from Fund 5120 to the State Park 102854  
Maintenance Fund (Fund 5TD0). 102855

H2OHIO FUND 102856

The foregoing appropriation item 725681, H2Ohio, shall be 102857  
used by the Department of Natural Resources to support, maintain, 102858  
and create wetlands throughout the state including but not limited 102859  
to coastal and upland wetlands in the Western Basin of Lake Erie. 102860  
In addition, the foregoing appropriation item, 725681, H2Ohio, may 102861  
be used to support improvement and protection of all waterways and 102862  
to address water quality priorities including water protection and 102863  
management in accordance with section 126.60 of the Revised Code. 102864

On July 1, 2020, or as soon as possible thereafter, the 102865  
Director of Natural Resources may certify to the Director of 102866  
Budget and Management an amount up to the unexpended, unencumbered 102867  
balance of the foregoing appropriation item, 725681, H2Ohio, at 102868  
the end of fiscal year 2020 to be reappropriated in fiscal year 102869  
2021. The amount certified is hereby reappropriated to the same 102870  
appropriation item for fiscal year 2021. 102871

**Section 343.40. CASH TRANSFER FOR HOCKING HILLS LODGE** 102872  
RECONSTRUCTION 102873

During fiscal years 2020 and 2021, the Director of Budget and 102874

Management may, in consultation with the Director of Natural Resources, transfer cash as necessary from the General Revenue Fund to the Departmental Services - Interstate Fund (Fund 1550) to pay costs for the reconstruction of the Hocking Hills Dining Lodge that will occur before final insurance settlement proceeds are deposited into Fund 1550. Once insurance proceeds have been deposited into Fund 1550, the Director of Budget and Management, in consultation with the Director of Natural Resources, shall establish a schedule for repaying the General Revenue Fund from Fund 1550. The Director of Budget and Management shall transfer cash from Fund 1550 to the General Revenue Fund according to the established schedule.

HUMAN RESOURCES DIRECT SERVICES

The foregoing appropriation item 725696, Human Resources Direct Services, shall be used to cover the cost of support, coordination, and oversight of the Department of Natural Resources' human resources functions. The Human Resources Chargeback Fund (Fund 2050) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management.

LAW ENFORCEMENT ADMINISTRATION

The foregoing appropriation item 725665, Law Enforcement Administration, shall be used to cover the cost of support, coordination, and oversight of the Department of Natural Resources' law enforcement functions. The Law Enforcement Administration Fund (Fund 2230) shall consist of cash transferred to it via intrastate transfer voucher from other funds as determined by the Director of Natural Resources and the Director of Budget and Management.

FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO EXPO CENTER

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The foregoing appropriation item 725664, Fountain Square Facilities Management, shall be used for payment of expenses related to the security of the Fountain Square complex and for the repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square complex and the Department of Natural Resources grounds at the Ohio Expo Center. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited into the Fountain Square Facilities Management Fund (Fund 6350).

**Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES** 102916

The foregoing appropriation item 725405, Clean Ohio Trail Operating, shall be used by the Department of Natural Resources in administering Clean Ohio Trail Fund (Fund 7061) projects pursuant to section 1519.05 of the Revised Code.

**Section 345.10. NUR STATE BOARD OF NURSING** 102921

Dedicated Purpose Fund Group				102922
4K90	884609	Operating Expenses	\$ 9,842,225 \$ 10,285,032	102923
5AC0	884602	Nurse Education Grant Program	\$ 1,518,000 \$ 1,518,000	102924
5P80	884601	Nursing Special Issues	\$ 2,000 \$ 2,000	102925
TOTAL DPF Dedicated Purpose Fund Group				102926
			\$ 11,362,225 \$ 11,805,032	102927
TOTAL ALL BUDGET FUND GROUPS			\$ 11,362,225 \$ 11,805,032	102928

**Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD** 102930  
102931

Dedicated Purpose Fund Group				102932
4K90	890609	Operating Expenses	\$ 1,137,397 \$ 1,168,045	102933

TOTAL DPF Dedicated Purpose Fund Group	\$	1,137,397	\$	1,168,045	102934
TOTAL ALL BUDGET FUND GROUPS	\$	1,137,397	\$	1,168,045	102935
<b>Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH</b>					102937
DISABILITIES AGENCY					102938
General Revenue Fund					102939
GRF 415402 Independent Living Council	\$	252,000	\$	252,000	102940
GRF 415406 Assistive Technology	\$	25,819	\$	25,819	102941
GRF 415431 Brain Injury	\$	126,567	\$	126,567	102942
GRF 415506 Services for Individuals with Disabilities	\$	16,999,344	\$	18,418,244	102943
GRF 415508 Services for the Deaf	\$	27,580	\$	27,580	102944
GRF 415511 Centers for Independent Living	\$	450,000	\$	450,000	102945
TOTAL GRF General Revenue Fund	\$	17,881,310	\$	19,300,210	102946
Dedicated Purpose Fund Group					102947
4670 415609 Business Enterprise Operating Expenses	\$	1,543,616	\$	1,555,368	102948
4680 415618 Third Party Services Funding	\$	8,500,000	\$	8,750,000	102949
4L10 415619 Services for Rehabilitation	\$	3,000,000	\$	3,000,000	102950
TOTAL DPF Dedicated Purpose Fund Group					102951
	\$	13,043,616	\$	13,305,368	102952
Internal Service Activity Fund Group					102953
4W50 415606 Program Management	\$	15,192,965	\$	15,906,145	102954
TOTAL ISA Internal Service Activity Fund Group					102955
	\$	15,192,965	\$	15,906,145	102956
Federal Fund Group					102957

3170	415620	Disability Determination	\$	81,399,100	\$	82,932,645	102958
3790	415616	Federal - Vocational Rehabilitation	\$	121,788,087	\$	130,495,615	102959
3GH0	415602	Personal Care Assistance	\$	3,130,220	\$	3,139,040	102960
3GH0	415604	Community Centers for the Deaf	\$	1,022,000	\$	1,022,000	102961
3GH0	415613	Independent Living	\$	662,411	\$	662,411	102962
3L10	415608	Social Security Vocational Rehabilitation	\$	10,500,000	\$	10,500,000	102963
3L40	415615	Federal - Supported Employment	\$	850,000	\$	850,000	102964
3L40	415617	Independent Living Older Blind	\$	2,584,136	\$	1,808,721	102965
TOTAL FED	Federal Fund Group		\$	221,935,954	\$	231,410,432	102966
TOTAL ALL BUDGET	FUND GROUPS		\$	268,053,845	\$	279,922,155	102967

**Section 353.20. INDEPENDENT LIVING** 102969

The foregoing appropriation item 415402, Independent Living 102970  
Council, shall be used to support the state independent living 102971  
programs and centers under Title VII of the Independent Living 102972  
Services and Centers for Independent Living of the Rehabilitation 102973  
Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 102974

Of the foregoing appropriation item 415402, Independent 102975  
Living Council, \$67,662 in each fiscal year shall be used as state 102976  
matching funds for vocational rehabilitation innovation and 102977  
expansion activities. 102978

The foregoing appropriation item 415511, Centers for 102979  
Independent Living, shall be used to support the operations of the 102980  
Centers for Independent Living in accordance with the State Plan 102981

for Independent Living. 102982

ASSISTIVE TECHNOLOGY 102983

The foregoing appropriation item 415406, Assistive 102984  
Technology, shall be provided to Assistive Technology of Ohio to 102985  
provide grants and assistive technology services for people with 102986  
disabilities in the State of Ohio. 102987

BRAIN INJURY 102988

The foregoing appropriation item 415431, Brain Injury, shall 102989  
be provided to The Ohio State University College of Medicine to 102990  
support the Brain Injury Program established under section 3335.60 102991  
of the Revised Code. 102992

SERVICES FOR INDIVIDUALS WITH DISABILITIES 102993

Of the foregoing appropriation item 415506, Services for 102994  
Individuals with Disabilities, \$654,975 in fiscal year 2020 and 102995  
\$1,309,050 in fiscal year 2021 shall be used as state match for 102996  
the federal vocational rehabilitation grant and used to create 102997  
partnerships with certified drug courts to expand access to 102998  
employment through vocational rehabilitation services and increase 102999  
employment outcomes that promote recovery and rehabilitation. 103000

Of the foregoing appropriation item 415506, Services for 103001  
Individuals with Disabilities, \$603,643 in fiscal year 2020 and 103002  
\$1,207,285 in fiscal year 2021 shall be used as state match for 103003  
the federal vocational rehabilitation grant and used to create 103004  
partnerships with community colleges and state universities to 103005  
ensure college students with disabilities can compete for 103006  
in-demand jobs in tomorrow's labor market and increase the median 103007  
earnings of individuals who obtain employment. 103008

Of the foregoing appropriation item 415506, Services for 103009  
Individuals with Disabilities, \$85,733 in fiscal year 2020 and 103010  
\$171,465 in fiscal year 2021 shall be used as state match for the 103011

federal vocational rehabilitation grant and used to create paid 103012  
on-the-job work experiences for eligible candidates placed in 103013  
state agencies to develop work skills needed to pursue permanent 103014  
employment and increase the number of individuals with 103015  
disabilities employed in state government. 103016

Of the foregoing appropriation item 415506, Services for 103017  
Individuals with Disabilities, \$150,000 in each fiscal year shall 103018  
be used as state match for the federal vocational rehabilitation 103019  
grant and used to increase access to vocational rehabilitation 103020  
services for eligible students enrolled at the Ohio State School 103021  
for the Blind and the Ohio School for the Deaf that will prepare 103022  
students who are blind or deaf for transition to college or 103023  
employment. 103024

SERVICES FOR THE DEAF 103025

The foregoing appropriation item 415508, Services for the 103026  
Deaf, shall be used to support community centers for the deaf. 103027

SIGHT CENTERS 103028

Of the foregoing appropriation item 415617, Independent 103029  
Living Older Blind, \$30,000 in each fiscal year shall be used to 103030  
contract in equal amounts with the Cleveland Sight Center, the 103031  
Cincinnati Association for the Blind and Visually Impaired, and 103032  
the Sight Center of Northwest Ohio to provide outreach and 103033  
referral development to the community of individuals with 103034  
blindness or low vision. 103035

**Section 361.10.** PEN PENSION SUBSIDIES 103036

General Revenue Fund 103037

GRF 090524 Police and Fire \$ 2,000 \$ 2,000 103038

Disability Pension

Fund

GRF 090534 Police and Fire Ad \$ 31,000 \$ 31,000 103039

		Hoc Cost of Living				
GRF	090554	Police and Fire	\$	270,000	\$	270,000 103040
		Survivor Benefits				
GRF	090575	Police and Fire Death	\$	34,400,000	\$	34,750,000 103041
		Benefits				
TOTAL GRF	General Revenue Fund		\$	34,703,000	\$	35,053,000 103042
TOTAL ALL BUDGET FUND GROUPS			\$	34,703,000	\$	35,053,000 103043

POLICE AND FIRE DEATH BENEFIT FUND 103044

The foregoing appropriation item 090575, Police and Fire 103045  
 Death Benefits, shall be disbursed quarterly by the Treasurer of 103046  
 State at the beginning of each quarter of each fiscal year to the 103047  
 Board of Trustees of the Ohio Police and Fire Pension Fund, which 103048  
 serves as trustees of the Ohio Public Safety Officers Death 103049  
 Benefit Fund pursuant to section 742.62 of the Revised Code. The 103050  
 Treasurer of State shall certify such amounts quarterly to the 103051  
 Director of Budget and Management. By the twentieth day of June of 103052  
 each fiscal year, the Board of Trustees shall certify to the 103053  
 Treasurer of State the amount disbursed in the current fiscal year 103054  
 to make the payments required by sections 124.824 and 742.63 of 103055  
 the Revised Code and shall return to the Treasurer of State moneys 103056  
 received from this appropriation item but not disbursed. 103057

Notwithstanding any provision of section 124.824 of the 103058  
 Revised Code to the contrary, for each death benefit fund 103059  
 recipient who participates in health, medical, hospital, dental, 103060  
 surgical, or vision benefits under section 124.824 of the Revised 103061  
 Code, the Board of Trustees of the Ohio Police and Fire Pension 103062  
 Fund shall forward as a pass-through from the revenue received 103063  
 from the foregoing appropriation item 090575, Police and Fire 103064  
 Death Benefits, the percentage of the cost for the applicable 103065  
 benefits that would be paid by a state employer for a state 103066  
 employee who elects that coverage and any applicable 103067  
 administrative costs, which shall not exceed two per cent of the 103068

total cost of the benefits. The Board of Trustees shall also 103069  
withhold from the benefits paid to a death benefit fund recipient 103070  
under section 742.63 of the Revised Code the percentage of the 103071  
cost for such benefits that would be paid by a state employee, and 103072  
forward the withheld amounts to the Department of Administrative 103073  
Services from the revenue received from the foregoing 103074  
appropriation item 090575, Police and Fire Death Benefits. 103075

In fiscal year 2020 or 2021, if it is determined by the 103076  
Director of Administrative Services, in consultation with the 103077  
Chairperson of the Board of Trustees of the Ohio Police and Fire 103078  
Pension Fund, or designee, that additional amounts are necessary 103079  
to pay the cost of providing benefits under section 124.824 or 103080  
742.63 of the Revised Code, the Director of Administrative 103081  
Services may certify the additional amount necessary to the 103082  
Director of Budget and Management. The amount certified is hereby 103083  
appropriated. 103084

**Section 363.10.** UST PETROLEUM UNDERGROUND STORAGE TANK 103085  
RELEASE COMPENSATION BOARD 103086  
Dedicated Purpose Fund Group 103087  
6910 810632 Petroleum Underground \$ 1,410,740 \$ 1,469,195 103088  
Storage Tank Release  
Compensation Board -  
Operating  
TOTAL DPF Dedicated Purpose Fund \$ 1,410,740 \$ 1,469,195 103089  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 1,410,740 \$ 1,469,195 103090

**Section 367.10.** PRX STATE BOARD OF PHARMACY 103092  
Dedicated Purpose Fund Group 103093  
4A50 887605 Drug Law Enforcement \$ 150,000 \$ 150,000 103094  
4K90 658605 OARRS Integration - \$ 253,264 \$ 255,000 103095

		STATE					
4K90	887609	Operating Expenses	\$	10,220,383	\$	10,646,387	103096
5SG0	887612	Drug Database	\$	664,369	\$	670,000	103097
5SY0	887613	Medical Marijuana	\$	3,084,072	\$	2,500,200	103098
		Control Program					
TOTAL DPF		Dedicated Purpose Fund	\$	14,372,088	\$	14,221,587	103099
		Group					
		Federal Fund Group					103100
3HD0	887614	Pharmacy Federal	\$	612,433	\$	531,000	103101
		Grants					
3HH0	658601	OARRS Integration -	\$	2,363,583	\$	2,384,000	103102
		FED					
TOTAL FED		Federal Fund Group	\$	2,976,016	\$	2,915,000	103103
TOTAL ALL BUDGET FUND GROUPS			\$	17,348,104	\$	17,136,587	103104
		<b>Section 369.10. PSY STATE BOARD OF PSYCHOLOGY</b>					103106
		Dedicated Purpose Fund Group					103107
4K90	882609	Operating Expenses	\$	665,390	\$	696,615	103108
TOTAL DPF		Dedicated Purpose					103109
		Fund Group	\$	665,390	\$	696,615	103110
TOTAL ALL BUDGET FUND GROUPS			\$	665,390	\$	696,615	103111
		<b>Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b>					103113
		General Revenue Fund					103114
GRF	019401	State Legal Defense	\$	5,659,317	\$	6,534,523	103115
		Services					
GRF	019403	Multi-County: State	\$	3,607,498	\$	4,644,553	103116
		Share					
GRF	019404	Trumbull County -	\$	1,349,330	\$	2,036,064	103117
		State Share					
GRF	019405	Training Account	\$	50,000	\$	50,000	103118
GRF	019501	County Reimbursement	\$	89,020,000	\$	125,000,000	103119

TOTAL GRF General Revenue Fund	\$	99,686,145	\$	138,265,240	103120
Dedicated Purpose Fund Group					103121
1010 019607 Juvenile Legal Assistance	\$	204,756	\$	204,756	103122
4060 019603 Training and Publications	\$	25,000	\$	25,000	103123
4070 019604 County Representation	\$	280,407	\$	285,000	103124
4080 019605 Client Payments	\$	715,831	\$	737,389	103125
4C70 019601 Multi-County: County Share	\$	1,352,812	\$	0	103126
4N90 019613 Gifts and Grants	\$	19,440	\$	19,440	103127
4X70 019610 Trumbull County - County Share	\$	505,999	\$	0	103128
5740 019606 Civil Legal Aid	\$	25,000,000	\$	25,000,000	103129
5CX0 019617 Civil Case Filing Fee	\$	623,425	\$	642,904	103130
5DY0 019618 Indigent Defense Support - County Share	\$	31,872,000	\$	31,872,000	103131
5DY0 019619 Indigent Defense Support - State Office	\$	7,113,482	\$	7,216,852	103132
TOTAL DPF Dedicated Purpose Fund Group	\$	67,713,152	\$	66,003,341	103133
Federal Fund Group					103135
3S80 019608 Federal Representation	\$	38,315	\$	38,315	103136
TOTAL FED Federal Fund Group	\$	38,315	\$	38,315	103137
TOTAL ALL BUDGET FUND GROUPS	\$	167,437,612	\$	204,306,896	103138
INDIGENT DEFENSE TASK FORCE					103139
(A) There is hereby created a task force to study Ohio's indigent defense system and provide recommendations to the General Assembly regarding the delivery, structure, and funding of					103140 103141 103142

indigent defense.	103143
(B) The task force shall consist of the following voting members, appointed not later than October 15, 2019:	103144
(1) The State Public Defender;	103145
(2) The Chair of the Ohio Public Defender Commission;	103146
(3) The Governor or the Governor's designee;	103147
(4) The Chief Justice of the Ohio Supreme Court, or the Chief Justice's designee;	103148
(5) One judge appointed by the Ohio Judicial Conference;	103149
(6) One attorney appointed by the Ohio State Bar Association;	103150
(7) One public defender appointed by the Ohio Public Defender Commission;	103151
(8) One attorney who participates in the assigned counsel system, appointed by the Ohio Public Defender Commission;	103152
(9) One county commissioner appointed by the president of the County Commissioners' Association of Ohio;	103153
(10) The Attorney General or a designee of the Attorney General;	103154
(11) Six members of the General Assembly, including:	103155
(a) Three members of the Senate, including two from the majority party appointed by the Senate President, and one from the minority party appointed by the Senate Minority Leader;	103156
(b) Three members of the House of Representatives, including two from the majority party appointed by the Speaker of the House of Representatives, and one from the minority party appointed by the House Minority Leader.	103157
(C) The task force shall be co-chaired by one member of the Senate and one member of the House of Representatives, both from	103158
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the majority party and appointed by their respective leaders. 103171

(D) Not later than August 1, 2020, the task force shall 103172  
report its recommendations to the General Assembly. The 103173  
Legislative Service Commission shall assist the task force as 103174  
needed. 103175

(E) The task force may reimburse the travel expenses of any 103176  
experts invited to present to the task force. 103177

Of the foregoing appropriation item 109401, State Legal 103178  
Defense Services, \$9,100 in fiscal year 2020 and \$900 in fiscal 103179  
year 2021 shall be used for the reimbursement of travel expenses 103180  
of experts invited to present to the task force. 103181

INDIGENT DEFENSE OFFICE 103182

The foregoing appropriation items 019404, Trumbull County - 103183  
State Share, and 019610, Trumbull County - County Share, shall be 103184  
used to support an indigent defense office for Trumbull County. 103185

MULTI-COUNTY OFFICE 103186

The foregoing appropriation items 019403, Multi-County: State 103187  
Share, and 019601, Multi-County: County Share, shall be used to 103188  
support the Office of the Ohio Public Defender's Multi-County 103189  
Branch Office Program. 103190

TRAINING ACCOUNT 103191

The foregoing appropriation item 019405, Training Account, 103192  
shall be used by the Ohio Public Defender to provide legal 103193  
training programs at no cost for private appointed counsel who 103194  
represents at least one indigent defendant at no cost, state and 103195  
county public defenders, and attorneys who contract with the Ohio 103196  
Public Defender to provide indigent defense services. 103197

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID 103198  
FUND 103199

On July 1 of each fiscal year, or as soon as possible 103200

thereafter, the Director of Budget and Management shall transfer 103201  
 \$250,000 cash from the General Revenue Fund to the Legal Aid Fund 103202  
 (Fund 5740). The transferred cash shall be distributed by the Ohio 103203  
 Access to Justice Foundation to Ohio's civil legal aid societies 103204  
 for the sole purpose of providing legal services for economically 103205  
 disadvantaged individuals and families seeking assistance with 103206  
 legal issues arising as a result of substance abuse disorders. 103207  
 None of the funds shall be used for administrative costs, 103208  
 including, but not limited to, salaries, benefits, or travel 103209  
 reimbursements. 103210

FEDERAL REPRESENTATION 103211

The foregoing appropriation item 019608, Federal 103212  
 Representation, shall be used to support representation provided 103213  
 by the Ohio Public Defender in federal court cases. 103214

**Section 373.10.** DPS DEPARTMENT OF PUBLIC SAFETY 103215

General Revenue Fund 103216

GRF	761403	Recovery Ohio Law	\$	9,750,000	\$	9,750,000	103217
		Enforcement					
GRF	763403	EMA Operating	\$	5,099,118	\$	5,320,000	103218
GRF	763512	Ohio Task Force One	\$	250,000	\$	250,000	103219
GRF	763513	Security Grants	\$	2,750,000	\$	2,750,000	103220
GRF	767420	Investigative Unit	\$	13,776,113	\$	14,175,500	103221
		Operating					
GRF	768425	Justice Program	\$	2,061,162	\$	2,084,200	103222
		Services					
GRF	769406	Homeland Security -	\$	3,140,706	\$	3,228,200	103223
		Operating					
GRF	769407	Youthful Driver	\$	500,000	\$	500,000	103224
		Safety					
GRF	769501	School Safety	\$	300,000	\$	300,000	103225
TOTAL GRF		General Revenue Fund	\$	37,627,099	\$	38,357,900	103226

		Dedicated Purpose Fund Group				103227
4P60	768601	Justice Program	\$	220,000	\$	226,500 103228
		Services				
4V30	763662	EMA Service and	\$	751,000	\$	751,000 103229
		Reimbursements				
5B90	766632	Private Investigator	\$	1,986,152	\$	2,035,000 103230
		and Security Guard				
		Provider				
5BK0	768687	Criminal Justice	\$	533,771	\$	550,000 103231
		Services - Operating				
5BK0	768689	Family Violence	\$	1,550,000	\$	1,550,000 103232
		Shelter Programs				
5ET0	768625	Drug Law Enforcement	\$	8,000,000	\$	8,000,000 103233
5LM0	768698	Criminal Justice	\$	850,946	\$	850,946 103234
		Services Law				
		Enforcement Support				
5ML0	769635	Infrastructure	\$	80,000	\$	80,000 103235
		Protection				
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000 103236
5RS0	768621	Community Police	\$	1,569,445	\$	1,150,000 103237
		Relations				
5TJ0	763603	Security Grants	\$	470,000	\$	0 103238
5Y10	767696	Ohio Investigative	\$	10,000	\$	10,000 103239
		Unit Continuing				
		Professional Training				
6220	767615	Investigative,	\$	1,000,000	\$	1,000,000 103240
		Contraband, and				
		Forfeiture				
6570	763652	Utility Radiological	\$	1,258,624	\$	1,258,624 103241
		Safety				
6810	763653	SARA Title III Hazmat	\$	273,629	\$	273,629 103242
		Planning				
TOTAL	DPF	Dedicated Purpose Fund	\$	19,453,567	\$	18,635,699 103243

Group

Federal Fund Group					103244
3370 763609	Federal Disaster Relief	\$ 69,779,199	\$ 69,948,672		103245
3FP0 767620	Ohio Investigative Unit Justice Contraband	\$ 30,000	\$ 30,000		103246
3GL0 768619	Justice Assistance Grants - FFY15	\$ 12,500,000	\$ 12,500,000		103247
3GT0 767691	Investigative Unit Federal Equity Share	\$ 100,000	\$ 100,000		103248
3GU0 769610	Investigations Grants - Food Stamps, Liquor and Tobacco Laws	\$ 1,400,000	\$ 1,400,000		103249
3GU0 769631	Homeland Security Disaster Grants	\$ 800,000	\$ 800,000		103250
3L50 768604	Justice Program	\$ 12,600,000	\$ 12,600,000		103251
TOTAL FED	Federal Fund Group	\$ 97,209,199	\$ 97,378,672		103252
TOTAL ALL BUDGET FUND GROUPS		\$ 154,289,865	\$ 154,372,271		103253

**Section 373.20.** RECOVERY OHIO LAW ENFORCEMENT 103255

Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$3,400,000 in each fiscal year may be used by the Office of Criminal Justice Services to provide funding to local law enforcement agencies to create narcotics task forces that will focus on cartel trafficking interdiction. The interdiction task forces shall be designated Ohio Organized Crime Commission task forces subject to approval and supervision of the Commission. 103256  
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Of the foregoing appropriation item 761403, Recovery Ohio Law Enforcement, up to \$3,250,000 in each fiscal year may be used to establish a highly specialized Narcotics Intelligence Center 103264  
103265  
103266

consisting of personnel assigned to intelligence and computer 103267  
forensic analysis that will assist Ohio narcotics task forces. 103268

Of the foregoing appropriation item 761403, Recovery Ohio Law 103269  
Enforcement, up to \$2,500,000 in each fiscal year may be used by 103270  
the Office of Criminal Justice Services to provide funding to 103271  
Ohio's narcotics task forces to build new and strengthen existing 103272  
partnerships with local law enforcement. 103273

Of the foregoing appropriation item 761403, Recovery Ohio Law 103274  
Enforcement, up to \$600,000 in each fiscal year may be used to 103275  
partner with the Office of Information Technology in the 103276  
Department of Administrative Services to develop, enhance, and 103277  
maintain a uniform records management and data intelligence system 103278  
for narcotics task forces. 103279

OHIO TASK FORCE ONE 103280

The foregoing appropriation item 763512, Ohio Task Force One, 103281  
shall be distributed to the Ohio Task Force One - Urban Search and 103282  
Rescue Unit for the purpose of paying for its operating expenses 103283  
and developing new programs. 103284

JUSTICE PROGRAM SERVICES 103285

Of the foregoing appropriation item 768425, Justice Program 103286  
Services, up to \$1,000,000 in each fiscal year shall be used by 103287  
the Department of Public Safety to distribute grants to state 103288  
and/or local law enforcement to conduct investigations on sexual 103289  
assault kit testing results and related expenses. 103290

YOUTHFUL DRIVER SAFETY 103291

The foregoing appropriation item 769407, Youthful Driver 103292  
Safety, shall be used to enhance driver training for a statewide 103293  
youthful driver safety program. The program will use best 103294  
practices and technology to focus on behind-the-wheel driver 103295  
training for drivers aged sixteen to twenty-four in order to 103296

reduce the number of at-fault youthful fatal car crashes. 103297

SCHOOL SAFETY 103298

The foregoing appropriation item 769501, School Safety, shall 103299  
be used by the Department of Public Safety to pay for the costs of 103300  
the Ohio Homeland Security Safer Schools Tipline, promotional 103301  
materials to enhance awareness of the Tipline, and analytic tools 103302  
to proactively alert local officials to school security threats. 103303

LOCAL DISASTER ASSISTANCE 103304

Appropriation item 763511, Local Disaster Assistance, shall 103305  
be used to assist eligible local governments in meeting the match 103306  
requirement necessary to utilize federal disaster assistance funds 103307  
released as a result of the Major Disaster Declaration issued by 103308  
the President of the United States on April 17, 2018. 103309

An amount equal to the unexpended, unencumbered balance of 103310  
appropriation item 763511, Local Disaster Assistance, at the end 103311  
of fiscal year 2019 is hereby reappropriated for the same purpose 103312  
for fiscal year 2020. 103313

An amount equal to the unexpended, unencumbered balance of 103314  
appropriation item 763511, Local Disaster Assistance, at the end 103315  
of fiscal year 2020 is hereby reappropriated for the same purpose 103316  
for fiscal year 2021. 103317

STATE DISASTER RELIEF 103318

The State Disaster Relief Fund (Fund 5330) may accept 103319  
transfers of cash or appropriations from Controlling Board 103320  
appropriation items for the Ohio Emergency Management Agency 103321  
disaster response costs and disaster program management costs, and 103322  
may also be used for the following purposes: 103323

(A) To accept transfers of cash or appropriations from 103324  
Controlling Board appropriation items for Ohio Emergency 103325  
Management Agency public assistance and mitigation program match 103326

costs to reimburse eligible local governments and private nonprofit organizations for costs related to disasters; 103327  
103328

(B) To accept transfers of cash to reimburse the costs associated with Emergency Management Assistance Compact (EMAC) deployments; 103329  
103330  
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(C) To accept disaster related reimbursement from federal, state, and local governments. The Director of Budget and Management may transfer cash from reimbursements received by this fund to other funds of the state from which transfers were originally approved by the Controlling Board. 103332  
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(D) To accept transfers of cash or appropriations from Controlling Board appropriation items to fund the State Disaster Relief Program, for disasters that qualify for the program by written authorization of the Governor, and the State Individual Assistance Program for disasters that have been declared by the federal Small Business Administration and that qualify for the program by written authorization from the Governor. The Ohio Emergency Management Agency shall publish and make available application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program. 103337  
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**Section 373.30.** TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 103347  
103348

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30) to be distributed to the Ohio Task Force One - Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency. 103349  
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DRUG LAW ENFORCEMENT FUND	103358
Notwithstanding division (D) of section 5502.68 of the Revised Code, in each of fiscal years 2020 and 2021, the cumulative amount of funding provided to any single drug task force out of the Drug Law Enforcement Fund (Fund 5ET0) may not exceed \$500,000 in any calendar year.	103359 103360 103361 103362 103363
COMMUNITY POLICE RELATIONS	103364
The foregoing appropriation item 768621, Community Police Relations, shall be used to implement key recommendations of the Ohio Task Force on Community-Police Relations, including a public awareness campaign, and state-provided assistance with policy-making and manuals.	103365 103366 103367 103368 103369
SARA TITLE III HAZMAT PLANNING	103370
The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.	103371 103372 103373 103374
SECURITY GRANTS	103375
(A) The foregoing appropriation items 763513, Security Grants, and 763603, Security Grants, shall be used to make competitive grants of up to \$100,000 to nonprofit organizations for eligible security improvements that assist the organization in preventing, preparing for, or responding to acts of terrorism.	103376 103377 103378 103379 103380
(B) The Emergency Management Agency shall administer and award the grants. The Agency shall establish procedures and forms by which applicants may apply for a grant, a competitive process for ranking applicants and awarding the grants, and procedures for distributing grants to recipients. The procedures shall require each applicant to do all of the following:	103381 103382 103383 103384 103385 103386
(1) Identify and substantiate prior threats or attacks by a	103387

terrorist organization, network, or cell against the nonprofit organization; 103388  
103389

(2) Indicate the symbolic or strategic value of one or more sites that renders the site a possible target of terrorism; 103390  
103391

(3) Discuss potential consequences to the organization if the site is damaged, destroyed, or disrupted by a terrorist; 103392  
103393

(4) Describe how the grant will be used to integrate organizational preparedness with broader state and local preparedness efforts; 103394  
103395  
103396

(5) Submit a vulnerability assessment conducted by experienced security, law enforcement, or military personnel and a description of how the grant will be used to address the vulnerabilities identified in the assessment. 103397  
103398  
103399  
103400

The Agency shall consider all of the above factors in evaluating grant applications. 103401  
103402

(C) Any grant submission described in division (I) of section 3313.536 of the Revised Code or section 149.433 of the Revised Code is not a public record under section 149.43 of the Revised Code and is not subject to mandatory release or disclosure under that section. 103403  
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(D) The Emergency Management Agency may use up to two and one-half per cent of the total amount appropriated to administer the program, a portion of which may be used to pay costs incurred by the Department of Public Safety to provide security-related or specialized assistance in reviewing vulnerability assessments and prioritizing grant applications. 103408  
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(E) As used in this section: 103414

(1) "Eligible security improvements" means any of the following: 103415  
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(a) Physical security enhancement equipment or inspection and 103417

screening equipment included on the Authorized Equipment List 103418  
published by the United States Department of Homeland Security; 103419

(b) Attendance fees and associated materials, supplies, and 103420  
equipment costs for security-related training courses and programs 103421  
regarding the protection of critical infrastructure and key 103422  
resources, physical and cyber security, target hardening, or 103423  
terrorism awareness or preparedness. Personnel and travel costs 103424  
associated with training shall not be considered an eligible 103425  
expense of the grant. 103426

(2) "Nonprofit organization" means a corporation, 103427  
association, group, institution, society, or other organization 103428  
that is exempt from federal income taxation under section 103429  
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 103430  
26 U.S.C. 501(c)(3), as amended. 103431

(F) An amount equal to the unexpended, unencumbered balance 103432  
of the foregoing appropriation item 763603, Security Grants, at 103433  
the end of fiscal year 2020 is hereby reappropriated for the same 103434  
purpose in fiscal year 2021. 103435

**Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO** 103436

Dedicated Purpose Fund Group 103437

4A30 870614 Grade Crossing \$ 1,196,662 \$ 1,200,000 103438  
Protection  
Devices-State

4L80 870617 Pipeline Safety-State \$ 346,253 \$ 346,253 103439

5610 870606 Power Siting Board \$ 1,095,185 \$ 1,095,185 103440

5F60 870622 Utility and Railroad \$ 34,582,560 \$ 35,415,760 103441  
Regulation

5F60 870624 NARUC/NRRI Subsidy \$ 85,000 \$ 85,000 103442

5LT0 870640 Intrastate \$ 195,000 \$ 195,000 103443  
Registration

5LT0	870641	Unified Carrier Registration	\$	450,000	\$	450,000	103444
5LT0	870643	Non-hazardous Materials Civil Forfeiture	\$	299,942	\$	299,942	103445
5LT0	870644	Hazardous Materials Civil Forfeiture	\$	800,000	\$	800,000	103446
5LT0	870645	Motor Carrier Enforcement	\$	4,681,427	\$	4,719,696	103447
5Q50	870626	Telecommunications Relay Service	\$	3,000,000	\$	3,000,000	103448
5QR0	870646	Underground Facilities Protection	\$	50,000	\$	50,000	103449
5QS0	870647	Underground Facilities Administration	\$	316,000	\$	316,000	103450
TOTAL DPF		Dedicated Purpose Fund Group	\$	47,098,029	\$	47,972,836	103451
		Federal Fund Group					103452
3330	870601	Gas Pipeline Safety	\$	1,397,959	\$	1,397,959	103453
3500	870608	Motor Carrier Safety	\$	10,058,083	\$	10,058,083	103454
3500	870648	Motor Carrier Administration High Priority Activities Grants and Cooperative Agreements	\$	450,000	\$	450,000	103455
3V30	870604	Commercial Vehicle Information Systems/Networks	\$	100,000	\$	100,000	103456
TOTAL FED		Federal Fund Group	\$	12,006,042	\$	12,006,042	103457
TOTAL ALL BUDGET FUND GROUPS			\$	59,104,071	\$	59,978,878	103458

General Revenue Fund					103461
GRF 150904	Conservation General	\$ 44,218,800	\$ 44,394,800		103462
	Obligation Bond Debt				
	Service				
GRF 150907	Infrastructure	\$ 229,338,800	\$ 231,754,500		103463
	Improvement General				
	Obligation Bond Debt				
	Service				
TOTAL GRF General Revenue Fund		\$ 273,557,600	\$ 276,149,300		103464
Capital Projects Fund Group					103465
7038 150321	State Capital	\$ 1,085,834	\$ 895,864		103466
	Improvements Program				
	- Operating Expenses				
7056 150403	Clean Ohio	\$ 364,345	\$ 301,022		103467
	Conservation				
	Operating				
TOTAL CPF Capital Projects Fund		\$ 1,450,179	\$ 1,196,886		103468
Group					
TOTAL ALL BUDGET FUND GROUPS		\$ 275,007,779	\$ 277,346,186		103469

**Section 377.20.** CONSERVATION GENERAL OBLIGATION BOND DEBT 103471  
SERVICE 103472

The foregoing appropriation item 150904, Conservation General 103473  
Obligation Bond Debt Service, shall be used to pay all debt 103474  
service and related financing costs during the period from July 1, 103475  
2019, through June 30, 2021, on obligations issued under sections 103476  
151.01 and 151.09 of the Revised Code. 103477

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 103478  
SERVICE 103479

The foregoing appropriation item 150907, Infrastructure 103480  
Improvement General Obligation Bond Debt Service, shall be used to 103481  
pay all debt service and related financing costs during the period 103482

from July 1, 2019, through June 30, 2021, on obligations issued 103483  
under sections 151.01 and 151.08 of the Revised Code. 103484

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES 103485

The foregoing appropriation item 150321, State Capital 103486  
Improvements Program - Operating Expenses, shall be used by the 103487  
Ohio Public Works Commission to administer the State Capital 103488  
Improvement Program under sections 164.01 to 164.16 of the Revised 103489  
Code. 103490

CLEAN OHIO CONSERVATION OPERATING 103491

The foregoing appropriation item 150403, Clean Ohio 103492  
Conservation Operating, shall be used by the Ohio Public Works 103493  
Commission in administering Clean Ohio Conservation Fund (Fund 103494  
7056) projects pursuant to sections 164.20 to 164.27 of the 103495  
Revised Code. 103496

DISTRICT ADMINISTRATION COSTS 103497

The Director of the Public Works Commission is authorized to 103498  
create a District Administration Costs Program from proceeds of 103499  
the Capital Improvements Fund and Local Transportation Improvement 103500  
Program Fund. The program shall be used to provide for the direct 103501  
costs of district administration of the nineteen public works 103502  
districts. Districts choosing to participate in the program shall 103503  
only expend State Capital Improvements Fund moneys for State 103504  
Capital Improvements Fund costs and Local Transportation 103505  
Improvement Program Fund moneys for Local Transportation 103506  
Improvement Program Fund costs. The District Administration Costs 103507  
Program account shall not exceed \$1,235,000 per fiscal year. Each 103508  
public works district may be eligible for up to \$65,000 per fiscal 103509  
year from its district allocation as provided in sections 164.08 103510  
and 164.14 of the Revised Code. 103511

The Director, by rule, shall define allowable and 103512  
nonallowable costs for the purpose of the District Administration 103513

Costs Program. Nonallowable costs include indirect costs, elected 103514  
official salaries and benefits, and project-specific costs. No 103515  
district public works committee may participate in the District 103516  
Administration Costs Program without the approval of those costs 103517  
by the district public works committee under section 164.04 of the 103518  
Revised Code. 103519

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 103520

The Director of the Public Works Commission is authorized to 103521  
create a District Administration Costs Program for districts 103522  
represented by natural resource assistance councils. This program 103523  
shall be funded from proceeds of the Clean Ohio Conservation Fund. 103524  
The program shall be used by natural resource assistance councils 103525  
in order to provide for administration costs of the nineteen 103526  
natural resource assistance councils for the direct costs of 103527  
council administration. Councils choosing to participate in this 103528  
program may be eligible for up to \$15,000 per fiscal year from its 103529  
district allocation as provided in section 164.27 of the Revised 103530  
Code. 103531

The Director shall define allowable and nonallowable costs 103532  
for the purpose of the District Administration Costs Program. 103533  
Nonallowable costs include indirect costs, elected official 103534  
salaries and benefits, and project-specific costs. 103535

**Section 379.10.** RAC STATE RACING COMMISSION 103536

Dedicated Purpose Fund Group 103537

5620	875601	Thoroughbred	\$	1,400,000	\$	1,400,000	103538
		Development					
5630	875602	Standardbred	\$	1,550,000	\$	1,550,000	103539
		Development					
5650	875604	Racing Commission	\$	4,034,320	\$	4,070,948	103540
		Operating					

5JK0 875610	Horse Racing	\$	8,512,095	\$	8,512,095	103541
	Development-Casino					
5NL0 875611	Revenue	\$	8,000,000	\$	8,000,000	103542
	Redistribution					
TOTAL DPF	Dedicated Purpose Fund	\$	23,496,415	\$	23,533,043	103543
	Group					
	Fiduciary Fund Group					103544
5C40 875607	Simulcast Horse	\$	7,000,000	\$	7,000,000	103545
	Racing Purse					
TOTAL FID	Fiduciary Fund Group	\$	7,000,000	\$	7,000,000	103546
	Holding Account Fund Group					103547
R021 875605	Bond Reimbursements	\$	100,000	\$	100,000	103548
TOTAL HLD	Holding Account Fund	\$	100,000	\$	100,000	103549
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	30,596,415	\$	30,633,043	103550
	<b>Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION</b>					103552
	General Revenue Fund					103553
GRF 235321	Operating Expenses	\$	5,825,252	\$	5,762,414	103554
GRF 235402	Sea Grants	\$	299,250	\$	299,250	103555
GRF 235406	Articulation and	\$	1,844,372	\$	1,851,773	103556
	Transfer					
GRF 235408	Midwest Higher	\$	115,000	\$	115,000	103557
	Education Compact					
GRF 235414	Grants and Scholarship	\$	837,799	\$	855,433	103558
	Administration					
GRF 235417	Technology Maintenance	\$	3,739,937	\$	3,758,802	103559
	and Operations					
GRF 235428	Appalachian New	\$	3,728,000	\$	3,728,000	103560
	Economy Workforce					
	Partnership					
GRF 235438	Choose Ohio First	\$	28,169,310	\$	40,177,613	103561

	Scholarship				
GRF 235443	Adult Basic and Literacy Education - State	\$	9,083,344	\$	9,083,344 103562
GRF 235444	Ohio Technical Centers	\$	19,669,559	\$	23,250,000 103563
GRF 235474	Area Health Education Centers Program Support	\$	873,000	\$	873,000 103564
GRF 235492	Campus Safety and Training	\$	750,000	\$	750,000 103565
GRF 235501	State Share of Instruction	\$	1,999,210,715	\$	2,019,202,822 103566
GRF 235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$	11,163,333	\$	12,502,933 103567
GRF 235507	OhioLINK	\$	6,024,682	\$	6,024,682 103568
GRF 235508	Air Force Institute of Technology	\$	1,566,723	\$	1,566,723 103569
GRF 235510	Ohio Supercomputer Center	\$	4,388,513	\$	4,388,513 103570
GRF 235511	Cooperative Extension Service	\$	24,110,186	\$	24,110,186 103571
GRF 235514	Central State Supplement	\$	11,685,516	\$	11,685,516 103572
GRF 235515	Case Western Reserve University School of Medicine	\$	2,038,940	\$	2,038,940 103573
GRF 235519	Family Practice	\$	3,007,876	\$	3,007,876 103574
GRF 235520	Shawnee State Supplement	\$	3,537,456	\$	3,537,456 103575
GRF 235525	Geriatric Medicine	\$	496,043	\$	496,043 103576
GRF 235526	Primary Care	\$	1,425,000	\$	1,425,000 103577

	Residencies				
GRF 235533	Program and Project Support	\$	953,000	\$	453,000 103578
GRF 235535	Ohio Agricultural Research and Development Center	\$	36,361,470	\$	36,361,470 103579
GRF 235536	The Ohio State University Clinical Teaching	\$	9,185,494	\$	9,185,494 103580
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,554,944	\$	7,554,944 103581
GRF 235538	University of Toledo Clinical Teaching	\$	5,888,670	\$	5,888,670 103582
GRF 235539	Wright State University Clinical Teaching	\$	2,860,830	\$	2,860,830 103583
GRF 235540	Ohio University Clinical Teaching	\$	2,765,651	\$	2,765,651 103584
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,844,469	\$	2,844,469 103585
GRF 235546	Central State Agricultural Research and Development	\$	3,492,485	\$	3,492,485 103586
GRF 235548	Central State Cooperative Extension Services	\$	3,004,367	\$	3,004,367 103587
GRF 235552	Capital Component	\$	1,584,491	\$	1,584,491 103588
GRF 235555	Library Depositories	\$	1,396,592	\$	1,396,592 103589
GRF 235556	Ohio Academic Resources Network	\$	3,077,343	\$	3,077,343 103590
GRF 235558	Long-term Care	\$	309,035	\$	309,035 103591

		Research					
GRF 235563		Ohio College Opportunity Grant	\$	119,260,500	\$	145,200,000	103592
GRF 235572		The Ohio State University Clinic Support	\$	728,206	\$	728,206	103593
GRF 235591		Co-Op Internship Program	\$	1,287,500	\$	1,487,500	103594
GRF 235597		High School STEM Innovation and Ohio College Scholarship and Retention Program	\$	1,000,000	\$	1,000,000	103595
GRF 235598		Rural University Program	\$	500,000	\$	500,000	103596
GRF 235599		National Guard Scholarship Program	\$	20,604,000	\$	21,222,120	103597
GRF 235909		Higher Education General Obligation Bond Debt Service	\$	323,545,500	\$	348,550,200	103598
TOTAL GRF		General Revenue Fund	\$	2,691,794,353	\$	2,779,958,186	103599
		Dedicated Purpose Fund Group					103600
2200 235614		Program Approval and Reauthorization	\$	800,485	\$	744,562	103601
4560 235603		Sales and Services	\$	199,250	\$	199,250	103602
4E80 235602		Higher Educational Facility Commission Administration	\$	53,239	\$	60,000	103603
5D40 235675		Conference/Special Purposes	\$	1,000,000	\$	1,000,000	103604
5FR0 235650		State and Non-Federal Grants and Award	\$	1,402,150	\$	1,402,150	103605
5JC0 235654		Federal Research Network	\$	4,450,000	\$	4,450,000	103606

5NH0	235529	Jobs Challenge	\$	5,000,000	\$	5,000,000	103607
5NH0	235684	OhioMeansJobs Workforce Development Revolving Loan Program	\$	245,163	\$	250,000	103608
5P30	235663	Variable Savings Plan	\$	7,743,050	\$	7,915,343	103609
5VQ0	235671	Textbook and Instructional Materials Grants	\$	3,000,000	\$	3,000,000	103610
6450	235664	Guaranteed Savings Plan	\$	956,973	\$	1,001,626	103611
6820	235606	Nursing Loan Program	\$	889,611	\$	891,320	103612
TOTAL DPF Dedicated Purpose Fund Group			\$	25,739,921	\$	25,914,251	103613
Bond Research and Development Fund Group							103614
7011	235634	Research Incentive Third Frontier	\$	6,500,000	\$	6,500,000	103615
7014	235639	Research Incentive Third Frontier - Tax	\$	1,500,000	\$	1,500,000	103616
TOTAL BRD Bond Research and Development Fund Group			\$	8,000,000	\$	8,000,000	103617
Federal Fund Group							103618
3120	235611	Gear-up Grant	\$	1,995,808	\$	2,000,000	103619
3120	235612	Carl D. Perkins Grant/Plan Administration	\$	1,332,315	\$	1,350,000	103620
3120	235641	Adult Basic and Literacy Education - Federal	\$	17,579,996	\$	17,600,000	103621
3BG0	235651	Gear Up Grant Scholarships	\$	1,750,000	\$	1,750,000	103622
3H20	235608	Human Services	\$	375,000	\$	375,000	103623

	Project				
3N60	235658	John R. Justice	\$	70,000	\$ 70,000 103624
		Student Loan			
		Repayment Program			
TOTAL FED	Federal Fund Group		\$	23,103,119	\$ 23,145,000 103625
TOTAL ALL BUDGET FUND GROUPS			\$	2,748,637,393	\$ 2,837,017,437 103626

**Section 381.20. SEA GRANTS** 103628

The foregoing appropriation item 235402, Sea Grants, shall be 103629  
used to match federal dollars and leverage additional support by 103630  
The Ohio State University's Sea Grant program, including Stone 103631  
Laboratory, for research, education, and outreach to enhance the 103632  
economic value, public utilization, and responsible management of 103633  
Lake Erie and Ohio's coastal resources. 103634

**Section 381.30. ARTICULATION AND TRANSFER** 103635

The foregoing appropriation item 235406, Articulation and 103636  
Transfer, shall be used by the Chancellor of Higher Education to 103637  
maintain and expand the work of the Articulation and Transfer 103638  
Council to develop a system of transfer policies to ensure that 103639  
students at state institutions of higher education can transfer 103640  
and have coursework apply to their majors and degrees at any other 103641  
state institution of higher education without unnecessary 103642  
duplication or institutional barriers under sections 3333.16, 103643  
3333.161, and 3333.162 of the Revised Code. 103644

**Section 381.40. MIDWEST HIGHER EDUCATION COMPACT** 103645

The foregoing appropriation item 235408, Midwest Higher 103646  
Education Compact, shall be distributed by the Chancellor of 103647  
Higher Education under section 3333.40 of the Revised Code. 103648

**Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION** 103649

The foregoing appropriation item 235414, Grants and Scholarship Administration, shall be used by the Chancellor of Higher Education to manage and administer student financial aid programs created by the General Assembly and grants for which the Department of Higher Education is responsible. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal and administrative services for the Ohio National Guard Scholarship Program.

**Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS**

The foregoing appropriation item 235417, Technology Maintenance and Operations, shall be used by the Chancellor of Higher Education to support the development and implementation of information technology solutions designed to improve the performance and capacity of the Department of Higher Education. The information technology solutions may be provided by the Ohio Technology Consortium (OH-TECH).

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year may be used by the Chancellor to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, as well as adult and higher education opportunities through technology. The funds shall be used by eStudent Services to develop and promote learning and assessment through the use of technology, to provide advice on emerging learning-directed technologies, to facilitate cost-effectiveness through shared educational technology investments, and for any other priorities of the Chancellor of Higher Education.

Of the foregoing appropriation item 235417, Technology

Maintenance and Operations, a portion in each fiscal year shall be 103681  
used by the Chancellor to implement a high priority data 103682  
warehouse, advanced analytics, and visualization integration 103683  
services associated with the Higher Education Information (HEI) 103684  
system. The services may be facilitated by OH-TECH. 103685

Of the foregoing appropriation item 235417, Technology 103686  
Maintenance and Operations, \$150,000 in each fiscal year shall be 103687  
used to support Ohio Reach to provide mentoring and support 103688  
services to former foster youth attending college. 103689

**Section 381.70. APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP** 103690

The foregoing appropriation item 235428, Appalachian New 103691  
Economy Workforce Partnership, shall be distributed to Ohio 103692  
University to continue a multi-campus and multi-agency coordinated 103693  
effort to link Appalachia to the new economy. Ohio University 103694  
shall use these funds to provide leadership in the development and 103695  
implementation of initiatives in the areas of entrepreneurship, 103696  
management, education, and technology. 103697

**Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP** 103698

The foregoing appropriation item 235438, Choose Ohio First 103699  
Scholarship, shall be used to operate the program prescribed in 103700  
sections 3333.60 to 3333.69 of the Revised Code. 103701

During each fiscal year, the Chancellor of Higher Education, 103702  
as soon as possible after cancellation, may certify to the 103703  
Director of Budget and Management the amount of canceled 103704  
prior-year encumbrances in appropriation item 235438, Choose Ohio 103705  
First Scholarship. Upon receipt of the certification, the Director 103706  
of Budget and Management may transfer cash, up to the certified 103707  
amount, from the General Revenue Fund to the Choose Ohio First 103708  
Scholarship Reserve Fund (Fund 5PV0). 103709

**Section 381.90.** ADULT BASIC AND LITERACY EDUCATION 103710

The foregoing appropriation item 235443, Adult Basic and 103711  
Literacy Education - State, shall be used to support the adult 103712  
basic and literacy education instructional grant program and state 103713  
leadership program. The supported programs shall satisfy the state 103714  
match and maintenance of effort requirements for the 103715  
state-administered grant program. 103716

**Section 381.100.** OHIO TECHNICAL CENTERS FUNDING 103717

The foregoing appropriation item 235444, Ohio Technical 103718  
Centers, shall be used by the Chancellor of Higher Education to 103719  
support post-secondary adult career-technical education. The 103720  
Chancellor shall provide coordination for Ohio Technical Centers 103721  
through program approval processes, data collection of program and 103722  
student outcomes, and subsidy disbursements from the foregoing 103723  
appropriation item 235444, Ohio Technical Centers. 103724

(A)(1) As soon as possible in each fiscal year, in accordance 103725  
with instructions of the Chancellor, each Ohio Technical Center 103726  
shall report its actual data, consistent with the definitions in 103727  
the Higher Education Information (HEI) system's files, to the 103728  
Chancellor. 103729

(a) In defining the number of full-time equivalent students 103730  
for state subsidy purposes, the Chancellor shall exclude all 103731  
students who are not residents of Ohio. 103732

(b) A full-time equivalent student shall be defined as a 103733  
student who completes 450 hours. Those students that complete some 103734  
portion of 450 hours shall be counted as a partial full-time 103735  
equivalent for funding purposes, while students that complete more 103736  
than 450 hours shall be counted as proportionally greater than one 103737  
full-time equivalent. 103738

(c) In calculating each Ohio Technical Center's full-time 103739

equivalent students, the Chancellor shall use a three-year average. 103740  
103741

(d) After June 30, 2019, Ohio Technical Centers shall operate with, or be an active candidate for, accreditation by an accreditor authorized by the United States Department of Education to be eligible to receive subsidies from the foregoing appropriation item 235444, Ohio Technical Centers. 103742  
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(2) In each fiscal year, twenty-five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary technical workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis. 103747  
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(3) In each fiscal year, twenty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete 50 per cent of a program of study as a measure of student retention. 103754  
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(4) In each fiscal year, fifty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have found employment, entered military service, or enrolled in additional post-secondary education and training in accordance with the placement definitions of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins). The calculation for eligible full-time equivalent students shall be based on the per cent of Perkins placements for students who have completed at least 50 per cent of a program of study. 103759  
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(5) In each fiscal year, five per cent of the allocation for 103770

Ohio Technical Centers shall be distributed based on the 103771  
proportion of each Center's full-time equivalent students to the 103772  
total full-time equivalent students who have earned a credential 103773  
from an industry-recognized third party. 103774

(B) Of the foregoing appropriation item 235444, Ohio 103775  
Technical Centers, up to 2.38 per cent in each fiscal year may be 103776  
distributed by the Chancellor to the Ohio Central School System, 103777  
up to \$48,000 in each fiscal year may be utilized for assistance 103778  
for Ohio Technical Centers, and up to \$3,000,000 in each fiscal 103779  
year may be distributed by the Chancellor to Ohio Technical 103780  
Centers that provide business consultation with matching local 103781  
dollars, with preference to industries on the in-demand jobs list 103782  
created under section 6301.11 of the Revised Code or in regionally 103783  
emerging fields. Each center meeting this requirement shall 103784  
receive at least \$25,000 but not more than a maximum amount 103785  
determined by the Chancellor. 103786

(C) The remainder of the foregoing appropriation item 235444, 103787  
Ohio Technical Centers, in each fiscal year shall be distributed 103788  
in accordance with division (A) of this section. 103789

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 103790  
CENTERS 103791

(1) In fiscal year 2020, no Ohio Technical Center shall 103792  
receive performance funding calculated under division (A) of this 103793  
section, excluding funding for third party credentials calculated 103794  
under division (A)(5) of this section, that is less than 75 per 103795  
cent of the average allocation the Center received, excluding 103796  
funding for third party credentials, in the three prior fiscal 103797  
years. 103798

In fiscal year 2021, no Ohio Technical Center shall receive 103799  
performance funding calculated under division (A) of this section, 103800  
excluding funding for third party credentials calculated under 103801

division (A)(5) of this section, that is less than 65 per cent of 103802  
the average allocation the Center received, excluding funding for 103803  
third party credentials, in the three prior fiscal years. 103804

(2) In order to ensure that no Center receives less than the 103805  
amounts identified for each fiscal year in accordance with 103806  
division (D)(1) of this section, funds shall be made available to 103807  
support the phase-in allocation by proportionally reducing formula 103808  
earnings from each Center not receiving phase-in funding. 103809

**Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM** 103810  
SUPPORT 103811

The foregoing appropriation item 235474, Area Health 103812  
Education Centers Program Support, shall be used by the Chancellor 103813  
of Higher Education to support the medical school regional area 103814  
health education centers' educational programs for the continued 103815  
support of medical and other health professions education and for 103816  
support of the Area Health Education Center Program. 103817

**Section 381.120. CAMPUS SAFETY AND TRAINING** 103818

The foregoing appropriation item 235492, Campus Safety and 103819  
Training, shall be used by the Chancellor of Higher Education for 103820  
the purpose of developing model best practices for preventing and 103821  
responding to sexual violence on campus. The Chancellor, in 103822  
consultation with state institutions of higher education as 103823  
defined in section 3345.011 of the Revised Code and private 103824  
nonprofit institutions of higher education holding certificates of 103825  
authorization under Chapter 1713. of the Revised Code, shall 103826  
continue to develop model best practices in line with emerging 103827  
trends, research, and evidence-based training for preventing and 103828  
responding to sexual violence and protecting students and staff 103829  
who are victims of sexual violence on campus. The Chancellor shall 103830  
convene state institutions of higher education and private 103831

nonprofit institutions of higher education in the training and 103832  
implementation of best practices regarding campus sexual violence. 103833

**Section 381.140.** STATE SHARE OF INSTRUCTION FORMULAS 103834

The Chancellor of Higher Education shall establish procedures 103835  
to allocate the foregoing appropriation item 235501, State Share 103836  
of Instruction, based on the formulas detailed in this section 103837  
that utilize the enrollment, course completion, degree attainment, 103838  
and student achievement factors reported annually by each state 103839  
institution of higher education participating in the Higher 103840  
Education Information (HEI) system. 103841

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 103842  
COMPLETIONS 103843

(1) As soon as possible during each fiscal year of the 103844  
biennium ending June 30, 2021, in accordance with instructions of 103845  
the Department of Higher Education, each state institution of 103846  
higher education shall report its actual data, consistent with the 103847  
definitions in the Higher Education Information (HEI) system's 103848  
enrollment files, to the Chancellor of Higher Education. 103849

(2) In defining the number of full-time equivalent students 103850  
for state subsidy instructional cost purposes, the Chancellor 103851  
shall exclude all undergraduate students who are not residents of 103852  
Ohio or who do not meet the definition of residency for state 103853  
subsidy and tuition surcharge purposes, except those charged 103854  
in-state fees in accordance with reciprocity agreements made under 103855  
section 3333.17 of the Revised Code or employer contracts entered 103856  
into under section 3333.32 of the Revised Code. 103857

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 103858

For purposes of calculating state share of instruction 103859  
allocations, the total instructional costs per full-time 103860  
equivalent student shall be: 103861

Model	Fiscal Year 2020	Fiscal Year 2021	
ARTS AND HUMANITIES 1	\$9,115	\$9,285	103862
ARTS AND HUMANITIES 2	\$12,986	\$13,227	103863
ARTS AND HUMANITIES 3	\$16,155	\$16,455	103864
ARTS AND HUMANITIES 4	\$24,740	\$25,200	103865
ARTS AND HUMANITIES 5	\$41,648	\$42,421	103866
ARTS AND HUMANITIES 6	\$41,449	\$42,219	103867
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$8,820	\$8,984	103868
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,681	\$9,861	103869
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,351	\$12,580	103870
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$14,388	\$14,655	103871
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$22,995	\$23,422	103872
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$24,140	\$24,588	103873
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$36,758	\$37,440	103874
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$8,441	\$8,598	103875
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$11,326	\$11,536	103876
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$13,054	\$13,296	103877
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$15,314	\$15,599	103878

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$19,665	\$20,030	103880
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$20,452	\$20,832	103881
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$24,577	\$25,033	103882
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	\$39,870	\$40,610	103883
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	\$56,741	\$57,795	103884

Doctoral I and Doctoral II models shall be allocated in accordance with division (D)(2) of this section. 103885  
103886

Medical I and Medical II models shall be allocated in accordance with divisions (D)(3) and (D)(4) of this section. 103887  
103888

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS 103889  
103890

For the purpose of implementing the recommendations of the 2006 State Share of Instruction Consultation and the Higher Education Funding Study Council that priority be given to maintaining state support for science, technology, engineering, mathematics, medicine, and graduate programs, the costs in division (B) of this section shall be weighted by the amounts provided below: 103891  
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Model	Fiscal Year 2020	Fiscal Year 2021	
ARTS AND HUMANITIES 1	1.0000	1.0000	103898
ARTS AND HUMANITIES 2	1.0000	1.0000	103899
ARTS AND HUMANITIES 3	1.0000	1.0000	103900
			103901

ARTS AND HUMANITIES 4	1.0000	1.0000	103902
ARTS AND HUMANITIES 5	1.0425	1.0425	103903
ARTS AND HUMANITIES 6	1.0425	1.0425	103904
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	103905
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	103906
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	103907
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	103908
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	103909
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	103910
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	103911
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	103912
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	103913
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	103914
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	103915
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	103916
SCIENCE, TECHNOLOGY,	1.8798	1.8798	103917

ENGINEERING, MATHEMATICS, MEDICINE 6			
SCIENCE, TECHNOLOGY,	1.4380	1.4380	103918
ENGINEERING, MATHEMATICS, MEDICINE 7			
SCIENCE, TECHNOLOGY,	1.5675	1.5675	103919
ENGINEERING, MATHEMATICS, MEDICINE 8			
SCIENCE, TECHNOLOGY,	1.1361	1.1361	103920
ENGINEERING, MATHEMATICS, MEDICINE 9			
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			103921
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			103922
(1) Of the foregoing appropriation item 235501, State Share			103923
of Instruction, 50 per cent of the appropriation for universities,			103924
as established in division (A)(2) of the section of this act			103925
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND			103926
2021," in each fiscal year shall be reserved for support of			103927
associate, baccalaureate, master's, and professional level degree			103928
attainment.			103929
The degree attainment funding shall be allocated to			103930
universities in proportion to each campus's share of the total			103931
statewide degrees granted, weighted by the cost of the degree			103932
programs. The degree cost calculations shall include the model			103933
cost weights for the science, technology, engineering,			103934
mathematics, and medicine models as established in division (C) of			103935
this section.			103936
For degrees including credits earned at multiple			103937
institutions, degree attainment funding shall be allocated to			103938
universities in proportion to each campus's share of the			103939
student-specific cost of earned credits for the degree. Each			103940
institution shall receive its prorated share of degree funding for			103941

credits earned at that institution. Cost of credits not earned at 103942  
a university main or regional campus shall be credited to the 103943  
degree-granting institution for the first degree earned by a 103944  
student at each degree level. The cost credited to the 103945  
degree-granting institution shall not be eligible for at-risk 103946  
weights and shall be limited to 12.5 per cent of the 103947  
student-specific degree costs. However, the 12.5 per cent 103948  
limitation shall not apply if the student transferred 12 or fewer 103949  
credits into the degree granting institution. 103950

In calculating the subsidy entitlements for degree attainment 103951  
for universities, the Chancellor shall use the following count of 103952  
degrees and degree costs: 103953

(a) The subsidy eligible undergraduate degrees shall be 103954  
defined as follows: 103955

(i) The subsidy eligible degrees conferred to students 103956  
identified as residents of the state of Ohio in any term of their 103957  
studies, as reported through the Higher Education Information 103958  
(HEI) system student enrollment file, shall be weighted by a 103959  
factor of 1. 103960

(ii) The subsidy eligible degrees conferred to students 103961  
identified as out-of-state residents during all terms of their 103962  
studies, as reported through the Higher Education Information 103963  
(HEI) system student enrollment file, who remain in the state of 103964  
Ohio at least one year after graduation, as calculated based on 103965  
the three-year average in-state residency rate using the 103966  
Unemployment Wage data for out-of-state graduates at each 103967  
institution, shall be weighted by a factor of 50 per cent. 103968

(iii) Subsidy eligible associate degrees are defined as those 103969  
earned by students attending any state-supported university main 103970  
or regional campus. 103971

(b) In calculating each campus's count of degrees, the 103972

Chancellor shall use the three-year average associate, 103973  
baccalaureate, master's, and professional degrees awarded for the 103974  
three-year period ending in the prior year. 103975

(i) If a student is awarded an associate degree and, 103976  
subsequently, is awarded a baccalaureate degree, the amount funded 103977  
for the baccalaureate degree shall be limited to either the 103978  
difference in cost between the cost of the baccalaureate degree 103979  
and the cost of the associate degree paid previously, or if the 103980  
associate degree has a higher cost than the baccalaureate degree, 103981  
the cost of the credits earned by the student after the associate 103982  
degree was awarded. 103983

(ii) If a student earns an associate degree then, 103984  
subsequently, earns a baccalaureate degree, the associate degree 103985  
granting institution shall only receive the prorated share of the 103986  
baccalaureate degree funding for the credits earned at that 103987  
institution after the associate degree is awarded. 103988

(iii) If a student earns more than one degree at the same 103989  
institution at the same degree level in the same fiscal year, the 103990  
funding for the highest cost degree shall be prorated among 103991  
institutions based on where the credits were earned and additional 103992  
degrees shall be funded at 25 per cent of the cost of the degrees. 103993

(c) Associate degrees and baccalaureate degrees earned by a 103994  
student defined as at-risk based on academic underpreparation, 103995  
age, minority status, financial status, or first generation 103996  
post-secondary status based on neither parent completing any 103997  
education beyond high school, shall be defined as degrees earned 103998  
by an at-risk student and shall be weighted by the following: 103999

A student-specific degree completion weight, where the weight 104000  
is calculated based on the at-risk factors of the individual 104001  
student, determined by calculating the difference between the 104002  
percentage of students with each risk factor who earned a degree 104003

and the percentage of non-at-risk students who earned a degree. 104004

(2) Of the foregoing appropriation item 235501, State Share 104005  
of Instruction, up to 11.78 per cent of the appropriation for 104006  
universities, as established in division (A)(2) of the section of 104007  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 104008  
2020 and 2021," in each fiscal year shall be reserved for support 104009  
of doctoral programs to implement the funding recommendations made 104010  
by representatives of the universities. The amount so reserved 104011  
shall be referred to as the doctoral set-aside. 104012

In each fiscal year, the doctoral set-aside funding 104013  
allocation shall be allocated to universities as follows: 104014

(a) 25 per cent of the doctoral set-aside shall be allocated 104015  
to universities in proportion to their share of the statewide 104016  
total earnings of each state institution's three-year average 104017  
course completions. The subsidy eligible enrollments by model 104018  
shall equal only those FTE students who successfully complete the 104019  
course as defined and reported through the Higher Education 104020  
Information (HEI) system course enrollment file. Course completion 104021  
earnings shall be determined by multiplying the amounts listed 104022  
above in divisions (B) and (C) of this section by the 104023  
subsidy-eligible FTEs for the three-year period ending in the 104024  
prior year for all doctoral enrollments in graduate-level models. 104025

(b) 50 per cent of the doctoral set-aside shall be allocated 104026  
to universities in proportion to each campus's share of the total 104027  
statewide doctoral degrees, weighted by the cost of the doctoral 104028  
discipline. In calculating each campus's doctoral degrees the 104029  
Chancellor shall use the three-year average doctoral degrees 104030  
awarded for the three-year period ending in the prior year. 104031

(c) 25 per cent of the doctoral set-aside shall be allocated 104032  
to universities in proportion to their share of research grant 104033  
activity. Funding for this component shall be allocated to 104034

eligible universities in proportion to their share of research 104035  
grant activity published by the National Science Foundation. Grant 104036  
awards from the Department of Health and Human Services shall be 104037  
weighted at 50 per cent. 104038

(3) Of the foregoing appropriation item 235501, State Share 104039  
of Instruction, 6.41 per cent of the appropriation for 104040  
universities, as established in division (A)(2) of the section of 104041  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 104042  
2020 AND 2021," in each fiscal year shall be reserved for support 104043  
of Medical II FTEs. The amount so reserved shall be referred to as 104044  
the medical II set-aside. 104045

The medical II set-aside shall be allocated to universities 104046  
in proportion to their share of the statewide total of each state 104047  
institution's three-year average Medical II FTEs as calculated in 104048  
division (A) of this section. 104049

In calculating the core subsidy entitlements for Medical II 104050  
models only, students repeating terms may be no more than five per 104051  
cent of current year enrollment. 104052

(4) Of the foregoing appropriation item 235501, State Share 104053  
of Instruction, 1.48 per cent of the appropriation for 104054  
universities, as established in division (A)(2) of the section of 104055  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 104056  
2020 AND 2021," in each fiscal year shall be reserved for support 104057  
of Medical I FTEs. The amount so reserved shall be referred to as 104058  
the medical I set-aside. 104059

The medical I set-aside shall be allocated to universities in 104060  
proportion to their share of the statewide total of each state 104061  
institution's three-year average Medical I FTEs as calculated in 104062  
division (A) of this section. 104063

(5) In calculating the course completion funding for 104064  
universities, the Chancellor shall use the following count of FTE 104065

students: 104066

(a) The subsidy eligible enrollments by model shall equal 104067  
only those FTE students who successfully complete the course as 104068  
defined and reported through the Higher Education Information 104069  
(HEI) system course enrollment file; 104070

(b) Those undergraduate FTE students with successful course 104071  
completions, identified in division (D)(5)(a) of this section, 104072  
that are defined as at-risk based on academic under-preparation or 104073  
financial status shall have their eligible completions weighted by 104074  
the following: 104075

(i) Institution-specific course completion indexes, where the 104076  
indexes are calculated based upon the number of at-risk students 104077  
enrolled during the 2016-2018 academic years; and 104078

(ii) A statewide average at-risk course completion weight 104079  
determined for each subsidy model. The statewide average at-risk 104080  
course completion weight shall be determined by calculating the 104081  
difference between the percentage of traditional students who 104082  
complete a course and the percentage of at-risk students who 104083  
complete the same course. 104084

(c) The course completion earnings shall be determined by 104085  
multiplying the amounts listed above in divisions (B) and (C) of 104086  
this section by the subsidy-eligible FTEs for the three-year 104087  
period ending in the prior year for all models except Medical I, 104088  
Medical II, Doctoral I, and Doctoral II. 104089

(d) For universities, the Chancellor shall compute the course 104090  
completion earnings by dividing the appropriation for 104091  
universities, established in division (A)(2) of the section of 104092  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 104093  
2020 AND 2021," less the degree attainment funding as calculated 104094  
in division (D)(1) of this section, less the doctoral set-aside, 104095  
less the medical I set-aside, and less the medical II set-aside, 104096

by the sum of all campuses' instructional costs as calculated in 104097  
division (D)(5) of this section. 104098

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 104099  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 104100

(1) Of the foregoing appropriation item 235501, State Share 104101  
of Instruction, 50 per cent of the appropriation for 104102  
state-supported community colleges, state community colleges, and 104103  
technical colleges as established in division (A)(1) of the 104104  
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 104105  
YEARS 2020 AND 2021," in each fiscal year shall be reserved for 104106  
course completion FTEs as aggregated by the subsidy models defined 104107  
in division (B) of this section. 104108

The course completion funding shall be allocated to campuses 104109  
in proportion to each campus's share of the total sector's course 104110  
completions, weighted by the instructional cost of the subsidy 104111  
models. 104112

To calculate the subsidy entitlements for course completions 104113  
at community colleges, state community colleges, and technical 104114  
colleges, the Chancellor shall use the following calculations: 104115

(a) In calculating each campus's count of FTE course 104116  
completions, the Chancellor shall use a three-year average for 104117  
course completions for the three year period ending in the prior 104118  
year. 104119

(b) The subsidy eligible enrollments by model shall equal 104120  
only those FTE students who successfully complete the course as 104121  
defined and reported through the Higher Education Information 104122  
(HEI) system course enrollment file. 104123

(c) Those students with successful course completions, that 104124  
are defined as access students based on financial status, minority 104125  
status, age, or academic under-preparation shall have their 104126  
eligible course completions weighted by a statewide access weight. 104127

The weight given to any student that meets any access factor shall be 15 per cent for all course completions.

(d) The model costs as used in the calculation shall be augmented by the model weights for science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.

(2) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved for colleges in proportion to their share of college student success factors.

Student success factors shall be awarded at the institutional level for each student that successfully:

(a) Completes a developmental math course and, within the next year, enrolls in a college-level math course.

(b) Completes a developmental English course and, within the next year, enrolls in a college-level English course.

(c) Completes 12 semester credit hours of college-level coursework.

(d) Completes 24 semester credit hours of college-level coursework.

(e) Completes 36 semester credit hours of college-level coursework.

(3) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the appropriation for state-supported community colleges, state community colleges, and technical colleges as established in division (A)(1) of the

section of this act entitled "STATE SHARE OF INSTRUCTION FOR 104158  
FISCAL YEARS 2020 AND 2021," in each fiscal year shall be reserved 104159  
for completion milestones. 104160

Completion milestones shall include associate degrees, 104161  
technical certificates over 30 credit hours as designated by the 104162  
Department of Higher Education, and students transferring to any 104163  
four-year institution with at least 12 credit hours of 104164  
college-level coursework earned at that community college, state 104165  
community college, or technical college. 104166

The completion milestone funding shall be allocated to 104167  
colleges in proportion to each institution's share of the sector's 104168  
total completion milestones, weighted by the instructional cost of 104169  
the associate degree, certificate, or transfer models. Costs for 104170  
technical certificates over 30 hours shall be weighted at one-half 104171  
of the associate degree model costs and transfers with at least 12 104172  
credit hours of college-level coursework shall be weighted at 104173  
one-fourth of the average cost for all associate degree model 104174  
costs. 104175

(4) To calculate the subsidy entitlements for completions at 104176  
community colleges, state community colleges, and technical 104177  
colleges, the Chancellor shall use the following calculations: 104178

(a) In calculating each campus's count of completions, the 104179  
Chancellor shall use a three-year average for completion metrics. 104180

(b) The subsidy eligible completion milestones by model shall 104181  
equal only those students who successfully complete an associate 104182  
degree or technical certificate over 30 credit hours, or transfer 104183  
to any four-year institution with at least 12 credit hours of 104184  
college-level coursework as defined and reported in the Higher 104185  
Education Information (HEI) system. Student completions reported 104186  
in HEI shall have an accompanying course enrollment record in 104187  
order to be subsidy eligible. 104188

(c) Those students with successful completions for associate 104189  
degrees, technical certificates over 30 credit hours, or transfer 104190  
to any four-year institution with at least 12 credit hours of 104191  
college-level coursework, identified in division (E)(3) of this 104192  
section, that are defined as access students based on financial 104193  
status, minority status, age, or academic under-preparation shall 104194  
have their eligible completions weighted by a statewide access 104195  
weight. The weight shall be 25 per cent for students with one 104196  
access factor, 66 per cent for students with two access factors, 104197  
150 per cent for students with three access factors, and 200 per 104198  
cent for students with four access factors. 104199

(d) For those students who complete more than one completion 104200  
milestone, funding for each additional associate degree or 104201  
technical certificate over 30 credit hours designated as such by 104202  
the Department of Higher Education shall be funded at 50 per cent 104203  
of the model costs as defined in division (3) of this section. 104204

(F) CAPITAL COMPONENT DEDUCTION 104205

After all other adjustments have been made, state share of 104206  
instruction earnings shall be reduced for each campus by the 104207  
amount, if any, by which debt service charged in Am. H.B. 748 of 104208  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 104209  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 104210  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 104211  
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 104212  
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 104213  
562 of the 127th General Assembly for that campus exceeds that 104214  
campus's capital component earnings. The sum of the amounts 104215  
deducted shall be transferred to appropriation item 235552, 104216  
Capital Component, in each fiscal year. 104217

(G) EXCEPTIONAL CIRCUMSTANCES 104218

Adjustments may be made to the state share of instruction 104219

payments and other subsidies distributed by the Chancellor of 104220  
Higher Education to state colleges and universities for 104221  
exceptional circumstances. No adjustments for exceptional 104222  
circumstances may be made without the recommendation of the 104223  
Chancellor and the approval of the Controlling Board. 104224

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 104225  
INSTRUCTION 104226

The standard provisions of the state share of instruction 104227  
calculation as described in the preceding sections of temporary 104228  
law shall apply to any reductions made to appropriation item 104229  
235501, State Share of Instruction, before the Chancellor has 104230  
formally approved the final allocation of the state share of 104231  
instruction funds for any fiscal year. 104232

Any reductions made to appropriation item 235501, State Share 104233  
of Instruction, after the Chancellor has formally approved the 104234  
final allocation of the state share of instruction funds for any 104235  
fiscal year, shall be uniformly applied to each campus in 104236  
proportion to its share of the final allocation. 104237

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 104238

The state share of instruction payments to the institutions 104239  
shall be in substantially equal monthly amounts during the fiscal 104240  
year, unless otherwise determined by the Director of Budget and 104241  
Management pursuant to section 126.09 of the Revised Code. 104242  
Payments during the first six months of the fiscal year shall be 104243  
based upon the state share of instruction appropriation estimates 104244  
made for the various institutions of higher education and payments 104245  
during the last six months of the fiscal year shall be based on 104246  
the final data from the Chancellor. 104247

(J) STUDY ON THE USE OF EMPLOYMENT METRICS FOR THE STATE 104248  
SHARE OF INSTRUCTION FORMULAS 104249

The Inter-University Council and Ohio Association of 104250

Community Colleges shall each recommend eight members representing 104251  
their institutions to serve on the Employment Metrics 104252  
Consultation, which shall assist the Chancellor of Higher 104253  
Education to study the most appropriate formula weights for 104254  
post-graduation employment measures that may be used in the 104255  
distribution to universities and community colleges from the 104256  
foregoing appropriation item 235501, State Share of Instruction, 104257  
beginning in fiscal year 2022. The Chancellor, or the Chancellor's 104258  
designee, shall lead the Consultation and call its first meeting. 104259  
The Consultation shall research the most appropriate data sources 104260  
available to measure employment outcomes and evaluate the public 104261  
policy benefits of adding such measures to the current State Share 104262  
of Instruction allocation formulas to reward institutional 104263  
performance of job placement. The Consultation shall also identify 104264  
and evaluate the most critical factors that should be considered 104265  
as possible enhancements to the formula, such as the relevance of 104266  
graduates' degrees to job placement, employment in Ohio versus out 104267  
of state, placement in high demand fields, and other qualitative 104268  
factors. Separate allocation factors may be considered within each 104269  
sector's share of the foregoing appropriation item 235501, State 104270  
Share of Instruction. The study shall be completed by June 30, 104271  
2020. 104272

**Section 381.150.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 104273  
2020 AND 2021 104274

(A) The foregoing appropriation item 235501, State Share of 104275  
Instruction, shall be distributed according to the section of this 104276  
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 104277

(1) Of the foregoing appropriation item 235501, State Share 104278  
of Instruction, \$460,818,566 in fiscal year 2020 and \$465,426,752 104279  
in fiscal year 2021 shall be distributed to state-supported 104280  
community colleges, state community colleges, and technical 104281

colleges. 104282

(2) Of the foregoing appropriation item 235501, State Share 104283  
of Instruction, \$1,538,392,149 in fiscal year 2020 and 104284  
\$1,553,776,070 in fiscal year 2021 shall be distributed to 104285  
state-supported university main and regional campuses. 104286

Any increases in the amount distributed to an institution 104287  
from appropriation item 235501, State Share of Instruction, above 104288  
the prior year shall be used by the institution to provide 104289  
need-based aid and to provide counseling, support services, and 104290  
workforce preparation services to students. 104291

**Section 381.160. RESTRICTION ON FEE INCREASES** 104292

(A) In fiscal years 2020 and 2021, the boards of trustees of 104293  
state institutions of higher education shall restrain increases in 104294  
in-state undergraduate instructional and general fees. 104295

(1) For the 2019-2020 and 2020-2021 academic years, all of 104296  
the following shall apply: 104297

(a) Each state university or college, as defined in section 104298  
3345.12 and university branch established under Chapter 3355. of 104299  
the Revised Code shall not increase its in-state undergraduate 104300  
instructional and general fees by more than two per cent over what 104301  
the institution charged for the previous academic year. 104302

(b) Each community college established under Chapter 3354., 104303  
state community college established under Chapter 3358., or 104304  
technical college established under Chapter 3357. of the Revised 104305  
Code may increase its in-state undergraduate instructional and 104306  
general fees by not more than \$5 per credit hour over what the 104307  
institution charged for the 2018-2019 academic year. 104308

(c) For state institutions of higher education, as defined in 104309  
section 3345.011 of the Revised Code, increases for all other 104310  
special fees, including the creation of new special fees, shall be 104311

subject to the approval of the Chancellor of Higher Education. 104312

(2) The limitations under division (A)(1) of this section do 104313  
not apply to room and board, student health insurance, fees for 104314  
auxiliary goods or services provided to students at the cost 104315  
incurred to the institution, fees assessed to students as a 104316  
pass-through for licensure and certification examinations, fees in 104317  
elective courses associated with travel experiences, elective 104318  
service charges, fines, voluntary sales transactions, fees, which 104319  
may appear directly on a student's tuition bill as assessed by the 104320  
institution's bursar, to offset the cost of providing textbooks to 104321  
students, and, subject to approval of the chancellor, fees for 104322  
student mental health and substance abuse services. 104323

(B) The limitations under this section shall not apply to 104324  
increases required to comply with institutional covenants related 104325  
to their obligations or to meet unfunded legal mandates or legally 104326  
binding obligations incurred or commitments made prior to the 104327  
effective date of this section with respect to which the 104328  
institution had identified such fee increases as the source of 104329  
funds. Any increase required by such covenants and any such 104330  
mandates, obligations, or commitments shall be reported by the 104331  
Chancellor of Higher Education to the Controlling Board. These 104332  
limitations may also be modified by the Chancellor, with the 104333  
approval of the Controlling Board, to respond to exceptional 104334  
circumstances as identified by the Chancellor. 104335

(C) Institutions offering an undergraduate tuition guarantee 104336  
pursuant to section 3345.48 of the Revised Code may increase 104337  
instructional and general fees pursuant to that section. 104338

(D) The Chancellor may establish a differential tuition 104339  
program for undergraduate students. If the Chancellor establishes 104340  
such a program, eligible institutions may offer the program to 104341  
eligible students. The Chancellor shall develop criteria for 104342  
participation in the program that may include, but not be limited 104343

to, requirements that revenues generated by the program shall 104344  
support student services and need-based financial aid. 104345

**Section 381.165. STUDY REGARDING PAST-DUE FEES** 104346

(A) As used in this section, "state institution of higher 104347  
education" has the same meaning as in section 3345.011 of the 104348  
Revised Code. 104349

(B) The Chancellor of Higher Education, in consultation with 104350  
state institutions of higher education, shall conduct a study 104351  
regarding general and special fees incurred by students that are 104352  
past-due and the best practices to collect those fees before they 104353  
are certified to the Attorney General for debt collection. In 104354  
conducting the study, the Chancellor shall review the June 2017 104355  
Report of the Attorney General's Student Debt Advisory Group. The 104356  
Chancellor also shall investigate, among other things, all of the 104357  
following: 104358

(1) State institutions' obtaining express prior consent from 104359  
students to allow institutions, and third parties collecting debts 104360  
on behalf of institutions, to contact students using the most 104361  
effective forms of communication available; 104362

(2) The adoption of statewide uniform standards for fees and 104363  
penalties and certification practices for student debts; 104364

(3) State institutions' notifying students that past-due 104365  
debts will be transferred to the Attorney General for debt 104366  
collection; 104367

(4) An amnesty program for past-due fees, including the 104368  
feasibility of the program, the criteria under which a student may 104369  
qualify, and any other program component determined appropriate by 104370  
the Chancellor. 104371

(C) Not later than December 31, 2019, the Chancellor, in 104372  
consultation with state institutions of higher education, shall 104373

submit a report based on the study to the General Assembly in 104374  
accordance with section 101.68 of the Revised Code. The report 104375  
shall include recommendations regarding the following: 104376

(1) The best practices to collect past-due general and 104377  
special fees before the fees must be certified to the Attorney 104378  
General; 104379

(2) Any changes to the Revised Code and the Administrative 104380  
Code that may be needed for a uniform statewide policy regarding 104381  
the collection of past-due general and special fees. 104382

**Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES** 104383

(A) Funds appropriated for instructional subsidies at 104384  
colleges and universities may be used to provide such branch or 104385  
other off-campus undergraduate courses of study and such master's 104386  
degree courses of study as may be approved by the Chancellor of 104387  
Higher Education. 104388

(B) In providing instructional and other services to 104389  
students, boards of trustees of state institutions of higher 104390  
education shall supplement state subsidies with income from 104391  
charges to students. Except as otherwise provided in this act, 104392  
each board shall establish the fees to be charged to all students, 104393  
including an instructional fee for educational and associated 104394  
operational support of the institution and a general fee for 104395  
noninstructional services, including locally financed student 104396  
services facilities used for the benefit of enrolled students. The 104397  
instructional fee and the general fee shall encompass all charges 104398  
for services assessed uniformly to all enrolled students. Each 104399  
board may also establish special purpose fees, service charges, 104400  
and fines as required; such special purpose fees and service 104401  
charges shall be for services or benefits furnished individual 104402  
students or specific categories of students and shall not be 104403  
applied uniformly to all enrolled students. A tuition surcharge 104404

shall be paid by all students who are not residents of Ohio. 104405

The board of trustees of a state institution of higher 104406  
education shall not authorize a waiver or nonpayment of 104407  
instructional fees or general fees for any particular student or 104408  
any class of students other than waivers specifically authorized 104409  
by law or approved by the Chancellor. This prohibition is not 104410  
intended to limit the authority of boards of trustees to provide 104411  
for payments to students for services rendered the institution, 104412  
nor to prohibit the budgeting of income for staff benefits or for 104413  
student assistance in the form of payment of such instructional 104414  
and general fees. 104415

Each state institution of higher education in its statement 104416  
of charges to students shall separately identify the instructional 104417  
fee, the general fee, the tuition charge, and the tuition 104418  
surcharge. Fee charges to students for instruction shall not be 104419  
considered to be a price of service but shall be considered to be 104420  
an integral part of the state government financing program in 104421  
support of higher educational opportunity for students. 104422

(C) The boards of trustees of state institutions of higher 104423  
education shall ensure that faculty members devote a proper and 104424  
judicious part of their work week to the actual instruction of 104425  
students. Total class credit hours of production per academic term 104426  
per full-time faculty member is expected to meet the standards set 104427  
forth in the budget data submitted by the Chancellor of Higher 104428  
Education. 104429

(D) The authority of government vested by law in the boards 104430  
of trustees of state institutions of higher education shall in 104431  
fact be exercised by those boards. Boards of trustees may consult 104432  
extensively with appropriate student and faculty groups. 104433  
Administrative decisions about the utilization of available 104434  
resources, about organizational structure, about disciplinary 104435  
procedure, about the operation and staffing of all auxiliary 104436

facilities, and about administrative personnel shall be the 104437  
exclusive prerogative of boards of trustees. Any delegation of 104438  
authority by a board of trustees in other areas of responsibility 104439  
shall be accompanied by appropriate standards of guidance 104440  
concerning expected objectives in the exercise of such delegated 104441  
authority and shall be accompanied by periodic review of the 104442  
exercise of this delegated authority to the end that the public 104443  
interest, in contrast to any institutional or special interest, 104444  
shall be served. 104445

**Section 381.180. WAR ORPHANS AND SEVERELY DISABLED VETERANS'** 104446  
**CHILDREN SCHOLARSHIPS** 104447

The foregoing appropriation item 235504, War Orphans and 104448  
Severely Disabled Veterans' Children Scholarships, shall be used 104449  
to reimburse state institutions of higher education for waivers of 104450  
instructional fees and general fees provided by them, to provide 104451  
grants to institutions that have received a certificate of 104452  
authorization from the Chancellor of Higher Education under 104453  
Chapter 1713. of the Revised Code, in accordance with the 104454  
provisions of section 5910.04 of the Revised Code, and to fund 104455  
additional scholarship benefits provided by section 5910.032 of 104456  
the Revised Code. 104457

During each fiscal year, the Chancellor, as soon as possible 104458  
after cancellation, may certify to the Director of Budget and 104459  
Management the amount of canceled prior-year encumbrances in 104460  
appropriation item 235504, War Orphans and Severely Disabled 104461  
Veterans' Children Scholarships. Upon receipt of the 104462  
certification, the Director of Budget and Management may transfer 104463  
cash, up to the certified amount, from the General Revenue Fund to 104464  
the War Orphans and Severely Disabled Veterans' Children 104465  
Scholarship Reserve Fund (Fund 5PW0). 104466

**Section 381.200. OHIOLINK** 104467

The foregoing appropriation item 235507, OhioLINK, shall be 104468  
used by the Chancellor of Higher Education to support OhioLINK, a 104469  
consortium organized under division (T) of section 3333.04 of the 104470  
Revised Code to serve as the state's electronic library 104471  
information and retrieval system, which provides access statewide 104472  
to an extensive set of electronic databases and resources, the 104473  
library holdings of Ohio's public and participating private 104474  
nonprofit colleges and universities, and the State Library of 104475  
Ohio. 104476

**Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY** 104477

The foregoing appropriation item 235508, Air Force Institute 104478  
of Technology, shall be used to: (A) strengthen the research and 104479  
educational linkages between the Wright Patterson Air Force Base 104480  
and institutions of higher education in Ohio; and (B) support the 104481  
Defense Associated Graduate Student Innovators, an engineering 104482  
graduate consortium of Wright State University, the University of 104483  
Dayton, and the Air Force Institute of Technology, with the 104484  
participation of the University of Cincinnati and The Ohio State 104485  
University. 104486

**Section 381.220. OHIO SUPERCOMPUTER CENTER** 104487

The foregoing appropriation item 235510, Ohio Supercomputer 104488  
Center, shall be used by the Chancellor of Higher Education to 104489  
support the operation of the Ohio Supercomputer Center, a 104490  
consortium organized under division (T) of section 3333.04 of the 104491  
Revised Code, located at The Ohio State University. The Ohio 104492  
Supercomputer Center is a statewide resource available to Ohio 104493  
research universities both public and private. It is also intended 104494  
that the center be made accessible to private industry as 104495  
appropriate. 104496

The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness.

**Section 381.230. COOPERATIVE EXTENSION SERVICE**

The foregoing appropriation item 235511, Cooperative Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

**Section 381.240. CENTRAL STATE SUPPLEMENT**

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University in accordance with the plan developed by the Chancellor and submitted to the Governor and the General Assembly as directed by Am. Sub. H.B. 153 of the 129th General Assembly. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred.

**Section 381.250. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE**

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities.

**Section 381.260. FAMILY PRACTICE** 104525

The foregoing appropriation item 235519, Family Practice, 104526  
shall be distributed in each fiscal year, based on each medical 104527  
school's share of residents placed in a family practice and 104528  
graduates practicing in a family practice. 104529

**Section 381.270. SHAWNEE STATE SUPPLEMENT** 104530

The foregoing appropriation item 235520, Shawnee State 104531  
Supplement, shall be disbursed by the Chancellor of Higher 104532  
Education to Shawnee State University in accordance with the plan 104533  
developed by the Chancellor and submitted to the Governor and the 104534  
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 104535  
General Assembly. Funds shall be used in a manner consistent with 104536  
the goals of improving course completion, increasing the number of 104537  
degrees conferred, and furthering the university's mission of 104538  
service to the Appalachian region. 104539

**Section 381.280. GERIATRIC MEDICINE** 104540

The Chancellor of Higher Education shall distribute 104541  
appropriation item 235525, Geriatric Medicine, consistent with 104542  
existing criteria and guidelines. 104543

**Section 381.285. PRIMARY CARE RESIDENCIES** 104544

The foregoing appropriation item 235526, Primary Care 104545  
Residencies, shall be distributed in each fiscal year, based on 104546  
each medical school's share of residents placed in a primary care 104547  
field and graduates practicing in a primary care field. 104548

**Section 381.288. PROGRAM AND PROJECT SUPPORT** 104549

Of the foregoing appropriation item 235533, Program and 104550  
Project Support, \$500,000 in fiscal year 2020 shall be allocated 104551

to the Levin College of Urban Affairs at Cleveland State University. 104552  
104553

Of the foregoing appropriation item, 235533, Program and Project Support, \$125,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the expansion of an unmanned aviation STEM pilot program for public and nonpublic schools in Clark County. 104554  
104555  
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Of the foregoing appropriation item 235533, Program and Project Support, \$100,000 in each fiscal year shall be allocated to support the Kent State University Rising Scholars Program. 104559  
104560  
104561

Of the foregoing appropriation item 235533, Program and Project Support, \$28,000 in each fiscal year shall be allocated to support Cincinnati Hillel at the University of Cincinnati. 104562  
104563  
104564

Of the foregoing appropriation item 235533, Program and Project Support, \$200,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the development and implementation of an apprenticeship program administered through the Manufacturing Advocacy and Growth Network's (MAGNET) Early College Early Career Program. The apprenticeship program shall place high school students in a participating local private business that will employ the student and provide the training necessary for the student to earn a technical certification in Computer Integrated Manufacturing (CIM), machining, or welding. 104565  
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**Section 381.290.** OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT CENTER 104575  
104576

The foregoing appropriation item 235535, Ohio Agricultural Research and Development Center, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code. 104577  
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The Ohio Agricultural Research and Development Center, an 104582  
entity of the College of Food, Agricultural, and Environmental 104583  
Sciences of The Ohio State University, shall further its mission 104584  
of enhancing Ohio's economic development and job creation by 104585  
continuing to internally allocate on a competitive basis 104586  
appropriated funding of programs based on demonstrated 104587  
performance. Academic units, faculty, and faculty-driven programs 104588  
shall be evaluated and rewarded consistent with agreed-upon 104589  
performance expectations as called for in the College's 104590  
Expectations and Criteria for Performance Assessment. 104591

**Section 381.300. STATE UNIVERSITY CLINICAL TEACHING** 104592

The foregoing appropriation items 235536, The Ohio State 104593  
University Clinical Teaching; 235537, University of Cincinnati 104594  
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 104595  
235539, Wright State University Clinical Teaching; 235540, Ohio 104596  
University Clinical Teaching; and 235541, Northeast Ohio Medical 104597  
University Clinical Teaching, shall be distributed through the 104598  
Chancellor of Higher Education. 104599

**Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND 104600  
DEVELOPMENT** 104601

The foregoing appropriation item 235546, Central State 104602  
Agricultural Research and Development, shall be used in 104603  
conjunction with appropriation item 235548, Central State 104604  
Cooperative Extension Services, by Central State University for 104605  
its state match requirement as an 1890 land grant university. 104606

**Section 381.320. CAPITAL COMPONENT** 104607

The foregoing appropriation item 235552, Capital Component, 104608  
shall be used by the Chancellor of Higher Education to provide 104609  
funding for prior commitments made pursuant to the state's former 104610

capital funding policy for state colleges and universities that 104611  
was originally established in Am. H.B. 748 of the 121st General 104612  
Assembly. Appropriations from this item shall be distributed to 104613  
all campuses for which the estimated campus debt service 104614  
attributable to qualifying capital projects was less than the 104615  
campus's formula-determined capital component allocation. Campus 104616  
allocations shall be determined by subtracting the estimated 104617  
campus debt service attributable to qualifying capital projects 104618  
from the campus's formula-determined capital component allocation. 104619  
Moneys distributed from this appropriation item shall be 104620  
restricted to capital-related purposes. 104621

Any campus for which the estimated campus debt service 104622  
attributable to qualifying capital projects is greater than the 104623  
campus's formula-determined capital component allocation shall 104624  
have the difference subtracted from its State Share of Instruction 104625  
allocation in each fiscal year. Appropriation equal to the sum of 104626  
all such amounts shall be transferred from appropriation item 104627  
235501, State Share of Instruction, to appropriation item 235552, 104628  
Capital Component. 104629

**Section 381.330. LIBRARY DEPOSITORIES** 104630

The foregoing appropriation item 235555, Library 104631  
Depositories, shall be distributed to the state's five regional 104632  
depository libraries for the cost-effective storage of and access 104633  
to lesser-used materials in university library collections. The 104634  
depositories shall be administrated by the Chancellor of Higher 104635  
Education, or by OhioLINK at the discretion of the Chancellor. 104636

**Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 104637

The foregoing appropriation item 235556, Ohio Academic 104638  
Resources Network, shall be used by the Chancellor of Higher 104639  
Education to support the operations of the Ohio Academic Resources 104640

Network, a consortium organized under division (T) of section 104641  
3333.04 of the Revised Code, which shall include support for 104642  
Ohio's colleges and universities in maintaining and enhancing 104643  
network connections, using new network technologies to improve 104644  
research, education, and economic development programs, and 104645  
sharing information technology services. To the extent network 104646  
capacity is available, OARnet shall support allocating bandwidth 104647  
to eligible programs directly supporting Ohio's economic 104648  
development. 104649

**Section 381.350. LONG-TERM CARE RESEARCH** 104650

The foregoing appropriation item 235558, Long-term Care 104651  
Research, shall be disbursed to Miami University for long-term 104652  
care research. 104653

**Section 381.360. OHIO COLLEGE OPPORTUNITY GRANT** 104654

(A) Except as provided in division (C) of this section: 104655

Of the foregoing appropriation item 235563, Ohio College 104656  
Opportunity Grant, at least \$113,700,000 in fiscal year 2020 and 104657  
at least \$139,700,000 in fiscal year 2021 shall be used by the 104658  
Chancellor of Higher Education to award need-based financial aid 104659  
to students enrolled in eligible public and private nonprofit 104660  
institutions of higher education, excluding early college high 104661  
school and post-secondary enrollment option participants. 104662

The remainder of the foregoing appropriation item 235563, 104663  
Ohio College Opportunity Grant, shall be used by the Chancellor to 104664  
award needs-based financial aid to students enrolled in eligible 104665  
private for-profit career colleges and schools. 104666

(B)(1) As used in this section: 104667

(a) "Eligible institution" means any institution described in 104668  
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 104669

Code. 104670

(b) The three "sectors" of institutions of higher education 104671  
consist of the following: 104672

(i) State colleges and universities, community colleges, 104673  
state community colleges, university branches, and technical 104674  
colleges; 104675

(ii) Eligible private nonprofit institutions of higher 104676  
education; 104677

(iii) Eligible private for-profit career colleges and 104678  
schools. 104679

(2) Awards for students attending eligible state colleges and 104680  
universities shall be \$1,900 in fiscal year 2020 and \$2,400 in 104681  
fiscal year 2021, and for students attending eligible private 104682  
nonprofit institutions of higher education shall be \$3,400 in 104683  
fiscal year 2020 and \$3,900 in fiscal year 2021. 104684

For students attending an eligible institution year-round, 104685  
awards may be distributed on an annual basis, once Pell grants 104686  
have been exhausted. 104687

(3) If the Chancellor determines that the amounts 104688  
appropriated for support of the Ohio College Opportunity Grant 104689  
program are inadequate to provide grants to all eligible students 104690  
as calculated under division (D) of section 3333.122 of the 104691  
Revised Code, the Chancellor may create a distribution formula for 104692  
fiscal year 2020 and fiscal year 2021 based on the formula used in 104693  
fiscal year 2019, or may follow methods established in division 104694  
(C)(1)(a) or (b) of section 3333.122 of the Revised Code. The 104695  
Chancellor shall notify the Controlling Board of the distribution 104696  
method. Any formula calculated under this division shall be 104697  
complete and established to coincide with the start of the 104698  
2019-2020 academic year. 104699

(C) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for waivers of tuition and student fees for eligible students under the Ohio Safety Officer's College Memorial Fund Program under sections 3333.26 of the Revised Code. In paying for waivers under this division, the Chancellor shall deduct funds from the allocations made under division (A) of this section. Deductions shall be proportionate to the amounts allocated to each sector from the total amounts appropriated for each sector under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

In each fiscal year, with the exception of sections 3333.121 and 3333.124 of the Revised Code and the section of this act entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor shall not distribute or obligate or commit to be distributed an amount greater than what is appropriated under the foregoing appropriation item 235563, Ohio College Opportunity Grant.

(D) The Chancellor shall establish, and post on the Department of Higher Education's web site, award tables based on any formulas created under division (B) of this section. The Chancellor shall notify students and institutions of any reductions in awards under this section.

(E) Notwithstanding section 3333.122 of the Revised Code, no student shall be eligible to receive an Ohio College Opportunity Grant for more than ten semesters, fifteen quarters, or the equivalent of five academic years, less the number of semesters or quarters in which the student received an Ohio Instructional Grant.

(F) During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in

appropriation item 235563, Ohio College Opportunity Grant. Upon 104732  
receipt of the certification, the Director of Budget and 104733  
Management may transfer cash, up to the certified amount, from the 104734  
General Revenue Fund to the Ohio College Opportunity Grant Program 104735  
Reserve Fund (Fund 5PU0). 104736

**Section 381.370.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 104737

The foregoing appropriation item 235572, The Ohio State 104738  
University Clinic Support, shall be distributed through the 104739  
Chancellor of Higher Education to The Ohio State University for 104740  
support of dental and veterinary medicine clinics. 104741

**Section 381.373.** CO-OP INTERNSHIP PROGRAM 104742

Of the foregoing appropriation item 235591, Co-op Internship 104743  
Program, \$612,500 in fiscal year 2020 and \$812,500 in fiscal year 104744  
2021 shall be used to support the operations of Ohio University's 104745  
Voinovich School. 104746

Of the foregoing appropriation item 235591, Co-op Internship 104747  
Program, \$62,500 in each fiscal year shall be used to support the 104748  
operations of The Ohio State University's John Glenn College of 104749  
Public Affairs. 104750

Of the foregoing appropriation item 235591, Co-op Internship 104751  
Program, \$62,500 in each fiscal year shall be used to support the 104752  
Bliss Institute of Applied Politics at the University of Akron. 104753

Of the foregoing appropriation item 235591, Co-op Internship 104754  
Program, \$25,000 in each fiscal year shall be used to support the 104755  
Center for Public Management and Regional Affairs at Miami 104756  
University. 104757

Of the foregoing appropriation item 235591, Co-op Internship 104758  
Program, \$100,000 in each fiscal year shall be used to support 104759  
students who attend institutions of higher education in Ohio and 104760

are participating in the Washington Center Internship Program. 104761

Of the foregoing appropriation item 235591, Co-op Internship 104762  
Program, \$25,000 in each fiscal year shall be used to support the 104763  
Ohio Center for the Advancement of Women in Public Service at the 104764  
Maxine Goodman Levin College of Urban Affairs at Cleveland State 104765  
University. 104766

Of the foregoing appropriation item 235591, Co-op Internship 104767  
Program, \$25,000 in each fiscal year shall be used to support the 104768  
University of Cincinnati Internship Program. 104769

Of the foregoing appropriation item 235591, Co-op Internship 104770  
Program, \$25,000 in each fiscal year shall be used to support the 104771  
operations of the Center for Regional Development at Bowling Green 104772  
State University. 104773

Of the foregoing appropriation item 235591, Co-op Internship 104774  
Program, \$25,000 in each fiscal year shall be used to support the 104775  
operations of the Center for Liberal Arts Student Success at 104776  
Wright State University. 104777

Of the foregoing appropriation item 235591, Co-op Internship 104778  
Program, \$25,000 in each fiscal year shall be used to support the 104779  
Kent State University Columbus Program. 104780

Of the foregoing appropriation item 235591, Co-op Internship 104781  
Program, \$25,000 in each fiscal year shall be used to support the 104782  
University of Toledo Urban Affairs Center. 104783

Of the foregoing appropriation item 235591, Co-op Internship 104784  
Program, \$25,000 in each fiscal year shall be used to support the 104785  
Center for Urban and Regional Studies at Youngstown State 104786  
University. 104787

Of the foregoing appropriation item 235591, Co-Op Internship 104788  
Program, \$50,000 in each fiscal year shall be used to support the 104789  
operations of the Model United Nations Program at Wright State 104790

University. 104791

Of the foregoing appropriation item 235591, Co-Op Internship 104792  
Program, \$200,000 in each fiscal year shall be allocated to 104793  
support the Museum of Contemporary Art Cleveland Fellowship 104794  
Program in collaboration with Cleveland State University. 104795

**Section 381.375. HIGH SCHOOL STEM INNOVATION AND OHIO COLLEGE 104796**  
SCHOLARSHIP AND RETENTION PROGRAM 104797

(A) The foregoing appropriation item 235597, High School STEM 104798  
Innovation and Ohio College Scholarship and Retention Program, 104799  
shall be distributed by the Chancellor of Higher Education to the 104800  
Ohio Academy of Science, in collaboration with Entrepreneurial 104801  
Engagement Ohio, for the continuing development and implementation 104802  
of recommendations of the Ohio Board of Regents that seek to 104803  
create an innovation pathway between Ohio's K-12 education system 104804  
and Ohio's colleges and universities and post-secondary career 104805  
centers and vocational schools. The purpose of this program is to 104806  
create a "Culture of Innovation" in Ohio high schools, promote 104807  
Ohio as a great place for high school students to continue their 104808  
educations and careers, and to provide college scholarships to 104809  
encourage Ohio's most innovative and entrepreneurial high school 104810  
students to remain in Ohio by focusing on the practical 104811  
application of science, technology, engineering, and mathematics, 104812  
including related medicine, health and arts fields, and the 104813  
development of an entrepreneurial mindset and critical thinking 104814  
skills that will be needed by today's students in Ohio's 104815  
innovation economy. 104816

(B) The High School STEM Innovation and Ohio College 104817  
Scholarship and Retention Program shall: 104818

(1) Conduct STEM Innovation and Entrepreneurship forums at 104819  
Ohio's universities and colleges for high school students and 104820  
educators; 104821

(2) Develop an in-school STEM Innovation and Entrepreneurship Program and STEM Commercialization Plan and STEM Business Plan competitions that include student incentive awards for competition winners and related curriculum, content and other program support to teachers and students;

(3) Conduct a statewide STEM Commercialization Plan and STEM Business Plan competition, open to the winners of related local high school competition award winners, that includes scholarships to attend any Ohio college, university, or post-secondary career center;

(4) Conduct a statewide Innovation and Entrepreneurship Scholarship program that awards at least one scholarship to attend any Ohio college in each Ohio Senate and House District. Ohio high school students who have distinguished themselves in a significant STEM, entrepreneurship, or innovation program competition or accomplishment shall be eligible to apply for this scholarship program.

(C) All aspects of the High School STEM Innovation and Ohio College Scholarship and Retention Program shall be open to any Ohio high school student, with an emphasis on minority, rural and economically disadvantaged students.

(D) The High School STEM Innovation and Ohio College Scholarship and Retention Program shall collaborate with Ohio's colleges and universities, and existing STEM, innovation, and entrepreneurship programs to implement these provisions and encourage enrollment at Ohio institutions of post-secondary and higher education.

**Section 381.376. RURAL UNIVERSITY PROGRAM**

The foregoing appropriation item 235598, Rural University Program, shall be used for the Rural University Program, a

collaboration of Bowling Green State University, Kent State University, Miami University, and Ohio University that provides rural communities with economic development, public administration, and public health services. Each of the four participating universities shall receive \$125,000 in each fiscal year to support their respective programs.

**Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM** 104858

The Chancellor of Higher Education shall disburse funds from appropriation item 235599, National Guard Scholarship Program. During each fiscal year, the Chancellor, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235599, National Guard Scholarship Program. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 5BM0).

**Section 381.390. PLEDGE OF FEES** 104869

Any new pledge of fees, or new agreement for adjustment of fees, made in the biennium ending June 30, 2021, to secure bonds or notes of a state institution of higher education for a project for which bonds or notes were not outstanding on the effective date of this section or to secure a refund of prior debt that is anticipated to increase the total cost of retiring the original debt shall be effective only after approval by the Chancellor of Higher Education, unless approved in a previous biennium.

**Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND DEBT SERVICE** 104878  
104879

The foregoing appropriation item 235909, Higher Education 104880

General Obligation Bond Debt Service, shall be used to pay all 104881  
debt service and related financing costs during the period from 104882  
July 1, 2019, through June 30, 2021, for obligations issued under 104883  
sections 151.01 and 151.04 of the Revised Code. 104884

**Section 381.410. SALES AND SERVICES** 104885

The Chancellor of Higher Education is authorized to charge 104886  
and accept payment for the provision of goods and services. Such 104887  
charges shall be reasonably related to the cost of producing the 104888  
goods and services. Except as otherwise provided by law, no 104889  
charges may be levied for goods or services that are produced as 104890  
part of the routine responsibilities or duties of the Chancellor. 104891  
All revenues received by the Chancellor shall be deposited into 104892  
Fund 4560, and may be used by the Chancellor to pay for the costs 104893  
of producing the goods and services. 104894

**Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION** 104895  
**ADMINISTRATION** 104896

The foregoing appropriation item 235602, Higher Educational 104897  
Facility Commission Administration, shall be used by the 104898  
Chancellor of Higher Education for operating expenses related to 104899  
the Chancellor's support of the activities of the Ohio Higher 104900  
Educational Facility Commission. Upon the request of the 104901  
Chancellor, the Director of Budget and Management may transfer up 104902  
to \$50,000 cash in each fiscal year from the HEFC Operating 104903  
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 104904  
4E80). 104905

**Section 381.440. FEDERAL RESEARCH NETWORK** 104906

The foregoing appropriation item 235654, Federal Research 104907  
Network, shall be allocated to The Ohio State University to 104908  
collaborate with federal installations in Ohio, state institutions 104909

of higher education as defined in section 3345.011 of the Revised Code, private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, and the private sector to align the state's research assets with emerging missions and job growth opportunities emanating from federal installations, strengthen related workforce development and technology commercialization programs, and better position the state's university system to directly impact new job creation in Ohio. A portion of the foregoing appropriation item 235654, Federal Research Network, shall be used to support the growth of small business federal contractors in the state and to expand the participation of Ohio businesses in the federal Small Business Innovation Research Program and related federal programs.

**Section 381.450. JOBS CHALLENGE**

The foregoing appropriation item 235529, Jobs Challenge, shall be distributed by the Chancellor of Higher Education to community colleges, state community colleges, and technical colleges and Ohio Technical Centers, as recognized by the Chancellor, to support noncredit job related workforce training programs. The funds shall be used to provide assistance to eligible community, state community, and technical colleges and Ohio Technical Centers with initial expenses to develop the programs. The funds may also be used by community, state community, and technical colleges and Ohio Technical Centers to establish noncredit job training partnerships with businesses and industries to train employees in in-demand fields. The Chancellor, in consultation with the Governor's Office of Workforce Transformation, the Ohio Association of Community Colleges, and the Ohio Technical Centers, shall develop rules for distribution of funds provided under the program.

**OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN PROGRAM**

The foregoing appropriation item 235684, OhioMeansJobs 104941  
Workforce Development Revolving Loan Program, shall be used by the 104942  
Chancellor of Higher Education to provide administrative support 104943  
for the OhioMeansJobs Workforce Development Revolving Loan 104944  
Program. 104945

**Section 381.460. OHIOCORPS PILOT PROGRAM** 104946

Of the appropriation item 235594, OhioCorps Pilot Program, up 104947  
to \$50,000 in each fiscal year shall be used by the Chancellor of 104948  
Higher Education to implement and administer the OhioCorps Pilot 104949  
Program pursuant to sections 3333.80 to 3333.802 of the Revised 104950  
Code. 104951

The remainder of the appropriation item 235594, OhioCorps 104952  
Pilot Program, shall be used by the Chancellor of Higher Education 104953  
to assist eligible state institutions of higher education, as 104954  
defined in division (A)(4) of section 3333.80 of the Revised Code, 104955  
in establishing and administering OhioCorps mentorship programs 104956  
under section 3333.80 of the Revised Code. 104957

On July 1, 2019, or as soon as possible thereafter, the 104958  
Chancellor of Higher Education may certify to the Director of 104959  
Budget and Management an amount up to the unexpended, unencumbered 104960  
balance of the appropriation item, 235594, OhioCorps Pilot 104961  
Program, at the end of fiscal year 2019 to be reappropriated to 104962  
fiscal year 2020. The amount certified is hereby reappropriated to 104963  
the same appropriation item for fiscal year 2020 for purposes of 104964  
providing funds to support mentorship programs under the OhioCorps 104965  
Pilot Program. 104966

On July 1, 2020, or as soon as possible thereafter, the 104967  
Chancellor of Higher Education may certify to the Director of 104968  
Budget and Management an amount up to the unexpended, unencumbered 104969  
balance of the appropriation item, 235594, OhioCorps Pilot 104970  
Program, at the end of fiscal year 2020 to be reappropriated to 104971

fiscal year 2021. The amount certified is hereby reappropriated to 104972  
the same appropriation item for fiscal year 2021 for purposes of 104973  
providing funds to support mentorship programs under the OhioCorps 104974  
Pilot Program. 104975

TEXTBOOK AND INSTRUCTIONAL MATERIALS GRANTS 104976

The foregoing appropriation item 235671, Textbook and 104977  
Instructional Materials Grants, shall be used by the Chancellor of 104978  
Higher Education to award grants to students enrolled in eligible 104979  
community colleges, state community colleges, technical colleges, 104980  
and university branches for the purchase of textbooks and 104981  
instructional materials. Annual grants may be awarded to students 104982  
meeting eligibility requirements determined by the Chancellor of 104983  
Higher Education. 104984

**Section 381.470.** STATE FINANCIAL AID RECONCILIATION 104985

By the first day of September in each fiscal year, or as soon 104986  
as possible thereafter, the Chancellor of Higher Education shall 104987  
certify to the Director of Budget and Management the amount 104988  
necessary to pay any outstanding prior year obligations to higher 104989  
education institutions for the state's financial aid programs. The 104990  
amounts certified are hereby appropriated to appropriation item 104991  
235618, State Financial Aid Reconciliation, from revenues received 104992  
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 104993

**Section 381.480.** NURSING LOAN PROGRAM 104994

The foregoing appropriation item 235606, Nursing Loan 104995  
Program, shall be used to administer the nurse education 104996  
assistance program. 104997

**Section 381.520.** RESEARCH INCENTIVE THIRD FRONTIER 104998

The foregoing appropriation items 235634, Research Incentive 104999  
Third Frontier, and 235639, Research Incentive Third Frontier-Tax, 105000

shall be used by the Chancellor of Higher Education to advance 105001  
collaborative research at institutions of higher education. Of the 105002  
foregoing appropriation items 235634, Research Incentive Third 105003  
Frontier, and 235639, Research Incentive Third Frontier - Tax, up 105004  
to \$2,000,000 in each fiscal year may be allocated toward research 105005  
regarding the improvement of water quality, up to \$1,500,000 in 105006  
each fiscal year may be allocated for spinal cord research, up to 105007  
\$1,000,000 in each fiscal year may be allocated toward research 105008  
regarding the reduction of infant mortality, up to \$1,000,000 in 105009  
each fiscal year may be allocated toward research regarding opiate 105010  
addiction issues in Ohio, up to \$750,000 in each fiscal year may 105011  
be allocated toward research regarding cyber security initiatives, 105012  
up to \$300,000 in each fiscal year may be allocated toward the 105013  
I-Corps@Ohio program, and up to \$200,000 in each fiscal year may 105014  
be allocated toward the Ohio Innovation Exchange program. 105015

**Section 381.530. VETERANS PREFERENCES** 105016

The Chancellor of Higher Education shall work with the 105017  
Department of Veterans Services to develop specific veterans 105018  
preference guidelines for higher education institutions. These 105019  
guidelines shall ensure that the institutions' hiring practices 105020  
are in accordance with the intent of Ohio's veterans preference 105021  
laws. 105022

**Section 381.540. (A) As used in this section:** 105023

(1) "Board of trustees" includes the managing authority of a 105024  
university branch district. 105025

(2) "State institution of higher education" has the same 105026  
meaning as in section 3345.011 of the Revised Code. 105027

(B) The board of trustees of any state institution of higher 105028  
education, notwithstanding any rule of the institution to the 105029  
contrary, may adopt a policy providing for mandatory furloughs of 105030

employees, including faculty, to achieve spending reductions 105031  
necessitated by institutional budget deficits. 105032

**Section 381.550. EFFICIENCY REPORTS** 105033

In each fiscal year, the board of trustees of each public 105034  
institution of higher education shall approve the institution's 105035  
efficiency report submitted to the Chancellor of Higher Education 105036  
under section 3333.95 of the Revised Code. 105037

**MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS** 105038

For each fiscal year, each institution of higher education 105039  
that receives funds from the foregoing appropriation items 235515, 105040  
Case Western Reserve University School of Medicine, 235519, Family 105041  
Practice, 235525, Geriatric Medicine, 235526, Primary Care 105042  
Residencies, 235536, The Ohio State University Clinical Teaching, 105043  
235537, University of Cincinnati Clinical Teaching, 235538, 105044  
University of Toledo Clinical Teaching, 235539, Wright State 105045  
University Clinical Teaching, 235540, Ohio University Clinical 105046  
Teaching, 235541, Northeast Ohio Medical University Clinical 105047  
Teaching, 235558, Long-term Care Research, and 235572, The Ohio 105048  
State University Clinic Support, shall report to the Chancellor of 105049  
Higher Education the residency status of graduates from the 105050  
respective programs receiving support from those appropriation 105051  
items one year and five years after graduating. 105052

**Section 381.580.** The Chancellor of Higher Education shall 105053  
support the continued development of the Ohio Innovation Exchange 105054  
for the purpose of showcasing the research expertise of Ohio's 105055  
university and college faculty in a variety of fields, including, 105056  
but not limited to, engineering, biomedicine, and information 105057  
technology, and to identify institutional research equipment 105058  
available in the state. 105059

**Section 381.590.** The Chancellor of Higher Education shall 105060  
work with state institutions of higher education, as defined by 105061  
section 3345.011 of the Revised Code, Ohio Technical Centers, as 105062  
recognized by the Chancellor, and industry partners to develop 105063  
program models that include project-based learning to increase 105064  
continuing education and non-credit program offerings that lead to 105065  
a credential in order to meet the state's in-demand job needs. 105066

**Section 381.610.** HEALTH CARE WORKFORCE PREPARATION 105067

The Chancellor of Higher Education shall establish the Ohio 105068  
Physician and Allied Health Care Workforce Preparation Task Force 105069  
to study, evaluate, and make recommendations with respect to 105070  
health care workforce needs in Ohio. Topics considered by the task 105071  
force may include, but not be limited to, physician, nursing, and 105072  
allied health care education programs and health care workforce 105073  
shortages in Ohio. The Chancellor shall appoint task force members 105074  
with representation from the State Medical Board, medical school 105075  
deans, hospital administrators, physician and nursing 105076  
organizations, and other allied health personnel as the Chancellor 105077  
may decide. The task force shall convene as soon as practicable 105078  
and issue a report to the Governor, the Speaker and Minority 105079  
Leader of the House of Representatives, and the President and 105080  
Minority Leader of the Senate by March 1, 2020. 105081

**Section 381.620.** FUND NAME CHANGES 105082

On July 1, 2019, or as soon as possible thereafter, the 105083  
Director of Budget and Management shall rename the SchoolNet Fees 105084  
Fund (Fund 5D40) the Conference Administration Fund (Fund 5D40). 105085

**Section 383.10.** DRC DEPARTMENT OF REHABILITATION AND 105086  
CORRECTION 105087

General Revenue Fund 105088

GRF	501321	Institutional Operations	\$ 1,126,589,266	\$ 1,167,132,362	105089
GRF	501405	Halfway House	\$ 69,440,618	\$ 74,922,786	105090
GRF	501406	Adult Correctional Facilities Lease Rental Bond Payments	\$ 64,797,700	\$ 72,940,500	105091
GRF	501407	Community Nonresidential Programs	\$ 59,410,711	\$ 61,966,863	105092
GRF	501408	Community Misdemeanor Programs	\$ 9,356,800	\$ 9,356,800	105093
GRF	501501	Community Residential Programs - Community Based Correctional Facilities	\$ 83,072,332	\$ 84,758,355	105094
GRF	503321	Parole and Community Operations	\$ 86,373,348	\$ 88,673,763	105095
GRF	504321	Administrative Operations	\$ 24,909,617	\$ 24,800,000	105096
GRF	505321	Institution Medical Services	\$ 283,935,623	\$ 295,579,451	105097
GRF	506321	Institution Education Services	\$ 34,795,550	\$ 35,092,283	105098
TOTAL GRF		General Revenue Fund	\$ 1,842,681,565	\$ 1,915,223,163	105099
		Dedicated Purpose Fund Group			105100
4B00	501601	Sewer Treatment Services	\$ 1,759,683	\$ 1,800,000	105101
4D40	501603	Prisoner Programs	\$ 400,000	\$ 400,000	105102
4L40	501604	Transitional Control	\$ 2,449,420	\$ 2,450,000	105103
4S50	501608	Education Services	\$ 4,546,081	\$ 4,660,000	105104
5AF0	501609	State and Non-Federal Awards	\$ 1,375,000	\$ 2,375,000	105105
5H80	501617	Offender Financial	\$ 2,610,000	\$ 1,860,000	105106

		Responsibility				
5TZ0	501610	Probation Improvement	\$	5,000,000	\$	5,000,000 105107
		and Incentive Grants				
TOTAL DPF	Dedicated Purpose Fund		\$	18,140,184	\$	18,545,000 105108
Group						
Internal Service Activity Fund Group						105109
1480	501602	Institutional	\$	2,925,000	\$	2,850,000 105110
		Services				
2000	501607	Ohio Penal Industries	\$	47,053,957	\$	46,515,000 105111
4830	501605	Leased Property	\$	2,000,000	\$	2,000,000 105112
		Maintenance and				
		Operating				
5710	501606	Corrections Training	\$	980,000	\$	980,000 105113
		Maintenance and				
		Operating				
5L60	501611	Information	\$	500,000	\$	500,000 105114
		Technology Services				
TOTAL ISA	Internal Activity					105115
Fund Group			\$	53,458,957	\$	52,845,000 105116
Federal Fund Group						105117
3230	501619	Federal Grants	\$	1,566,734	\$	1,540,000 105118
3CW0	501622	Federal Equitable	\$	450,000	\$	450,000 105119
		Sharing				
TOTAL FED	Federal					105120
Fund Group			\$	2,016,734	\$	1,990,000 105121
TOTAL ALL BUDGET FUND GROUPS			\$	1,916,297,440	\$	1,988,603,163 105122
OSU MEDICAL CHARGES						105123
Notwithstanding section 341.192 of the Revised Code, at the						105124
request of the Department of Rehabilitation and Correction, the						105125
Ohio State University Medical Center, including the Arthur G.						105126
James Cancer Hospital and Richard J. Solove Research Institute and						105127
the Richard M. Ross Heart Hospital, shall provide necessary care						105128

to persons who are confined in state adult correctional 105129  
facilities. The provision of necessary inpatient care billed to 105130  
the Department shall be reimbursed at a rate not to exceed the 105131  
authorized reimbursement rate for the same service established by 105132  
the Department of Medicaid under the Medicaid Program. 105133

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 105134

The foregoing appropriation item 501406, Adult Correctional 105135  
Facilities Lease Rental Bond Payments, shall be used to meet all 105136  
payments during the period from July 1, 2019, through June 30, 105137  
2021, by the Department of Rehabilitation and Correction pursuant 105138  
to leases and agreements for facilities made under Chapters 152. 105139  
and 154. of the Revised Code. These appropriations are the source 105140  
of funds pledged for bond service charges on related obligations 105141  
issued under Chapters 152. and 154. of the Revised Code. 105142

COMMUNITY BASED CORRECTIONAL FACILITIES 105143

Of the foregoing appropriation item 501501, Community 105144  
Residential Programs - Community Based Correctional Facilities, 105145  
\$2,970,000 in fiscal year 2020 and \$3,053,977 in fiscal year 2021 105146  
shall be used to support staff retention for community based 105147  
correctional facilities. 105148

INSTITUTION EDUCATION SERVICES 105149

Of the foregoing appropriation item 506321, Institution 105150  
Education Services, \$1,450,000 in each fiscal year shall be used 105151  
to pay for the costs associated with providing postsecondary 105152  
education programs to eligible students. 105153

Of the foregoing appropriation item 506321, Institution 105154  
Education Services, \$329,293 in each fiscal year shall be used to 105155  
pay for the costs to expand the current certificate offering for 105156  
students eligible for postsecondary education programs to attain 105157  
degree credentials in employment fields of study. 105158

Of the foregoing appropriation item 506321, Institution 105159  
Education Services, up to \$620,500 in each fiscal year shall be 105160  
used to pay for the costs to expand postsecondary education 105161  
programing to security level 3 and 4 correctional institutions. 105162  
Notwithstanding any provision of law to the contrary, the Director 105163  
of Rehabilitation and Correction shall have sole discretion on the 105164  
allocation these funds based upon needs of the security level 3 105165  
and 4 correctional institutions and those individuals classified 105166  
as such. Any unused balance in each fiscal year may be used to 105167  
cover the costs of postsecondary education programs other than 105168  
security level 3 and 4 correctional institutions or individuals 105169  
classified as such. 105170

Of the foregoing appropriation item 506321, Institution 105171  
Education Services, \$192,490 in each fiscal year shall be used to 105172  
pay for the costs associated with increasing tuition for 105173  
postsecondary education programming by 5 per cent. 105174

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 105175

The foregoing appropriation item 501610, Probation 105176  
Improvement and Incentive Grants, shall be allocated by the 105177  
Department of Rehabilitation and Correction to municipalities as 105178  
Probation Improvement and Incentive Grants with an emphasis on: 105179  
(1) providing services to those addicted to opiates and other 105180  
illegal substances, and (2) supplementing the programs and 105181  
services funded by grants distributed from the foregoing 105182  
appropriation item 501407, Community Nonresidential Programs. 105183

**Section 387.10.** RDF STATE REVENUE DISTRIBUTIONS 105184

General Revenue Fund Group 105185  
GRF 110908 Property Tax \$ 645,785,000 \$ 652,242,850 105186  
Reimbursement - Local  
Government

GRF	200903	Property Tax	\$ 1,199,315,000	\$ 1,211,308,150	105187
		Reimbursement -			
		Education			
TOTAL GRF		General Revenue Fund	\$ 1,845,100,000	\$ 1,863,551,000	105188
Group					
Revenue Distribution Fund Group					105189
5JG0	110633	Gross Casino Revenue	\$ 144,150,000	\$ 147,030,000	105190
		Payments-County			
5JH0	110634	Gross Casino Revenue	\$ 95,880,000	\$ 97,800,000	105191
		Payments- School			
		Districts			
5JJ0	110636	Gross Casino Revenue	\$ 14,150,000	\$ 14,430,000	105192
		- Host City			
7047	200902	Property Tax	\$ 135,105,080	\$ 111,196,773	105193
		Replacement Phase			
		Out-Education			
7049	336900	Indigent Drivers	\$ 2,250,000	\$ 2,250,000	105194
		Alcohol Treatment			
7050	762900	International	\$ 23,000,000	\$ 23,000,000	105195
		Registration Plan			
		Distribution			
7051	762901	Auto Registration	\$ 328,000,000	\$ 328,000,000	105196
		Distribution			
7060	110960	Gasoline Excise Tax	\$ 576,000,000	\$ 576,000,000	105197
		Fund			
7065	110965	Public Library Fund	\$ 417,300,000	\$ 424,900,000	105198
7066	800966	Undivided Liquor	\$ 14,600,000	\$ 14,600,000	105199
		Permits			
7069	110969	Local Government Fund	\$ 412,300,000	\$ 419,900,000	105200
7081	110907	Property Tax	\$ 11,804,000	\$ 8,620,000	105201
		Replacement Phase			
		Out-Local Government			
7082	110982	Horse Racing Tax	\$ 60,000	\$ 60,000	105202

7083	700900	Ohio Fairs Fund	\$	1,000,000	\$	1,000,000	105203
TOTAL RDF Revenue Distribution							105204
Fund Group			\$	2,175,599,080	\$	2,168,786,773	105205
Fiduciary Fund Group							105206
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000	105207
Improvement Fund							
5VR0	110902	Municipal Net Profit	\$	30,000,000	\$	35,000,000	105208
Tax							
6080	001699	Investment Earnings	\$	140,000,000	\$	160,000,000	105209
7001	110996	Horse Racing Tax	\$	240,000	\$	240,000	105210
Local Government							
Payments							
7062	110962	Resort Area Excise	\$	1,200,000	\$	1,200,000	105211
Tax Distribution							
7063	110963	Permissive Sales Tax	\$	2,733,517,000	\$	2,815,522,510	105212
Distribution							
7067	110967	School District	\$	469,248,000	\$	488,017,920	105213
Income Tax							
Distribution							
7085	800985	Volunteer Firemen's	\$	300,000	\$	300,000	105214
Dependents Fund							
7093	110640	Next Generation 9-1-1	\$	1,000,000	\$	1,000,000	105215
7094	110641	Wireless 9-1-1	\$	25,700,000	\$	25,700,000	105216
Government Assistance							
7095	110995	Municipal Income Tax	\$	15,000,000	\$	15,000,000	105217
7099	762902	Permissive Tax	\$	213,100,000	\$	222,700,000	105218
Distribution - Auto							
Registration							
TOTAL FID Fiduciary Fund Group			\$	3,632,405,000	\$	3,767,780,430	105219
Holding Account Fund Group							105220
R045	110617	International Fuel	\$	56,100,000	\$	56,100,000	105221
Tax Distribution							



of Taxation, the Department of Education shall distribute these 105253  
funds directly to the appropriate school districts of the state, 105254  
notwithstanding sections 321.24 and 323.156 of the Revised Code, 105255  
which provide for payment of the homestead exemption and property 105256  
tax rollback by the Tax Commissioner to the appropriate county 105257  
treasurer and the subsequent redistribution of these funds to the 105258  
appropriate local taxing districts by the county auditor. 105259

Upon receipt of these amounts, each school district shall 105260  
distribute the amount among the proper funds as if it had been 105261  
paid as real or tangible personal property taxes. Payments for the 105262  
costs of administration shall continue to be paid to the county 105263  
treasurer and county auditor as provided for in sections 319.54, 105264  
321.26, and 323.156 of the Revised Code. 105265

Any sums, in addition to the amount specifically appropriated 105266  
in appropriation item 200903, Property Tax Reimbursement - 105267  
Education, for the homestead exemption and the property tax 105268  
rollback payments, and payments required under division (C) of 105269  
section 5705.2110 of the Revised Code, which are determined to be 105270  
necessary for these purposes, are hereby appropriated. 105271

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 105272

The foregoing appropriation item 110908, Property Tax 105273  
Reimbursement-Local Government, is hereby appropriated to pay for 105274  
the state's costs incurred due to the Homestead Exemption, the 105275  
Manufactured Home Property Tax Rollback, and the Property Tax 105276  
Rollback. The Tax Commissioner shall distribute these funds 105277  
directly to the appropriate local taxing districts, except for 105278  
school districts, notwithstanding the provisions in sections 105279  
321.24 and 323.156 of the Revised Code, which provide for payment 105280  
of the Homestead Exemption, the Manufactured Home Property Tax 105281  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 105282  
appropriate county treasurer and the subsequent redistribution of 105283  
these funds to the appropriate local taxing districts by the 105284

county auditor. 105285

Upon receipt of these amounts, each local taxing district 105286  
shall distribute the amount among the proper funds as if it had 105287  
been paid as real property taxes. Payments for the costs of 105288  
administration shall continue to be paid to the county treasurer 105289  
and county auditor as provided for in sections 319.54, 321.26, and 105290  
323.156 of the Revised Code. 105291

Any sums, in addition to the amounts specifically 105292  
appropriated in appropriation item 110908, Property Tax Allocation 105293  
- Local Government, for the Homestead Exemption, the Manufactured 105294  
Home Property Tax Rollback, and the Property Tax Rollback 105295  
payments, which are determined to be necessary for these purposes, 105296  
are hereby appropriated. 105297

PUBLIC LIBRARY FUND 105298

Notwithstanding the requirement in division (B) of section 105299  
131.51 of the Revised Code that the Director of Budget and 105300  
Management shall credit to the Public Library Fund one and 105301  
sixty-six one-hundredths per cent of the total tax revenue 105302  
credited to the General Revenue Fund during the preceding month, 105303  
the Director shall instead calculate these amounts during fiscal 105304  
year 2020 and fiscal year 2021 using one and sixty-eight 105305  
one-hundredths as the percentage. 105306

TANGIBLE PERSONAL PROPERTY TAX REIMBURSEMENTS 105307

Notwithstanding any provision of law to the contrary, in 105308  
fiscal years 2020 and 2021, any city, local, or exempted village 105309  
school district that has a nuclear power plant located within its 105310  
territory shall receive the same payment amount under section 105311  
5709.92 of the Revised Code as in fiscal year 2017. 105312

MUNICIPAL INCOME TAX 105313

The foregoing appropriation item 110995, Municipal Income 105314

Tax, shall be used to make payments to municipal corporations 105315  
under section 5745.05 of the Revised Code. If it is determined 105316  
that additional appropriations are necessary to make such 105317  
payments, such amounts are hereby appropriated. 105318

MUNICIPAL NET PROFIT TAX 105319

The foregoing appropriation item 110902, Municipal Net Profit 105320  
Tax, shall be used to make payments to municipal corporations 105321  
under section 718.83 of the Revised Code. If it is determined that 105322  
additional amounts are necessary to make such payments, such 105323  
amounts are hereby appropriated. 105324

During fiscal year 2020 and fiscal year 2021, if the Tax 105325  
Commissioner determines that there is insufficient cash in the 105326  
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 105327  
distribution obligations under section 718.83 of the Revised Code, 105328  
the Tax Commissioner shall certify to the Director of Budget and 105329  
Management the amount of additional cash necessary to satisfy 105330  
those obligations. In addition, the Commissioner shall submit a 105331  
plan to the Director requesting the necessary cash be transferred 105332  
from one or a combination of the following funds: the Municipal 105333  
Income Tax Administrative Fund, the Local Sales Tax Administrative 105334  
Fund, the General School District Income Tax Administrative Fund, 105335  
the Motor Fuel Tax Administrative Fund, the Property Tax 105336  
Administrative Fund, or the General Revenue Fund. This plan shall 105337  
include a proposed repayment schedule to reimburse those funds for 105338  
any cash transferred in accordance with this section. After 105339  
receiving the certification and funding plan from the Tax 105340  
Commissioner and if the Director determines that sufficient cash 105341  
is available, the Director may transfer the cash to the Municipal 105342  
Net Profit Tax Fund in accordance with the plan submitted by the 105343  
Tax Commissioner or as otherwise determined by the Director of 105344  
Budget and Management. The Director of Budget and Management may 105345  
transfer cash from the Municipal Net Profit Tax Fund to reimburse 105346

the funds from which cash was transferred for the purpose outlined 105347  
in this section. 105348

<b>Section 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND</b>				105349
General Revenue Fund				105350
GRF 226321	Operations	\$ 12,440,519	\$ 12,576,088	105351
TOTAL GRF General Revenue Fund				105352
Dedicated Purpose Fund Group				105353
4H80 226602	Education Reform	\$ 200,000	\$ 200,000	105354
Grants				
4M50 226601	Work Study and	\$ 299,645	\$ 300,000	105355
Technology Investment				
5NJ0 226622	Food Service Program	\$ 10,162	\$ 10,500	105356
TOTAL DPF Dedicated Purpose				105357
Fund Group				105358
Federal Fund Group				105359
3100 226626	Federal Grants	\$ 773,386	\$ 778,500	105360
3DT0 226621	Ohio Transition	\$ 260,369	\$ 265,000	105361
Collaborative				
3P50 226643	Medicaid Professional	\$ 100,000	\$ 100,000	105362
Services				
Reimbursement				
TOTAL FED Federal Fund Group				105363
TOTAL ALL BUDGET FUND GROUPS				105364

<b>Section 393.10. OSD OHIO SCHOOL FOR THE DEAF</b>				105366
General Revenue Fund				105367
GRF 221321	Operations	\$ 13,082,919	\$ 13,594,347	105368
TOTAL GRF General Revenue Fund				105369
Dedicated Purpose Fund Group				105370
4M00 221601	Educational Program	\$ 99,025	\$ 101,000	105371

		Expenses				
4M10	221602	Education Reform	\$	200,000	\$	200,000 105372
		Grants				
5H60	221609	Even Start Fees and	\$	60,941	\$	63,000 105373
		Gifts				
5NK0	221610	Food Service Program	\$	10,244	\$	10,500 105374
TOTAL DPF Dedicated Purpose						105375
Fund Group			\$	370,210	\$	374,500 105376
Federal Fund Group						105377
3110	221625	Federal Grants	\$	279,550	\$	281,000 105378
3R00	221684	Medicaid Professional	\$	206,000	\$	206,000 105379
		Services				
		Reimbursement				
TOTAL FED Federal Fund Group			\$	485,550	\$	487,000 105380
TOTAL ALL BUDGET FUND GROUPS			\$	13,938,679	\$	14,455,847 105381
 <b>Section 395.10. SOS SECRETARY OF STATE</b>						105383
General Revenue Fund						105384
GRF	050321	Operating Expenses	\$	1,750,000	\$	1,750,000 105385
GRF	050407	Poll Workers Training	\$	234,196	\$	234,196 105386
GRF	050509	County Voting Systems	\$	10,116,000	\$	12,279,200 105387
		Lease Rental Payments				
TOTAL GRF General Revenue Fund			\$	12,100,196	\$	14,263,396 105388
Dedicated Purpose Fund Group						105389
4120	050609	Notary Commission	\$	475,000	\$	475,000 105390
4S80	050610	Board of Voting	\$	7,200	\$	7,200 105391
		Machine Examiners				
5990	050603	Business Services	\$	13,961,351	\$	14,310,430 105392
		Operating Expenses				
5990	050629	Statewide Voter	\$	700,000	\$	700,000 105393
		Registration Database				
5990	050630	Elections Support	\$	2,209,204	\$	2,288,196 105394

	Supplement				
5FG0 050620	BOE Reimbursement and Education	\$	200,000	\$	200,000 105395
5SN0 050626	Address	\$	100,000	\$	100,000 105396
	Confidentiality				
TOTAL DPF	Dedicated Purpose Fund Group	\$	17,652,755	\$	18,080,826 105397
	Group				
	Holding Account Fund Group				105398
R002 050606	Corporate/Business	\$	85,000	\$	85,000 105399
	Filing Refunds				
TOTAL HLD	Holding Account Fund Group	\$	85,000	\$	85,000 105400
	Group				
	Federal Fund Group				105401
3AS0 050616	Help America Vote Act (HAVA)	\$	2,740,000	\$	1,750,000 105402
TOTAL FED	Federal Fund Group	\$	2,740,000	\$	1,750,000 105403
TOTAL ALL	BUDGET FUND GROUPS	\$	32,577,951	\$	34,179,222 105404

**Section 395.20. POLL WORKERS TRAINING** 105406

The foregoing appropriation item 050407, Poll Workers Training, shall be used to reimburse county boards of elections for precinct election official (PEO) training pursuant to section 3501.27 of the Revised Code. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050407, Poll Workers Training at the end of fiscal year 2020 is hereby reappropriated to fiscal year 2021 for the same purpose.

**STATEWIDE VOTING AND TABULATION EQUIPMENT** 105414

An amount equal to the unexpended, unencumbered portion of appropriation item 050508, Statewide Voting and Tabulation Equipment, at the end of fiscal year 2019 is hereby reappropriated to the same appropriation item for fiscal year 2020. The reappropriated amounts shall be used to reimburse counties in an

amount up to but not exceeding the county's allocated funding 105420  
amount for expenditures related to the acquisition or lease of 105421  
voting systems that were made on or after January 1, 2014, and 105422  
prior to July 30, 2018. 105423

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 105424

The foregoing appropriation item 050509, County Voting 105425  
Systems Lease Rental Payments, shall be used to make payments 105426  
during the period from July 1, 2019, through June 30, 2021, 105427  
pursuant to leases and agreements entered into under Section 4 of 105428  
S.B. 135 of the 132nd General Assembly with respect to financing 105429  
the costs associated with the acquisition, development, 105430  
installation, and implementation of county voting systems. 105431

BOARD OF VOTING MACHINE EXAMINERS 105432

The foregoing appropriation item 050610, Board of Voting 105433  
Machine Examiners, shall be used to pay for the services and 105434  
expenses of the members of the Board of Voting Machine Examiners, 105435  
and for other expenses that are authorized to be paid from the 105436  
Board of Voting Machine Examiners Fund (Fund 4S80) created in 105437  
section 3506.05 of the Revised Code. Moneys not used shall be 105438  
returned to the person or entity submitting equipment for 105439  
examination. If it is determined by the Secretary of State that 105440  
additional appropriation amounts are necessary, the Secretary of 105441  
State may request that the Director of Budget and Management 105442  
approve such amounts. Upon approval of the Director of Budget and 105443  
Management, such amounts are hereby appropriated. 105444

BALLOT ADVERTISING COSTS 105445

Notwithstanding division (G) of section 3501.17 of the 105446  
Revised Code, upon requests submitted by the Secretary of State, 105447  
the Controlling Board may approve transfers from the Controlling 105448  
Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the 105449  
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for 105450

the cost of public notices associated with statewide ballot initiatives.	105451 105452
ABSENT VOTER'S BALLOT APPLICATION MAILING	105453
Notwithstanding division (B) of section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling Board shall approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots for the general election to be held in November 2020.	105454 105455 105456 105457 105458 105459 105460 105461
ADDRESS CONFIDENTIALITY PROGRAM	105462
Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to \$50,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0).	105463 105464 105465 105466
CORPORATE/BUSINESS FILING REFUNDS	105467
The foregoing appropriation item 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.	105468 105469 105470 105471 105472 105473 105474 105475
HAVA FUNDS	105476
An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2019 is hereby reappropriated for the same purpose in fiscal year 2020.	105477 105478 105479 105480

An amount equal to the unexpended, unencumbered portion of 105481  
appropriation item 050616, Help America Vote Act (HAVA), at the 105482  
end of fiscal year 2020 is hereby reappropriated for the same 105483  
purpose in fiscal year 2021. 105484

**Section 397.10.** SEN THE OHIO SENATE 105485

General Revenue Fund 105486

GRF 020321 Operating Expenses \$ 15,902,029 \$ 15,902,029 105487

TOTAL GRF General Revenue Fund \$ 15,902,029 \$ 15,902,029 105488

Internal Service Activity Fund Group 105489

1020 020602 Senate Reimbursement \$ 425,800 \$ 425,800 105490

4090 020601 Miscellaneous Sales \$ 34,497 \$ 34,497 105491

TOTAL ISA Internal Service Activity 105492

Fund Group \$ 460,297 \$ 460,297 105493

TOTAL ALL BUDGET FUND GROUPS \$ 16,362,326 \$ 16,362,326 105494

OPERATING EXPENSES 105495

On July 1, 2019, or as soon as possible thereafter, the Clerk 105496  
of the Senate may certify to the Director of Budget and Management 105497  
an amount up to the unexpended, unencumbered balance of the 105498  
foregoing appropriation item 020321, Operating Expenses, at the 105499  
end of fiscal year 2019 to be reappropriated to fiscal year 2020. 105500  
The amount certified is hereby reappropriated to the same 105501  
appropriation item for fiscal year 2020. 105502

On July 1, 2020, or as soon as possible thereafter, the Clerk 105503  
of the Senate may certify to the Director of Budget and Management 105504  
an amount up to the unexpended, unencumbered balance of the 105505  
foregoing appropriation item 020321, Operating Expenses, at the 105506  
end of fiscal year 2020 to be reappropriated to fiscal year 2021. 105507  
The amount certified is hereby reappropriated to the same 105508  
appropriation item for fiscal year 2021. 105509

**Section 399.10.** CSV COMMISSION ON SERVICE AND VOLUNTEERISM 105510

General Revenue Fund				105511
GRF 866321 CSV Operations	\$	557,176	\$ 555,971	105512
TOTAL GRF General Revenue Fund	\$	557,176	\$ 555,971	105513
Dedicated Purpose Fund Group				105514
5GN0 866605 Serve Ohio Support	\$	30,000	\$ 30,000	105515
TOTAL DPF Dedicated Purpose Fund Group	\$	30,000	\$ 30,000	105516
Federal Fund Group				105517
3R70 866617 AmeriCorps Programs	\$	9,649,635	\$ 9,671,749	105518
TOTAL FED Federal Fund Group	\$	9,649,635	\$ 9,671,749	105519
TOTAL ALL BUDGET FUND GROUPS	\$	10,236,811	\$ 10,257,720	105520

**Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND** 105522

Debt Service Fund Group				105523
7070 155905 Third Frontier	\$	84,181,400	\$ 87,403,000	105524
Research and				
Development Bond				
Retirement Fund				
7072 155902 Highway Capital	\$	152,796,000	\$ 164,693,700	105525
Improvement Bond				
Retirement Fund				
7073 155903 Natural Resources Bond	\$	20,359,800	\$ 20,420,700	105526
Retirement Fund				
7074 155904 Conservation Projects	\$	44,218,800	\$ 44,394,800	105527
Bond Retirement Fund				
7076 155906 Coal Research and	\$	8,123,100	\$ 7,682,600	105528
Development Bond				
Retirement Fund				
7077 155907 State Capital	\$	229,338,800	\$ 231,754,500	105529
Improvement Bond				
Retirement Fund				
7078 155908 Common Schools Bond	\$	410,259,800	\$ 424,825,900	105530

	Retirement Fund				
7079	155909 Higher Education Bond	\$ 323,545,500	\$ 348,550,200	105531	
	Retirement Fund				
7080	155901 Persian Gulf, Afghanistan, and Iraq Conflict Bond	\$ 5,092,400	\$ 5,586,600	105532	
	Retirement Fund				
7090	155912 Job Ready Site Development Bond	\$ 15,516,000	\$ 9,879,900	105533	
	Retirement Fund				
TOTAL DSF Debt Service Fund Group		\$ 1,293,431,600	\$ 1,345,191,900	105534	
TOTAL ALL BUDGET FUND GROUPS		\$ 1,293,431,600	\$ 1,345,191,900	105535	
	ADDITIONAL APPROPRIATIONS			105536	
	Appropriation items in this section are for the purpose of paying debt service and financing costs during the period from July 1, 2019, through June 30, 2021, on bonds or notes of the state issued under the Ohio Constitution, Revised Code, and acts of the General Assembly. If it is determined that additional amounts are necessary for this purpose, such amounts are hereby appropriated.			105537 105538 105539 105540 105541 105542 105543	
	<b>Section 403.10.</b> SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY DEVELOPMENT FOUNDATION			105544 105545	
	Dedicated Purpose Fund Group			105546	
5M90	945601 Operating Expenses	\$ 294,906	\$ 300,910	105547	
TOTAL DPF Dedicated Purpose Fund Group		\$ 294,906	\$ 300,910	105548	
TOTAL ALL BUDGET FUND GROUPS		\$ 294,906	\$ 300,910	105549	
	<b>Section 404.10.</b> SHP STATE SPEECH AND HEARING PROFESSIONALS BOARD			105551 105552	
	Dedicated Purpose Fund Group			105553	

4K90 123609	Operating Expenses	\$	620,000	\$	636,709	105554
TOTAL DPF	Dedicated Purpose Fund	\$	620,000	\$	636,709	105555
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	620,000	\$	636,709	105556

**Section 407.10.** BTA BOARD OF TAX APPEALS 105558

General Revenue Fund						105559
GRF 116321	Operating Expenses	\$	1,845,494	\$	1,857,751	105560
TOTAL GRF	General Revenue Fund	\$	1,845,494	\$	1,857,751	105561
TOTAL ALL BUDGET FUND GROUPS		\$	1,845,494	\$	1,857,751	105562

**Section 409.10.** TAX DEPARTMENT OF TAXATION 105564

General Revenue Fund						105565
GRF 110321	Operating Expenses	\$	61,292,238	\$	62,378,576	105566
GRF 110404	Tobacco Settlement	\$	145,479	\$	150,810	105567
Enforcement						
TOTAL GRF	General Revenue Fund	\$	61,437,717	\$	62,529,386	105568
Dedicated Purpose Fund Group						105569
2280 110628	CAT Administration	\$	13,872,268	\$	14,254,131	105570
4350 110607	Local Tax	\$	30,409,575	\$	31,020,628	105571
Administration						
4360 110608	Motor Vehicle Audit	\$	1,982,731	\$	2,000,000	105572
Administration						
4380 110609	School District	\$	9,027,264	\$	9,200,001	105573
Income Tax						
Administration						
4C60 110616	International	\$	683,494	\$	705,869	105574
Registration Plan						
Administration						
4R60 110610	Tire Tax	\$	177,706	\$	180,000	105575
Administration						
5BP0 110639	Wireless 9-1-1	\$	296,210	\$	298,794	105576

		Administration					
5JM0	110637	Casino Tax	\$	125,000	\$	125,000	105577
		Administration					
5N50	110605	Municipal Income Tax	\$	400,000	\$	400,000	105578
		Administration					
5N60	110618	Kilowatt Hour Tax	\$	96,954	\$	100,000	105579
		Administration					
5NY0	110643	Petroleum Activity	\$	992,581	\$	1,000,000	105580
		Tax Administration					
5V70	110622	Motor Fuel Tax	\$	5,899,525	\$	6,000,000	105581
		Administration					
5V80	110623	Property Tax	\$	5,872,025	\$	6,000,000	105582
		Administration					
6390	110614	Cigarette Tax	\$	1,548,152	\$	1,599,999	105583
		Enforcement					
6880	110615	Local Excise Tax	\$	588,213	\$	600,000	105584
		Administration					
TOTAL DPF		Dedicated Purpose Fund	\$	71,971,698	\$	73,484,422	105585
		Group					
		Fiduciary Fund Group					105586
4250	110635	Tax Refunds	\$	2,205,303,300	\$	2,179,769,300	105587
5CZ0	110631	Vendor's License	\$	380,000	\$	380,000	105588
		Application					
6420	110613	Ohio Political Party	\$	180,000	\$	180,000	105589
		Distributions					
TOTAL FID		Fiduciary Fund Group	\$	2,205,863,300	\$	2,180,329,300	105590
		Holding Account Fund Group					105591
R010	110611	Tax Distributions	\$	25,000	\$	25,000	105592
R011	110612	Miscellaneous Income	\$	500	\$	500	105593
		Tax Receipts					
TOTAL HLD		Holding Account Fund	\$	25,500	\$	25,500	105594
		Group					

TOTAL ALL BUDGET FUND GROUPS \$ 2,339,298,215 \$ 2,316,368,608 105595

**Section 409.20.** TAX REFUNDS 105597

The foregoing appropriation item 110635, Tax Refunds, shall 105598  
be used to pay refunds under section 5703.052 of the Revised Code. 105599  
If it is determined that additional appropriations are necessary 105600  
for this purpose, such amounts are hereby appropriated. 105601

VENDOR'S LICENSE PAYMENTS 105602

The foregoing appropriation item 110631, Vendor's License 105603  
Application, shall be used to make payments to county auditors 105604  
under section 5739.17 of the Revised Code. If it is determined 105605  
that additional appropriations are necessary to make such 105606  
payments, such amounts are hereby appropriated. 105607

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 105608

The foregoing appropriation item 110616, International 105609  
Registration Plan Administration, shall be used under section 105610  
5703.12 of the Revised Code for audits of persons with vehicles 105611  
registered under the International Registration Plan. 105612

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 105613

Of the foregoing appropriation item 110607, Local Tax 105614  
Administration, the Tax Commissioner may disburse funds, if 105615  
available, for the purposes of paying travel expenses incurred by 105616  
members of Ohio's delegation to the Streamlined Sales Tax Project, 105617  
as appointed under section 5740.02 of the Revised Code. Any travel 105618  
expense reimbursement paid for by the Department of Taxation shall 105619  
be done in accordance with applicable state laws and guidelines. 105620

TOBACCO SETTLEMENT ENFORCEMENT 105621

The foregoing appropriation item 110404, Tobacco Settlement 105622  
Enforcement, shall be used by the Tax Commissioner to pay costs 105623  
incurred in the enforcement of divisions (F) and (G) of section 105624  
5743.03 of the Revised Code. 105625

PROPERTY TAX ADMINISTRATION				105626
Notwithstanding section 5703.80 or division (F) of section				105627
321.24 of the Revised Code, in fiscal years 2020 and 2021, the Tax				105628
Commissioner shall not compute or certify the amounts calculated				105629
under divisions (A) and (B) of that section as amended by this				105630
act. The Director of Budget and Management shall not transfer any				105631
amounts from the General Revenue Fund to the Property Tax				105632
Administration Fund in fiscal year 2020 or fiscal year 2021. In				105633
fiscal years 2020 and 2021, the Tax Commissioner shall not				105634
subtract any amounts computed under section 5703.80 of the Revised				105635
Code, as amended by this act, from the payments made from the				105636
General Revenue Fund to county treasurers under division (F) of				105637
section 321.24 of the Revised Code.				105638
<b>Section 411.10.</b> DOT DEPARTMENT OF TRANSPORTATION				105639
General Revenue Fund				105640
GRF 775451 Public Transportation	\$	6,505,199	\$	6,505,199
- State				105641
GRF 776465 Rail Development	\$	2,000,000	\$	2,000,000
GRF 777471 Airport Improvements	\$	5,919,687	\$	5,919,687
- State				105643
TOTAL GRF General Revenue Fund	\$	14,424,886	\$	14,424,886
Dedicated Purpose Fund Group				105645
5QT0 776670 Ohio Maritime	\$	10,000,000	\$	10,000,000
Assistance Program				105646
TOTAL DPF Dedicated Purpose Fund	\$	10,000,000	\$	10,000,000
Group				105647
TOTAL ALL BUDGET FUND GROUPS	\$	24,424,886	\$	24,424,886
				105648
<b>Section 411.20.</b> OHIO MARITIME ASSISTANCE PROGRAM				105650
The foregoing appropriation item 776670, Ohio Maritime				105651
Assistance Program, shall be used for the Ohio Maritime Assistance				105652

Program established in section 5501.91 of the Revised Code. 105653

Notwithstanding anything to the contrary in Chapter 166. of 105654  
the Revised Code, the Director of Budget and Management shall 105655  
transfer \$10,000,000 cash in each fiscal year from the Facilities 105656  
Establishment Fund (Fund 7037) to the Ohio Maritime Assistance 105657  
Fund (Fund 5QT0), which is hereby created. 105658

**Section 413.10. TOS TREASURER OF STATE** 105659

General Revenue Fund 105660

GRF 090321	Operating Expenses	\$	8,037,839	\$	8,037,839	105661
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GRF 090401	Office of the Sinking Fund	\$	476,836	\$	476,836	105662
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GRF 090402	Continuing Education	\$	175,000	\$	175,000	105663
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GRF 090406	Treasury Management System Lease Rental Payments	\$	1,113,400	\$	1,115,000	105664
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GRF 090613	STABLE Account Administration	\$	1,660,000	\$	1,660,000	105665
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TOTAL GRF	General Revenue Fund	\$	11,463,075	\$	11,464,675	105666
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Dedicated Purpose Fund Group 105667

4E90 090603	Securities Lending Income	\$	7,480,675	\$	7,843,565	105668
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4X90 090614	Political Subdivision Obligation	\$	45,000	\$	45,000	105669
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5770 090605	Investment Pool Reimbursement	\$	1,050,000	\$	1,050,000	105670
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5C50 090602	County Treasurer Education	\$	240,057	\$	240,057	105671
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5NH0 090610	OhioMeansJobs Workforce Development	\$	3,107,584	\$	0	105672
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6050 090609	Treasurer of State Administrative Fund	\$	700,000	\$	700,000	105673
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TOTAL DPF Dedicated Purpose				105674	
Fund Group	\$	12,623,316	\$	9,878,622	105675
Fiduciary Fund Group				105676	
4250 090635 Tax Refunds	\$	12,000,000	\$	12,000,000	105677
TOTAL FID Fiduciary Fund Group	\$	12,000,000	\$	12,000,000	105678
TOTAL ALL BUDGET FUND GROUPS	\$	36,086,391	\$	33,343,297	105679

**Section 413.20. OFFICE OF THE SINKING FUND** 105681

The foregoing appropriation item 090401, Office of the 105682  
Sinking Fund, shall be used for costs incurred by or on behalf of 105683  
the Commissioners of the Sinking Fund and the Ohio Public 105684  
Facilities Commission with respect to State of Ohio general 105685  
obligation bonds or notes, and the Treasurer of State with respect 105686  
to State of Ohio general obligation and special obligation bonds 105687  
or notes, including, but not limited to, printing, advertising, 105688  
delivery, rating fees and the procurement of ratings, professional 105689  
publications, membership in professional organizations, and other 105690  
services referred to in division (D) of section 151.01 of the 105691  
Revised Code. The General Revenue Fund shall be reimbursed for 105692  
such costs relating to the issuance and administration of Highway 105693  
Capital Improvement bonds or notes authorized under Ohio 105694  
Constitution, Article VIII, Section 2m and Chapter 151. of the 105695  
Revised Code. That reimbursement shall be made from appropriation 105696  
item 155902, Highway Capital Improvement Bond Retirement Fund, by 105697  
intrastate transfer voucher pursuant to a certification by the 105698  
Office of the Sinking Fund of the actual amounts used. The amounts 105699  
necessary to make such a reimbursement are hereby appropriated 105700  
from the Highway Capital Improvement Bond Retirement Fund created 105701  
in section 151.06 of the Revised Code. 105702

**STABLE ACCOUNT ADMINISTRATION** 105703

The foregoing appropriation item 090613, STABLE Account 105704  
Administration, shall be used for administration of an Achieve a 105705

Better Living Experience (ABLE) account program.	105706
TAX REFUNDS	105707
The foregoing appropriation item 090635, Tax Refunds, shall	105708
be used to pay refunds under section 5703.052 of the Revised Code.	105709
If the Director of Budget and Management determines that	105710
additional amounts are necessary for this purpose, such amounts	105711
are hereby appropriated.	105712
<b>Section 413.30.</b> TREASURY MANAGEMENT SYSTEM LEASE RENTAL	105713
PAYMENTS	105714
The foregoing appropriation item 090406, Treasury Management	105715
System Lease Rental Payments, shall be used to make payments	105716
during the period from July 1, 2019, through June 30, 2021,	105717
pursuant to leases and agreements entered into under Section	105718
701.20 of Am. Sub. H.B. 497 of the 130th General Assembly and	105719
other prior acts of the General Assembly with respect to financing	105720
the costs associated with the acquisition, development,	105721
implementation, and integration of the Treasury Management System.	105722
<b>Section 413.40.</b> OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING	105723
LOAN PROGRAM	105724
The foregoing appropriation item 090610, OhioMeansJobs	105725
Workforce Development, shall be used for the OhioMeansJobs	105726
Workforce Development Revolving Loan Program to provide loans to	105727
individuals for workforce training.	105728
Of the foregoing appropriation item 090610, OhioMeansJobs	105729
Workforce Development, up to \$250,000 in fiscal year 2020 may be	105730
used by the Treasurer of State to administer the program.	105731
Any unexpended and unencumbered portion of the foregoing	105732
appropriation item 090610, OhioMeansJobs Workforce Development, at	105733
the end of fiscal year 2020 is hereby reappropriated for the same	105734

purpose in fiscal year 2021. To the extent that reappropriated 105735  
funds are available, of the foregoing appropriation item 090610, 105736  
OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 105737  
2021 may be used by the Treasurer of State to administer the 105738  
program. 105739

**Section 414.10. VTO VETERANS' ORGANIZATIONS** 105740

General Revenue Fund 105741

VAP AMERICAN EX-PRISONERS OF WAR 105742

GRF 743501 State Support \$ 30,066 \$ 31,269 105743

VAN ARMY AND NAVY UNION, USA, INC. 105744

GRF 746501 State Support \$ 66,081 \$ 68,724 105745

VKW KOREAN WAR VETERANS 105746

GRF 747501 State Support \$ 59,403 \$ 61,779 105747

VJW JEWISH WAR VETERANS 105748

GRF 748501 State Support \$ 35,694 \$ 37,122 105749

VCW CATHOLIC WAR VETERANS 105750

GRF 749501 State Support \$ 69,657 \$ 72,443 105751

VPH MILITARY ORDER OF THE PURPLE HEART 105752

GRF 750501 State Support \$ 67,721 \$ 70,429 105753

VVV VIETNAM VETERANS OF AMERICA 105754

GRF 751501 State Support \$ 223,367 \$ 232,302 105755

VAL AMERICAN LEGION OF OHIO 105756

GRF 752501 State Support \$ 363,157 \$ 377,683 105757

VII AMVETS 105758

GRF 753501 State Support \$ 345,849 \$ 359,683 105759

VAV DISABLED AMERICAN VETERANS 105760

GRF 754501 State Support \$ 259,829 \$ 270,223 105761

VMC MARINE CORPS LEAGUE 105762

GRF 756501 State Support \$ 139,305 \$ 144,877 105763

V37 37TH DIVISION VETERANS' ASSOCIATION 105764

GRF 757501 State Support \$ 7,143 \$ 7,428 105765

		VFW VETERANS OF FOREIGN WARS				105766	
GRF	758501	State Support	\$	296,235	\$	308,084	105767
TOTAL	GRF	General Revenue Fund	\$	1,963,507	\$	2,042,046	105768
TOTAL	ALL BUDGET FUND GROUPS		\$	1,963,507	\$	2,042,046	105769
		<b>Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES</b>				105771	
		General Revenue Fund				105772	
GRF	900321	Veterans' Homes	\$	41,442,419	\$	45,402,392	105773
GRF	900402	Hall of Fame	\$	124,400	\$	135,638	105774
GRF	900408	Department of Veterans Services	\$	4,348,745	\$	4,505,661	105775
GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$	5,092,400	\$	5,586,600	105776
TOTAL	GRF	General Revenue Fund	\$	51,007,964	\$	55,630,291	105777
		Dedicated Purpose Fund Group				105778	
4840	900603	Veterans' Homes Services	\$	995,000	\$	995,000	105779
4E20	900602	Veterans' Homes Operating	\$	11,672,589	\$	11,672,589	105780
5DB0	900643	Military Injury Relief Program	\$	1,000,000	\$	1,000,000	105781
5PH0	900642	Veterans Initiatives	\$	70,000	\$	70,000	105782
6040	900604	Veterans' Homes Improvement	\$	500,000	\$	500,000	105783
TOTAL	DPF	Dedicated Purpose Fund Group	\$	14,237,589	\$	14,237,589	105784
		Debt Service Fund Group				105785	
7041	900615	Veteran Bonus Program - Administration	\$	311,497	\$	260,856	105786
7041	900641	Persian Gulf, Afghanistan, and Iraq	\$	722,832	\$	552,706	105787

Compensation				
TOTAL DSF Debt Service				105788
Fund Group	\$	1,034,329	\$ 813,562	105789
Federal Fund Group				105790
3680 900614 Veterans Training	\$	864,932	\$ 930,262	105791
3BX0 900609 Medicare Services	\$	3,578,278	\$ 3,578,278	105792
3L20 900601 Veterans' Homes	\$	33,838,615	\$ 34,986,679	105793
Operations - Federal				
TOTAL FED Federal Fund Group	\$	38,281,825	\$ 39,495,219	105794
TOTAL ALL BUDGET FUND GROUPS	\$	104,561,707	\$ 110,176,661	105795
VETERANS ORGANIZATIONS' RENT				105796
The foregoing appropriation item 900408, Department of				105797
Veterans Services, shall be used to pay veterans organizations'				105798
rent in buildings managed by the Department of Administrative				105799
Services.				105800
VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE				105801
The foregoing appropriation item 900901, Veterans				105802
Compensation General Obligation Bond Debt Service, shall be used				105803
to pay all debt service and related financing costs during the				105804
period from July 1, 2019, through June 30, 2021, on obligations				105805
issued under Section 2r of Article VIII, Ohio Constitution.				105806
<b>Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD</b>				105807
Dedicated Purpose Fund Group				105808
4K90 888609 Operating Expenses	\$	433,150	\$ 435,046	105809
TOTAL DPF Dedicated Purpose				105810
Fund Group	\$	433,150	\$ 435,046	105811
Internal Service Activity Fund Group				105812
5BU0 888602 Veterinary Student	\$	30,000	\$ 30,000	105813
Loan Program				
TOTAL ISA Internal Service Activity				105814

Fund Group		\$	30,000	\$	30,000	105815
TOTAL ALL BUDGET FUND GROUPS		\$	463,150	\$	465,046	105816
<b>Section 419.10. VPB STATE VISION PROFESSIONALS BOARD</b>						105818
Dedicated Purpose Fund Group						105819
4K90 129609 Operating Expenses		\$	640,756	\$	654,140	105820
TOTAL DPF Dedicated Purpose Fund Group		\$	640,756	\$	654,140	105821
TOTAL ALL BUDGET FUND GROUPS		\$	640,756	\$	654,140	105822
<b>Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES</b>						105824
General Revenue Fund						105825
GRF 470401 RECLAIM Ohio		\$	171,784,391	\$	177,765,001	105826
GRF 470412 Juvenile Correctional Facilities Lease		\$	14,990,500	\$	17,441,300	105827
GRF 470510 Youth Services		\$	16,702,727	\$	16,702,728	105828
GRF 472321 Parole Operations		\$	10,481,781	\$	10,661,690	105829
GRF 477321 Administrative Operations		\$	12,505,577	\$	12,936,832	105830
TOTAL GRF General Revenue Fund		\$	226,464,976	\$	235,507,551	105831
Dedicated Purpose Fund Group						105832
1470 470612 Vocational Education		\$	1,463,162	\$	1,463,162	105833
1750 470613 Education Services		\$	3,204,678	\$	3,292,983	105834
4790 470609 Employee Food Service		\$	40,000	\$	40,000	105835
4A20 470602 Child Support		\$	153,968	\$	153,968	105836
4G60 470605 Juvenile Special Revenue - Non-Federal		\$	115,000	\$	115,000	105837
5BN0 470629 E-Rate Program		\$	59,000	\$	59,000	105838
TOTAL DPF Dedicated Purpose Fund Group		\$	5,035,808	\$	5,124,113	105839
Federal Fund Group						105841

3210	470601	Education	\$	1,003,161	\$	1,019,832	105842
3210	470603	Juvenile Justice Prevention	\$	2,486,393	\$	2,499,486	105843
3210	470606	Nutrition	\$	930,000	\$	930,000	105844
3210	470614	Title IV-E Reimbursements	\$	800,000	\$	700,000	105845
3V50	470604	Juvenile Justice/Delinquency Prevention	\$	1,720,000	\$	1,720,000	105846
TOTAL FED Federal							105847
Fund Group			\$	6,939,554	\$	6,869,318	105848
TOTAL ALL BUDGET FUND GROUPS			\$	238,440,338	\$	247,500,982	105849

COMMUNITY PROGRAMS 105850

For purposes of implementing juvenile sentencing reforms, and 105851  
notwithstanding any provision of law to the contrary, the 105852  
Department of Youth Services may use up to \$1,375,000 of the 105853  
unexpended, unencumbered balance of the portion of appropriation 105854  
item 470401, RECLAIM Ohio, that is allocated to juvenile 105855  
correctional facilities in each fiscal year to expand Targeted 105856  
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 105857  
other evidence-based community programs. 105858

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 105859

The foregoing appropriation item 470412, Juvenile 105860  
Correctional Facilities Lease Rental Bond Payments, shall be used 105861  
to meet all payments during the period from July 1, 2019, through 105862  
June 30, 2021, by the Department of Youth Services under the 105863  
leases and agreements for facilities made under Chapters 152. and 105864  
154. of the Revised Code. These appropriations are the source of 105865  
funds pledged for bond service charges on related obligations 105866  
issued under Chapters 152. and 154. of the Revised Code. 105867

EDUCATION SERVICES 105868

The foregoing appropriation item 470613, Education Services, 105869  
shall be used to fund the operating expenses of providing 105870  
educational services to youth supervised by the Department of 105871  
Youth Services. Operating expenses include, but are not limited 105872  
to, teachers' salaries, maintenance costs, and educational 105873  
equipment. 105874

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 105875

In collaboration with the county family and children first 105876  
council, the juvenile court of that county that receives 105877  
allocations from one or both of the foregoing appropriation items 105878  
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 105879  
portions of those allocations to a flexible funding pool as 105880  
authorized by the section of this act titled "FAMILY AND CHILDREN 105881  
FIRST FLEXIBLE FUNDING POOL." 105882

**Section 501.10.** All appropriation items in this section are 105883  
hereby appropriated as designated out of any moneys in the state 105884  
treasury to the credit of the designated fund. The appropriations 105885  
made in this section are in addition to any other appropriations 105886  
made for the fiscal year 2019-2020 capital biennium. 105887

DPS DEPARTMENT OF PUBLIC SAFETY 105888

Administrative Building Fund (Fund 7026) 105889

C76067 Radiological Calibration Laboratory \$ 2,250,000 105890

Relocation

TOTAL Administrative Building Fund \$ 2,250,000 105891

TOTAL ALL FUNDS \$ 2,250,000 105892

**Section 501.11.** The appropriations made in Section 501.10 of 105894  
this act are subject to all provisions of H.B. 529 of the 132nd 105895  
General Assembly that are generally applicable to such 105896  
appropriations. Expenditures from appropriations contained in 105897  
Section 501.10 of this act shall be accounted for as though made 105898

in H.B. 529 of the 132nd General Assembly. 105899

**Section 501.12.** The Treasurer of State is hereby authorized 105900  
to issue and sell, in accordance with Section 2i of Article VIII, 105901  
Ohio Constitution, Chapter 154. of the Revised Code, and other 105902  
applicable sections of the Revised Code, original obligations in 105903  
an aggregate principal amount not to exceed \$3,000,000 in addition 105904  
to the original issuance of obligations heretofore authorized by 105905  
prior acts of the General Assembly. These authorized obligations 105906  
shall be issued, subject to applicable constitutional and 105907  
statutory limitations, as needed to provide sufficient moneys to 105908  
the credit of the Administrative Building Fund (Fund 7026) to pay 105909  
costs associated with previously authorized capital facilities for 105910  
the housing of branches and agencies of state government or their 105911  
functions. 105912

**Section 503.10. PERSONAL SERVICE EXPENSES** 105913

Unless otherwise prohibited by law, any appropriation from 105914  
which personal service expenses are paid shall bear the employer's 105915  
share of public employees' retirement, workers' compensation, 105916  
disabled workers' relief, and insurance programs; the costs of 105917  
centralized financial services, centralized payroll processing, 105918  
and related reports and services; centralized human resources 105919  
services, including affirmative action and equal employment 105920  
opportunity programs; the Office of Collective Bargaining; 105921  
centralized information technology management services; 105922  
administering the enterprise resource planning system; and 105923  
administering the state employee merit system as required by 105924  
section 124.07 of the Revised Code. These costs shall be 105925  
determined in conformity with the appropriate sections of law and 105926  
paid in accordance with procedures specified by the Office of 105927  
Budget and Management. Expenditures from appropriation item 105928

070601, Public Audit Expense - Intra-State, may be exempted from 105929  
the requirements of this section. 105930

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 105931  
AGAINST THE STATE 105932

Except as otherwise provided in this section, an 105933  
appropriation in this act or any other act may be used for the 105934  
purpose of satisfying judgments, settlements, or administrative 105935  
awards ordered or approved by the Court of Claims or by any other 105936  
court of competent jurisdiction in connection with civil actions 105937  
against the state. This authorization does not apply to 105938  
appropriations to be applied to or used for payment of guarantees 105939  
by or on behalf of the state, or for payments under lease 105940  
agreements relating to, or debt service on, bonds, notes, or other 105941  
obligations of the state. Notwithstanding any other statute to the 105942  
contrary, this authorization includes appropriations from funds 105943  
into which proceeds of direct obligations of the state are 105944  
deposited only to the extent that the judgment, settlement, or 105945  
administrative award is for, or represents, capital costs for 105946  
which the appropriation may otherwise be used and is consistent 105947  
with the purpose for which any related obligations were issued or 105948  
entered into. Nothing contained in this section is intended to 105949  
subject the state to suit in any forum in which it is not 105950  
otherwise subject to suit, and is not intended to waive or 105951  
compromise any defense or right available to the state in any suit 105952  
against it. 105953

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 105954

This section specifies an additional and supplemental 105955  
procedure to provide for payments of judgments and settlements if 105956  
the Director of Budget and Management determines, pursuant to 105957  
division (C)(4) of section 2743.19 of the Revised Code, that 105958

sufficient unencumbered moneys do not exist in the fund to support 105959  
a particular appropriation to pay the amount of a final judgment 105960  
rendered against the state or a state agency, including the 105961  
settlement of a claim approved by a court, in an action upon and 105962  
arising out of a contractual obligation for the construction or 105963  
improvement of a capital facility if the costs under the contract 105964  
were payable in whole or in part from a state capital projects 105965  
appropriation. In such a case, the Director may either proceed 105966  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 105967  
or apply to the Controlling Board to increase an appropriation or 105968  
create an appropriation out of any unencumbered moneys in the 105969  
state treasury to the credit of the capital projects fund from 105970  
which the initial state appropriation was made. The amount of an 105971  
increase in appropriation or new appropriation approved by the 105972  
Controlling Board is hereby appropriated from the applicable 105973  
capital projects fund and made available for the payment of the 105974  
judgment or settlement. 105975

If the Director does not make the application authorized by 105976  
this section or the Controlling Board disapproves the application, 105977  
and the Director does not make application under division (C)(4) 105978  
of section 2743.19 of the Revised Code, the Director shall for the 105979  
purpose of making that payment make a request to the General 105980  
Assembly as provided for in division (C)(5) of that section. 105981

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 105982

In order to provide funds for the reissuance of voided 105983  
warrants under section 126.37 of the Revised Code, there is hereby 105984  
appropriated, out of moneys in the state treasury from the fund 105985  
credited as provided in section 126.37 of the Revised Code, that 105986  
amount sufficient to pay such warrants when approved by the Office 105987  
of Budget and Management. 105988

<b>Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED</b>	105989
BALANCES OF OPERATING APPROPRIATIONS	105990
(A) Notwithstanding the original year of appropriation or	105991
encumbrance, the unexpended balance of an operating appropriation	105992
or reappropriation that a state agency lawfully encumbered prior	105993
to the close of fiscal year 2019 or fiscal year 2020 is hereby	105994
reappropriated on the first day of July of the following fiscal	105995
year from the fund from which it was originally appropriated or	105996
reappropriated for the period of time listed in this section and	105997
shall remain available only for the purpose of discharging the	105998
encumbrance:	105999
(1) For an encumbrance for personal services, maintenance,	106000
equipment, or items for resale not otherwise identified in this	106001
section, for a period of not more than five months from the end of	106002
the fiscal year;	106003
(2) For an encumbrance for an item of special order	106004
manufacture not available on state contract or in the open market,	106005
for a period of not more than five months from the end of the	106006
fiscal year or, with the written approval of the Director of	106007
Budget and Management, for a period of not more than twelve months	106008
from the end of the fiscal year;	106009
(3) For an encumbrance for reclamation of land or oil and gas	106010
wells, for a period ending when the encumbered appropriation is	106011
expended provided such period does not extend beyond the FY 2020 -	106012
FY 2021 biennium;	106013
(4) For an encumbrance for any other type of expense not	106014
otherwise identified in division (A)(1), (2), or (3) of this	106015
section, for such period as the Director approves, provided such	106016
period does not extend beyond the FY 2020 - FY 2021 biennium.	106017
(B) Any operating appropriations for which unexpended	106018

balances are reappropriated in fiscal year 2020 or fiscal year 106019  
2021 pursuant to division (A)(2) of this section shall be reported 106020  
to the Controlling Board by the Director of Budget and Management 106021  
by the thirty-first day of December of each year. The report shall 106022  
include the item, the cost of the item, and the name of the 106023  
vendor. The report shall be updated on a quarterly basis for 106024  
encumbrances remaining open. 106025

(C) Upon the expiration of the reappropriation period set out 106026  
in division (A) of this section, a reappropriation made by this 106027  
section lapses and the Director of Budget and Management shall 106028  
cancel the encumbrance of the unexpended reappropriation not later 106029  
than the end of the weekend following the expiration of the 106030  
reappropriation period. 106031

(D) If the Controlling Board approved a purchase, that 106032  
approval remains in effect so long as the appropriation used to 106033  
make that purchase remains encumbered. 106034

**Section 503.60. CORRECTION OF ACCOUNTING ERRORS** 106035

(A) The Director of Budget and Management may correct 106036  
accounting errors committed by the staff of the Office of Budget 106037  
and Management, such as reestablishing encumbrances or 106038  
appropriations canceled in error, during the cancellation of 106039  
operating encumbrances in November and of non-operating 106040  
encumbrances in December. 106041

(B) The Director of Budget and Management may at any time 106042  
correct accounting errors committed by staff or a state agency or 106043  
state institution of higher education, as defined in section 106044  
3345.011 of the Revised Code, such as reestablishing prior year 106045  
non-operating encumbrances canceled or modified in error. The 106046  
reestablished encumbrance amounts are hereby appropriated. 106047

**Section 503.70. TEMPORARY REVENUE HOLDING** 106048

The Director of Budget and Management may create funds in the state treasury solely for the purpose of temporarily holding revenue required to be credited to a fund in the state treasury, whose disposition is not immediately known at the time of receipt. Once identified, the Director shall credit the revenue to the appropriate fund in the state treasury.

**Section 503.80.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND RE-ESTABLISHMENT OF ENCUMBRANCES

Any cash transferred by the Director of Budget and Management under section 126.15 of the Revised Code is hereby appropriated. Any amounts necessary to re-establish appropriations or encumbrances under section 126.15 of the Revised Code are hereby appropriated.

**Section 503.90.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS

The Director of Budget and Management may transfer appropriations between the Third Frontier Research and Development Fund (Fund 7011) and the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) as necessary to maintain the exclusion from the calculation of gross income for federal income taxation purposes under the Internal Revenue Code with respect to obligations issued to fund projects appropriated from the Third Frontier Research and Development Fund (Fund 7011).

The Director may also create new appropriation items within the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) and make transfers of appropriations to them for projects originally funded from appropriations made from the Third Frontier Research and Development Fund (Fund 7011).

**Section 503.100.** INCOME TAX DISTRIBUTION TO COUNTIES

There are hereby appropriated out of any moneys in the state

treasury to the credit of the General Revenue Fund, which are not 106078  
otherwise appropriated, funds sufficient to make any payment 106079  
required by division (B)(2) of section 5747.03 of the Revised 106080  
Code. 106081

**Section 503.110.** EXPENDITURES AND APPROPRIATION INCREASES 106082  
APPROVED BY THE CONTROLLING BOARD 106083

Any money that the Controlling Board approves for expenditure 106084  
or any increase in appropriation that the Controlling Board 106085  
approves under sections 127.14, 131.35, and 131.39 of the Revised 106086  
Code or any other provision of law is hereby appropriated for the 106087  
period ending June 30, 2021. 106088

**Section 503.120.** FUNDS RECEIVED FOR USE OF GOVERNOR'S 106089  
RESIDENCE 106090

If the Governor's Residence Fund (Fund 4H20) receives payment 106091  
for use of the residence pursuant to section 107.40 of the Revised 106092  
Code, the amounts so received are hereby appropriated to 106093  
appropriation item 100604, Governor's Residence Gift. 106094

**Section 504.10.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 106095

Certain appropriations are in this act for the purpose of 106096  
paying debt service and financing costs on general obligation 106097  
bonds or notes of the state issued pursuant to the Ohio 106098  
Constitution, Revised Code, and acts of the General Assembly. If 106099  
it is determined that additional appropriations are necessary for 106100  
this purpose, such amounts are hereby appropriated. 106101

**Section 504.20.** LEASE RENTAL PAYMENTS FOR DEBT SERVICE 106102

Certain appropriations are in this act for the purpose of 106103  
making lease rental payments pursuant to leases and agreements 106104  
relating to bonds, notes, or other obligations issued by or on 106105

behalf of the state pursuant to the Ohio Constitution, Revised 106106  
Code, and acts of the General Assembly. If it is determined that 106107  
additional appropriations are necessary for this purpose, such 106108  
amounts are hereby appropriated. 106109

**Section 504.30.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 106110  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 106111

The Office of Budget and Management shall process payments 106112  
from general obligation and lease rental payment appropriation 106113  
items during the period from July 1, 2019, through June 30, 2021, 106114  
relating to bonds, notes, or other obligations issued by or on 106115  
behalf of the state pursuant to the Ohio Constitution, Revised 106116  
Code, and acts of the General Assembly. Payments shall be made 106117  
upon certification by the Treasurer of State of the dates and the 106118  
amounts due on those dates. 106119

**Section 505.10.** ARBITRAGE REBATE AUTHORIZATION 106120

If it is determined that a payment is necessary in the amount 106121  
computed at the time to represent the portion of investment income 106122  
to be rebated or amounts in lieu of or in addition to any rebate 106123  
amount to be paid to the federal government in order to maintain 106124  
the exclusion from gross income for federal income tax purposes of 106125  
interest on those state obligations under section 148(f) of the 106126  
Internal Revenue Code, such an amount is hereby appropriated from 106127  
those funds designated by or pursuant to the applicable 106128  
proceedings authorizing the issuance of state obligations. 106129

Payments for this purpose shall be approved and vouchered by 106130  
the Office of Budget and Management. 106131

**Section 505.20.** STATEWIDE INDIRECT COST RECOVERY 106132

Whenever the Director of Budget and Management determines 106133  
that an appropriation made to a state agency from a fund of the 106134

state is insufficient to provide for the recovery of statewide 106135  
indirect costs under section 126.12 of the Revised Code, the 106136  
amount required for such purpose is hereby appropriated from the 106137  
available receipts of such fund. 106138

**Section 505.30.** TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 106139  
COST ALLOCATION PLAN 106140

The total transfers made from the General Revenue Fund by the 106141  
Director of Budget and Management under this section shall not 106142  
exceed the amounts transferred into the General Revenue Fund under 106143  
section 126.12 of the Revised Code. 106144

The director of an agency may certify to the Director of 106145  
Budget and Management the amount of expenses not allowed to be 106146  
included in the Statewide Indirect Cost Allocation Plan under 106147  
federal regulations, from any fund included in the Statewide 106148  
Indirect Cost Allocation Plan, prepared as required by section 106149  
126.12 of the Revised Code. 106150

Upon determining that no alternative source of funding is 106151  
available to pay for such expenses, the Director of Budget and 106152  
Management may transfer cash from the General Revenue Fund into 106153  
the fund for which the certification is made, up to the amount of 106154  
the certification. The director of the agency receiving such funds 106155  
shall include, as part of the next budget submission prepared 106156  
under section 126.02 of the Revised Code, a request for funding 106157  
for such activities from an alternative source such that further 106158  
federal disallowances would not be required. 106159

The director of an agency may certify to the Director of 106160  
Budget and Management the amount of expenses paid in error from a 106161  
fund included in the Statewide Indirect Cost Allocation Plan. The 106162  
Director of Budget and Management may transfer cash from the fund 106163  
from which the expenditure should have been made into the fund 106164  
from which the expenses were erroneously paid, up to the amount of 106165

the certification. 106166

The director of an agency may certify to the Director of 106167  
Budget and Management the amount of expenses or revenues not 106168  
allowed to be included in the Statewide Indirect Cost Allocation 106169  
Plan under federal regulations, for any fund included in the 106170  
Statewide Indirect Cost Allocation Plan, for which the federal 106171  
government requires payment. If the Director of Budget and 106172  
Management determines that an appropriation made to a state agency 106173  
from a fund of the state is insufficient to pay the amount 106174  
required by the federal government, the amount required for such 106175  
purpose is hereby appropriated from the available receipts of such 106176  
fund, up to the amount of the certification. 106177

**Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 106178

Notwithstanding any provision of law to the contrary, on or 106179  
before the first day of September of each fiscal year, the 106180  
Director of Budget and Management, in order to reduce the payment 106181  
of adjustments to the federal government, as determined by the 106182  
plan prepared under division (A) of section 126.12 of the Revised 106183  
Code, may designate such funds as the Director considers necessary 106184  
to retain their own interest earnings. 106185

**Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 106186

Pursuant to the plan for compliance with the Federal Cash 106187  
Management Improvement Act required by section 131.36 of the 106188  
Revised Code, the Director of Budget and Management may cancel and 106189  
re-establish all or part of encumbrances in like amounts within 106190  
the funds identified by the plan. The amounts necessary to 106191  
re-establish all or part of encumbrances are hereby appropriated. 106192

**Section 509.10. TRANSFERS TO THE GENERAL REVENUE FUND OF** 106193  
**INTEREST EARNED** 106194

Notwithstanding any provision of law to the contrary, the 106195  
Director of Budget and Management, through June 30, 2021, may 106196  
transfer interest earned by any state fund to the General Revenue 106197  
Fund. This section does not apply to funds whose source of revenue 106198  
is restricted or protected by the Ohio Constitution, federal tax 106199  
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 106200  
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 106201

**Section 509.20.** CASH TRANSFERS TO THE GENERAL REVENUE FUND 106202  
FROM NON-GRF FUNDS 106203

Notwithstanding any provision of law to the contrary, the 106204  
Director of Budget and Management may transfer up to \$100,000,000 106205  
cash, during the biennium ending June 30, 2021, from non-General 106206  
Revenue Funds that are not constitutionally restricted to the 106207  
General Revenue Fund. 106208

**Section 509.50.** MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS 106209

On October 1, 2019, or as soon as possible thereafter, the 106210  
Director of Commerce and the Executive Director of the Board of 106211  
Pharmacy shall consult with the Director of Budget and Management 106212  
to determine a repayment schedule for the biennium ending June 30, 106213  
2021, to fully repay transfers on behalf of each agency from the 106214  
Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical 106215  
Marijuana Control Program Fund (Fund 5YS0). Payments made by the 106216  
Department of Commerce and the Board of Pharmacy in accordance 106217  
with this repayment schedule shall be credited to the General 106218  
Revenue Fund. 106219

**Section 512.10.** GENERAL REVENUE FUND TRANSFER TO TOURISM OHIO 106220  
FUND 106221

Notwithstanding any provision of law to the contrary, in each 106222  
fiscal year of the biennium ending June 30, 2021, the Director of 106223

Budget and Management may transfer up to \$10,400,000 cash from the 106224  
General Revenue Fund to the Tourism Ohio Fund (Fund 5MJ0). 106225

**Section 512.20.** GENERAL REVENUE FUND TRANSFER TO STATEWIDE 106226  
TREATMENT AND PREVENTION FUND 106227

Notwithstanding any provision of law to the contrary, in each 106228  
fiscal year of the biennium ending June 30, 2021, the Director of 106229  
Budget and Management may transfer up to \$5,000,000 cash from the 106230  
General Revenue Fund to the Statewide Treatment and Prevention 106231  
Fund (Fund 4750). 106232

**Section 512.30.** GENERAL REVENUE FUND TRANSFER TO STATEWIDE 106233  
COMMUNITY POLICE RELATIONS FUND 106234

Notwithstanding any provision of law to the contrary, in 106235  
fiscal year 2020, the Director of Budget and Management may 106236  
transfer up to \$2,200,000 cash from the General Revenue Fund to 106237  
the Statewide Community Police Relations Fund (Fund 5RS0). 106238

**Section 512.40.** GENERAL REVENUE FUND TRANSFER TO TARGETED 106239  
ADDICTION PROGRAM FUND 106240

Notwithstanding any provision of law to the contrary, in each 106241  
fiscal year of the biennium ending June 30, 2021, the Director of 106242  
Budget and Management may transfer up to \$23,150,000 cash from the 106243  
General Revenue Fund to the Targeted Addiction Program Fund (Fund 106244  
5TZ0). 106245

**Section 512.50.** GENERAL REVENUE FUND TRANSFER TO PERSIAN 106246  
GULF, AFGHANISTAN, IRAQ COMPENSATION FUND 106247

During fiscal year 2021, upon request of the Director of 106248  
Veterans Services, the Director of Budget and Management may 106249  
transfer up to \$500,000 cash from the General Revenue Fund to the 106250  
Persian Gulf, Afghanistan, Iraq Compensation Fund (Fund 7041). 106251

**Section 512.65.** GENERAL REVENUE FUND TRANSFER TO TEXTBOOK AND 106252  
INSTRUCTIONAL MATERIALS GRANTS FUND 106253

Notwithstanding any provision of law to the contrary, in each 106254  
fiscal year of the biennium ending June 30, 2021, the Director of 106255  
Budget and Management may transfer up to \$3,000,000 cash from the 106256  
General Revenue Fund to the Textbook and Instructional Materials 106257  
Grants Fund (Fund 5VQ0), which is hereby created in the state 106258  
treasury. 106259

**Section 512.70.** GENERAL REVENUE FUND TRANSFER TO STUDENT 106260  
WELLNESS AND SUCCESS FUND 106261

Notwithstanding any provision of law to the contrary, the 106262  
Director of Budget and Management may transfer up to \$250,000,000 106263  
cash in fiscal year 2020 and up to \$300,000,000 cash in fiscal 106264  
year 2021 from the General Revenue Fund to the Student Wellness 106265  
and Success Fund (Fund 5VS0), which is hereby created in the state 106266  
treasury. 106267

**Section 513.10.** FISCAL YEAR 2019 GENERAL REVENUE FUND ENDING 106268  
BALANCE 106269

Notwithstanding section 131.44 of the Revised Code, the 106270  
Director of Budget and Management shall determine the surplus 106271  
General Revenue Fund revenue that existed on June 30, 2019. 106272  
Notwithstanding any provision of law to the contrary, \$470,000,000 106273  
of the surplus shall remain in the General Revenue Fund through 106274  
the end of the biennium ending June 30, 2021. The Director shall 106275  
transfer cash, not to exceed the amount of the remaining surplus 106276  
revenue from the General Revenue Fund in the following order: 106277

(A) Up to \$10,000,000 cash to the Targeted Addiction Program 106278  
Fund (Fund 5TZ0); 106279

(B) Up to \$31,000,000 cash to the Statewide Treatment and 106280

Prevention Fund (Fund 4750);	106281
(C) Up to \$86,000,000 cash to the H2Ohio Fund (Fund 6H20);	106282
(D) Up to \$20,000,000 cash to the School Bus Purchase Fund	106283
(Fund 5VU0), which is hereby created in the state treasury;	106284
(E) Up to \$5,000,000 cash to the Books From Birth Fund (Fund	106285
5VJ0), which is hereby created in the state treasury;	106286
(F) Up to \$25,000,000 cash, subject to Controlling Board	106287
approval, to the State Park Fund (Fund 5120);	106288
(G) Up to \$25,000,000 cash to the Emergency Purposes Fund	106289
(Fund 5KM0);	106290
(H) Up to \$25,000,000 cash to the Disaster Services Fund	106291
(Fund 5E20);	106292
(I) Up to \$2,000,000 cash to the Ohio Public Health	106293
Priorities Fund (Fund L087);	106294
(J) Up to \$19,000,000 cash to the Tobacco Use Prevention Fund	106295
(Fund 5BX0);	106296
(K) Up to \$8,900,000 cash to the Economic Development	106297
Programs Fund (Fund 5JC0);	106298
(L) An amount of cash to the Budget Stabilization Fund (Fund	106299
7013) sufficient for the balance in Fund 7013 to equal 8.5% of the	106300
General Revenue Fund revenues of fiscal year 2019;	106301
(M) Any remaining cash surplus to the H2Ohio Fund (Fund	106302
6H20).	106303
<b>Section 513.20.</b> FISCAL YEAR 2020 GENERAL REVENUE FUND ENDING	106304
BALANCE	106305
Notwithstanding section 131.44 of the Revised Code, the cash	106306
balance of the General Revenue Fund on June 30, 2020, shall remain	106307
in the General Revenue Fund.	106308

**Section 514.10.** UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 106309

Unless the agency and nuclear electric utility mutually agree 106310  
to a higher amount by contract, the maximum amounts that may be 106311  
assessed against nuclear electric utilities under division (B)(2) 106312  
of section 4937.05 of the Revised Code and deposited into the 106313  
specified funds are as follows: 106314

<u>Fund</u>	<u>User</u>	<u>FY 2020</u>	<u>FY 2021</u>	
Utility	Department of	\$ 97,610	\$ 101,130	106315
Radiological	Agriculture			106316
Safety Fund				
(Fund 4E40)				
Radiation	Department of	\$ 1,300,000	\$ 1,300,000	106317
Emergency	Health			
Response Fund				
(Fund 6100)				
ER Radiological	Environmental	\$ 276,500	\$ 278,500	106318
Safety Fund	Protection Agency			
(Fund 6440)				
Emergency	Department of	\$ 1,258,624	\$ 1,258,624	106319
Response Plan	Public Safety			
Fund (Fund 6570)				

**Section 516.10.** CASH TRANSFERS AND ABOLISHMENT OF FUNDS 106320

(A) On July 1, 2019, or as soon as possible thereafter, the 106321  
Director of Budget and Management shall transfer the cash balance 106322  
from each of the funds as indicated in the table below to the fund 106323  
also indicated in the table below. Upon completion of each 106324  
transfer and on the effective date of its repeal by this act, 106325  
where applicable, the fund from which the cash balance was 106326  
transferred is hereby abolished. 106327

User Transfer from: Transfer to: 106328

Agency	Fund	Fund Name	Fund	Fund Name	
AGR	5HP0	Livestock Care Standards Board	4C90	Commercial Feed Inspection/Lab	106329 106330
AIR	7004	Advanced Energy Research and Development Taxable Fund	5M50	Advanced Energy Fund	106331
AIR	7005	Advanced Energy Research and Development	5M50	Advanced Energy Fund	106332
BWC	8290	Long Term Care Loan Fund	8260	Safety and Hygiene Fund	106333
COM	5PA0	BUSTR Revolving Loan Fund	6530	Underground Storage Tank Administration	106334
DAS	4P30	DAS Information Services	1330	Information Technology	106335
DAS	5D70	Workforce Development	5EB0	OAKS Support Organization	106336
DEV	3DB0	Federal Stimulus Energy Efficiency and Conservation	GRF	General Revenue Fund	106337
DEV	5AD0	Job Development Initiatives	5430	Unclaimed Funds Trust	106338
DEV	5CG0	Alternative Fuel Transportation	5M50	Advanced Energy Fund	106339
DEV	5MB0	Economic Development Support	5LN0	Liquor Operating Services Fund	106340
DEV	5NS0	Career Exploration Internship	5JC0	Economic Development Projects	106341
DNR	5CU0	Mine Safety	5290	Mining Regulation and Safety	106342
DNR	5MF0	Ohio Geology License Plate	5110	Geological Mapping	106343

DOH	6830	Employee Assistance Program	1250	Human Resources Services Fund	106344
DOT	5CF0	Rail Transload Facilities	4N40	Rail Development	106345
DPS	8500	Public Safety Investigative Unit Salvage and Exchange	5RH0	Ohio Investigative Unit Fund	106346
DRC	5UB0	Institution Addiction Treatment Services	GRF	General Revenue Fund	106347
DYS	3BH0	Federal Juvenile Justice Program FFY06	3V50	Juvenile Justice/Delinquency Prevention Fund	106348
DYS	3BT0	Federal Juvenile Justice Program FFY07	3V50	Juvenile Justice/Delinquency Prevention Fund	106349
DYS	3BY0	Federal Juvenile Justice Program SFY07	3V50	Juvenile Justice/Delinquency Prevention Fund	106350
DYS	3BZ0	Federal Juvenile Justice Program SFY08	3V50	Juvenile Justice/Delinquency Prevention Fund	106351
DYS	3CR0	Federal Juvenile Justice Program FFY10	3V50	Juvenile Justice/Delinquency Prevention Fund	106352
DYS	3FB0	Federal Juvenile Justice Program FFY11	3V50	Juvenile Justice/Delinquency Prevention Fund	106353
DYS	3FC0	Federal Juvenile Justice Program FFY12	3V50	Juvenile Justice/Delinquency Prevention Fund	106354
DYS	3GB0	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	106355

		FFY13		Prevention Fund	
DYS	3V90	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	106356
		FFY01		Prevention Fund	
DYS	3W00	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	106357
		FFY02		Prevention Fund	
DYS	3Z80	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	106358
		FFY04		Prevention Fund	
DYS	3Z90	Federal Juvenile Justice Program	3V50	Juvenile Justice/Delinquency	106359
		FFY05		Prevention Fund	
EDU	3DL0	Idea Preschool - Federal Stimulus	GRF	General Revenue Fund	106360
EDU	4D10	Ohio Prevention/Education Resource Center	6200	Education Grants	106361
EDU	5B10	Child Nutrition Services	GRF	General Revenue Fund	106362
EDU	5KY0	Community Schools Temporary Sponsorship	5KX0	Ohio School Sponsorship Program	106363
EDU	5RB0	Straight A Fund	6200	Educational Grants	106364
EDU	5T30	Gates Foundation Grants	6200	Educational Grants	106365
EDU	5UC0	Accountability/Report Cards	4L20	Teacher Certification	106366
EDU	5W20	Head Start Plus/Head Start	GRF	General Revenue Funds	106367
EDU	5X90	NGA Stem	6200	Educational Grants	106368
EDU	6210	Pre-School Foreign Language	6200	Educational Grants	106369

EPA	3560	Indirect Costs	GRF	General Revenue Fund	106370
EPA	3580	205-J Federal Planning	3BU0	Water Quality Protection	106371
EPA	3M50	HazMat Transportation Uniform Safety	GRF	General Revenue Fund	106372
INS	3EV0	Health Insurance Premium Rev	5540	Department of Insurance Operating	106373
INS	3EW0	Health Exchange Planning	5540	Department of Insurance Operating	106374
INS	3EX0	Consumer Assistance Grant	5540	Department of Insurance Operating	106375
INS	5AG0	Medical Liability	GRF	General Revenue Fund	106376
INS	5FZ0	Claims Processing Education	5540	Department of Insurance Operating	106377
JFS	5GC0	GOFBI/Family Stability	5RY0	Human Services Projects	106378
JFS	5HA0	Health Care Services Other	5RY0	Human Services Projects	106379
JFS	5S30	JFS Administration and Oversight	GRF	General Revenue Fund	106380
JSC	6A80	Supreme Court Admissions	4C80	Attorney Registration	106381
MCD	5AJ0	Money Follows the Person	5DL0	Medicaid Support and Recoveries	106382
MCD	5HA0	Health Care Services - Other	GRF	General Revenue Fund	106383
MCD	5KC0	Health Care Special Activities	5DL0	Medicaid Support and Recoveries	106384
OBM	3CM0	Medicaid Agency Transition	3B10	Community Medicaid Expansion	106385
OBM	7087	Settlement Agreement Fund	GRF	General Revenue Fund	106386

PUB	3FF0	Capital Case Litigation	4070	County Representation	106387
PUB	3FX0	Wrongful Conviction Program	4070	County Representation	106388
PUB	3GJ0	Byrne Memorial Grant	4070	County Representation	106389
TAX	7054	Loc Govt Prop Tax Replacement	GRF	General Revenue Fund	106390
TAX	4K00	Beverage Tax Administrative	GRF	General Revenue Fund	106391
TAX	5BQ0	Revenue Enhancement	2280	Revenue Enhancement	106392
TAX	5BW0	Tax Amnesty Promotion and Administration	GRF	General Revenue Fund	106393
TAX	QD20	OBG-Assessment Payments	GRF	General Revenue Fund	106394
TOS	4N00	Treasury Education	6050	Treasurer of State's Administration	106395
TOS	R044	Tax Holding	6050	Treasurer of State's Administration	106396

(B) On July 1, 2019, or as soon as possible thereafter, the  
Director of Budget and Management shall cancel existing  
encumbrances against each appropriation item indicated in the  
table below and reestablish them against the appropriation item  
also indicated in the table below. The Director may cancel and  
reestablish other encumbrances as needed to properly close out the  
funds identified in division (A) of this section. The encumbrances  
reestablished under this section are hereby appropriated.  
Cancel existing encumbrances      Reestablish encumbrances against:  
against:

Fund	Appropriation Item	Fund	Appropriation Item	106406
5CU0	725647 - Mine Safety	5290	725639 - Mining Regulation and Safety	106407

5MF0	725635 - Ohio Geology License Plate	5110	725646 - Ohio Geological Mapping	106408
5CF0	776667 - Rail Transload Facilities	4N40	776664 - Rail Transportation - Other	106409
3EVO	820610 - Health Insurance Premium Review	5540	820606 - Operating Expenses	106410
3EW0	820611 - Health Exchange Planning	5540	820606 - Operating Expenses	106411
3EX0	820612 - Consumer Assistance Grant	5540	820606 - Operating Expenses	106412
5AG0	820603 - Health Information Technology and Health Care Coverage and Quality Council	5540	820606 - Operating Expenses	106413
3FF0	019620 - Capital Case Litigation	4070	019604 - County Representation	106414
3FX0	019621 - Wrongful Conviction Program	4070	019604 - County Representation	106415
3GJ0	019622 - Byrne Memorial Grant	4070	019604 - County Representation	106416
6A80	005606 - Supreme Court Admissions	4C80	005605 - Attorney Services	106417
5AJ0	651631 - Money Follows the Person	5DL0	651639 - Medicaid Services - Recoveries	106418

(C) The following funds are hereby abolished on the effective date of their repeal by this act:

User	Fund	Fund Name	
DNR	5260	Coal Mining Administration and Reclamation Reserve	106422
DOH	5QH0	Dental Hygiene Resource Shortage Area	106423
DVS	A041	Veterans Compensation Series 2011	106424
DVS	B041	Veterans Compensation Series 2013	106425
EDU	3090	Neglected & Delinquent Education	106426

EDU	3660	Adult Basic Education	106427
EDU	3690	Vocational Education	106428
EDU	3720	Federal Drivers' Education Projects	106429
EDU	3730	Pupil Transportation Safety Program	106430
EDU	3760	Job Training Partnership Act	106431
EDU	3780	Math/Science Tech Investments	106432
EDU	5960	Ohio Career Information System	106433
EDU	7006	Education Improvement	106434
EDU	3E20	AIDS Education Project	106435
EDU	3AK0	State Homeland Security	106436
EDU	3AX0	Improving Health and Education Outcomes of Young People	106437
EDU	3BK0	Longitudinal Data Systems	106438
EDU	3BV0	Character Education	106439
EDU	3CF0	Foreign Language Assistance	106440
EDU	3CG0	Teacher Incentive	106441
EDU	3DC0	Federal Stimulus School Cafeteria Equipment	106442
EDU	3DJ0	Idea Part B - Federal Stimulus	106443
EDU	3DK0	Title I A - Federal Stimulus	106444
EDU	3EC0	Teacher Incentive - Federal Stimulus	106445
EDU	3EF0	National School Lunch Program Equipment	106446
EDU	3EK0	Advanced Placement	106447
EDU	3EL0	Even Start	106448
EDU	3EM0	Byrd Scholarship	106449
EDU	3EN0	State Data System - Federal Stimulus	106450
EDU	3ES0	Special Education Research	106451
EDU	3ET0	Ed Jobs	106452
EDU	3FD0	Race to the Top	106453
EDU	3FN0	Race to the Top - Early Learning Challenge Grant	106454
EDU	3GP0	School Climate Transformation	106455
EDU	3GQ0	Project Aware	106456
EDU	3GZ0	JAVITS Gifted and Talented Students Education	106457
EDU	3M10	ESEA Chapter Two	106458

EDU	3N70	School-to-Work	106459
EDU	3P90	SRRC/FRC Evaluation Project	106460
EDU	3R30	Goals 2000	106461
EDU	3S20	Tech Literacy Transfer	106462
EDU	3S70	Child Care School Age	106463
EDU	3T50	Coordinated School Health	106464
EDU	3T60	Class Size Reduction	106465
EDU	3U60	Provision 2&3 Grant	106466
EDU	3W60	TANF Education	106467
EDU	3X50	School Renovation Idea & Tech Program	106468
EDU	3Y40	Reading First	106469
EDU	3Z70	General Supervision Enhancement	106470
EDU	4M40	Emergency Svc Telecommunicator Training	106471
EDU	4Y50	Supplemental School Assistance	106472
EDU	4Z40	School District 1987 Reimburse	106473
EDU	5BB0	State Action for Education Leadership	106474
EDU	5F80	Instructional Materials Education	106475
EDU	5JA0	ARRA Compliance	106476
EDU	5X80	Jobs for Ohio Graduates	106477
EPA	3520	Wastewater Pollution	106478
EPA	3630	Construction Grant	106479
EPA	4910	Moving Expenses	106480
EPA	4990	Emergency Village Capital Improvements	106481
EPA	6020	Motor Vehicle Inspection/Maintenance	106482
EPA	6600	Infectious Waste Management	106483
EPA	6800	Emergency Plan & Community Right-to-Know Reserve	106484
EPA	3F40	Water Quality Management	106485
EPA	3J10	Urban Stormwater	106486
EPA	3J50	Maumee AOC Assessment	106487
EPA	3K20	Clean Water Act 106	106488
EPA	3K30	DOE Agreement in Principle	106489
EPA	3K40	DOD Base Realign/Closure Grant	106490
EPA	3K60	Remedial Action Plans	106491

EPA	3N10	Pollution Prevention Grants	106492
EPA	3S40	Performance Partnership Grants	106493
EPA	3T10	Rural Hardship Grant	106494
EPA	4C30	State Special Revenue Indirect	106495
EPA	4U70	Construction/Demolition Debris	106496
EPA	5DW0	Automotive Mercury Switch Program	106497
EPA	5N20	Dredge and Fill	106498
EPA	6A90	Construction/Demolition Debris Facility Oversight	106499
JFS	3W30	Adult Special Needs	106500
JFS	4J50	Home/Community Based Services/Aged	106501
JFS	4Z10	Health Care Compliance	106502
JFS	5BG0	Managed Care Assessment	106503
JFS	5KU0	Unemployment Insurance Support - Other Sources	106504
JFS	5Q90	Supplemental Inpatient Hospital	106505
JFS	R013	Forgery Collections	106506
MED	5LE0	Education and Patient Safety	106507
OOD	5L90	TANF/PCA Maintenance of Effort	106508
OOD	5QL0	Disability Determination Reimbursement	106509
PRX	3CT0	2008 Developing/Enhancing PMP	106510
PRX	3EB0	NASPER	106511
PRX	3EY0	Administration of the PMIX Hub	106512
PRX	3EZ0	NASPER 10	106513
SOS	3AH0	Election Reform/Health and Human Services	106514

**Section 601.03.** That Section 261.168 of Am. Sub. H.B. 49 of 106515  
the 132nd General Assembly, as amended by Sub. H.B. 24 of the 106516  
132nd General Assembly, be amended to read as follows: 106517

**Sec. 261.168.** MODIFICATIONS AND CAP FOR FISCAL YEARS ~~2019~~ 106518  
~~2020~~ AND 2021 ICF/IID MEDICAID RATES UNDER THE FORMULA BEING 106519  
PHASED OUT 106520

(A) As used in this section: 106521

(1) "Change of operator," "cost report year," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1-B," "peer group 2-B," "peer group 3-B," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.

(2) "Formula being phased out" means the formula specified in division (C) of section 5124.15 of the Revised Code.

(3) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.

(B)(1) This section applies to each ICF/IID that is in peer group 1-B or peer group 2-B and to which either of the following, as applicable to a fiscal year, applies:

~~(a) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2019 under the formula being phased out, either of the following is the case:~~

~~(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2018, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019;~~

~~(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2019, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2019.~~

~~(b) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2020, either of the following is the case:~~

~~(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2019, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2020;~~

(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2020, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2020.

~~(e)~~(b) In the context of determining an ICF/IID's total Medicaid payment rate for fiscal year 2021, either of the following is the case:

(i) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2020, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2021;

(ii) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2021, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/IID during fiscal year 2021.

(2) This section does not apply to either of the following:

(a) An ICF/IID in peer group 3-B;

(b) An ICF/IID for which the provider obtains an initial provider agreement during a fiscal year for which modifications to the formula being phased out are made under this section.

(C) Notwithstanding Chapter 5124. of the Revised Code, the following modifications shall be made when determining under the formula being phased out the fiscal years ~~2019~~, 2020, and 2021 total per Medicaid day payment rates for an ICF/IID to which this section applies:

(1) The ICF/IID's efficiency incentive for capital costs, as determined under division (F) of section 5124.171 of the Revised

Code, shall be reduced by 50%. 106582

(2) In place of the maximum cost per case-mix unit 106583  
established for the ICF/IID's peer group under division (C) of 106584  
section 5124.195 of the Revised Code, the ICF/IID's maximum costs 106585  
per case-mix unit shall be the amount the Department determined 106586  
for the ICF/IID's peer group for fiscal year 2016 in accordance 106587  
with division (E) of Section 259.160 of Am. Sub. H.B. 64 of the 106588  
131st General Assembly. 106589

(3) In place of the inflation adjustment otherwise calculated 106590  
under division (D) of section 5124.195 of the Revised Code for the 106591  
purpose of division (A)(1)(b) of that section, an inflation 106592  
adjustment of 1.014 shall be used. 106593

(4) In place of the efficiency incentive otherwise calculated 106594  
under division (B)(2) of section 5124.211 of the Revised Code, the 106595  
ICF/IID's efficiency incentive for indirect care costs shall be 106596  
the following: 106597

(a) In the case of an ICF/IID in peer group 1-B, not more 106598  
than \$3.69; 106599

(b) In the case of an ICF/IID in peer group 2-B, not more 106600  
than \$3.19. 106601

(5) In place of the maximum rate for indirect care costs 106602  
established for the ICF/IID's peer group under division (C) of 106603  
section 5124.211 of the Revised Code, the maximum rate for 106604  
indirect care costs for the ICF/IID's peer group shall be an 106605  
amount the Department shall determine in accordance with division 106606  
(D) of this section. 106607

(6) In place of the inflation adjustment otherwise calculated 106608  
under division ~~(D)~~(E)(1) of section 5124.211 of the Revised Code 106609  
for the purpose of division (B)(1) of that section only, an 106610  
inflation adjustment of 1.014 shall be used. 106611

(7) In place of the inflation adjustment otherwise made under section 5124.231 of the Revised Code, the ICF/IID's desk-reviewed, actual, allowable, per Medicaid day other protected costs, excluding the franchise permit fee, from the applicable cost report year shall be multiplied by 1.014.

(D) In determining the amount of the maximum rate for indirect costs for the purpose of division (C)(5) of this section, the Department shall strive to the greatest extent possible to do both of the following:

(1) Avoid rate reductions under division (E)~~(1)~~ of this section;

(2) Have the amount so determined result in payment of all desk-reviewed, actual, allowable indirect care costs for the same percentage of Medicaid days for ICFs/IID in peer group 1-B as for ICFs/IID in peer group 2-B as of the first day of the fiscal year for which the determination is made, based on May Medicaid days from the calendar year in which the fiscal year begins.

(E)~~(1)~~ If the mean total per Medicaid day rate for all ICFs/IID to which this section applies, as determined under division (C) of this section as of the first day of a fiscal year for which a rate is determined under this section and weighted by May Medicaid days from the calendar year in which the fiscal year begins, is ~~either greater than the amount determined under division (E)(2) of this section~~ \$290.10, the Department shall adjust, for the fiscal year for which the rate is determined, the total per Medicaid day rate for each ICF/IID to which this section applies by a percentage that is equal to the percentage by which the mean total per Medicaid day rate is greater ~~or less than the amount determined under division (E)(2) of this section~~ \$290.10.

~~(2) The amount to be used for the purpose of division (E)(1) of this section shall be not less than \$290.10. The Department, in~~

~~its sole discretion, may use a larger amount for the purpose of~~ 106643  
~~that division. In determining whether to use a larger amount, the~~ 106644  
~~Department may consider any of the following:~~ 106645

~~(a) The reduction in the total Medicaid certified capacity of~~ 106646  
~~all ICFs/IID that occurs in the fiscal year immediately preceding~~ 106647  
~~the fiscal year for which the determination is made, and the~~ 106648  
~~reduction that is projected to occur in the fiscal year for which~~ 106649  
~~the determination is made, as a result of either of the following:~~ 106650

~~(i) A downsizing pursuant to a plan approved by the~~ 106651  
~~Department under section 5123.042 of the Revised Code;~~ 106652

~~(ii) A conversion of beds to providing home and~~ 106653  
~~community based services under the Individual Options waiver~~ 106654  
~~pursuant to section 5124.60 or 5124.61 of the Revised Code.~~ 106655

~~(b) The increase in Medicaid payments made for ICF/IID~~ 106656  
~~services provided during the fiscal year immediately preceding the~~ 106657  
~~fiscal year for which the determination is made, and the increase~~ 106658  
~~that is projected to occur in the fiscal year for which the~~ 106659  
~~determination is made, as a result of the modifications to the~~ 106660  
~~payment rates made under section 5124.101 of the Revised Code;~~ 106661

~~(c) The total reduction in the number of ICF/IID beds that~~ 106662  
~~occurs pursuant to section 5124.67 of the Revised Code;~~ 106663

~~(d) Other factors the Department determines to be relevant.~~ 106664

(F) If the United States Centers for Medicare and Medicaid 106665  
Services requires that the franchise permit fee be reduced or 106666  
eliminated, the Department shall reduce the rate determined under 106667  
this section as necessary to reflect the loss to the state of the 106668  
revenue and federal financial participation generated from the 106669  
franchise permit fee. 106670

**Section 601.04.** That existing Section 261.168 of Am. Sub. 106671  
H.B. 49 of the 132nd General Assembly, as amended by Sub. H.B. 24 106672

of the 132nd General Assembly, is hereby repealed. 106673

**Section 601.05.** Sections 601.03 and 601.04 of this act are 106674  
exempt from the referendum under section 1d of Article II, Ohio 106675  
Constitution, and take effect July 1, 2019. 106676

**Section 601.10.** That Sections 207.10, 217.10, 225.10, and 106677  
701.10 of H.B. 529 of the 132nd General Assembly be amended to 106678  
read as follows: 106679

**Sec. 207.10.** DEPARTMENT OF HIGHER EDUCATION AND STATE 106680  
INSTITUTIONS OF HIGHER EDUCATION 106681  
BOR DEPARTMENT OF HIGHER EDUCATION 106682

Higher Education Improvement Fund (Fund 7034) 106683

C23501	Ohio Supercomputer Center	\$	6,105,076	106684
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C23516	Ohio Library and Information Network	\$	13,844,808	106685
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C23524	Supplemental Renovations - Library	\$	447,000	106686
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Depositories

C23529	Workforce Based Training and Equipment	\$	<del>8,000,000</del>	106687
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16,000,000

C23530	Technology Initiatives	\$	2,500,000	106688
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C23532	OARnet	\$	10,203,116	106689
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C23551	Ohio Innovation Exchange	\$	400,000	106690
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C23560	HEI Critical Maintenance and Upgrades	\$	2,500,000	106691
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C23563	Ohio Cyber Range	\$	1,000,000	106692
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C23564	Ohio Aerospace Institute Improvements	\$	150,000	106693
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TOTAL Higher Education Improvement Fund		\$	<del>45,150,000</del>	106694
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53,150,000

TOTAL ALL FUNDS		\$	<del>45,150,000</del>	106695
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53,150,000

RESEARCH FACILITY ACTION AND INVESTMENT FUNDS 106696

Capital appropriations or reappropriations in this act made 106697

from appropriation item C23502, Research Facility Action and 106698  
Investment Funds, shall be used for a program of grants to be 106699  
administered by the Department of Higher Education to provide 106700  
timely availability of capital facilities for research programs 106701  
and research-oriented instructional programs at or involving 106702  
state-supported and state-assisted institutions of higher 106703  
education. 106704

WORKFORCE BASED TRAINING AND EQUIPMENT 106705

(A) Capital appropriations or reappropriations in this act 106706  
made from appropriation item C23529, Workforce Based Training and 106707  
Equipment, shall be used to support the Regionally Aligned 106708  
Priorities in Developing Skills (RAPIDS) program in the Department 106709  
of Higher Education. The purpose of the RAPIDS program is to 106710  
support collaborative projects among higher education institutions 106711  
to strengthen education and training opportunities that maximize 106712  
workforce development efforts in defined areas of the state. 106713

(B) Capital funds appropriated or reappropriated for this 106714  
purpose by the General Assembly shall be distributed by the 106715  
Chancellor of Higher Education to Ohio regions or subsets of 106716  
regions. Regions or subsets of regions may be defined by the 106717  
state's economic development strategy. 106718

(C) The Chancellor shall award capital funds within the 106719  
program using an application and review process, as developed by 106720  
the Chancellor. In reviewing applications and making awards, 106721  
priority shall be given to proposals that demonstrate: 106722

(1) Collaboration among and between state institutions of 106723  
higher education, as defined in section 3345.011 of the Revised 106724  
Code, Ohio Technical Centers, and other entities as determined to 106725  
be appropriate by the Chancellor; 106726

(2) Evidence of meaningful business support and engagement; 106727

(3) Identification of targeted occupations and industries 106728

supported by data, which sources may include the Governor's Office 106729  
 of Workforce Transformation, OhioMeansJobs, labor market 106730  
 information from the Department of Job and Family Services, and 106731  
 lists of in-demand occupations; 106732

(4) Sustainability beyond the grant period with the 106733  
 opportunity to provide continued value and impact to the region. 106734

(D) In submitting proposals for consideration under the 106735  
 program, a state institution of higher education, as defined in 106736  
 section 3345.011 of the Revised Code, shall be the lead applicant 106737  
 and preference shall be given to proposals in which equipment and 106738  
 technology acquired by capital funds awarded under the program are 106739  
 owned by a state institution of higher education. If equipment, 106740  
 technology, or facilities acquired by capital funds awarded under 106741  
 the program will be owned by a separate governmental or nonprofit 106742  
 entity, the state institution of higher education shall enter into 106743  
 a joint use agreement with the entity, which shall be approved by 106744  
 the Chancellor. 106745

**Sec. 217.10. COM DEPARTMENT OF COMMERCE** 106746

State Fire Marshal Fund (Fund 5460) 106747

C80023 SFM Renovations and Improvements \$ 1,497,500 106748

C80034 Fire Training Apparatus \$ 1,675,000 106749

C80040 Green Township Department - Lucas CPR \$ 15,000 106750

Device

TOTAL State Fire Marshal Fund \$ ~~3,172,500~~ 106751

3,187,500

Administrative Building Fund (Fund 7026) 106752

C80038 Mahoning County Live Fire Training Facility \$ 375,000 106753

C80039 Weathersfield Township Multi-jurisdictional Center \$ 150,000 106754

TOTAL Administrative Building Fund	\$	525,000	106755
TOTAL ALL FUNDS	\$	<del>3,697,500</del>	106756
		<u>3,712,500</u>	

**Sec. 225.10.** DOT DEPARTMENT OF TRANSPORTATION 106758

Administrative Building Fund (Fund 7026)			106759
C77706 Allen County Building Demolition	\$	200,000	106760
			<u>Maintenance, or Construction</u>
TOTAL Administrative Building Fund	\$	200,000	106761
Transportation Building Fund (Fund 7029)			106762
C77705 Statewide Land and Buildings	\$	60,000,000	106763
TOTAL Transportation Building Fund	\$	60,000,000	106764
TOTAL ALL FUNDS	\$	60,200,000	106765

**Sec. 701.10.** OHIO ENTERPRISE DATA AND INFORMATION SYSTEM 106767

PROJECTS 106768

The enterprise data center solutions (EDCS) project is an 106769  
 information technology initiative that will expand and improve the 106770  
 state's cloud computing environment and support expansion of and 106771  
 upgrades to enterprise shared solutions. The Ohio Administrative 106772  
 Knowledge System (OAKS) is an enterprise resource planning system 106773  
 that replaced the state's central services infrastructure systems. 106774  
 The Department of Administrative Services may continue to acquire 106775  
 and implement EDCS, OAKS, and related information system projects, 106776  
 including, but not limited to, acquisition of the application 106777  
 hardware and software and the installation, implementation, and 106778  
 integration thereof. The Department of Administrative Services may 106779  
 enter into a lease-purchase agreement pursuant to Chapter 125. of 106780  
 the Revised Code as necessary to finance or refinance the 106781  
 projects. At the request of the Director of Administrative 106782  
 Services, the Office of Budget and Management shall make 106783  
 arrangements for the issuance of obligations, including 106784

fractionalized interests in public obligations as defined in 106785  
division (N) of section 133.01 of the Revised Code, to finance the 106786  
enterprise data and information system and OAKS projects, provided 106787  
that not more than ~~\$29,594,850~~ \$51,094,850 shall be raised for 106788  
this purpose. 106789

**Section 601.11.** That existing Sections 207.10, 217.10, 106790  
225.10, and 701.10 of H.B. 529 of the 132nd General Assembly are 106791  
hereby repealed. 106792

**Section 601.12.** That Section 207.440 of H.B. 529 of the 132nd 106793  
General Assembly, as amended by Am. Sub. S.B. 299 of the 132nd 106794  
General Assembly, be amended to read as follows: 106795

**Sec. 207.440.** The Ohio Public Facilities Commission is hereby 106796  
authorized to issue and sell, in accordance with Section 2n of 106797  
Article VIII, Ohio Constitution, and Chapter 151. and particularly 106798  
sections 151.01 and 151.04 of the Revised Code, original 106799  
obligations in an aggregate principal amount not to exceed 106800  
~~\$431,000,000~~ 439,000,000, in addition to the original issuance of 106801  
obligations heretofore authorized by prior acts of the General 106802  
Assembly. These authorized obligations shall be issued, subject to 106803  
applicable constitutional and statutory limitations, as needed to 106804  
provide sufficient moneys to the credit of the Higher Education 106805  
Improvement Fund (Fund 7034) and the Higher Education Improvement 106806  
Taxable Fund (Fund 7024) to pay costs of capital facilities for 106807  
state-supported and state-assisted institutions of higher 106808  
education. 106809

**Section 601.13.** That existing Section 207.440 of H.B. 529 of 106810  
the 132nd General Assembly, as amended by Am. Sub. S.B. 299 of the 106811  
132nd General Assembly, is hereby repealed. 106812

**Section 601.20.** That Sections 223.10 and 223.50 of H.B. 529 106813  
of the 132nd General Assembly, as most recently amended by Am. 106814  
Sub. H.B. 62 of the 133rd General Assembly, be amended to read as 106815  
follows: 106816

**Sec. 223.10.** DNR DEPARTMENT OF NATURAL RESOURCES 106817

Oil and Gas Well Fund (Fund 5180) 106818

C725U6	Oil and Gas Facilities	\$	1,150,000	106819
TOTAL Oil and Gas Well Fund		\$	1,150,000	106820

Wildlife Fund (Fund 7015) 106821

C725B0	Access Development	\$	<del>15,000,000</del>	106822
			<u>18,000,000</u>	
C725B6	Upgrade Underground Fuel Tanks	\$	460,000	106823
C725K9	Wildlife Area Building	\$	9,950,000	106824
	Development/Renovation			
C725L9	Dam Rehabilitation	\$	6,200,000	106825
TOTAL Wildlife Fund		\$	<del>31,610,000</del>	106826
			<u>34,610,000</u>	

Administrative Building Fund (Fund 7026) 106827

C725D5	Fountain Square Building and Telephone	\$	2,000,000	106828
	Improvement			
C725N7	District Office Renovations	\$	2,455,343	106829
TOTAL Administrative Building Fund		\$	4,455,343	106830

Ohio Parks and Natural Resources Fund (Fund 7031) 106831

C72549	Facilities Development	\$	1,500,000	106832
C725E1	Local Parks Projects Statewide	\$	6,668,925	106833
C725E5	Project Planning	\$	1,147,700	106834
C725K0	State Park Renovations/Upgrading	\$	1,100,000	106835
C725M0	Dam Rehabilitation	\$	11,928,000	106836
C725N8	Operations Facilities Development	\$	1,000,000	106837
C725T3	Healthy Lake Erie Initiative	\$	20,000,000	106838

TOTAL Ohio Parks and Natural Resources Fund	\$	43,344,625	106839
Parks and Recreation Improvement Fund (Fund 7035)			106840
<u>C72513</u> <u>Land Acquisition</u>	\$	<u>47,000,000</u>	106841
C725A0    State Parks, Campgrounds, Lodges, Cabins	\$	57,554,343	106842
C725C4    Muskingum River Lock and Dam	\$	6,800,000	106843
C725E2    Local Parks, Recreation, and Conservation Projects	\$	31,351,000	106844
C725E6    Project Planning	\$	4,082,793	106845
C725N6    Wastewater/Water Systems Upgrades	\$	8,955,000	106846
C725R3    State Parks Renovations/Upgrades	\$	8,640,000	106847
C725R4    Dam Rehabilitation - Parks	\$	33,125,000	106848
C725U5    The Banks	\$	2,000,000	106849
C725U7    Eagle Creek Watershed Flood Mitigation	\$	15,000,000	106850
TOTAL Parks and Recreation Improvement Fund	\$	<del>167,508,136</del> <u>214,008,136</u>	106851
Clean Ohio Trail Fund (Fund 7061)			106852
C72514    Clean Ohio Trail Fund	\$	12,500,000	106853
TOTAL Clean Ohio Trail Fund	\$	12,500,000	106854
TOTAL ALL FUNDS	\$	<del>260,568,104</del> <u>310,068,104</u>	106855
FEDERAL REIMBURSEMENT			106856
All reimbursements received from the federal government for			106857
any expenditures made pursuant to this section shall be deposited			106858
in the state treasury to the credit of the fund from which the			106859
expenditure originated.			106860
HEALTHY LAKE ERIE INITIATIVE			106861
Of the foregoing appropriation item C725T3, Healthy Lake Erie			106862
Initiative, \$10,000,000 shall be used to support projects that			106863
enhance efforts to reduce open lake disposal of dredged materials			106864
into Lake Erie by 2020.			106865
STATE PARKS RENOVATIONS/UPGRADES			106866

Of the foregoing appropriation item C725R3, State Parks 106867  
Renovations/Upgrades, up to \$500,000 shall be used to make repairs 106868  
to the Kenny Road dock on North Bass Island in Ottawa County. 106869

EAGLE CREEK WATERSHED FLOOD MITIGATION 106870

The foregoing appropriation item C725U7, Eagle Creek 106871  
Watershed Flood Mitigation, shall be used to support the Eagle 106872  
Creek Watershed Flood Mitigation Project in Hancock County, 106873  
provided that there are local matching funds committed to the 106874  
project of not less than twenty per cent of the total project 106875  
cost. 106876

**Sec. 223.50.** The Treasurer of State is hereby authorized to 106877  
issue and sell, in accordance with Section 2i of Article VIII, 106878  
Ohio Constitution, and Chapter 154. of the Revised Code, 106879  
particularly section 154.22, and other applicable sections of the 106880  
Revised Code, original obligations in an aggregate principal 106881  
amount not to exceed ~~\$134,500,000~~ \$181,000,000, in addition to the 106882  
original issuance of obligations heretofore authorized by prior 106883  
acts of the General Assembly. These authorized obligations shall 106884  
be issued, subject to applicable constitutional and statutory 106885  
limitations, as needed to provide sufficient moneys to the credit 106886  
of the Parks and Recreation Improvement Fund (Fund 7035) to pay 106887  
the costs of capital facilities for parks and recreation purposes. 106888

**Section 601.21.** That existing Sections 223.10 and 223.50 of 106889  
H.B. 529 of the 132nd General Assembly, as most recently amended 106890  
by Am. Sub. H.B. 62 of the 133rd General Assembly, are hereby 106891  
repealed. 106892

**Section 601.22.** That Sections 125.10 and 125.11 of Am. Sub. 106893  
H.B. 59 of the 130th General Assembly, as most recently amended by 106894  
Am. Sub. H.B. 49 of the 132nd General Assembly, be amended to read 106895  
as follows: 106896

**Sec. 125.10.** Sections 5168.01, 5168.02, 5168.03, 5168.04, 106897  
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 106898  
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 106899  
repealed, effective October 16, ~~2019~~ 2021. 106900

**Sec. 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 106901  
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 106902  
Code are hereby repealed, effective October 1, ~~2019~~ 2021. 106903

**Section 601.23.** That existing Sections 125.10 and 125.11 of 106904  
Am. Sub. H.B. 59 of the 130th General Assembly, as most recently 106905  
amended by Am. Sub. H.B. 49 of the 132nd General Assembly, are 106906  
hereby repealed. 106907

**Section 601.30.** That Section 207.71 of Am. Sub. H.B. 49 of 106908  
the 132nd General Assembly be amended to read as follows: 106909

**Sec. 207.71.** PAY FOR SUCCESS CONTRACTING PROGRAM 106910

(A) As used in this section, "social service intermediary" 106911  
has the same meaning as in section 125.66 of the Revised Code, as 106912  
enacted by Am. Sub. H.B. 49 of the 132nd General Assembly. 106913

(B) Not later than six months after ~~the effective date of~~ 106914  
~~this section~~ June 29, 2017, the Director of Administrative 106915  
Services shall, in consultation with the Department of Health and 106916  
as part of the Pay for Success Contracting Program established 106917  
under section 125.66 of the Revised Code, as enacted by Am. Sub. 106918  
H.B. 49 of the 132nd General Assembly, contract with one or more 106919  
social service intermediaries to administer one or two pilot 106920  
projects intended to do both of the following: 106921

(1) Reduce the incidence of infant mortality, low-birthweight 106922  
births, premature births, and stillbirths in the urban and rural 106923  
communities of this state that are specified by the Director of 106924

Health under section 3701.142 of the Revised Code; 106925

(2) Promote equity in birth outcomes among infants of 106926  
different races in this state. 106927

(C) The Director of Administrative Services may request that 106928  
the Director of Health pay the costs of the Pay for Success 106929  
Contracting Program under appropriations to the Department of 106930  
Health. Upon approval of the Director of Health, these costs shall 106931  
be paid from General Revenue Fund appropriation item 440474, 106932  
Infant Vitality. 106933

(D) Notwithstanding any contrary provision of sections 113.60 106934  
to 113.62 of the Revised Code, the Director of Administrative 106935  
Services and the Department of Health may continue to contract 106936  
with social service intermediaries to administer the pilot 106937  
projects described in division (B) of this section in accordance 106938  
with this section and sections 125.66 and 125.661 of the Revised 106939  
Code, as enacted by Am. Sub. H.B. 49 of the 132nd General 106940  
Assembly, on and after the effective date of this amendment. 106941

**Section 601.31.** That existing Section 207.71 of Am. Sub. H.B. 106942  
49 of the 132nd General Assembly is hereby repealed. 106943

**Section 603.10.** That Section 205.10 of Am. Sub. H.B. 62 of 106944  
the 133rd General Assembly be amended to read as follows: 106945

**Sec. 205.10.** DPS DEPARTMENT OF PUBLIC SAFETY 106946

General Revenue Fund 106947

GRF	761408	Highway Patrol	\$	0	\$	35,000,000	106948
		Operating Expenses					
TOTAL GRF		General Revenue Fund	\$	0	\$	35,000,000	106949

Highway Safety Fund Group 106950

5TM0	761401	Public Safety	\$	1,595,800	\$	1,598,300	106951
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		Facilities Lease					
		Rental Bond Payments					
5TM0	762321	Operating Expense -	\$	108,178,738	\$	111,822,673	106952
		BMV					
5TM0	762636	Financial	\$	5,463,977	\$	5,540,059	106953
		Responsibility					
		Compliance					
5TM0	762637	Local Immobilization	\$	200,000	\$	200,000	106954
		Reimbursement					
5TM0	764321	Operating Expense -	\$	345,534,531	\$	<del>349,339,662</del>	106955
		Highway Patrol				<u>314,339,662</u>	
5TM0	764605	Motor Carrier	\$	4,283,940	\$	4,308,088	106956
		Enforcement Expenses					
5TM0	769636	Administrative	\$	48,326,950	\$	49,020,261	106957
		Expenses - Highway					
		Purposes					
8370	764602	Turnpike Policing	\$	12,720,330	\$	12,840,263	106958
83C0	764630	Contraband,	\$	1,210,917	\$	1,213,407	106959
		Forfeiture, and Other					
83F0	764657	Law Enforcement	\$	6,903,824	\$	6,441,735	106960
		Automated Data System					
83G0	764633	OMVI	\$	593,518	\$	596,799	106961
		Enforcement/Education					
83M0	765624	Operating - EMS	\$	<del>5,281,688</del>	\$	<del>5,521,843</del>	106962
				<u>4,850,688</u>		<u>5,020,843</u>	
83M0	765640	EMS - Grants	\$	2,900,000	\$	2,900,000	106963
8400	764607	State Fair Security	\$	1,533,397	\$	1,549,094	106964
8400	764617	Security and	\$	15,333,469	\$	15,469,782	106965
		Investigations					
8400	764626	State Fairgrounds	\$	1,263,762	\$	1,276,143	106966
		Police Force					
8460	761625	Motorcycle Safety	\$	3,823,000	\$	3,823,000	106967
		Education					

8490	762627	Automated Title Processing Board	\$	16,446,027	\$	16,446,027	106968
8490	762630	Electronic Liens and Titles	\$	2,900,000	\$	2,900,000	106969
TOTAL HSF Highway Safety Fund Group			\$	<del>584,493,868</del>	\$	<del>592,807,136</del>	106970
				<u>584,062,868</u>		<u>557,306,136</u>	
Dedicated Purpose Fund Group							106971
5390	762614	Motor Vehicle Dealers Board	\$	140,000	\$	140,000	106972
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	106973
5Y10	764695	State Highway Patrol Continuing Professional Training	\$	134,000	\$	134,000	106974
TOTAL DPF Dedicated Purpose Fund Group			\$	2,274,000	\$	2,274,000	106975
Fiduciary Fund Group							106976
5J90	761678	Federal Salvage/GSA	\$	750,000	\$	750,000	106977
5V10	762682	License Plate Contributions	\$	2,700,000	\$	2,700,000	106978
TOTAL FID Fiduciary Fund Group			\$	3,450,000	\$	3,450,000	106979
Holding Account Fund Group							106980
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	106981
R052	762623	Security Deposits	\$	50,000	\$	50,000	106982
TOTAL HLD Holding Account Fund Group			\$	1,935,000	\$	1,935,000	106983
Federal Fund Group							106984
3DU0	762628	BMV Grants	\$	1,150,000	\$	1,150,000	106985
3GR0	764693	Highway Patrol Justice Contraband	\$	1,230,549	\$	1,234,258	106986

3GS0	764694	Highway Patrol	\$	21,000	\$	21,000	106987
		Treasury Contraband					
3GU0	761610	Information and	\$	300,000	\$	300,000	106988
		Education Grant					
3GU0	764608	Fatality Analysis	\$	175,000	\$	175,000	106989
		Report System Grant					
3GU0	764610	Highway Safety	\$	4,036,721	\$	4,071,387	106990
		Programs Grant					
3GU0	764659	Motor Carrier Safety	\$	5,755,900	\$	5,816,116	106991
		Assistance Program					
		Grant					
3GU0	765610	EMS Grants	\$	225,000	\$	225,000	106992
3GV0	761612	Traffic Safety Action	\$	30,200,000	\$	30,200,000	106993
		Plan Grants					
TOTAL FED	Federal Fund Group		\$	43,094,170	\$	43,192,761	106994
TOTAL ALL BUDGET FUND GROUPS			\$	<del>635,247,038</del>	\$	<del>678,658,897</del>	106995
				<u>634,816,038</u>		<u>643,157,897</u>	

**Section 603.11.** That existing Section 205.10 of Am. Sub. H.B. 106997  
62 of the 133rd General Assembly is hereby repealed. 106998

**Section 610.10.** That Sections 4, 5, and 6 of Am. Sub. H.B. 70 106999  
of the 131st General Assembly are hereby repealed. 107000

**Section 701.10.** Notwithstanding any provision of the Revised 107001  
Code to the contrary, designees of the Office of Budget and 107002  
Management and the Department of Administrative Services jointly 107003  
shall review agency functions and programs and determine if any 107004  
overlap or duplicative functions exist and shall collaborate with 107005  
affected agencies in the course of their review. The designees 107006  
shall determine the cost-effectiveness of the programming in terms 107007  
of administrative and operational costs, including facilities, 107008  
personnel, technology, supplies, contracts, and services. 107009

Following review and not later than January 1, 2020, the Directors 107010  
of Budget and Management and Administrative Services jointly shall 107011  
determine, in consultation with the affected agencies, the 107012  
functions that may be consolidated within and across state 107013  
departments, with particular emphasis on facilities utilization, 107014  
laboratory testing facility consolidation, and field or regional 107015  
office operation consolidation. The determination also may include 107016  
other functions, programs, and services that would reduce costs 107017  
and improve services and would be suitable for operation within 107018  
the Office of Budget and Management's Shared Services Center. 107019

Should the consolidation of functions result in consolidation 107020  
within the Shared Services Center or otherwise impact any employee 107021  
not subject to Chapter 4117. of the Revised Code, the Director of 107022  
Administrative Services may assign, reassign, classify, 107023  
reclassify, transfer, reduce, promote, or demote any employee so 107024  
transferred. Any employment records and actions, including 107025  
personnel actions, disciplinary actions, performance improvement 107026  
plans, and performance evaluations transfer with the employee. 107027  
These employees are subject to the policies, procedures, and work 107028  
rules of the agency to which they are transferred. The Director of 107029  
Administrative Services also may transfer all equipment and assets 107030  
relating to the program or function that is being consolidated to 107031  
the department that is to be responsible for the functions after 107032  
consolidation occurs. 107033

On or after the effective date of the respective 107034  
consolidation of functions and notwithstanding any provision of 107035  
law to the contrary, the Director of Budget and Management may 107036  
make budget changes made necessary by this section, including 107037  
cancelling encumbrances and reestablishing them as encumbrances of 107038  
the department that is to be responsible for the functions after 107039  
consolidation occurs. Any reestablished encumbrances are hereby 107040  
appropriated. 107041

**Section 701.20.** On the effective date of this act, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance from all money collected under sections 718.80 to 718.95 of the Revised Code, if any, in the municipal income tax fund to the municipal net profit tax fund.

**Section 701.30.** COORDINATION OF BENEFITS

The Development Services Agency and the Department of Job and Family Services may collaborate to coordinate benefits available to eligible Ohioans. By evaluating current procedures and working toward a goal of developing a single application for eligible customers, the agencies shall work to produce new efficiencies and prevent duplication of efforts.

**Section 701.40.** RECOVERY HOUSING PILOT PROGRAM

The Department of Mental Health and Addiction Services shall work with the Development Services Agency to develop a pilot program in partnership with rural Ohio counties hard hit by the opioid epidemic to enhance funding availability for recovery housing. This partnership may include local OhioMeansJobs and Job and Family Services entities to develop workforce job training and employer participation for those individuals participating in recovery housing programs.

**Section 701.50.** DEPARTMENT OF EDUCATION PERFORMANCE AUDIT

The Auditor of State, in consultation with the Joint Education Oversight Committee, shall conduct a performance audit of selected offices or programs within the Department of Education. The audit shall be completed by October 1, 2020.

**Section 715.10.** Except for an applicant for a nonresident youth hunting license who shall pay nine dollars for an annual

license as specified in section 1533.10 of the Revised Code, an 107070  
applicant for a hunting or fishing license who is not a resident 107071  
of a reciprocal state, and a nonresident applicant for a deer 107072  
permit shall pay the annual fee for each license or permit through 107073  
December 31, 2019, in accordance with the fee schedule established 107074  
in Section 715.11 of H.B. 49 of the 132nd General Assembly. 107075

**Section 717.10.** In enacting section 1707.50 of the Revised 107076  
Code in Section 101.01 of this act, the General Assembly finds all 107077  
of the following: 107078

(A) Whereas adequate financing of essential investor 107079  
protection enforcement is necessary to achieve maximum compliance 107080  
with state law, to ensure, for businesses that raise money via 107081  
crowdfunding, an effective disincentive to engage in unlawful, 107082  
fraudulent, and anticompetitive business practices, and to provide 107083  
appropriate regulation of an emerging and quickly evolving 107084  
industry. 107085

(B) Although self-policing efforts by industry watchdog 107086  
groups may have some success in educating some fundraisers about 107087  
their obligations under state consumer and investor laws, in other 107088  
cases the only meaningful deterrent to unlawful conduct is the 107089  
vigorous assessment and collection of civil penalties. 107090

(C) It is in the public interest to provide that civil 107091  
penalties for violations of law may also be assessed and collected 107092  
by aggrieved crowdfunding investors acting as private attorneys 107093  
general enforcement. 107094

**Section 733.10.** If a city, local, or exempted village school 107095  
district experienced an increase in the taxable value of all 107096  
utility tangible personal property subject to taxation by the 107097  
district between tax years 2017 and 2018 and, as a result, the 107098  
Department of Education deducted funds from the district under 107099

division (B) of section 3317.028 of the Revised Code, as it 107100  
existed prior to the effective date of this section, the 107101  
Department, during the fiscal year that begins after that 107102  
effective date, shall credit the deducted amount to the district. 107103

**Section 733.20. FAFSA COMPLETION PROGRAM** 107104

(A) As used in this section, "eligible district" means any 107105  
educational service center or city, exempted village, local, or 107106  
joint vocational school district. 107107

(B) The Department of Education shall establish a program to 107108  
award grants to eligible districts for the purposes of organizing 107109  
activities to encourage and assist students in grade twelve with 107110  
completing the Free Application for Federal Student Aid. The 107111  
program shall operate in fiscal years 2020 and 2021. 107112

(C) In each fiscal year in which the program operates, the 107113  
Department shall solicit, review, and approve proposals from 107114  
eligible districts. The Department shall award a grant to each 107115  
eligible district with an approved proposal, except that, if the 107116  
funds appropriated by the General Assembly for the program are 107117  
insufficient, the Department shall prioritize awarding grants to 107118  
lower wealth eligible districts. Each award shall be up to five 107119  
thousand dollars and each eligible district with an approved 107120  
proposal shall receive one award per fiscal year. 107121

(D) The Department shall adopt guidelines and procedures for 107122  
the program, including all of the following: 107123

(1) A process in which the Department shall solicit, review, 107124  
and approve proposals submitted by eligible districts, as well as 107125  
a timeline for that process; 107126

(2) Criteria for approving a proposal submitted by an 107127  
eligible district, including both of the following: 107128

(a) A requirement that the eligible district work with a 107129

public or private community partner; 107130

(b) A requirement that the proposal include at least one 107131  
activity such as a training session, a fair, or another event that 107132  
actively engages students. 107133

(3) A metric to gauge the wealth of eligible districts. 107134

**Section 737.10.** On or after July 1, 2019, the Department of 107135  
Health may establish a Substance Use Disorder Professional Loan 107136  
Repayment Program. Under the Program, the Department may agree to 107137  
repay all or part of the principal or interest of government or 107138  
other educational loans taken by professionals providing treatment 107139  
and other related services to individuals with substance use 107140  
disorders. A professional participating in the Program must commit 107141  
to serving in an area of the state with limited access to 107142  
addiction treatment and related services. 107143

**Section 737.11.** On or after July 1, 2019, the Department of 107144  
Health may establish a program under which a physician providing 107145  
medication-assisted treatment to individuals with substance use 107146  
disorders in a health resource shortage area may be eligible for 107147  
financial assistance from the Department. Eligible physicians are 107148  
those participating in the Physician Loan Repayment Program as 107149  
described in section 3702.75 of the Revised Code. 107150

**Section 737.20.** As used in this section, "certificate of 107151  
need" has the same meaning as in section 3702.51 of the Revised 107152  
Code. 107153

If the Director of Health denied an application for a 107154  
certificate of need only because of division (B)(1)(b) of section 107155  
3702.59 of the Revised Code, as that section existed on the day 107156  
immediately preceding the effective date of the amendment by this 107157  
act to that section, and the applicant appealed the denial under 107158

section 3702.60 of the Revised Code, the Director shall reverse 107159  
the denial and grant the application not later than ten days after 107160  
the effective date of this section regardless of the status of the 107161  
appeal if division (B)(1)(b) of section 3702.59 of the Revised 107162  
Code would not have been grounds for denying the application had 107163  
the amendment by this act to that section been in effect at the 107164  
time the application was submitted to the Director. 107165

**Section 737.30.** The Director of Environmental Protection 107166  
shall enter into a memorandum of understanding with the Everglades 107167  
Foundation prior to dispensing to the Foundation any money 107168  
appropriated to the Environmental Protection Agency for the George 107169  
Barley Water Prize. The Director, a representative from any entity 107170  
that the Agency contracts with for purposes of the George Barley 107171  
Water Prize, and a representative from the Everglades Foundation 107172  
shall sign the memorandum. The memorandum shall specify all of the 107173  
following: 107174

(A) That the money will be used to support the final stage of 107175  
the award process for the Everglades Foundation's George Barley 107176  
Water Prize; 107177

(B) That the State of Ohio or the Agency will be listed as a 107178  
sponsor of the George Barley Water Prize; 107179

(C) That the Agency, and any other entity that the Agency 107180  
contracts with for purposes of the George Barley Water Prize, may 107181  
assist in the development of testing parameters for data 107182  
collection in the Grand Challenge testing stage of the 107183  
competition; 107184

(D) That the Agency, and any other entity that the Agency 107185  
contracts with for purposes of the George Barley Water Prize, will 107186  
have access to all data collected during the George Barley Water 107187  
Prize's campaign as well as access to the data and technologies 107188  
developed during the George Barley Water Prize process; and 107189

(E) That the Agency, and any other entity that the Agency  
contracts with for purposes of the George Barley Water Prize, will  
enter into a nondisclosure agreement with the Everglades  
Foundation for data collected in the Grand Challenge testing stage  
of the competition.

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**Section 739.10.** Sections 3902.50 and 3902.51 of the Revised  
Code shall apply to health benefit plans, as defined in section  
3922.01 of the Revised Code, delivered, issued for delivery,  
modified, or renewed on or after the effective date of those  
sections.

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**Section 739.20.** Section 3959.20 of the Revised Code as  
enacted by this act applies to contracts for pharmacy services and  
to health benefit plans, as defined in section 3922.01 of the  
Revised Code, entered into or amended on or after the effective  
date of this act.

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**Section 747.20.** A license or certificate of registration  
issued under Chapter 4757. of the Revised Code that is in effect  
on the effective date of this section shall continue in effect  
until the first biennial renewal date established by the  
Counselor, Social Worker, and Marriage and Family Therapist Board  
pursuant to sections 4757.10 and 4757.32 of the Revised Code, as  
amended by this act. No license or certificate of registration in  
effect on the effective date of this section is valid for more  
than three years after the effective date of this section.

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**Section 747.30.** As used in this section, "authorizing  
statute" means a Revised Code section or provision of a Revised  
Code section that is cited in the Ohio Administrative Code as the  
statute that authorizes the adoption of a rule.

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The Board of Executives of Long-Term Services and Supports is

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not required to amend any rule for the sole purpose of updating 107219  
the citation in the Ohio Administrative Code to the rule's 107220  
authorizing statute to reflect that this act renumbers the 107221  
authorizing statute or relocates it to another Revised Code 107222  
section. Such citations shall be updated as the Board amends the 107223  
rules for other purposes. 107224

**Section 747.40.** CONVERSION AND RENAMING OF CERTIFICATES 107225  
ISSUED BY THE STATE MEDICAL BOARD 107226

(A) The repeal by this act of section 4731.296 of the Revised 107227  
Code does not invalidate a telemedicine certificate that was 107228  
issued under that section if the certificate is valid on the 107229  
effective date of this section. As soon as practicable, the State 107230  
Medical Board shall convert all such telemedicine certificates to 107231  
licenses, as if they were issued under section 4731.14 of the 107232  
Revised Code. Once a telemedicine certificate is converted, the 107233  
holder is subject to all requirements and privileges attendant to 107234  
a license issued under section 4731.14 of the Revised Code, 107235  
including continuing medical education requirements. 107236

(B) The Board may take any action it considers necessary to 107237  
rename the certificates issued under Chapters 4731., 4760., 4762., 107238  
and 4774. of the Revised Code as licenses, as provided by the 107239  
amendments made by this act to those chapters. 107240

**Section 751.10.** REDUCTION IN MEMBERSHIP OF CITIZEN'S ADVISORY 107241  
COUNCILS 107242

The amendment made by this act to section 5123.092 of the 107243  
Revised Code providing for a reduction in citizen's advisory 107244  
council membership does not affect the members holding office on 107245  
the effective date of this section. The reduction shall be 107246  
implemented by not filling vacancies that correspond with the 107247  
changes made by this act to council membership. 107248

**Section 751.20.** (A) There is established the Health and Human Services Efficiencies and Alignment Study Committee. The Committee shall examine the alignment and administrative efficiencies within the state's health and human services agencies.

(B) The Committee shall include the following members:

- (1) The chairperson of the Finance Subcommittee on Health and Human Services of the House of Representatives;
- (2) The chairperson of the Aging and Long Term Care Committee of the House of Representatives;
- (3) The chairperson of the Finance Subcommittee on Health and Medicaid Subcommittee of the Senate;
- (4) The chairperson of the Health, Human Services and Medicaid Committee of the Senate;
- (5) The Director of Medicaid or the Director's designee;
- (6) The Director of Health or the Director's designee;
- (7) The Director of Job and Family Services or the Director's designee;
- (8) The Director of Developmental Disabilities or the Director's designee;
- (9) The Director of Mental Health and Addiction Services or the Director's designee;
- (10) The Director of Aging or the Director's designee;
- (11) The Director of Recovery Ohio or the Director's designee;
- (12) The Director of the Governor's Office of Children Initiatives or the Director's designee;
- (13) The Director of Innovate Ohio or the Director's designee.

(C) The Speaker of the House of Representatives shall appoint one of the members described in divisions (B)(1) and (2) of this section as the Committee's co-chairperson and the President of the Senate shall appoint one of the members described in divisions (B)(3) and (4) of this section as the other co-chairperson. The Speaker and President shall appoint members to the Committee not later than thirty days after the effective date of this section.

(D) Members of the Committee shall serve without compensation or reimbursement, except to the extent that serving on the Committee is part of their usual job duties.

(E) In conducting the examination required by division (A) of this section, the Committee shall do all of the following:

(1) Identify areas of administrative duplication among services and programs provided by the state's health and human services agencies;

(2) Recommend administrative efficiencies and alignment opportunities among services and programs;

(3) Assess how data could be aligned among the services and programs, such as eligibility requirements across programs, application processes, and assessments, and how the data can be accessed by partners working within and across programs;

(4) Invite stakeholder participation in the Committee's work.

(F) The Committee shall complete a report not later than December 31, 2020. The report shall include the Committee's recommendations regarding costs, benefits, and policies. The Committee shall submit the report to the Governor and General Assembly. The report also shall be made available to the public.

(G) After submitting its report, the Committee shall cease to exist.

**Section 751.30. CHALLENGES TO HEALTH CARE COST ESTIMATE**

STATUTE	107307
Any member of the General Assembly may intervene in	107308
litigation that challenges section 5162.80 of the Revised Code.	107309
<b>Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM</b>	107310
There is hereby established in the Highway Operating Fund	107311
(Fund 7002), used by the Department of Transportation, a Diesel	107312
Emissions Reduction Grant Program. The Director of Environmental	107313
Protection shall administer the program and shall solicit,	107314
evaluate, score, and select projects submitted by public and	107315
private entities that are eligible for the federal Congestion	107316
Mitigation and Air Quality (CMAQ) Program. The Director of	107317
Transportation shall process Federal Highway	107318
Administration-approved projects as recommended by the Director of	107319
Environmental Protection.	107320
In addition to the allowable expenditures set forth in	107321
section 122.861 of the Revised Code, Diesel Emissions Reduction	107322
Grant Program funds also may be used to fund projects involving	107323
the purchase or use of hybrid and alternative fuel vehicles that	107324
are allowed under guidance developed by the Federal Highway	107325
Administration for the CMAQ Program.	107326
Public entities eligible to receive funds under section	107327
122.861 of the Revised Code and CMAQ shall be reimbursed from	107328
moneys in Fund 7002 designated for the Department of	107329
Transportation's Diesel Emissions Reduction Grant Program.	107330
Private entities eligible to receive funds under section	107331
122.861 of the Revised Code and CMAQ shall be reimbursed, at the	107332
direction of the local public agency sponsor and upon approval of	107333
the Department of Transportation, through direct payments. These	107334
reimbursements shall be made from moneys in Fund 7002 designated	107335
for the Department of Transportation's Diesel Emissions Reduction	107336

Grant Program. Total expenditures from Fund 7002 for the Diesel Emissions Reduction Grant Program shall not exceed \$10,000,000 in both fiscal year 2020 and fiscal year 2021.

Any allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations.

The Director of Environmental Protection, in consultation with the Director of Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants.

**Section 755.20.** (A) There is hereby created the Ohio Maritime Commission Study Committee, composed of the following members:

(1) One consultant appointed by the Director of Transportation who is experienced in maritime matters to act as chairperson of the Study Committee;

(2) Ten members representing the Ohio River region, all appointed by the Speaker of the House of Representatives, five of whom represent the private sector and five of whom represent the public sector for that region;

(3) Ten members representing the Lake Erie region, all appointed by the President of the Senate, five of whom represent the private sector and five of whom represent the public sector for that region.

(B) The Study Committee shall examine whether Ohio would benefit from the creation of a maritime commission. In examining the potential benefits of having such a commission, the Study

Committee shall examine and gather information on all of the 107367  
following: 107368

(1) Other states that have created a maritime commission and 107369  
the roles and responsibilities of such commissions; 107370

(2) The benefits and structure of other similar commissions 107371  
currently in Ohio; 107372

(3) The current need in the Ohio River and Lake Erie regions 107373  
for a commission that would oversee maritime activities in those 107374  
regions; 107375

(4) Input from private and public sector businesses in the 107376  
Ohio River and Lake Erie regions that would be impacted by the 107377  
creation of a maritime commission in Ohio. 107378

(C) The Study Committee shall prepare a report that 107379  
summarizes the information gathered by the Study Committee and 107380  
shall make recommendations regarding whether a maritime commission 107381  
would benefit Ohio. Not later than six months after the effective 107382  
date of this section, the Study Committee shall submit the report 107383  
to the Governor, the President of the Senate, the Speaker of the 107384  
House of Representatives, and the majority and minority leadership 107385  
of the General Assembly. 107386

(D) Upon submission of the report, the Study Committee shall 107387  
cease to exist. 107388

**Section 757.10.** The amendment or enactment by this act of 107389  
sections 3742.50, 5747.08, and 5747.26 of the Revised Code applies 107390  
to taxable years beginning on or after January 1, 2020. 107391

**Section 757.20.** The amendment or enactment by this act of 107392  
sections 5709.40, 5709.41, 5709.51, 5709.73, and 5709.78 of the 107393  
Revised Code concerning the extension of certain tax increment 107394  
financing property tax exemptions applies to resolutions or 107395

ordinances adopted under any of those sections for an exemption 107396  
that is in effect for the tax year that includes or begins after 107397  
the effective date of those amendments and enactments. 107398

**Section 757.30. BUSINESS INCENTIVE TAX CREDITS** 107399

In order to facilitate an understanding of business incentive 107400  
tax credits, as defined in section 107.036 of the Revised Code, 107401  
the following table provides an estimate of the amount of credits 107402  
that may be authorized in each fiscal year of the 2020-2021 107403  
biennium, an estimate of the credits expected to be claimed in 107404  
each fiscal year of that biennium, and an estimate of the amount 107405  
of credits authorized that will remain outstanding at the end of 107406  
that biennium. In totality, this table provides an estimate of the 107407  
state revenue forgone due to business incentive tax credits in the 107408  
2020-2021 biennium and future biennia. 107409

Biennial Business Incentive Tax Credit Estimates 107410

	Estimate of total value	Estimate of tax	Expected	107412
	of tax credits	credits issued/claimed	Outstanding	
	authorized		credits	

(All figures in 107413  
thousands of dollars) 107414

Tax	FY 2020	FY 2021	FY 2020	FY 2021	End of	107415
Credit					Biennium	

Job	\$105,000	\$105,000	\$109,000	\$105,000	\$700,000	107417
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Creation  
Tax  
Credit\*

Job	\$ 0	\$ 0	\$44,818	\$42,985	\$153,161	107419
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Retention						
Tax						
Credit						107420
Historic	\$60,000	\$60,000	\$65,000	\$70,000	\$175,000	107421
Preservation						
Tax						
Credit						107422
Motion	\$40,000	\$40,000	\$50,000	\$45,000	\$95,000	107423
Picture						
Tax						
Credit						107424
New	\$10,000	\$10,000	\$9,282	\$9,667	\$48,038	107425
Markets						
Tax						
Credit						107426
R&D Loan	\$1,500	\$1,500	\$2,606	\$2,100	\$12,525	107427
Tax						
Credit						107428
InvestOhio	\$4,000	\$3,500	\$2,500	\$2,000	\$4,500	107429
Tax						
Credit						107430
Ohio	\$0	\$0	\$0	\$0	\$45,000	107431
Rural						
Business						107432
Estimate	\$220,500	\$220,000	\$283,206	\$276,751	\$1,233,224	107433
Total						

\*The Job Creation Tax Credit (JCTC) estimate of credits 107434  
outstanding is not just for tax credit certificates already 107435  
issued, but also for the estimated potential value of certificates 107436  
to be issued under the program through 2035 when looking at the 107437  
existing portfolio of approved and active incentives. The estimate 107438  
assumes that the companies receiving credits will continue to meet 107439  
the performance objectives required to continue receiving the 107440  
credit. 107441

**Section 757.40.** (A) As used in this section: 107442

(1) "Certificate owner" and "qualified rehabilitation 107443  
expenditures" have the same meanings as in section 149.311 of the 107444  
Revised Code. 107445

(2) "Taxpayer," "tax period," "excluded person," "combined 107446  
taxpayer," and "consolidated elected taxpayer," have the same 107447  
meanings as in section 5751.01 of the Revised Code. 107448

(3) "Pass-through entity" has the same meaning as in section 107449  
5733.04 of the Revised Code. 107450

(B) A taxpayer that is the certificate owner of a 107451  
rehabilitation tax credit certificate issued under section 149.311 107452  
of the Revised Code may claim a credit against the tax levied by 107453  
section 5751.02 of the Revised Code for tax periods ending on or 107454  
before June 30, 2021, provided that the taxpayer is unable to 107455  
claim the credit under section 5725.151, 5725.34, 5726.52, 107456  
5729.17, or 5747.76 of the Revised Code. 107457

The credit shall equal the lesser of twenty-five per cent of 107458  
the dollar amount of the qualified rehabilitation expenditures 107459  
indicated on the certificate or five million dollars. The credit 107460  
shall be claimed for the calendar year specified in the 107461  
certificate and after the credits authorized in divisions (A)(1) 107462  
to (4) of section 5751.98 of the Revised Code, but before the 107463

credits authorized in divisions (A)(5) to (7) of that section. 107464

If the credit allowed for any calendar year exceeds the tax 107465  
otherwise due under section 5751.02 of the Revised Code, after 107466  
allowing for any other credits preceding the credit in the order 107467  
prescribed by this section, the excess shall be refunded to the 107468  
taxpayer. However, if any amount of the credit is refunded, the 107469  
sum of the amount refunded and the amount applied to reduce the 107470  
tax otherwise due for that year shall not exceed three million 107471  
dollars. The taxpayer may carry forward any balance of the credit 107472  
in excess of the amount claimed for that year for not more than 107473  
five calendar years after the calendar year specified in the 107474  
certificate, and shall deduct any amount claimed in any such year 107475  
from the amount claimed in an ensuing year. 107476

A person that is an excluded person may file a return under 107477  
section 5751.051 of the Revised Code for the purpose of claiming 107478  
the credit authorized in this section. 107479

If the certificate owner is a pass-through entity, the credit 107480  
may not be allocated among the entity's owners in proportions or 107481  
amounts as the owners mutually agree unless either the owners are 107482  
part of the same combined or consolidated elected taxpayer as the 107483  
pass-through entity or the director of development services issued 107484  
the certificate in the name of the pass-through entity's owners in 107485  
the agreed-upon proportions or amounts. If the credit is allocated 107486  
among those owners, an owner may claim the credit authorized in 107487  
this section only if that owner is a corporation or an association 107488  
taxed as a corporation for federal income tax purposes and is not 107489  
a corporation that has made an election under Subchapter S of 107490  
Chapter 1 of Subtitle A of the Internal Revenue Code. 107491

The credit authorized in this section may be claimed only on 107492  
the basis of a rehabilitation tax credit certificate with an 107493  
effective date after December 31, 2013, but before June 30, 2021. 107494

A person claiming a credit under this section shall retain 107495  
the rehabilitation tax credit certificate for four years following 107496  
the end of the latest calendar year in which the credit was 107497  
applied, and shall make the certificate available for inspection 107498  
by the tax commissioner upon request. 107499

**Section 757.50.** The amendment by this act of sections 107500  
5733.40, 5733.41, and 5747.41 of the Revised Code applies to 107501  
qualifying taxable years, as defined by section 5733.40 of the 107502  
Revised Code, beginning on or after January 1, 2019. 107503

**Section 757.70.** The amendment by this act of section 5747.10 107504  
of the Revised Code applies to federal adjustments with a final 107505  
determination date of October 1, 2019, or thereafter. 107506

**Section 757.80.** The amendment or enactment by this act of 107507  
sections 5741.01, 5741.04, 5741.05, 5741.11, 5741.13, and 5741.17 107508  
of the Revised Code applies on and after July 1, 2019. 107509

**Section 757.90.** The amendment by this act of section 5709.17 107510  
of the Revised Code applies to tax year 2019 and every tax year 107511  
thereafter. 107512

**Section 757.100.** The amendment or enactment by this act of 107513  
sections 319.302, 323.155, and 323.16 of the Revised Code applies 107514  
to tax year 2019 and thereafter. 107515

**Section 757.110.** The amendment by this act of section 5726.04 107516  
of the Revised Code applies to tax years beginning on or after 107517  
January 1, 2020. 107518

**Section 757.120.** The enactment by this act of section 5747.73 107519  
of the Revised Code applies to taxable years ending on or after 107520  
the effective date of that enactment. 107521

**Section 757.140.** The amendment by this act of sections 107522  
122.175, 5739.01, 5739.011, 5739.02, 5739.025, 5739.03, and 107523  
5739.05 of the Revised Code applies on and after October 1, 2019. 107524

**Section 757.150.** (A) The amendment by this act of section 107525  
323.151 of the Revised Code applies to section 323.152 of the 107526  
Revised Code for tax year 2019 and every tax year thereafter and 107527  
to section 4503.065 of the Revised Code for tax year 2020 and 107528  
every tax year thereafter. 107529

(B) The amendment or repeal by this act of sections 5747.01, 107530  
5747.02, 5747.022, 5747.025, 5747.031, 5747.05, 5747.054, 107531  
5747.055, 5747.29, 5747.65, and 5748.01 of the Revised Code 107532  
applies to taxable years beginning on or after January 1, 2019. 107533

**Section 757.160.** The Tax Commissioner shall not make 107534  
adjustments in 2019 to the income amounts in divisions (A)(2) and 107535  
(3) of section 5747.02 of the Revised Code, as otherwise required 107536  
by division (A)(4) of that section. 107537

**Section 757.170.** As used in this section, "qualified 107538  
property" means any property that satisfies the qualifications for 107539  
tax exemption under the terms of section 5709.08 of the Revised 107540  
Code and that is owned by a municipal corporation that, within the 107541  
preceding twenty-five years, (A) was part of an area subject to a 107542  
federal disaster declaration on the basis of severe storms or 107543  
flooding and (B) following that declaration, obtained the title to 107544  
one or more parcels pursuant to the terms of a hazard mitigation 107545  
grant from the Federal Emergency Management Agency. 107546

Notwithstanding section 5713.081 of the Revised Code, when 107547  
qualified property has not received tax exemption due to a failure 107548  
to comply with Chapter 5713. or section 5715.27 of the Revised 107549  
Code, the municipal corporation that owns the property, at any 107550  
time on or before twelve months after the effective date of this 107551

act, may file with the Tax Commissioner an application requesting 107552  
that the property be placed on the tax-exempt list and that all 107553  
unpaid taxes, penalties, and interest on the property be abated. 107554

The application shall be made on the form prescribed by the 107555  
Commissioner under section 5715.27 of the Revised Code and shall 107556  
list the name of the county in which the property is located; the 107557  
property's parcel number or legal description; its assessed value; 107558  
the amount in dollars of the unpaid taxes, penalties, and 107559  
interest; and any other information required by the Commissioner. 107560  
The county auditor shall supply the required information upon 107561  
request of the applicant. 107562

After receiving and considering the application, the 107563  
Commissioner shall determine if the applicant meets the 107564  
qualifications set forth in this section. If so, the Commissioner 107565  
shall issue an order directing that the property be placed on the 107566  
tax-exempt list of the county and that all unpaid taxes, 107567  
penalties, and interest be abated. If the Commissioner finds that 107568  
the property is not now being used for an exempt purpose or is 107569  
otherwise ineligible for abatement of taxes, penalties, and 107570  
interest under this section, the Commissioner shall issue an order 107571  
denying the application. 107572

If the Commissioner finds that the property is not entitled 107573  
to tax exemption and to the abatement of unpaid taxes, penalties, 107574  
and interest, the Commissioner shall order the county treasurer of 107575  
the county in which the property is located to collect all taxes, 107576  
penalties, and interest due on the property for those years in 107577  
accordance with law. 107578

The Commissioner may apply this section to any qualified 107579  
property that is the subject of an application for exemption 107580  
pending before the Commissioner on the effective date of this 107581  
section without requiring the property owner to file an additional 107582  
application. 107583

**Section 757.180.** The amendment or enactment by this act of 107584  
division (O) of section 5739.09, and sections 351.021, 353.06, and 107585  
5739.082 of the Revised Code applies on and after the first day of 107586  
the first month that begins after the effective date of this 107587  
section. 107588

**Section 757.190.** The amendment by this act of section 5715.19 107589  
of the Revised Code applies to any complaint or counterclaim to a 107590  
complaint filed for tax year 2019 or any tax year thereafter. 107591

**Section 806.10. SEVERABILITY** 107592

The items of law contained in this act, and their 107593  
applications, are severable. If any item of law contained in this 107594  
act, or if any application of any item of law contained in this 107595  
act, is held invalid, the invalidity does not affect other items 107596  
of law contained in this act and their applications that can be 107597  
given effect without the invalid item of law or application. 107598

**Section 809.10. NO EFFECT AFTER END OF BIENNIUM** 107599

An item of law, other than an amending, enacting, or 107600  
repealing clause, that composes the whole or part of an uncodified 107601  
section contained in this act has no effect after June 30, 2021, 107602  
unless its context clearly indicates otherwise. 107603

**Section 812.10. SUBJECT TO REFERENDUM** 107604

Except as otherwise provided in this act, the amendment, 107605  
enactment, or repeal by this act of a section is subject to the 107606  
referendum under Ohio Constitution, Article II, section 1c and 107607  
therefore takes effect on the ninety-first day after this act is 107608  
filed with the Secretary of State or, if a later effective date is 107609  
specified below, on that date. 107610

**Section 812.20.** The amendment by this act of sections 122.85, 107611  
321.24, 718.83, 718.85, 718.90, 4301.43, 5741.01, 5741.04, 107612  
5741.05, 5741.11, 5741.13, 5741.17, 5745.05, and 5751.02 of the 107613  
Revised Code is exempt from the referendum under section 1d of 107614  
Article II, Ohio Constitution, and therefore takes effect 107615  
immediately when this act becomes law. 107616

**Section 812.23.** Sections of this act prefixed with numbers in 107617  
the 200s, 300s, 400s, and 500s (except the 501s) are exempt from 107618  
the referendum under Ohio Constitution, Article II, Section 1d, 107619  
and therefore take immediate effect when this act becomes law. 107620

**Section 815.10.** The General Assembly, applying the principle 107621  
stated in division (B) of section 1.52 of the Revised Code that 107622  
amendments are to be harmonized if reasonably capable of 107623  
simultaneous operation, finds that the following sections, 107624  
presented in this act as composites of the sections as amended by 107625  
the acts indicated, are the resulting versions of the sections in 107626  
effect prior to the effective date of the sections as presented in 107627  
this act: 107628

Section 109.572 of the Revised Code as amended by Am. Sub. 107629  
H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub. S.B. 107630  
229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of the 132nd 107631  
General Assembly. 107632

Section 133.18 of the Revised Code as amended by both Am. 107633  
Sub. H.B. 48 of the 128th General Assembly and Am. Sub. H.B. 153 107634  
of the 129th General Assembly. 107635

Section 149.43 of the Revised Code as amended by Am. Sub. 107636  
H.B. 8, Sub. H.B. 34, Sub. H.B. 139, Sub. H.B. 312, Sub. H.B. 341, 107637  
Sub. H.B. 425, Am. Sub. S.B. 201, Am. S.B. 214, and Sub. S.B. 229, 107638  
all of the 132nd General Assembly. 107639

Section 321.24 of the Revised Code as amended by both Sub. S.B. 353 of the 127th General Assembly and Am. Sub. H.B. 1 of the 128th General Assembly.	107640 107641 107642
Section 1739.05 of the Revised Code as amended by Sub. H.B. 156, Sub. S.B. 259, and Sub. S.B. 265, all of the 132nd General Assembly.	107643 107644 107645
Section 2925.01 of the Revised Code as amended by Am. Sub. H.B. 49, Am. Sub. S.B. 1, Am. Sub. S.B. 201, Sub. S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 259, all of the 132nd General Assembly.	107646 107647 107648 107649
Section 2929.13 of the Revised Code as amended by Sub. H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 66, and Am. Sub. S.B. 201, all of the 132nd General Assembly.	107650 107651 107652
Section 2929.15 of the Revised Code as amended by both Am. Sub. S.B. 66 and Am. Sub. S.B. 201 of the 132nd General Assembly.	107653 107654
Section 3119.30 of the Revised Code as amended by both Sub. S.B. 70 and Sub. H.B. 366 of the 132nd General Assembly.	107655 107656
Section 3301.0711 of the Revised Code as amended by both Sub. H.B. 21 and Am. Sub. S.B. 216 of the 132nd General Assembly.	107657 107658
Section 3302.03 of the Revised Code as amended by Sub. H.B. 318 and Am. Sub. S.B. 216 of the 132nd General Assembly.	107659 107660
Section 3302.036 of the Revised Code as amended by both Am. Sub. H.B. 64 and Am. Sub. H.B. 70 of the 131st General Assembly.	107661 107662
Section 3314.08 of the Revised Code as amended by Sub. H.B. 87 and Am. Sub. S.B. 216 of the 132nd General Assembly.	107663 107664
Section 3317.03 of the Revised Code as amended by Sub. H.B. 113 and Sub. H.B. 158 of the 131st General Assembly.	107665 107666
Section 3328.24 of the Revised Code as amended by both Am. Sub. H.B. 410 and Sub. S.B. 3 of the 131st General Assembly.	107667 107668

Section 4730.14 of the Revised Code as amended by both Sub. S.B. 110 and Am. Sub. H.B. 64 of the 131st General Assembly.	107669 107670
Section 4730.25 of the Revised Code as amended by Am. Sub. H.B. 64 and Sub. S.B. 110 of the 131st General Assembly and Am. Sub. H.B. 394 and Am. Sub. S.B. 276 of the 130th General Assembly.	107671 107672 107673
Section 4735.09 of the Revised Code as amended by both Sub. H.B. 113 and Am. H.B. 532 of the 131st General Assembly.	107674 107675
Section 5162.01 of the Revised Code as amended by both Sub. H.B. 89 and Sub. S.B. 332 of the 131st General Assembly.	107676 107677
Section 5705.218 of the Revised Code as amended by both Am. Sub. H.B. 59 and Sub. H.B. 167 of the 130th General Assembly.	107678 107679
Section 5705.222 of the Revised Code as amended by both Sub. H.B. 158 and Am. Sub. H.B. 483 of the 131st General Assembly.	107680 107681
Section 5709.40 of the Revised Code as amended by both Am. Sub. S.B. 257 of the 131st General Assembly and Sub. H.B. 69 of the 132nd General Assembly.	107682 107683 107684
Section 5709.41 of the Revised Code as amended by both Am. Sub. H.B. 508 and Am. Sub. H.B. 509 of the 129th General Assembly.	107685 107686
<b>Section 815.30.</b> (A) Section 149.45 of the Revised Code is presented below without amendment to confirm harmonization of the section, under division (B) of section 1.52 of the Revised Code, as amended by H.B. 341, S.B. 214, and S.B. 229 of the 132nd General Assembly:	107687 107688 107689 107690 107691
<b>Sec. 149.45.</b> (A) As used in this section:	107692
(1) "Personal information" means any of the following:	107693
(a) An individual's social security number;	107694
(b) An individual's state or federal tax identification number;	107695 107696

(c) An individual's driver's license number or state identification number; 107697  
107698

(d) An individual's checking account number, savings account number, credit card number, or debit card number; 107699  
107700

(e) An individual's demand deposit account number, money market account number, mutual fund account number, or any other financial or medical account number. 107701  
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(2) "Public record," "designated public service worker," and "designated public service worker residential and familial information" have the meanings defined in section 149.43 of the Revised Code. 107704  
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(3) "Truncate" means to redact all but the last four digits of an individual's social security number. 107708  
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(B)(1) No public office or person responsible for a public office's public records shall make available to the general public on the internet any document that contains an individual's social security number without otherwise redacting, encrypting, or truncating the social security number. 107710  
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(2) A public office or person responsible for a public office's public records that, prior to October 17, 2011, made available to the general public on the internet any document that contains an individual's social security number shall redact, encrypt, or truncate the social security number from that document. 107715  
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(3) Divisions (B)(1) and (2) of this section do not apply to documents that are only accessible through the internet with a password. 107721  
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(C)(1) An individual may request that a public office or a person responsible for a public office's public records redact personal information of that individual from any record made 107724  
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available to the general public on the internet. An individual who 107727  
makes a request for redaction pursuant to this division shall make 107728  
the request in writing on a form developed by the attorney general 107729  
and shall specify the personal information to be redacted and 107730  
provide any information that identifies the location of that 107731  
personal information within a document that contains that personal 107732  
information. 107733

(2) Upon receiving a request for a redaction pursuant to 107734  
division (C)(1) of this section, a public office or a person 107735  
responsible for a public office's public records shall act within 107736  
five business days in accordance with the request to redact the 107737  
personal information of the individual from any record made 107738  
available to the general public on the internet, if practicable. 107739  
If a redaction is not practicable, the public office or person 107740  
responsible for the public office's public records shall verbally 107741  
or in writing within five business days after receiving the 107742  
written request explain to the individual why the redaction is 107743  
impracticable. 107744

(3) The attorney general shall develop a form to be used by 107745  
an individual to request a redaction pursuant to division (C)(1) 107746  
of this section. The form shall include a place to provide any 107747  
information that identifies the location of the personal 107748  
information to be redacted. 107749

(D)(1) A designated public service worker may request that a 107750  
public office, other than a county auditor, or a person 107751  
responsible for the public records of a public office, other than 107752  
a county auditor, redact the designated public service worker's 107753  
address from any record made available to the general public on 107754  
the internet that includes designated public service worker 107755  
residential and familial information of the designated public 107756  
service worker making the request. A designated public service 107757  
worker who makes a request for a redaction pursuant to this 107758

division shall make the request in writing and on a form developed 107759  
by the attorney general. 107760

(2) Upon receiving a written request for a redaction pursuant 107761  
to division (D)(1) of this section, a public office, other than a 107762  
county auditor, or a person responsible for the public records of 107763  
a public office, other than a county auditor, shall act within 107764  
five business days in accordance with the request to redact the 107765  
address of the designated public service worker making the request 107766  
from any record made available to the general public on the 107767  
internet that includes designated public service worker 107768  
residential and familial information of the designated public 107769  
service worker making the request, if practicable. If a redaction 107770  
is not practicable, the public office or person responsible for 107771  
the public office's public records shall verbally or in writing 107772  
within five business days after receiving the written request 107773  
explain to the designated public service worker why the redaction 107774  
is impracticable. 107775

(3) Except as provided in this section and section 319.28 of 107776  
the Revised Code, a public office, other than an employer of a 107777  
designated public service worker, or a person responsible for the 107778  
public records of the employer, is not required to redact 107779  
designated public service worker residential and familial 107780  
information of the designated public service worker from other 107781  
records maintained by the public office. 107782

(4) The attorney general shall develop a form to be used by a 107783  
designated public service worker to request a redaction pursuant 107784  
to division (D)(1) of this section. The form shall include a place 107785  
to provide any information that identifies the location of the 107786  
address of the designated public service worker to be redacted. 107787

(E)(1) If a public office or a person responsible for a 107788  
public office's public records becomes aware that an electronic 107789  
record of that public office that is made available to the general 107790

public on the internet contains an individual's social security 107791  
number that was mistakenly not redacted, encrypted, or truncated 107792  
as required by division (B)(1) or (2) of this section, the public 107793  
office or person responsible for the public office's public 107794  
records shall redact, encrypt, or truncate the individual's social 107795  
security number within a reasonable period of time. 107796

(2) A public office or a person responsible for a public 107797  
office's public records is not liable in damages in a civil action 107798  
for any harm an individual allegedly sustains as a result of the 107799  
inclusion of that individual's personal information on any record 107800  
made available to the general public on the internet or any harm a 107801  
designated public service worker sustains as a result of the 107802  
inclusion of the designated public service worker's address on any 107803  
record made available to the general public on the internet in 107804  
violation of this section, unless the public office or person 107805  
responsible for the public office's public records acted with 107806  
malicious purpose, in bad faith, or in a wanton or reckless manner 107807  
or unless division (A)(6)(a) or (c) of section 2744.03 of the 107808  
Revised Code applies. 107809

The foregoing presentation supersedes section 149.45 of the 107810  
Revised Code as it results, respectively, from H.B. 341, S.B. 214, 107811  
and S.B. 229 of the 132nd General Assembly. 107812

(B) Section 149.45 of the Revised Code was amended together 107813  
with, and in relation to, section 149.43 of the Revised Code by 107814  
H.B. 341 of the 132nd General Assembly. Section 149.43 of the 107815  
Revised Code is presented elsewhere in this act. 107816